

Garnishment and Redirection of Member Distribution Account Payments

Whereas, the Pokagon Band of Potawatomi Indians (“Band”) enacted a Gaming Revenue Allocation Plan (“RAP”) and under Subsection 3.D of the RAP, the Band paid from its Per Capita Payment Account, a per capita payment to all Band citizens; and

Whereas, the RAP permits: (1) upon enactment of a code by the Tribal Council, a per capita payment to be subject to garnishment by the Court if necessary to satisfy an outstanding order of the Court and (2) garnishment or redirection of a per capita payment if a Band citizen is delinquent with regard to court order child support; and

Whereas, in accordance with the RAP, the Band’s Tribal Council enacted the Per Capita Payment and Elders Support Benefit Program Payment Garnishment Code (“Garnishment Code”), which codifies a process and procedure governing the garnishment of a per capita payment pursuant to an order of garnishment issued by this Court; and

Whereas, the Band recently amended its RAP (“Amended RAP”), including at Subsection 3.D to change the Per Capita Payment Account to the Member Distribution Account and to provide for payments to all Band citizens from the Member Distribution Account as a per capita payment or a general welfare payment (pursuant to Section 10 of the Amended RAP) (“GWE Program Payment”) or both (“Member Distribution Account Payments”); and

Whereas, the Band’s Tribal Council amended the Garnishment Code recently to implement the Amended RAP to extend the existing process and procedure governing the garnishment of a per capita payment to Member Distribution Account Payments (“Amended Garnishment Code”); and

Whereas, the Tribal Council recently implemented the Amended RAP in part by establishing: (1) a general welfare program to provide for the payment of the GWE Program Payments from the Member Distribution Account and (2) that all remaining distributions from the Member Distribution Account (during 2025) will be as a GWE Program Payments (and not as per capita payments) (the “Tribal Council Implementation”); and

Whereas, this Court has current orders of garnishment outstanding under current open cases that are affected by the Tribal Council Implementation, the Amended RAP, and the Amended Garnishment Code (collectively, the “Amendments”); and

Whereas to implement the Amendments, the Court enters this *Administrative Order* to address current open cases that would be affected by the Amendments.

WHEREFORE, as this Court has current garnishment and Court-ordered delinquent child support obligation cases based upon the Garnishment Code and the RAP, this *Administrative Order* is entered to efficiently implement the Amendments to those current open cases and therefore, as of the date of this *Administrative Order*, any existing garnishment and Court-ordered delinquent child support obligation cases of this Court shall now extend to and garnish or redirect *Member Distribution Account Payments* distributed from the *Member Distribution Account* which consists of either or both per capita payments and GWE Program Payments.

IT IS SO ORDERED.

09/18/25

Date



Michael Petoskey, Chief Judge

JUDICIAL HISTORY

ADOPTION

On September 18, 2025, Administrative Order 25-010-TC *Garnishment and Redirection of Member Distribution Account Payments* was adopted by the Chief Judge.