

FREQUENTLY ASKED QUESTIONS FOR LTBB TRIBAL COURT

“Why is a state court order against me being enforced in Tribal Court?”

- Pursuant to LTBB Court Rule 4.000-4.400, LTBB courts are required to recognize and enforce the judgments of a foreign court if that foreign court recognizes and enforces the judgements of LTBB Courts. In an effort to ensure that Tribal Court judgements and orders may be enforced in state courts, we have a Court rule requiring full faith and credit for state court orders. An individual can challenge a foreign court judgment by demonstrating that:
 - the foreign court lacked personal or subject matter jurisdiction over the individual;
 - the foreign judgment was obtained by fraud, duress or coercion;
 - the foreign judgment is repugnant to the public policy of the LTBB; or
 - the foreign judgment is not final under the laws and procedures of the foreign court.

“When can my per capita check be garnished?”

- Under the authority of the Revenue Allocation Plan (“RAP”) approved by the LTBB Tribal Council and the Bureau of Indian Affairs (“BIA”), per capita checks may only be garnished to provide funds to fulfill child support obligations. Moreover, only LTBB Courts, whether by way of an original action filed in Tribal Court or by an action seeking the enforcement of a foreign judgment in Tribal Court, may formally authorize garnishment of Tribal Citizens’ per capita funds.

“Why do I lose child support payments when my child is placed out of the home due to no fault of my own?”

- Under the Michigan Child Support Formula, child support generally follows custody of the child. That is to say that only parents with physical custody of their children are generally entitled to receive child support payments. The Court understands that such a rule can lead to harsh results for parents, particularly in juvenile justice matters where children may be removed from a parent’s custody due to no fault of the parent. Specifically, as the result of the current rule, parents that have children temporarily removed from their custody lose access to crucial child support funds that were being used to provide safe and sound housing and other essential needs for their children. Recognizing the harsh consequences that the Michigan Child Support Formula places on parents in certain circumstances, and in consideration of the best interests of children, the Court has proposed that Tribal Council establish a renewable fund to help offset expenses

of parents who have lost child support funds as a result of their children being temporarily removed from their custody due to no fault of their own.

“When does the Tribal Court pay for drug screens and monitoring?”

- Drug screens: Tribal Court will pay for the drug screens of **LTBB Citizens, only**, upon the presentation of an LTBB Tribal ID Card. Additionally, in order to qualify for payment of drug screens through the Tribal Court, LTBB Citizens must have their drug screens performed at the LTBB Court or by LTBB Law Enforcement and under the supervision of LTBB Court staff or LTBB Law Enforcement staff. Tribal Court does not pay for drug screens of non-LTBB Citizens unless they are tribal citizens under the jurisdiction of the LTBB Tribal Court.
- Monitoring: Tribal Court will pay for monitoring devices to be placed on **any** member of a Federally-recognized Indian tribe (as well as any associated costs) so long as placement occurs as a result of an individual’s involvement in a legal matter in Tribal Court (e.g. drug court).

“Can Tribal Court staff provide me with legal advice?”

- No. Although Tribal Court staff may provide procedural advice regarding rules, filing fees, and the court process generally, staff are prohibited from providing legal advice to clients due to ethical considerations designed to prevent the creation of conflicts of interest.

Note, however, that, starting May 1, 2015, Cherie Dominic will begin work with the Office of Citizen’s Legal Assistance (“OCLA”), located at the LTBB Government Center in Harbor Springs. While the OCLA will be available to assist Tribal Citizens with legal guidance and document drafting, the Office may neither appear in court on behalf of Tribal Citizens nor assist with issues that involve the Tribe.