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Attorney General's Office  
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IN THE SUPREME COURT  
OF THE

MISSISSIPPI BAND OF CHOCTAW INDIANS

IN RE:  
TRIBAL PER CAPITA DISTRIBUTION  
PAYMENT PROCEDURE

CAUSE NO. SC-2007-13

**ORDER OF THE CHOCTAW SUPREME COURT  
ESTABLISHING TRIBAL PER CAPITA DISTRIBUTION  
PROCEDURE FOR CHILD SUPPORT**

The Choctaw Tribal Civil Court, on its own motion, found by Order dated July 10, 2001 and by Amended Order dated May 24, 2005, that it was necessary to establish certain rules of procedure relating to the withholding and re-issuing of tribal distribution payments to satisfy court orders regarding payments of child support. The Choctaw Supreme Court now finds that said Order should be supplemented to include the Choctaw Tribal Civil Court and Youth Court.

The Court notes that, pursuant to Mississippi Band of Choctaw Indian's Ordinance 16-TT, one exemption from the prohibition on garnishment of per capita distribution payments is to satisfy any order of child support; therefore, the Court finds that the following rules of procedure related to garnishing per capita distribution payments for child support should be adopted:

IT IS, THEREFORE, ORDERED AND ADJUDGED, AS FOLLOWS:

1. The Tribal Resolution authorizing each per capita distribution, or the Tribal Finance Office, establishes a deadline by which any orders of the Court relating to per capita distributions must be received by the Tribal Finance Office. This Court hereby establishes a deadline of 3:30 p.m. two (2) weeks prior to the deadline established by the Resolution or Tribal Finance Office as the time in which the Civil Court Clerk and Youth Court Clerk must be in receipt of all such Court orders or affidavits of child support arrearage. This time frame allows the Court Clerk sufficient time to certify and file all such orders and affidavits of child support arrearage and forward them to the Tribal

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CHOCTAW SUPREME COURT  
BY: Melissa J. Miller  
COURT CLERK

Finance Office. The Clerks shall also provide a copy of the list of such orders to Choctaw Legal Defense.

2. Upon the Court entering any order (1) directing that any tribal member's per capita distribution payment be restrained pending a hearing on an alleged arrearage of child support, or (2) directing that any tribal member's per capita distribution payment be paid to a custodial parent or guardian for a child support obligation, the Office of the Tribal Court shall deliver certified copies of the orders to the Tribal Finance Office. The orders or judgments shall be delivered to the Distribution Manager or Distribution Clerk of the Tribal Finance Office, who shall sign and date a receipt indicating that the orders or judgments were received. No per capita distribution payment shall be withheld or re-issued unless the Tribal Finance Office has received a list certified by the Clerk itemizing each obligor's name and social security number, each obligee's name and the amount.

3. No tribal member's per capita distribution payment shall be restrained or captured for payment of child support unless the amount owed as of the deadline for filing the affidavit of child support arrearage exceeds the amount designated for distribution.

4. No tribal member's per capita distribution payment shall be restrained for the payment of child support without an existing court order unless a Petition for Contempt seeking payment of child support has been filed and set for hearing before the Civil Court Clerk's deadline of two (2) weeks prior to the deadline established by the Resolution or Tribal Finance Office as referred to herein in Paragraph 1.

5. As soon as practical after each distribution payment, the Tribal Finance Office shall provide a list of the names of individuals whose distribution payments have been captured for child support to the Civil and Youth Court Clerks. The Tribal Court Judges and Clerks shall review this list prior to restraining the release of any distribution payments during the next per capita distribution in order to prevent the existence of conflicting orders.

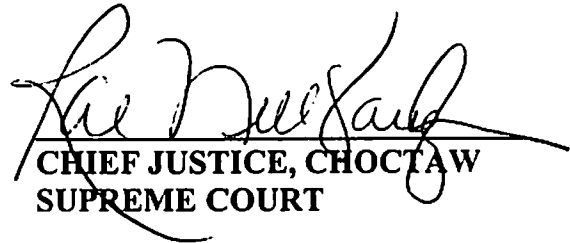
6. The Tribal Finance Office shall also forward to the State of Mississippi Department of Human Services a complete list of all tribal distribution payments which are withheld and reissued to another person in order to satisfy court orders for child

support. The State of Mississippi Department of Human Services is requested to credit the amount of the distribution payment to the accounting of the individuals involved.


7. In the event the Court enters more than one order directing that an individual tribal member's per capita distribution payment be paid to a custodial parent or guardian for child support, the payment of the distribution check shall be alternated between the respective payees based upon the sequence in which the orders were entered. The most recent order shall be applied after the payee identified in the immediately preceding order in the established sequence shall have received the payor's distribution payment, provided the payee has submitted the appropriate affidavit of child support arrearage. In the event a payee does not comply with the required document submission, his or her place in the sequence will be forfeited until the next rotation. The Tribal Court Clerk shall include in the certified list sent to the Tribal Finance Office the name of the proper payee when more than one order is in effect capturing an individual tribal member's distribution payment for child support.

8. This Order of the Choctaw Supreme Court shall supercede all previous Orders issued by any Choctaw Tribal Court.

SO ORDERED AND ADJUDGED, this the 3<sup>rd</sup> day of December, 2007.

  
CHIEF JUSTICE, CHOCTAW  
SUPREME COURT

APPROVED:

  
OFFICE OF THE ATTORNEY GENERAL  
MISSISSIPPI BAND OF  
CHOCTAW INDIANS