

FIREFIGHTER WAGE WITHHOLDING

The BIA will not honor a Temporary Restraining Order, a Writ of Garnishment or an Order to Withhold that instructs the BIA to withhold any wages or to hold the check locally. The procedure is to obtain an Order to Withhold and submit it to the local BIA office. The BIA will review the order for legitimacy and forward the order to the firefighter paymaster in Boise, Idaho.

To obtain an Order to Withhold, a person must file a Motion for Order to Show Cause. The Motion will state the amount of child support owed and state the fact that the defendant has not paid the support. A Hearing will be held on the Motion at which time the plaintiff and the defendant can present their case. The person filing the motion must serve a copy on the firefighter.

The BIA requires that the Order to Withhold must name the firefighter, his/her Social Security number, his/her current address as well as the name, address and phone number of the Tribal Court. If the Order to Withhold is granted, a certified copy must be taken to the administrative offices of the local BIA agency.

The paymaster in Boise, Idaho, will honor the Order to Withhold until the amount is paid, but only a percentage will be deducted from each check.

FORT PECK TRIBAL COURT
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR/WOLF POINT, MONTANA

_____,)
PLAINTIFF,)
Vs.) MOTION FOR ORDER TO
SHOW CAUSE)
_____,) CASE NO. _____)
DEFENDANT.)
)

The plaintiff, _____ moves the Court to issue an Order to the defendant , _____, directing him/her to come before this Court and show cause why he/she should not be held in contempt for failure to pay child support as ordered by this Court, and further to show cause why the amount owed should not be withheld from his/her firefighter payroll check.

PLAINTIFF

I do solemnly swear or affirm that I have read the above and foregoing motion and the allegations set out therein are true and correct.

PLAINTIFF

Subscribed and Sworn to before me this _____ day of _____, 20____.

CLERK OF COURT

FORT PECK TRIBAL COURT
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR/WOLF POINT, MONTANA

_____,
PLAINTIFF,

Vs.

_____,
DEFENDANT.

)
)
)
) ORDER TO SHOW CAUSE
)
) CASE NO. _____
)
)
)

TO: _____

YOU ARE HERERBY ORDERED: to appear before this Court on the
_____ day of _____, 20____, at the hour of _____ .m.

IN ORDER TO SHOW CAUSE:

1. Why you should not be held in contempt on this Court for failure to pay the child support ordered by this Court;
2. Why the amount of back support sought by the plaintiff is not correct;
3. Why the amount of back support should not be withheld from your firefighter payroll check.

CLERK OF COURT

IF YOU FAIL TO APPEAR AS ORDERED A BENCH WARRANT WILL BE
ISSUED FOR YOUR ARREST.

Date this _____ day of _____, 20_____.

TRIBAL COURT JUDGE

ATTEST: _____
Clerk of Court

RETURN OF SERVICE

Received this Order to Show Cause on the _____ day of _____,
20____. I served a copy to the named defendant on the _____ day of
_____, 20____ at _____ .m. at _____
(or) I was unable to serve the defendant because: _____

_____.

Signature of Police Officer or Process Server

FORT PECK TRIBAL COURT
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POPLAR/WOLF POINT, MONTANA

_____,
PLAINTIFF,

Vs.

_____,
DEFENDANT.

)
)
)
) ORDER TO WITHHOLD
)
) CASE NO. _____
)
)
)
)

This is an Order to Withhold Income for Child Support based upon an Order for Support from the Fort Peck Tribal Court. The United States Government and/or the Agency Payment Team is directed to withhold the sum of \$ _____ from the Defendant's payroll check at the percentage rate set by the United States Government or Agency Payment Team until the judgment is satisfied.

Firefighter's name: _____

Social Security Number: _____

Address: _____

Dated this _____ day of _____, 20____.

TRIBAL COURT JUDGE

ATTEST: _____
Clerk of Court
Fort Peck Tribal Court
P.O. Box
Poplar, MT 59255
(406) 768-5557