Title 8 –Civil Procedures

Chapter 3. Judgments

Sec. 311. Garnishment of wages for satisfaction of judgment.

(a) The Court may, in a civil action for garnishment filed by a judgment creditor, order garnishment of the unpaid past or future wages of the judgment debtor for satisfaction of the judgment. No garnishment action shall be filed unless the judgment has been unsatisfied for sixty (60) days or more.

(b) The maximum amount of wages in any one workweek subject to garnishment is the lesser of: (1) twenty-five per cent (25%) of the judgment debtor's disposable wages for that work week, or (2) the amount by which the judgment debtor's disposable wages for that week exceed forty (40) times the federal minimum hourly wage time in effect at the earnings are payable.

(c) The garnishment order shall only lapse when the judgment is satisfied. When the judgment debtor changes employment, the judgment debtor has thirty (30) days from the date of reemployment to notify the Court of the name and address of the judgment debtor's new employer.

(d) No employer shall discharge an employee for the reason that a judgment creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment.

(e) For the purposes of this Section: (1) "Wages" means compensation paid or payable for personal services whether denominated as wages, salary, commission, bonus or otherwise. (2) "Disposable wages" means that part of the wages of an individual left after the deduction from those earnings of federal tax withholdings, Social Security withholdings, and any other amounts required by applicable law to be withheld by the employer.

(f) Notwithstanding any other provision of law, effective November 15, 1988, monies (the entitlement to which is based upon remuneration for employment) due from, or payable by, the Tribes (including any agency, subdivision, or instrumentality thereof) to any individual, shall be subject, in like manner and to the same extent as if the Tribes were a private person, to legal process brought for the enforcement against such individual of his/her legal obligations to provide child support, or make alimony payments, or make rental payments to the Fort Peck Housing Authority. Services of legal process brought for the enforcement of an individual's obligation to provide such payments shall be accomplished by certified or registered mail, return receipt requested, or by personal service upon the Tribal Controller. No Tribal employee shall be subject to any disciplinary action or civil or criminal liability or penalty whatsoever for, or on account of, any order of the Tribal Court pursuant to this Section.

(AMENDED AS PER RESOLUTION NO. 1651-88-11, DATED 11/15/88. AMENDED AS PER RESOLUTION NO. 608-2008-04; DATED 4/28/2008)