

**POLICY FOR DEDUCTIONS
FROM THE PER CAPITA ACCOUNTS
OF FOND DU LAC BAND MEMBERS**

1. Application. This Policy applies to the involuntary or voluntary collection of any debt or fine owed by a member of the Fond du Lac Band from the Band member's per capita account.
2. IRS Levies. An IRS levy against a Band member's per capita account shall be enforced and the required amount shall be deducted from the per capita account. Enforcement shall begin when the Band receives notice of the levy.
3. Delinquent Debts Owed to the Fond du Lac Band. A debt that is ninety (90) days delinquent and is owed to the Fond du Lac Band or a division or enterprise of the Band by a Band member shall be deducted from the Band member's per capita account, unless satisfactory payment arrangements have been made through the division or enterprise. The division or enterprise to which the debt is owed shall indicate the amount of the debt that should be deducted each month. At least 30 days prior to beginning deductions, the Band member must be mailed a notice, at the last known address, informing him or her of the delinquency and the pending deduction. Notice shall be sent by certified mail.
4. Tribal Court Referral of Debts and Fines. If the Fond du Lac Tribal Court imposes a fine against a Band member or orders a Band member to pay an amount to a third party, the Band member's per capita account shall be deducted if the Tribal Court issues a writ of execution. Deductions shall begin when directed by the Tribal Court. The Tribal Court may indicate the amount of the debt or fine that should be deducted each month.
5. Voluntary Assignments. Any member of the Fond du Lac Band may provide a voluntary assignment of his or her per capita account in order to pay (1) an amount owed to the Fond du Lac Band, (2) an amount owed to any division or enterprise of the Band, (3) any fine imposed by the Tribal Court, or (4) any amount owed to a third party pursuant to an order of the Tribal Court. The following rules apply to voluntary assignments:
 - a. Authorization. In order to authorize a voluntary assignment, the Band member shall fill out an "Authorization of Voluntary Assignment from Per Capita Account Held by the Fond du Lac Band" indicating the amount and beneficiary of the assignment. The Authorization shall be provided to the Enterprise Accounting Department.

- b. Withholding. Upon receipt of an executed Authorization form, the Enterprise Accounting Department shall withhold the amount specified in the Authorization from the per capita payments at the time that the payments become available to the Band member under the Fond du Lac Income Distribution plan.
 - c. Revocability. A Band member who has filed an Authorization may revoke the Authorization upon ten (10) days prior written notice to the appropriate parties. If the Authorization is for a debt owed to the Band or a division or enterprise of the Band, then notice shall be given to the Enterprise Accounting Department and the division or enterprise. If the Authorization is for a fine imposed by the Tribal Court, notice shall be given to the Enterprise Accounting Department and the Tribal Court. If the Authorization is for an amount owed to a third party pursuant to an order of the Tribal Court, notice shall be given to the Enterprise Accounting Department, the Tribal Court, and the third party.
 - d. Effect of Voluntary Assignments. A voluntary assignment of per capita funds under this Policy shall not affect the applicability of other provisions in this Policy and shall not prevent an involuntary deduction of a Band member's per capita account.
6. Referral of Delinquencies to the Enterprise Accounting Department. The director or manager of any division or enterprise of the Band shall prepare a list of debts owed by Band members that are ninety (90) days or more delinquent. The list shall include, but not be limited to, the following information: (a) name; (b) social security number if available and/or date of birth; and (c) amount owed. The director or manager shall forward the list to the Comptroller.
7. Processing of Collections by the Enterprise Accounting Department. Upon receipt of information indicating that a deduction from a Band member's per capita account is required under paragraphs 2, 3, 4, or 5 of this Policy, the Enterprise Accounting Department shall deduct the amount owed or the indicated amount from the Band member's per capita payments and shall redirect such amount to the appropriate account or beneficiary.
8. Priority of Debts. In the event that the amount to be deducted pursuant to this Policy is greater than the amount available in the Band member's per capita account, deductions shall be made in the following order of priority:
- a. Deductions for Internal Revenue Service levies issued to the Band;
 - b. Involuntary deductions for debts owed to the Band;

- c. Voluntary deductions for debts owed to the Band;
- d. Involuntary and voluntary deductions based on fines imposed by the Tribal Court;
- e. Involuntary and voluntary deductions based on amounts owed to a third party pursuant to an order of the Tribal Court.

All deductions required in higher priority category must be paid before deductions required in a lower priority category will be paid. (For example, if Band member has a \$400 per capita payment and has a \$600 deduction for a debt owed to the Band and \$50 deduction for an amount owed to a third party pursuant to an order of the Tribal Court, the entire \$400 will be used to pay the debt owed to the Band.)

If a Band member has multiple deductions within a particular priority category, deductions shall be made in the order in which the deductions are received by the Enterprise Accounting Department, with earlier deductions being made in their entirety before later deductions are made. (For example, if Band member has a \$400 per capita payment and owes three people \$200 based on a Tribal Court order, the first person to obtain the deduction will receive \$200, the second person to obtain the deduction will receive \$200, and the third person to obtain the deduction will have to wait for the next per capita payment.)

- 9. Prior Policies. This Policy supersedes the former "Policy for Collection of Delinquent Debts Owed to the Fond du Lac Band from the Per Capita Accounts of Fond du Lac Band Members", adopted pursuant to Resolution #2093/06 of the Reservation Business Committee on September 27, 2006, and amended pursuant to Resolution #1101/10 by the Reservation Business Committee on March 4, 2010, and the former "Policy for Voluntary Assignments from Per Capita Accounts of Fond du Lac Band Members", adopted pursuant to Resolution #2095/06 of the Reservation Business Committee on September 27, 2006.

Adopted by the Fond du Lac Reservation Business Committee pursuant to Resolution #1144/11 on May 10, 2011.