

NEZ PERCE TRIBAL COURT
LAPWAI, IDAHO

Filing a Civil Complaint in the Nez Perce Tribal Court

1. To file a Civil Complaint in the Nez Perce Tribal Court, you must pay the thirty dollars (\$30.00) filing fee.
2. The plaintiff/petitioner will fill out the Civil complaint. It is important to list both physical and mailing address of the respondent. After the filing fee has been paid and the Civil complaint has been filed, a Summons will be issued by the Tribal Court.
3. The plaintiff/petitioner in the matter can either have a person who is over the age of 18 and not be a party to the case may serve the respondent or the documents can be delivered to the Nez Perce Tribal Law Enforcement office for service on the respondent (there is no charge for service at this time). If the plaintiff/petitioner decides to have another person serve the documents then a copy of the service must be provided to the Tribal Court.
4. Upon service the respondent has twenty (20) days to file an answer to the Civil complaint.
5. If the respondent fails to file an answer to the Civil complaint after he/she has been served, the plaintiff/petitioner must contact the Tribal Court to file an Affidavit and Motion for Entry of Default. The Tribal Court will issue an Order of Judgment by default.
6. If the respondent answers the Complaint, and the plaintiff/petitioner is not satisfied with the answer, then the plaintiff/petitioner has the right to request a hearing on the matter. A Pre-trial hearing will then be scheduled. A Trial may be scheduled to resolve the matter.
7. If within sixty (60) days after entry of a Judgment awarding money damages and/or costs against a party it is made to appear to the Court that the Judgment debtor has not paid the Judgment amount in full or commenced making installment payments in a manner agreed to by the parties, the Court shall upon Motion of the Judgment creditor, issue an Order to the debtor to show cause why a Writ of Attachment/garnishment should not be issued. Such Order shall fix the date of the hearing, which shall be no sooner than five (5) business days for the issuance of the Order. The Order shall inform the debtor he/she may file an Affidavit on his/her behalf with the Court and may appear and present testimony on his/her behalf at the time of such hearing. If he/she fails to appear, the Writ of Attachment/garnishment may be issued.
8. Your Civil complaint MUST be notarized.