



TRIBAL COURT PUBLIC GUIDE
TYPES OF ACTIONS IN THE TRIBAL COURT

NOTICE: This guide is for informational purposes only and the accuracy of the information is not guaranteed. This information is not legal advice and is not a substitute for legal advice. Court Clerks cannot provide legal advice. You are encouraged to consult with an attorney if you have legal questions.

What can the Habematolel Pomo of Upper Lake Tribal Court do? This guide provides a sample of the kinds of cases the Tribal Court can hear. These cases are based on those provisions in the HPUL Codes where the Tribal Court has a role.

1. Where can I find information about the Tribal Court in the Tribe's laws? You can find information about the Tribal Court from:

- Article XII of the Constitution of the Habematolel Pomo of Upper Lake (HPUL)
- HPUL Book of Codes (BOC)
- Book of Codes, Title 2, Judicial

2. What types of cases can be filed by a tribal member?

- Enforcement of Judgements
 - (a) Garnishment - Recognition of valid orders. [Garnishment Ordinance, BOC 2-2, Sections 4-V(A); 4-VI(A); and 4-VIII.]
 - (b) Business Corporation - enforce shareholder demand to pay. [Business Corporation Ordinance, BOC 5-1 Section 1-8.28.7.]
 - (c) Business Corporation - Enforcement of judgment, forced share sales. [Business Corporation Ordinance, BOC 5-1, Section 1-11.10.2.]
- Child Welfare Matters
 - (a) Modification of parental rights, termination of parental rights, guardianships, adoptions, appeals. [Children and Families Code, BOC 4-1].
- Civil Claims
 - (a) Business Corporation - Civil protection order. [Business Corporation Ordinance, BOC 5-1, Sections 1-8.24.5; 1-8.24.6.; 1-11.10.1; 1-11.11; 11.13.1; and 1-11.14]
 - (b) Business Corporation - Individual claim. [Business Corporation Ordinance, BOC 5-1, Section 1-8.26.]

- Appeals from Government Decisions: the following Acts provide for appeals from certain government decisions to the Tribal Court:
 - (a) Code of Ethics Ordinance: BOC 1-4
 - (b) Children and Families Code: BOC 4-1
 - (c) Garnishment Ordinance: BOC 2-2
 - (d) Election - Appeal of Removals by EC: BOC 1-1
 - (e) Initiative and Referendum - Appeal of petition rejections: BOC 1-2
 - (f) Enrollment - EC decisions be reviewed in tribal court: BOC 1-3

3. What laws might apply to a case filed by the Habematolel Pomo of Upper Lake government?

- 4. Children and Families Code: Modification of parental rights, termination of parental rights, guardianships, adoptions, appeals. [BOC 4-1]
- Election Ordinance: Removing a Tribal Officer from Office: [BOC 1-1].
- Enforcement of Violations of Tribal Law such as:
 - (a) Liquor/ABC - License Violations [BOC 5-3]
 - (b) Animal, Fish and Fowl Ordinance [BOC 3-1]
 - (c) Business Corp - Violations of the Business Corporations law. [BOC 5-1]

5. Is this list current? Although every effort is made to keep this list updated, please note that current law can change, and new laws can be enacted that could increase the types of cases the Tribal Court can hear. You should always check tribal law first under the “Tribal Law” section of the “Government” tab on the Habematolel Pomo of Upper Lake website.

For more information:

More information may be available on the Government Tab of the Tribe’s Website at: <https://www.hpultribe-nsn.gov/tribal-law/>.

General information from the Court Clerk may also be available by sending an email to: tribalcourt@hpultribe-nsn.gov