

TRIBAL COURT PUBLIC GUIDE RESPONDING TO A CIVIL CITATION

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.

Has someone filed a lawsuit involving you in the Habematolel Pomo of Upper Lake Courts? This guide provides information on responding to a civil petition naming you as a party. If you have been involved in a lawsuit before, you may have a general idea of how a court case works. If you have not been involved in a lawsuit before, then this guide will walk you through the process.

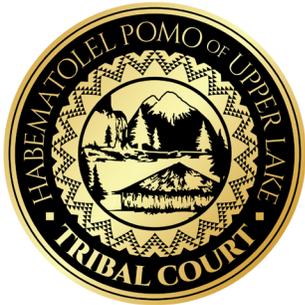
- 1. What is a “civil action”?** “Civil” is the general term for cases that are not criminal cases filed by the government against an individual for a violation of criminal laws. In the Habematolel Pomo of Upper Lake Tribe, civil actions must be based on an enacted law (such as the Children and Families Code).
- 2. How do I know when a lawsuit involves me?** If the petitioner (the party filing the case against) you followed the rules established by the court, then your name will appear as “Party 2”. Sometimes, however, a petitioner will use a different form and your name will appear as the “respondent” or “defendant”.
- 3. Do I need an attorney?** Only you can decide if you need legal representation. You can contact an attorney to ask them about your case and discuss your options. You are responsible for finding and paying an attorney to represent you. Court clerks and judges are not allowed to give you legal advice.
- 4. What should I do once I am notified about the lawsuit involving me?**
 - If you received documents, read the petition first. You should look for the name of the person who filed against you. They will be identified as “Plaintiff” or “Petitioner.” The petition will also include the subject of the dispute following the word “re:” at the time. This will tell you what the dispute is about. The rest of the petition will explain why the petitioner believes there is a dispute with you and what they would like the court to do.
 - If you did not receive documents but are aware that there is a lawsuit against you such as through a notice in the newspaper, then you can contact the court and request a copy of the case. You may need to provide a valid email address for the court clerk to deliver documents to you.



TRIBAL COURT PUBLIC GUIDE RESPONDING TO A CIVIL CITATION

- 5. What is the “summons”?** The Summons is an important document. It is your official notice from the court that there is a case filed involving you and tells you how many days you have to respond in writing to the petition. It may also include an advisement of rights and the time, date, and location of the first hearing. Sometimes, a separate “Notice of Hearing” may be issued that provides information on the first hearing.
- 6. How do I respond?** It is always a good idea to respond to the petition, even if you decide not to contest it. Forms are available from the court for your use, or you can prepare your own document. Locate documents and information that will help you write your response. This includes documents with information such as: dates that the events occurred, amounts in dispute, contact information for the other party or parties, etc.

You should also get a copy of the Trial Court Rules of Procedure, which contains the rules you will need to follow.
- 7. What do I write in my response?** It is important to complete the response with as much detail as possible, so the judge has enough information to conduct the first hearing. Do you agree or disagree with the statements in the petition? Why do you agree or disagree? Are there other documents or pictures that would support your position? What would you like the court to do?
- 8. I am scared for my safety or the safety of others who live with me if the other party knows where I live. Do I have to provide an address?** No. If, for genuine safety reasons, you want your address to be confidential put the court's address as your address on your response. Put your actual address on a Statement of Address form so that your address may remain confidential. The Statement of Address form is available from the Court Clerk. The Statement of Address will not be available to the other party.
- 9. How do I file my response?** To file the response with the court, give the response and any supporting documents to the Court Clerk during business hours at the court's address, or you may file electronically. The Court Clerk's office is located at 635 E. Hwy 20, TC Upper Lake, CA 95485. Business hours are 9:00 am – 4:00 pm. You may file electronically by sending an email to tribalcourt@hpultribe-nsn.gov.
- 10. What happens after I file my response?** The Court Clerk will review your response to make sure it is complete and includes the proof of service. If the Court



TRIBAL COURT PUBLIC GUIDE RESPONDING TO A CIVIL CITATION

Clerk accepts the petition, then it will be file stamped. You will receive a copy of your file stamped document for your records.

11. Who provides copies to the other party? Before you file your response, you must deliver a copy of your response to the other party using the contact information contained in the petition and provide the Court Clerk with proof that you delivered a copy to the other party. Forms are available from the Court Clerk to show that you delivered copies to the other party.

Delays in service may keep your case from moving forward. A case cannot go forward if the other party is not served or is not served properly.

12. How do I serve the other party? You can mail a copy of your response to other party, or you can email a copy of your response if the other party agrees to receive copies by email.

If there is a reason you cannot serve the other party, such as you are prohibited from direct or indirect contact with them or vice-versa, you can request the Court Clerk to serve them for you.

13. Do I have to go to court? The Court Clerk scheduled a first hearing for you and the other party to discuss your petition. If you do not show up at your hearing, the court may assume that you do not want to contest the petition and will proceed in your absence.

You should be prepared before you come to court. Bring copies of all the documents from the case, copies of other documents you would like the judge to see, and a pen and notebook to take notes during your hearing.

14. What happens at the first hearing? The judge will hear from the parties and based on the circumstances, will decide how to proceed. What happens after the hearing depends on what the judge orders. Therefore, it is important to read any order issued by the judge and understand its contents because it will outline the next step in the process.