

Cherokee Nation Code Annotated

Title 12: Civil Procedure

Chapter 6: Garnishment

§ 1171. Right to garnishment

Cite as: 12 CNCA § 1171

A. Any creditor shall be entitled to proceed by garnishment in the District Court if said court has jurisdiction against a person who shall be indebted to the creditor's debtor or has any property in his possession or under his control belonging to such creditor's debtor, in the cases, upon the conditions, and in the manner described by law.

No garnishment shall be accepted by Cherokee Nation or any of its business entities unless said garnishment is issued by a court with jurisdiction over Cherokee Nation or its business entities. All foreign orders of garnishment, except those for child support, must be domesticated within the Cherokee Nation District Court in accordance with the laws or court rules of Cherokee Nation. Foreign garnishments for child support shall be delivered to the Cherokee Nation Office of Child Support Enforcement to be enforced in accordance with Cherokee Nation law and the policies and procedures of the Office of Child Support Enforcement.

B. Subject to the limitations and exceptions otherwise provided by law, there shall be two classes of garnishments:

1. Prejudgment garnishments, which shall consist only of general garnishments pursuant to 12 CNCA § 1173.3; and
2. Postjudgment garnishments, which shall consist of the following types of garnishments:
 - a. Income assignment for child support pursuant to the provisions of 12 CNCA § 1171.2;
 - b. Noncontinuing earnings garnishment pursuant to 12 CNCA § 1173;
 - c. Garnishment for collection of child support pursuant to 12 CNCA § 1173.2;
 - d. General garnishment pursuant to 12 CNCA § 1173.3; and
 - e. Continuing earnings garnishment pursuant to 12 CNCA § 1173.4.
 - f. Automatic gambling winnings garnishment pursuant to 12 CNCA §§ 1197 and 1198.

Historical Data

LA 10-07, eff. March 17, 2007.