

# CHIEF JUDGE MICHAEL PETOSKEY & CHIEF JUDGE SUSAN DOBRICH

## Michigan Tribal Judicial Forum Builds Trust and Spurs Cooperation on Child Support Issues in Southwest Michigan

Chief Judge Michael Petoskey is very familiar with Michigan tribal courts. Although he currently serves as the Chief Judge for both the Pokagon Band of Potawatomi Indians and the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, Chief Judge Petoskey has served on the bench for all seven of Michigan's Lower Peninsula tribes during his career since first being appointed in 1985 as Chief Judge of his own Tribe, The Grand Traverse Band of Ottawa and Chippewa Indians.

During his time on the bench, Chief Judge Petoskey has been involved in the establishment and development of positive relationships and collaboration between tribal, state, and federal courts.

In 1992, the initial Tribal State Court Forum was convened, bringing together tribal and state judges for the first time. The group was founded by then-Chief Justice of the Michigan Supreme Court Michael F. Cavanagh, Judge Petoskey, and others, with the goal of developing strategies for cooperation and avoiding jurisdictional conflicts.

Chief Judge Petoskey still remembers



Tribal Judge Michael Petoskey

the words of Justice Cavanagh at the Forum's inaugural meeting. Although the original Forum lasted for just a year, his words laid the foundation for its successor, the Michigan Tribal State Federal Judicial Forum, which is active today.

"We know we will learn more from you than you will from us," Justice Cavanagh told the tribal judges. Then, he addressed both state judges



and tribal judges alike: “By working together, we will each be able to serve our respective constituents better.”

Following the first Forum in 1992, the group made a series of recommendations, all of which were adopted, and the State Bar of Michigan established a Standing Committee on American Indian Law to implement those recommendations.

“The most important recommendation of the Forum was that the Michigan Supreme Court consider adopting a court rule that would provide for state court recognition and enforcement of tribal court judgments,” said Chief Judge Petoskey. In 1996, the Michigan Supreme Court adopted such a rule, ordering that state courts recognize subpoenas, warrants, and other judicial acts as long as that federally recognized tribe recognized the same orders from the Michigan courts.

“For many of us, that was a huge step forward in terms of people beginning

to recognize that tribal courts are a member of the family of governments,” said Chief Judge Petoskey. “Not only are tribes a member of the family of government, but its courts are legitimate courts whose judgments and orders ought to be recognized on par with those coming from a state court.”

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Consistent with this concept, Chief Judge Petoskey has developed a positive working relationship over the years with Chief Judge Susan Dobrich, of the Cass County Probate Court. The two judges originally met at a new judge training run by the State Court Administrative Office and continued working together on the judicial Forum.

“Even though tribal judges represent sovereign nations, sometimes the Michigan courts do not provide the proper amount of respect for the authority of that tribal court,” said Chief Judge Dobrich. “Through the Forum, we work on recommendations to provide a better working relationship between the state and tribal courts.”

Chief Judge Petoskey also works to spotlight the Pokagon Band’s enforcement of thousands of child

support orders from states like Michigan and Indiana that may have otherwise gone unenforced. According to a Pokagon Band court report, the Tribe had collected more than \$3 million in child support payments in the last 10 years for Michigan alone. The majority of the cases are orders on non-Native cases.

The Pokagon Band is just one of 12 federally-recognized tribes in the state, a fact Chief Judge Petoskey was sure to point out when emphasizing how hard all the tribes work to collect funds for the children of Michigan and other states.

“I have three full-time clerks, and one of them spends 75 percent of their time just doing state court child support orders,” said Chief Judge Petoskey.

Ultimately, he said, the Tribe’s work on enforcing orders has laid groundwork for collaboration on other efforts as well.

For instance, when the Pokagon Band had its first divorce case filed, the Tribe did not have the legal infrastructure or need to enter child support orders due to its very limited territorial jurisdiction and human activity on such land. In fact, at the time, the Tribe’s divorce code was enacted just months earlier.

The Tribe needed help gathering



Brian, a Pokagon Band of Potawatomi Indians drummer, at 2017 Cass County Family Reunification Day.

integral income information to properly establish child support and to enforce its child support orders when the responsible party lives or works outside of Indian country. Thanks to her previous work with Chief Judge Petoskey on the Forum, Chief Judge Dobrich was happy to help.

“They have the legal authority to do divorces, but they don’t have the legal mechanism to handle the child support like we do, because we receive federal dollars under Title IV-D of the Social Security Act,” explained Chief Judge Dobrich. “We have worked out an arrangement where the Tribe handles the divorce, but we’ll handle the child support enforcement for them because we have the software, computers, and funding under Title IV-D, as we’re part of the state system and can do so.”



Thus, Cass County Friend of the Court will formulate and make a child support recommendation to the Pokagon Band court for its consideration. In addition, the Cass County Friend of the Court will utilize its enforcement tools to assist the Pokagon Band court with enforcement when needed.

Stephen Rambeaux, the Pokagon Band Court Administrator, said the information Cass County can gather from employers and from the Social Security Administration provides a great tool for the Tribe when settling divorce and child support cases. Without that pertinent income information, the Tribe would not be able to set adequate child support orders.

By working together, both Chief Judge Petoskey and Chief Judge Dobrich were able to make their courts serve their people better, achieving the initial goal set by Justice Cavanagh back in 1992. The Pokagon Band works hard to collect millions of dollars in child support for Michigan families that may have otherwise gone uncollected. Likewise, Chief Judge Dobrich's state court works to collect information for the Tribe and enforce the Tribe's rulings outside its jurisdiction.

Through this collaboration, not only are relationships stronger between the tribal and the state courts, but local families and children are ultimately better off. 🛠️



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Carol Bealor, Cass County Court Administrator, left and Chief Judge Dobrich at the 2017 Cass County Family Reunification Day celebration.