

**Petition under CPLR Art. 4 and 22 NYCRR § 202.71 for
Recognition of Tribal Court Judgment, Decree or Order**

Forms available at

<https://www.nycourts.gov/forms/>

Instructions:

YOU are the Petitioner.

1. Complete the **Petition for Recognition of Tribal Court Judgment, Decree or Order form** by filling in questions 1-8. Date and sign your Petition.
2. Prepare and attach your **Exhibits**: these are copies of the indicated documents, including a **verified copy of the Tribal Court Judgment** (order or decree) which can be obtained from the tribal court clerk.
3. Complete the **Verification form** and sign your name in the presence of a Notary Public. The Notary Public will affix his or her signature and stamp.
4. **File** the **Petition** with the **Verification form** and your **Exhibits** with the County Clerk and obtain an Index Number and pay the applicable fee to the County Clerk. If you cannot afford to pay the fee (\$305) you may **first** obtain a Poor Person Order from the Supreme Court Clerk's office or the Help Center. If you obtain a Poor Person Order you will file the order instead of paying the fee.
5. Prepare in advance the **Notice of Petition form** to be **served** with the documents you filed with the Court (**Petition form, Verification form and Exhibits**) on your adversary (the respondent).
6. Complete service on the respondent. The Court Clerk will explain how to serve the respondent.
7. Return to Court on your return date or adjournment date.
8. Check back for a decision either online or in the County Clerk's Office.

SUPREME COURT STATE OF NEW YORK
COUNTY OF _____
[Name of County]

-----x

In the Matter of the Application of

Index No. _____

Petitioner(s) [Name(s)]

Notice of Petition

Recognition of Tribal Court Judgment, Decree, or Order

-against-

Respondent(s) [Name(s)]

-----x

Notice about Petition for Court to Recognize Tribal Court Order, Judgment or Decree

To the Respondent:

1. A *Petition* has been filed by (name of Petitioner) _____. The Petitioner is asking the Court to recognize the Tribal Court judgment listed in the Petition and attached to this Notice.
2. **Court date.** The Court will hear this case at the following date, time and location:
Date: _____ Time: _____ Courtroom: _____
Address: _____
3. A copy of the Petition and attachments must be served on you with this Notice at least **8 days** before the Court date listed above. *CPLR 403*
4. You must *Answer* in writing for the court to consider your side. Your *Answer* should state any factual and legal reasons that the Court should not recognize the Tribal Court judgment.

Deadline! Your *Answer* must be served on the Petitioner at least **2 days** before the court date. If you do not serve and file your *Answer* by the deadline the court may approve the Petitioner's requests without hearing your side. *CPLR 403*

5. If the Court decides that the Tribal Court judgment should be recognized, the Court will direct that the Tribal Court judgment should be entered into the court records as a judgment of the Supreme Court of the State of New York.

Dated: _____, 20_____

Respectfully submitted,

(_____) - _____

[Petitioner name, address, telephone number]

To Respondent(s)

(_____) - _____

[Respondent Name, address, telephone number]

SUPREME COURT STATE OF NEW YORK
COUNTY OF _____
[Name of County]

-----x
In the Matter of the Application of

Index No. _____

Petitioner(s) [Name(s)]

Petition
Recognition of Tribal Court Judgment, Decree, or Order

-against-

Respondent(s) [Name(s)]

-----x

Petitioner (name of Petitioner) _____ states as follows:

1. I live at: (address)

2. The Respondent is: (name and address of respondent)

3. I ask that this Court recognize the attached Tribal Court judgment.

4. The attached Tribal Court judgment was made by the Tribal Court known as: (nation, tribe or band recognized by New York State or the United States)

5. The attached order: (check all that apply)
- Is a true and correct copy obtained from the Tribal Court Clerk
 - Is currently valid and in full force and effect
 - Has not been changed, cancelled, or replaced by any other order
 - Is not being appealed

6. That the Tribal Court had personal jurisdiction* over the parties. Information regarding the procedures and rules of how the Tribal Court has personal jurisdiction can be obtained from the Tribal Court Clerk or their official Tribal Court website. The following Tribal Courts systems' personal jurisdiction information can be found at the following links:

Oneida Nation

<http://www.oneidaindiannation.com/wp-content/uploads/2017/09/OneidaNationCourt.pdf>

St. Regis Mohawk https://www.srmt-nsn.gov/uploads/site_files/RulesOfCivilProcedure.pdf

Seneca Nations <https://sni.org/government/peacemakers-court/>

Attach this information.

7. That the Tribal Court's judicial system provided due process* which is compatible with the procedures and requirements of the State of New York. This information can be obtained from the Tribal Court Clerk or their official Tribal Court website. The following Tribal Courts systems' due process procedures can be found at the following links:

Oneida Nation

<http://theoneidanation.com/codesandordinances/rulesofcivilprocedure/chapter01.pdf>

St. Regis Mohawk https://www.srmt-nsn.gov/uploads/site_files/RulesOfCivilProcedure.pdf

Seneca Nations <https://sni.org/government/peacemakers-court/>

Attach this information.

8. I ask that the attached Tribal Court judgment be recognized and entered as a judgment of the Supreme Court, State of New York.

Dated: _____

Petitioner's signature _____

Petitioner's Printed Name _____

Address _____

Phone Number _____

***personal jurisdiction** means that the court has power over a person to make a decision.

***due process** means court rules and procedures that provide a person fair treatment in the legal system with notice and an opportunity to be heard.

Verification

State of New York)
) ss.:
County of _____)

_____, being duly sworn, deposes and says: I am the
Petitioner in this matter. I have read the foregoing petition and know the contents within. The
contents are true to my knowledge, except as to matters within stated to be alleged on information
and belief and as to those matters I believe them to be true.

Petitioner's Signature

Print Name

NOTARY PUBLIC

On _____ before me personally came to me the Petitioner know to be
the person described in and who executed the foregoing Petition. Such person duly swore to such
instrument before me and duly acknowledged that he/she executed the Petition.

SS:

Notary Public
Commission Expires:
(Affix Notary Stamp or Seal)

If you are seeking a waiver for filing fees related to New York State recognition of a Tribal Court judgment, please visit <https://www.nycourts.gov/courthelp/goingtocourt/feewaiver.shtml> for more information. Also check with the Court you are filing the petition with for further assistance.