



Prairie Band Potawatomi Nation Per Capita Advance Policy

Objective:

To provide money to eligible tribal members in need of temporary financial assistance in the form of an advance payment of the next scheduled per capita distribution. An eligible tribal member may apply for an advance on the next scheduled per capita distribution and shall repay that amount within the next three distribution dates. A tribal member may receive no more than two advance per capita payments in one calendar year.

Definitions:

For purposes of this policy and pursuant to Potawatomi Law and Order Code Title 4-14, the following definitions shall apply:

- Per Capita: means the payment provided to all enrolled members of the Prairie Band Potawatomi Nation, which are paid directly from the Prairie Band Potawatomi Nation Casino Net Gaming Revenues pursuant to the Prairie Band Potawatomi Nation Per Capita Ordinance then in effect, and in accordance with the Indian Gaming Regulatory Act.
- Per Capita Advance: means an advance payment of Per Capita prior to the Per Capita Distribution Date pursuant to this policy.
- Per Capita Distribution Date: means the actual date that the quarterly per capita is distributed or paid to eligible tribal members. This date is typically on the 15th of the month of March, June, September, and December of each year or the substitute day used because said date is on a weekend or tribally recognized holiday.
- Per Capita Share: means a Tribal Member's equal share of a Per Capita payment prior to a reduction for any withholding, garnishment, or levy permitted by tribal law, but after withholding at the source required by federal income tax law.
- Delinquent Debt Owed to the Nation: means a debt or money obligation owed to the nation that is delinquent or past due or where an installment payment agreement made to satisfy such debt is in default or in arrears.

Eligibility for Advance:

- Enrolled adult (18 years and older) members of the Prairie Band Potawatomi Nation who have no Delinquent Debt Owed to the Nation, are eligible for a Per Capita Advance.
- A tribal member who has a Delinquent Debt Owed to the Nation must pay it in full before they are eligible to apply for a Per Capita Advance.
- A tribal member whose Per Capita Share is subject to an involuntary order of withholding, garnishment or levy at the time of request for a Per Capita Advance shall be ineligible to receive a Per Capita Advance.
- A tribal member whose Per Capita Share is subject to a voluntary garnishment or deduction is eligible to receive a Per Capita Advance, but only subject to the following conditions: (1) If the amount of the future Per Capita Share is assumed to be \$1,025.00 per distribution; (2) If the Per Capita Advance can be repaid according to the repayment schedule set forth herein assuming involuntary deductions and mandatory income tax withholding existing at the time of the application remain the same; and (3) If the tribal member modifies his/her

voluntary garnishment or deduction, if necessary, so that the amount of the Per Capita Advance repayment can be repaid according to schedule.

- A tribal member may not receive a Per Capita Advance if there is an outstanding balance owed to the Nation for an existing Per Capita Advance.

Application for Advance:

- Eligible tribal members may apply for a Per Capita Advance at any time during regularly scheduled tribal government office hours except the fourteen (14) calendar days prior to the Per Capita Distribution Date.
- A Per Capita Advance may be applied for at the Per Capita office in the Finance Department by completing a Per Capita Advance application form.
- The Per Capita office staff shall review the application form and upon approval shall process and provide a Per Capita Advance to the tribal member.
- A tribal member may not request another person to complete an application on their behalf.
- The tribal member applying for a Per Capita Advance must show an acceptable form of identification.

Payment of Advance:

- A Per Capita Advance shall be distributed in the same manner as Per Capita Share distributions. If the per capita share is made through direct deposit, the Per Capita Advance shall also be made by direct deposit and if the per capita share is made by check, the Per Capita Advance shall also be made by check.
- If the application for Per Capita Advance is approved, the Per Capita Advance shall be paid no later than five (5) business days after receipt of the application by the Finance Department Per Capita Office.
- Should the tribal member have a change of address or change of contact information, it shall be the responsibility of the tribal member to provide updated information to the Finance Department Per Capita Office.

Per Capita Advance Limit; No Interest:

- A Per Capita Advance shall be in the amount of one thousand dollars (\$1,000). The Per Capita Advance Repayment amount shall be one thousand twenty five dollars (\$1,025) which is the sum of the Per Capita Advance plus the \$25.00 fee.
- No interest shall be charged on a Per Capita Advance.

Per Capita Advance Repayment:

- A tribal member who receives a Per Capita Advance shall repay the amount of the advance in three installments withheld from regular quarter Per Capita in the next three sequential Per Capita payments paid after the Per Capita Advance is taken:
 - 1st sequential quarter: \$342
 - 2nd sequential quarter: \$342
 - 3rd sequential quarter: \$341.

- A Per Capita Advance that is not repaid according to the approved repayment schedule is a Delinquent Debt Owed to the Nation.
- A Per Capita Advance that is not repaid according to the approved repayment schedule shall be in default and the entire amount of the unpaid Per Capita Advance shall be accelerated and immediately due and payable.

Fee: Administrative Cost.

- Each Per Capita Advance shall incur an administrative cost fee of \$25.00 that shall be added to the Per Capita Advance amount to be repaid.

Quarterly Per Capita Payment Less than \$1,025.

- Partial Payment: Notwithstanding any agreement or policy to the contrary, if any quarterly per capita payment is less than \$1,025, the Per Capita Advance Repayment Amount shall be reduced to the ratio of the actual Per Capita amount (numerator) to \$1,025 (denominator) and the unpaid portion thereof shall be deferred and paid at a later date.
- Payment of Deferred Amount: The deferred amount shall be paid from the quarterly Per Capita amount sequentially and immediately after the last scheduled Per Capita Advance Repayment until the Per Capita Advance is paid in full.
- Series of Partial Payments/Maximum Per Capita Advance Payment Amount: If there are a series of deferred per capita payments, each deferral shall be accumulated and paid from the quarterly Per Capita amount sequentially and immediately after the last scheduled Per Capita Advance Repayment until paid in full. However, the Per Capita Advance Repayment Amount shall not be in excess of thirty four percent (34%) of the Per Capita amount in any applicable quarter. Any deferred payment resulting from application of this rule shall be paid from the next sequential quarterly Per Capita amount until paid in full.
- No Need to Modify Existing Agreements: The payment adjustments required by this section shall apply by operation of this policy as tribal law and any payment agreement terms shall be deemed to be modified in accordance with this policy without reformation of the original agreement.