

Petition for Permanent Custody

- Purpose:** This petition is used to request *permanent custody* of a child.
- Who may file:** A parent or someone having actual physical custody of a child may petition for custody unless a divorce or adoption action is already in progress in the court.
- Before filing:** You will need to provide a copy of the child(ren)'s birth certificate(s), you must pay the filing fee at the Tribal Finance Department and get a copy of the receipt, and you must provide the clerk with the addresses of every person who has an interest in the matter. * All parents' must be notified of the petition before the clerk can continue with a hearing. NO EXCEPTIONS.
- Procedure:** Once the Petitioner(s) file, the other party, the Respondent(s), will be *summoned* and will have 20 days to *answer* the petition. Once the 20 days is up, the clerk will set the time and place for the hearing.
- The Respondent(s) can give *Consent to Custody* to the Petitioner. There is a form the Respondent(s) can fill out. The form must be notarized or signed in front of a clerk. If the Respondent(s) agree to this, the judge can produce an order without a formal hearing. If not, a formal hearing must be set according to the court docket.
- Petition:** The Court will keep the original documents and will give the Petitioner(s) and Respondent(s) copies of everything that is filed.
- Filing Fee:** Elders (55+) do not have to pay any fees.
- The cost of filing this petition is \$25.00. You may apply for a fee waiver but must still pay \$10 for the cost of service. The Fee Waiver Application can be turned in with the petition and the judge determines if you qualify. The \$10.00 is required for all petitions.
- Note:** The Court will not accept the Petition until the Petition is complete. Meaning, all of the documents and information needed are produced and fees are paid.

**IN THE FAMILY COURT OF THE FORT BELKNAP INDIAN COMMUNITY
OF THE FORT BELKNAP INDIAN RESERVATION, MONTANA**

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|--------------------------|---|
| IN THE MATTER OF: | CASE NO: |
| | |
| | PETITION FOR PERMANENT CUSTODY |
| | |
| MINOR CHILD(REN) | |

APPEARING NOW, _____, Petitioner in this action and respectfully submits aforementioned Petition. In support of the Petition, Petitioner sets forth the following.

The Subject(s) of this petition is/are: _____

_____ : WHOSE RESIDENCE AND ADDRESS IS

_____, _____, _____
(Mailing Address) (City) (State)

_____ AND WHOSE Enrollment is at : _____
(Zip Code) (Ethnicity)

The _____ of the minor child(ren) is: _____ and
(Mother/Father/Guardian) (Respondent Name)

residence is located at: _____,
(Mailing Address) (City)

_____, _____
(State) (Zip Code)

The _____ and residence is located at:
(Petitioner)

_____, _____, _____, _____ and
(Mailing Address) (City) (State) (Zip Code)
telephone number: _____.

That the Petitioner in this action is _____; who is asking for *Permanent Custody of the above named minor child(ren)* sets forth the following facts:

* Please attach a copy of the Birth Certificate

Respectfully submitted this _____ day of _____, _____.

PETITIONER

SUBSCRIBED and SWORN to before me this _____ day of _____,
_____.

Clerk of Court/Notary