

Petition for Separation of Marriage and Maintenance

Purpose: This petition is used to request a *separation of marriage and maintenance*.

Who may file: Person who have entered into a legal, traditional, or common law marriage.

Before filing: 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 the other party in this matter. 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.

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 \$50.00. You may apply for a fee waiver but must still pay \$25.00 for the cost of service. The Fee Waiver Application can be turned in with the petition and the judge determines if you qualify. The \$25.00 is required for the petition.

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 TRIBAL COURT OF THE FORT BELKNAP INDIAN RESERVATION
OF THE FORT BELKNAP INDIAN COMMUNITY

IN RE THE MATTER OF	CASE NO:
Petitioner Vs.	PETITION FOR SEPARATION OF MARRIAGE AND MAINTENANCE
Respondent	

Appearing now, the Petitioner, _____ and hereby petitions the Court for a Legal Separation of Marriage; in support of said petition, Petitioner submits the following:

1. That this Court has jurisdiction of this matter pursuant to Title XI, Domestic Relations, Section I, 1.1 Jurisdiction, and Section II, 2.3 Actions of the Court Pending Divorce or Annulment, in that Petitioner and/or Respondent is/are enrolled members of the Fort Belknap Tribes and is/are resident(s) of the Fort Belknap Indian Reservation, Montana.

2. That the Petitioner and Respondent were legally married on the _____ day of _____, _____ at _____ and said marriage is registered in _____.

3. Or that the Petitioner and Respondent were common law recognized on the _____ day of _____.

4. Petitioner _____ seeks custody of _____ children:

a. _____ DOB: _____

b. _____ DOB: _____

c. _____ DOB: _____

d. _____ DOB: _____

e. _____ DOB: _____

5. That the Parties are experiencing marital discord at this time which adversely affects one or both parties. Petitioner believes it would be in the best interest of both to obtain a legal separation of marriage for six (6) month period which would allow adequate time for the parties to address the issue of marital discord of: _____

That the Respondent shall be restrained from bothering or harassing the Petitioner at the home or any other place within the exterior boundaries of the Fort Belknap Indian Reservation.

10. That during this six (6) month period, the parties shall undergo some type of marriage counseling, either individually or together.

11. That upon the ending of the six (6) month period, the parties shall address the issues of reconciliation will start the proceedings for a Dissolution of Marriage.

Therefore: For the above listed issues, Petitioner requests that the Court grant a Legal Separation of Marriage at this time.

Dated this _____ day of _____, _____.

Petitioner

Respondent

Signed and Sworn to me this _____ day of _____, _____.

Clerk of Court/Notary