

Petition for Grandparent Custody

- Purpose:** This petition is used when a grandparent is requesting custody of their grandchild.
- Who may file:** A grandparent 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**

IN THE MATTER OF:	CASE NO:
	PETITION FOR GRANDPARENT 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.

1. Pursuant to Title V, Part V, Sec. 3, s.s. 3.12 (amended to revised Fort Belknap Law & Order Code, Resolution #63-99 and Resolution #10-2010 Grandparent-Grandchild Relationship Act)

2. Pursuant to Title V, Part I, Sec. 2 & 2.1, this Court has exclusive and original jurisdiction.

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

_____ : WHOSE RESIDENCE AND ADDRESS

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

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

4. The _____ of the minor child(ren) is:
(Mother/Father/Guardian)

_____ and residence is located at:

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

(Zip Code)

5. The _____ and residence is located at:
(Petitioner)

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

_____ and telephone number: _____
(Zip Code)

That the Petitioner in this action is _____; who is asking for Grandparent
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