

INFORMATION SHEET - DIVORCE PROCEEDINGS

GTB TRIBAL COURT

2605 N. West Bay Shore Dr • Peshawbestown, MI 49682 • (231)534-7050 • TribalCourt@gtb-nsn.gov

COMMENCEMENT OF ACTION WITH CHILDREN

The filing of a complaint, the applicable fee, and the issuance of a summons shall commence an action for divorce.

All forms are available from the GTB Tribal Court Clerks.

Filing Fee is \$100.00 due at the time of filing.

Petitioner is responsible for any costs incurred during the divorce process, i.e.: Process Server Fees, Friend of the Court Filing Fees, Newspaper Publication Fees, etc.

Final divorce hearings may be held no less than six (6) months after the filing of the complaint in actions involving the custody/welfare of minor children. Final divorce hearings may be held no less than two (2) months after the filing of the complaint in actions not involving the custody/welfare of the children.

In actions involving minor children, the Tribal Court shall have authority to determine custody, support, and visitation of children under eighteen (18) years of age.

If you have any questions, please contact Tribal Court at (231)534-7050.

THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS TRIBAL COURT	SUMMONS AND COMPLAINT	CASE NO.
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2605 N. West Bay Shore Dr • Peshawbestown, MI 49682 • (231)534-7050 • TribalCourt@gtb-nsn.gov

Plaintiff's name(s), address(es) and telephone no(s).	VS	Defendant's name(s), address(es), and telephone no(s).
Plaintiff's attorney, bar no., address, and telephone no.		

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the Grand Traverse Band of Ottawa and Chippewa Indians you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (GTBCR 2.111[C])
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summon expires	Court clerk
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*This summons is invalid unless served on or before its expiration date.

Family Division Cases

- There is no other pending or resolved civil action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket No.	Judge
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General Civil Cases

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket No.	Judge
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VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Place where action arose or business conducted	

I declare the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date

Signature of attorney/plaintiff

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

DIVORCE QUESTIONNAIRE

Wife's/Spouse's Name: _____ Plaintiff Defendant

Other Names Known By: _____

Maiden Name: _____

Last name wife/spouse wishes to be known as following divorce: _____

Date of Birth: _____ Place of Birth: _____

Address: _____

Is this address located on the GTB reservation? Yes No

Mailing Address (if different): _____

How long at present address? _____

How long on the GTB reservation (if different)? _____

Date of Marriage: _____ Place: _____

Number of this marriage (1st, 2nd, etc.): _____

Pregnant? Yes No If yes, due date: _____

Date of Separation (when last cohabited): _____ Place: _____

Social Security Number: _____

Drivers License No. & State: _____

Eye Color: _____ Hair Color: _____ Wgt: _____ Hgt: _____ Race: _____

Scars, Tattoos, etc.: _____

Home Telephone No.: _____ Work Telephone No.: _____

Occupation: _____

Business/Employer's Name and Address: _____

Gross Weekly Income: _____

Has wife/spouse applied for or receive public assistance? Yes No Unknown

If so, please specify ID #: _____

Husband's/Spouse's Name: _____ Plaintiff Defendant

Other Names Known By: _____

Maiden Name: _____

Last name husband/spouse wishes to be known as following divorce: _____

Date of Birth: _____ Place of Birth: _____

Address: _____

Is this address located on the GTB reservation? Yes No

Mailing Address (if different): _____

How long at present address? _____

How long on the GTB reservation (if different)? _____

Date of Marriage: _____ Place: _____

Number of this marriage (1st, 2nd, etc.): _____

Pregnant? Yes No If yes, due date: _____

Date of Separation (when last cohabited): _____ Place: _____

Social Security Number: _____

Drivers License No. & State: _____

Eye Color: _____ Hair Color: _____ Wgt: _____ Hgt: _____ Race: _____

Scars, Tattoos, etc.: _____

Home Telephone No.: _____ Work Telephone No.: _____

Occupation: _____

Business/Employer's Name and Address: _____

Gross Weekly Income: _____

Has husband/spouse applied for or receive public assistance? Yes No Unknown

If so, please specify ID #: _____

Property to be Divided

Minor Children of this Marriage

Name	Tribal Affiliation	DOB	Age	Address	SS#
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Minor Children of Either Party

Name	Tribal Affiliation	DOB	Age	Address	SS#
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Health Care Coverage Available for Each Minor Child

Name of Minor Child	Policy Holder	Insurance Co.	Policy No.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Names and addresses of persons other than parties who may have custody of children during pendency of this case:

Place(s) where children have lived within the past five years:

Name(s) and address(es) of custodian(s) with whom the children have lived within the last five years:

Do you know of, and have you participated as a party, a witness, or in any other capacity, in any other court decision, order, or proceeding, including divorce, separate maintenance, child neglect, dependency, or guardianship, concerning the custody or visitation of the children, in this state or any other state? Yes No If yes, explain and give case name, court's name, and address.

Do you have information of any pending proceeding including divorce, separate maintenance, child neglect, dependency or guardianship, concerning the custody or visitation of the children, in this state or any other state? Yes No If yes, explain and give case name, court's name, and address.

Is there any other divorce proceeding or custody proceeding between these parties pending in any other court or has any such action been previously filed and dismissed, transferred, or otherwise disposed: Yes No If yes, explain:

THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS TRIBAL COURT		VERIFIED STATEMENT			CASE NO.	
2605 N. West Bay Shore Dr • Peshawbestown, MI 49682 • (231)534-7050 • TribalCourt@gtb-nsn.gov						
1. Mother's/Spouse's Last Name First Name Middle Name				2. Any other names by which mother/spouse is known or has been known		
3. Date of Birth		4. Social Security Number		5. Driver license number and state		
6. Mailing address and residence address (if different)						
7. Eye color	8. Hair color	9. Height	10. Weight	11. Race	12. Scars, tattoos, etc.	
13. Home telephone no.		14. Work telephone no.		15. Maiden name		16. Occupation
17. Business/Employer's name and address					18. Gross weekly income	
19. Has wife/spouse applied for or does she/he/they receive public assistance? If yes, please specify kind. <input type="checkbox"/> Yes <input type="checkbox"/> No					20. DHS Case Number	
21. Father's/Spouse's Last Name First Name Middle Name				22. Any other names by which father/spouse is known or has been known		
23. Date of Birth		24. Social Security Number		25. Driver license number and state		
26. Mailing address and residence address (if different)						
27. Eye color	28. Hair color	29. Height	30. Weight	31. Race	32. Scars, tattoos, etc.	
33. Home telephone no.		34. Work telephone no.		35. Maiden name		36. Occupation
37. Business/Employer's name and address					38. Gross weekly income	
39. Has father/spouse applied for or does he/she/they receive public assistance? If yes, please specify kind. <input type="checkbox"/> Yes <input type="checkbox"/> No					40. DHS Case Number	
41. A. Name of minor child involved in case	B. Birth Date	C. Age	D. Soc. Sec. No.	E. Residential Address		
42. A. Name of other minor child of either party	B. Birth Date	C. Age	D. Soc. Sec. No.	E. Residential Address		
43. Health care coverage available for each minor child						
A. Name of minor child	B. Name of policy holder		C. Name of insurance co./HMO		D. Policy/Certificate/Contract No.	
44. Name and addresses of person(s) other than parties, if any, who may have custody of child(ren) during pendency of this case						

If any of the public assistance information above changes before your judgment is entered, you are required to give the friend of the court written notice of the change.

I request support services under Title IV-D of the Social Security Act.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Signature

THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS TRIBAL COURT	UNIFORM CHILD CUSTODY JURISDICTION ACT AFFIDAVIT	CASE NO.
2605 N. West Bay Shore Dr • Peshawbestown, MI 49682 • (231)534-7050 • TribalCourt@gtb-nsn.gov		

CASE NAME:

1. The name and present address of each child (under 18 years of age) in this case is:

2. The places where the child(ren) has/have lived within the last five (5) years are:

3. The name(s) and present address(es) of custodians with whom the child(ren) has/have lived within the last five (5) years are:

4. I do not know of, and have not participated (as a party, witness, or in any other capacity) in any other court decision, order, or proceeding (including divorce, separate maintenance, child neglect, dependency, or guardianship) concerning the custody or visitation of the child(ren), in this state or any other state, **except:** Specify case name and number and court's name and address.

5. I do not have information of any pending proceeding (including divorce, separate maintenance, child neglect, dependency, or guardianship) concerning the custody or visitation of the child(ren), in this state or any other state, **except:** Specify case name and number and court's name and address.

Same as listed above.

That proceeding is continuing has been stayed by the court temporary action by this court is necessary to protect the child(ren) because the child(ren) has/have been subjected to or threatened with mistreatment or abuse or is/are otherwise neglected or dependent. Attach explanation

6. I do not know of any person who is not already a party to this proceeding who has physical custody of, or who claims to have custody or visitation rights with the child(ren), **except:** State name(s) and address(es)

7. The child(ren)'s "home state" is _____.

I acknowledge a continuing duty to advise this court of any custody or visitation proceeding (including divorce, separate maintenance, child neglect or dependency) concerning the child(ren) in this state or any other state about which information is obtained during this proceeding.

Signature of affiant Name of affiant Address of affiant

Subscribed and sworn to before me on _____, in _____
County, Michigan.

My Commission expires on: _____ . Signature _____
Notary Public

PROOF OF SERVICE

SUMMONS AND COMPLAINT COMPLAINT FOR DIVORCE

Case No. _____

TO PROCESS SERVER: You are to serve the Summons and Complaint and Complaint for Divorce no later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

OFFICER CERTIFICATE

AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (GTBCR 2.104[A][2]), that: (notarization not required)

OR Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

I served personally a copy of the Summons and Complaint, Complaint for Divorce, with _____
List all documents served with the Summons and Complaint

I served by registered, certified mail, restricted delivery, (copy of return receipt attached), a copy of the Summons and Complaint, Complaint for Divorce, together with _____
List all documents served with the Summons and Complaint

Defendant's Name:	Complete Address(es) of Service:	Day, Date, Time:

I have personally attempted to serve the Summons and Complaint, Complaint for Divorce, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's Name:	Complete Address(es) of Service:	Day, Date, Time:

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$	\$	\$	\$

Signature _____
Name (type or print) _____
Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the Summons and Complaint, Complaint for Divorce, together with _____
List Attachments
_____ on _____
Day, Date, Time

Signature _____ on behalf of _____

**TRIBAL COURT
OF THE
GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS**

2605 N. West Bay Shore Dr • Peshawbestown, MI 49682 • (231)534-7050 • TribalCourt@gtb-nsn.gov

In The Matter Of:

CASE NO.

AFFIDAVIT OF PERSONAL SERVICE

I, _____ (name) _____, (title),
in the County of _____, State of Michigan, being first duly sworn, deposes and states
that on the _____ day of _____, 20____, in the State of Michigan, I personally delivered a copy
of the attached:

1.

TO:

AT: IN THE COUNTY OF _____, STATE OF MICHIGAN.

Signature of Person Serving Papers

I hereby state that I have received the above listed notice(s) / papers.

Dated: _____

Recipient Signature

**TRIBAL COURT
OF THE
GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS**

2605 N. West Bay Shore Dr • Peshawbestown, MI 49682 • (231)534-7050 • TribalCourt@gtb-nsn.gov

Plaintiff

V.

Respondent

CASE NO. _____

TO PLAINTIFF:

You have been given a copy of this Summons and Complaint, Complaint for Divorce, and any backup documentation you may have submitted to keep for your records. Per court rule, you must make a copy to serve on the respondent in this matter by certified mail, restricted delivery, return receipt requested, or via personal service by third party to the opposing party or the opposing party's attorney.

You will be required to show the return receipt (signed green card) in court to prove that you have mailed a copy of the document(s) to the correct person at that person's last known address or show a signed statement by respondent stating they received papers.

If you fail to produce the receipt for the mailing or signed affidavit by respondent, please understand the Court will dismiss your Summons and Complaint and Complaint for Divorce for failing to properly serve the other party.

The expiration date to serve the documents listed above on the Respondent is: _____.

AFFIDAVIT OF PERSONAL SERVICE

I hereby state that I have read and understand the Proof of Service Procedure for the Grand Traverse Band Tribal Court, as noted above. Also, I hereby state that I have received a copy of the Summons and Complaint, Complaint for Divorce, and any backup documentation for my records, and to copy to send off to opposing party.

Dated: _____

Petitioner Signature

I, _____, Court Personnel of the GTB Tribal Court, being first duly sworn, deposes and states that on _____ day of _____, 20____, in the State of Michigan, I personally hand delivered a copy of the documents noted above to _____.

Dated: _____

Court Clerk/Personnel Signature

§ 509 - Divorce, Separate Maintenance; Annulment and Jurisdiction

The Tribal Court shall have jurisdiction over annulment, divorce, separate maintenance, child custody, child support, division of property, or alimony issue where at least one (1) party has been a bona fide resident of the Grand Traverse Band Reservation for a period of at least one-hundred eighty (180) days prior to the filing of the action.

History: GTB Family Code, adopted by Tribal Council on March 25, 1998; and as amended by Tribal Council October 19, 1999.

§ 510 - Annulment

- (a) Within one (1) year of the date of marriage, following payment of a filing fee prescribed by the Court, one (1) or both parties may submit a petition for annulment to the Court, stating as grounds that:
- (1) One (1) or both parties to the marriage were under sixteen (16) years of age at the time of the marriage;
 - (2) One (1) or both parties did not freely consent to the marriage;
 - (3) The parties were related to each other in a prohibited manner:
 - (A) Parent and child;
 - (B) Grandparent and grandchild;
 - (C) Brother and sister, or half-brother and half-sister;
 - (D) Aunt and nephew, or uncle and niece;
 - (E) Cousins in the first degree;
 - (F) One (1) or both parties had an existing spouse at the time of the marriage;
or
 - (G) One (1) or both parties lacked the requisite capacity to marry.
- (b) Petitions for annulment must be sworn before a notary public or other official designated to verify signatures, and must contain a proposed division of marital property and debt, and custody of children, if any.
- (c) If the non-petitioning spouse doesn't agree with the petition's allegations as to grounds for annulment, division of property, or custody of children, the non-petitioning spouse must file a response with the Tribal Court within thirty (30) days of receipt of the petition.

- (d) Such response must be sworn before a notary public or other official designated to verify signatures, and must contain an explanation of why there are no grounds for annulment, or why the proposed division of property or grant of custody contained in the petition is not appropriate.
- (e) A copy of the response must be served on the petitioning spouse.
- (f) Where such a response is received, the Tribal Court must hold a hearing to resolve the dispute.
- (g) Failure to respond shall constitute an admission to the allegations contained in the complaint, and shall lead to a default judgment against the defendant.
- (h) If no response is received within thirty (30) days, or, if the Tribal Court determines that there are valid grounds for annulment, then the Court shall enter a decree of annulment which provides for a division of property in an equitable manner and determine custody based on the best interests of the child(ren).

History: GTB Family Code, adopted by Tribal Council on March 25, 1998; and as amended by Tribal Council October 19, 1999.

§ 511 - Divorce; Grounds; Commencement of Action

- (a) Filing for divorce:
 - (1) One (1) or both parties may file a signed complaint with the Tribal Court.
 - (2) Such complaint shall state the grounds for divorce.
- (b) Divorces shall be granted without regard to the fault of the parties. The Tribal Court shall grant a divorce upon finding that there has been a breakdown in the marital relationship to the point that the objects of matrimony have been destroyed, and that there remains no reasonable likelihood that the marriage can be preserved; or
- (c) Commencement of action:
 - (1) An action for divorce shall be commenced by the filing of a complaint, the payment of the applicable fee, and the issuance of a summons.
 - (2) The complaint shall contain the following information, set forth in separately numbered paragraphs:
 - (A) The full legal name, address, social security number, and driver's license number of each party to the marriage;
 - (B) The Tribal affiliation/membership of each party to the marriage;

- (C) The names, ages, and birth dates of any children born of the marriage between the parties, or of any children born prior to the marriage when the husband is asserted to be the father of the child(ren);
 - (D) The Tribal affiliation/membership of each child;
 - (E) A statement as to whether or not the wife is pregnant at the time the complaint is filed;
 - (F) The maiden name of the wife and/or her name prior to the marriage if different;
 - (G) The date and location of the marriage;
 - (H) The date and location of the separation of the parties;
 - (I) A statement of the assets and liabilities of the parties that need to be allocated between them;
 - (J) A statement as to any pending court proceedings in other jurisdictions that could affect the minor child(ren);
 - (K) A statement that there has been a breakdown in the marital relationship to the point that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved;
 - (L) A statement that the Plaintiff desires the Court to enter a judgment of divorce; and
 - (M) A statement of the specific relief requested as to child custody, child support, visitation, alimony, proposed property settlement or other such relief.
- (d) Answer to complaint:
- (1) The defendant spouse shall file an answer to the complaint within twenty-one (21) days of receipt of the complaint if personally served or twenty-eight (28) days if served by mail.
 - (2) Such answer may seek a division of property, child custody arrangement, or other relief different than that proposed by the petitioner.
 - (3) A copy of the answer must be served on the plaintiff spouse.
- (di) Hearing:
- (1) Following a complaint for divorce, separate maintenance, or annulment, and after the opportunity for the defendant to answer, the Tribal Court shall hold a hearing.

- (2) Final divorce hearings may be held no less than within six (6) months after the filing of the complaint in actions involving the custody/welfare of minor children. Final divorce hearings may be held no less than two (2) months after the filing of the complaint in actions not involving the custody/welfare of minor children.
- (3) Where the custody of minor children is at issue, the Tribal Court may order that a home study be completed by a person appointed by the Court prior to the hearing, to aid the Court in determining the issue.
- (4) In determining who will have custody of the minor child(ren), the best interest(s) of the child(ren) shall control. Visitation shall be ordered to promote a positive parent-child relationship, whenever possible.
- (5) At the hearing, both spouses shall have an opportunity to testify, call witnesses, present evidence, and cross-examine their spouse and any other witnesses.
- (6) Once a final ruling has been made, parties seeking to alter the Court's decision must demonstrate that there has been a significant change in circumstances before the Court shall consider amending its prior ruling.
- (7) The intentional filing of groundless petitions shall result in the imposition of sanctions.
- (8) A final order of the Tribal Court shall be appealable in the same fashion and manner as any other order of the Court.

History: GTB Family Code, adopted by Tribal Council on March 25, 1998; and as amended by Tribal Council October 19, 1999.

§ 512 - Division of Property

When an annulment or divorce is granted, the Court shall order distribution of all real and personal property in an equitable fashion giving consideration to party fault, and shall allocate the marital financial obligations of the parties, in whole to either party, or partially to each party.

History: GTB Family Code, adopted by Tribal Council on March 25, 1998; and as amended by Tribal Council October 19, 1999.

§ 513 - Alimony

- (a) When an annulment or divorce is granted, the Court may order either party to make periodic alimony payments as necessary to provide for the support of the other party.
- (b) Such orders may be modified, on motion of either party, to reflect changes in either party's economic circumstances.
- (c) Groundless filings may result in the imposition of sanctions.

- (d) The Court, upon motion, shall terminate alimony to any spouse who has remarried or upon the death of either party.

History: GTB Family Code, adopted by Tribal Council on March 25, 1998; and as amended by Tribal Council October 19, 1999.

§ 514 - Child Custody, Visitation, and Support

- (a) In any action concerning annulment, divorce, or paternity, the Tribal Court shall have the authority to determine the custody of any children under eighteen (18) years of age.
- (1) The Court may grant custody to one (1) parent, or may grant joint custody. The Court shall specify the period(s) when each parent shall have custody, and shall determine the visitation rights (if any) of the non-custodial parent.
 - (2) Visitation shall be designed to foster and expand the relationship between the non-custodial parent and the child(ren), whenever possible.
- (b) Child custody shall be based on the best interest of the child(ren) following a custody and home study evaluation and recommendation completed by a person appointed by the Court. There shall be no presumption that one (1) parent is better suited to be a custodial parent because of gender.
- (c) The Tribal Court shall have the authority to require the non-custodial parent to pay such sum as the Court may determine appropriate and proper for the support and maintenance of the child(ren).
- (d) The Tribal Court, upon petition of either party, or any third party to whom custody or visitation of the minor child may be awarded, may revise, amend, or alter any order concerning the care, custody, support, or visitation rights with any minor child(ren) consistent with their best interests.
- (e) In determining the best interests of the child(ren), the Court shall consider the following:
- (1) The love, affection, and other emotional ties existing between the parties involved and the child.
 - (2) The capacity and disposition of the parties involved to give the child love, affection, and guidance and continue the education and raising of the child in his or her religion or creed, if any.
 - (3) The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this Tribe in place of medical care, and other material needs.
 - (4) The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.

- (5) The permanence, as a family unit, of the existing or proposed custodial home or homes.
- (6) The moral fitness of the parties involved.
- (7) The mental and physical health of the parties involved.
- (8) The home, school, and community record of the child.
- (9) The reasonable preference of the child, if the Court considers the child to be of sufficient age to express preference.
- (10) The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent of the child and the parents.
- (11) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.
- (12) Any other factor considered by the Court to be relevant to a particular child custody dispute.

History: GTB Family Code, adopted by Tribal Council on March 25, 1998; and as amended by Tribal Council October 19, 1999.

§ 515 - Child Custody Actions Outside of Divorce and Annulment Proceedings

- (a) The Tribal Court shall have authority to determine the custody and visitation of children as between parents and legal guardians, or as between parents and legal guardians and anyone who has actual physical custody of the child(ren). The authority shall exist whether or not there is a divorce or annulment proceeding pending.
- (b) Such proceeding shall commence upon the filing of a petition by the parent or legal guardian.
- (c) In ruling on a custody petition, the Court shall employ the standards set forth in § 514 of this Code, and may order periodic support payments as set forth in that section.
- (d) After the Court rules on the petition, neither party may file another petition for six (6) months, unless there has been a substantial change in circumstances, or where abuse, neglect or abandonment of the child is suspected.

History: GTB Family Code, adopted by Tribal Council on March 25, 1998; and as amended by Tribal Council October 19, 1999.

§ 516 - Enforcement of Child Support Orders

- (a) When the Court has ordered periodic support payments under this Code, and the parent does not pay as ordered, the Court shall use the same methods to collect these payments as it would to enforce any money judgment in a civil action, including contempt.
- (b) If the parent willfully refuses to make support payments as ordered by the Court, and the procedures set forth in Subsection (a) do not result in payment, the Tribe may initiate criminal proceedings.

History: GTB Family Code, adopted by Tribal Council on March 25, 1998; and as amended by Tribal Council October 19, 1999.

§ 517 - Temporary Interim Orders

- (a) The Court may issue temporary orders during the pendency of all proceedings involving child custody, child support, visitation, alimony, and the possession of real and personal property.
- (b) Such orders may be granted upon the motion of either party, or on the Court's own motion. A hearing shall be held prior to the issuance of such orders, unless the Court determines that an emergency exists, or a party cannot be found, in which case such orders may be issued ex-parte.
- (c) Emergency may be interpreted to include, but not be limited to:
 - (1) A danger of physical abuse to the spouse or the party's child(ren);
 - (2) Severe emotional abuse;
 - (3) A lack of means for interim subsistence; or
 - (4) The danger that the child(ren) will be removed from the jurisdiction.
- (d) If the initial order is issued ex-parte, a full hearing on the temporary order shall be held within fourteen (14) days.

History: GTB Family Code, adopted by Tribal Council on March 25, 1998; and as amended by Tribal Council October 19, 1999.

Chapter 6 - Tribal Paternity and Putative Parents**§ 601 - Short Title**

This chapter may be referred to as the "Tribal Paternity and Putative Parent Act."

History: Tribal Paternity and Putative Parents, adopted by Tribal Council on October 19, 1999.