

**FORT PECK COMPREHENSIVE CODE OF JUSTICE  
TITLE 10, CHAPTER 5**

**PATERNITY**

**JURISDICTION**

The Fort Peck Tribal Court has jurisdiction over any action where a party in the paternity action is an Indian. A paternity action may be brought to amend a birth certificate and/or for enrollment.

**PETITIONS**

A petition to request the Court to establish paternity may be brought by:

- (1) An adult child, or, a child's legal guardian;
- (2) The child's natural mother;
- (3) An alleged father of the child;
- (4) Any tribal agency with an interest in determining parentage; or
- (5) Any social service agency.

**SERVICE AND RESPONSE**

All parties, including the child if over 18 years of age, the biological mother, and the man alleged in the petition to be the natural father, shall be served with the petition and a summons. The summons shall notify the party that the party must respond to the summons and petition by filing an answer with the Court and serving it on all parties. The summons shall further notify the party that, if written response is not filed with the Court within 21 days after receipt of the summons and petition, the Court may, without the party's response, enter a judgment of paternity by default only if it has admitted evidence of genetic testing statistically proving that the man alleged in the petition is the biological father.

**HEARING**

When such a response is received, the Court will hold a hearing on the matter. At the hearing, the Court will receive testimony from any witnesses called by the parties. The Court has the authority to order the parties to submit to a blood or DNA test.

**PATERNITY ORDER**

The judgment or order of the Court determining whether or not a respondent is a parent of a child shall be based on a preponderance of the evidence. If the judgement or order of the Court establishes a different father than that on the child's birth certificate, the Court shall send the order to the Department of Vital Statistics of the state in which the child was born.

**FEE**

There is a \$25.00 filing fee for this petition. There is also a \$25.00 process service fee that must be paid at the time of filing. (check or money order made out to the Fort Peck Tribes)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FORT PECK TRIBAL COURT  
ASSINIBOINE AND SIOUX TRIBES  
FORT PECK INDIAN RESERVATION  
POPLAR, MONTANA**

**In Re the Matter of:** \_\_\_\_\_

**Case No.** \_\_\_\_\_

**DOB:** \_\_\_\_\_

**PETITION TO ESTABLISH  
PATERNITY**

PETITIONER, \_\_\_\_\_, now states and alleges the following:

1. Petitioner's full name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_, Phone: \_\_\_\_\_  
Physical address: \_\_\_\_\_  
Tribal enrollment: \_\_\_\_\_
  
2. Respondent's full name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_, Phone: \_\_\_\_\_  
Physical address: \_\_\_\_\_  
Tribal enrollment: \_\_\_\_\_
  
3. Petitioner has physically resided on the Fort Peck Indian Reservation directly prior to the filing of this action for \_\_\_\_\_.
  
4. Respondent has physically resided on the Fort Peck Indian Reservation directly prior to the filing of this action for \_\_\_\_\_.
  
5. \_\_\_\_\_ and \_\_\_\_\_ were sexually intimate and a child(ren) were born to these parties, namely, \_\_\_\_\_.

6. Petitioner states that he/she is / is not aware of any other pending court action involving this child(ren); (if pending, what court \_\_\_\_\_.)

WHEREFORE, Petitioner prays that this Court:

1. Establish paternity of the above-named child(ren).
2. Order any other relief the Court deems just and proper.
3. Check if applicable:

\_\_\_\_\_ Order the parties to submit to a blood or DNA test to establish paternity;

\_\_\_\_\_ Have the Court direct that a new birth certificate be issued.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PETITIONER

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk of Court

# PERSONAL INFORMATION SHEET

PLEASE FILL OUT THIS PAGE COMPLETELY SO WE MAY SERVE YOU BETTER!

PETITIONER'S NAME: \_\_\_\_\_  
FIRST MIDDLE LAST

ANY OTHER NAMES YOU HAVE USED, INCLUDING MAIDEN AND NICKNAMES

MAILING ADDRESS: \_\_\_\_\_ PHYSICAL ADDRESS: \_\_\_\_\_

HOME TELEPHONE NO. \_\_\_\_\_ CELL NO. \_\_\_\_\_

PLACE OF EMPLOYMENT: \_\_\_\_\_ WORK NO. \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ PLACE OF BIRTH: \_\_\_\_\_

TRIBE: \_\_\_\_\_

-VS-

RESPONDENT'S NAME: \_\_\_\_\_  
FIRST MIDDLE LAST

ANY OTHER NAMES YOU HAVE USED, INCLUDING MAIDEN AND NICKNAMES

MAILING ADDRESS: \_\_\_\_\_ PHYSICAL ADDRESS: \_\_\_\_\_

HOME TELEPHONE NO. \_\_\_\_\_ CELL NO. \_\_\_\_\_

PLACE OF EMPLOYMENT: \_\_\_\_\_ WORK NO. \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ PLACE OF BIRTH: \_\_\_\_\_

TRIBE: \_\_\_\_\_