Family Court Custody Procedure

1. Petitioner pay filing fee with the Clerk at the front desk
   1. Fee may be waived if Petitioner completes the fee waiver form with Clerk at the Front Desk.
2. Petition for adoption Filed with Domestic Relations Clerk.
   1. Petitioner will receive a copy of Petition and a Summons for which they will have Respondent served.
      1. Petitioner can have anyone over the age of 18 serve the Respondent.
         1. If Respondent refuses that is considered Served and they will have twenty (20) days to respond to the Petition.
      2. To have Tribal Process Server do it there is a fee of $25.00.
      3. The Summons signed by person who served Respondent needs to be returned to the Domestic Relations Clerk.
   2. Respondent has 20 days to respond to Petition (days include working days and weekends) Respondent will file with the Clerk and also has to mail a copy to Petitioner or hand deliver to Petitioner.
      1. No Response Petitioner can motion for Default.
         1. Default – Petitioner is asking the court to Grant a Default and grant all that they presented in their Petition. The following should be filed on the 22 day of no Response by Respondent.
            1. *Motion for Default*
            2. *Entry of* Default(signed by the clerk)
            3. *Order Granting Motion for Default*
      2. Response filed with Clerk and a copy mailed or hand delivered to Petitioner.
      3. Petitioner may file a Reply to the Response
      4. The Court will then set a Court Hearing regarding the Petition for Custody.
         1. Decision made by judge re. custody and arguments presented by Parties at the hearing.
3. Decision
   1. Order issued signed by Judge, which may contain the following:
      1. Which party has primary custody of child(ren)
      2. Child support ordered
      3. Implementation of a Parenting Plan (visitation) if requested
         1. Any of the parties not agreeing to the Decision may file a Motion for Reconsideration for which the other party can respond and the Judge will review.
         2. An Appeal can then be filed within thirty (30) days to Appeals court on why the lower court erred and decision was bias and did not follow the proper procedure or code.