

Saint Regis Mohawk Tribe
Saint Regis Mohawk Tribal Court

Petitioner

V

Respondent

PETITION FOR
CHILD SUPPORT

1. Nature of Suit and Identification of children.

I, _____, an enrolled member of the St. Regis Mohawk Tribe, currently residing at _____, I am the petitioner in this action to establish the duty of the respondent to pay child support [or to request an order modifying a child support order] for the following children of whom I am the natural mother:

A.

Child's Name: _____

Child's Date of Birth: _____

Child's Tribal Affiliation: _____

Paternity was established on _____, through:

- A signed birth certificate which is attached hereto.
- An acknowledgement executed by the parties
- By a judgment rendered by a court of competent jurisdiction and which is attached hereto

Currently, this child resides at _____, which **IS** / **IS NOT** the same residence as the petitioner. (FSA Sec III 2B (vii))

B.

Child's Name: _____

Child's Date of Birth: _____

Child's Tribal Affiliation: _____

Paternity was established on _____, through:

- A signed birth certificate which is attached hereto.
- An acknowledgement executed by the parties
- By a judgment rendered by a court of competent jurisdiction and which is attached hereto

Currently, this child resides at _____, which **IS** / **IS NOT** the same residence as the petitioner. (FSA Sec III 2B (vii))

C.

Child's Name: _____

Child's Date of Birth: _____

Child's Tribal Affiliation: _____

Paternity was established on _____, through:

- A signed birth certificate which is attached hereto.
- An acknowledgement executed by the parties
- By a judgment rendered by a court of competent jurisdiction and which is attached hereto

Currently, this child resides at _____, which **IS** / **IS NOT** the same residence as the petitioner. (FSA Sec III 2B (vii))

2. Order of Protection:

- An Order of Protection was issued by _____, a court of competent jurisdiction against _____, who is also named in this petition (FSA Sec III 2B (ii)).
- An order of protection has not been issued.

3. Protection of Privacy:

- The Petitioner requests that names and other personal/identifying information for the following child/children be redacted from this petition: _____
- The Petitioner does not request redaction of information.

4. Current Information regarding the Respondent:

Name: _____

Current Address: _____

DOB: _____ Tribal Affiliation: _____ SRMT Enrollment No. _____

5. Respondent Prior History with the Saint Regis Mohawk Tribe and Territory:

- Based on my knowledge, the respondent lived within the Tribe's territory at (address) _____ from (dates) _____ to _____.
- Based on my knowledge, the Respondent worked within the Tribe's territory at (address) _____ from (dates) _____ to _____.

6. Respondent's Participation in Child's Birth and Support:

I hereby state that the father has contributed to the care of the child/children during the pregnancy and/or after the child's birth. Additional information: _____

I hereby state that the respondent resided with me and my child/children at (address) _____, between (date) _____ and _____.

I hereby state that the respondent agreed that the child could live with me on the St. Regis Mohawk Tribe territory. Additional information: _____

I hereby state that I do do not solely make all decisions with respect to schooling, religion, or health care for the children and that respondent participates does not participate in making such decisions.

If children **DO** visit respondent, those visitations usually occur:

- Daily** **Weekly** **Monthly**

And total visits are:

- Less than 80 days per year**
 More than 80 days per year

I hereby state that the children **DO** / **DO NOT** visit the respondent.

7. Other Proceedings:

There has been a family court proceeding involving the child/children named in this petition. as follows (FSA Sec II 2 vi):

<u>Type of Proceeding:</u>	<u>Date of Proceeding:</u>	<u>Name of Court:</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

There has not been a family court proceeding involving the child/children named in this petition.

8. Request for a Child Support Payment and Schedule:

A: Support. Petitioner requests that the court set the amount of child support at: \$_____, which shall be payable in _____ installments, at a rate of \$_____ per installment. This amount is based on the guidelines set forth in the FSA and will be further established during this proceeding.

B: Medical and Health care. Petitioner has undertaken the costs of health care and medical cost and requests the court to order that the children be provided healthcare coverage by:_____(FSA Sec III 2B(iv)).

C: Petitioner has outstanding medical bills in the amount of _____, for the care of the children named in this petition.

D: Petitioner has experienced extraordinary medical expenses for (name of child) _____ in the amount of _____.

E: Petitioner has has not experienced work related child care expenses in the amount of _____ and is not requesting that the court order respondent to pay work related child care.(FSA Sec III 2B (v)).

F: The petitioner is is not requesting that the respondent pay work related child care in the amount of \$ _____ per _____.

9. Jurisdiction:

Based on the facts stated under oath herein, this court has jurisdiction over this petition and the respondent because [CHECK ALL THAT APPLY]:

- I am, my child is, or my children listed below are enrolled members of the Saint Regis Mohawk Tribe.
- I reside or am domiciled, my child resides or is domiciled, or my children listed below reside or are domiciled within the territory of the Saint Regis Mohawk Tribe. (See No. 7 below.)
- The respondent is an enrolled member of the Saint Regis Mohawk Tribe.
- The respondent resides or is domiciled within the territory of the Saint Regis Mohawk Tribe.
- The respondent has had minimum contacts with the Tribe and its territory and is subject to this court's personal jurisdiction based on the facts alleged in this petition.

10. Allegation of Tribal Interest in Exercising Jurisdiction over a non-member:

Because the respondent is a non-member I further allege that this court has personal jurisdiction over the respondent because the Tribe has an interest in the protection of its members. Under the standard set forth in *Montana v. United States*, 450 U.S. 544 (1981), a tribe may regulate the activities of a non-member in two circumstances—the nonmember has entered into a consensual relationship with the Tribe or with its members by contract or other arrangements, or when the nonmembers conduct is “demonstrably serious and imperils the political integrity, the economic security, or the health and welfare of the Tribe.” 450 U.S. at 565-566. Congress has held that the welfare of Indian children is of utmost importance to a tribe, see Indian Child Welfare Act, 25 U.S.C. § 1901(3), “there is no resource that is more vital to the continued existence and integrity of Indian tribes that their children...”

The Saint Regis Mohawk Tribe has a vital interest in the health and welfare of that child and the exercise of jurisdiction over the respondent for the establishment of paternity [and/or] child support falls well within the Tribe's authority over non-members under the second Montana exception. In this way the Tribe may protect the health and welfare of the Tribe's children. See *Duncan v. Ross*, 2006 WL 7137862 (Ft. Peck Ct. of Appeals 2006)(court had jurisdiction over paternity action under second *Montana* exception where one party a non-Indian living off-reservation and one party non-member but Indian living on-reservation); *Walker v. Tiger*, 10 Okla Tribe 650, 2004 WL 7081139, *5 (S.Ct. Muscogee Nation 2004)(court may exercise jurisdiction over child custody in a divorce proceeding because “protective orders for the welfare of tribal members is essential

to the political integrity, economic security, health and welfare of not only the Appellee and the minor child, but also for every other tribal member or person eligible for tribal membership.”).

11. AFFIRMATION

I subscribe and affirm under penalty of perjury that this petition is made for the sole purpose(s) of establishing paternity and/or obtaining child support from an individual who is (or may be) legally responsible for the support of dependent child[ren]; and that statements made in this application or accompanying document(s) have been examined by me and to the best of my knowledge and belief are true and correct.

Signature of Petitioner

Date

Sworn to me this _____ day of _____, 20_____

Notary Public Signature