

**IN THE TRIBAL COURT OF THE
PRAIRIE ISLAND INDIAN COMMUNITY**

STATE OF MINNESOTA

<p>_____ , Petitioner.</p> <p>v.</p> <p>_____ , Respondent.</p>	<p style="text-align: right;">CASE NO. _____</p> <p style="text-align: center;">PETITION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM</p> <p>Date: _____, 2003 Time: _____ Judge: _____</p>
---	--

This court has jurisdiction over the subject matter and parties in this action pursuant to Title 3 of the Judicial Code entitled Domestic Relations.

That Petitioner, _____, is an enrolled member of the Prairie Island Indian Community residing within the exterior boundaries of the reservation in the State of Minnesota.

(AND/OR)

That Respondent, _____, is an enrolled member of the Prairie Island Indian Community residing within the exterior boundaries of reservation in the State of Minnesota.

(AND/OR)

That Child _____, is an enrolled member of the Prairie Island Indian Community residing within the exterior boundaries of reservation in the State of Minnesota.

TO THE TRIBAL COURT OF THE PRAIRIE ISLAND INDIAN COMMUNITY:

The petition of _____, the (petitioner/respondent) in this action, represents:

1. I am the (mother/father) of the following minor and dependent child(ren) of the parties in this action who (is/are) in need of a guardian ad litem:

[names and dates of birth of minor child(ren)]

_____ born _____, 19__
_____ born _____, 19__
_____ born _____, 19__
_____ born _____, 19__

(choose appropriate paragraph)

2. I allege that the following minor child(ren) (is/are) not an issue of this marriage, namely:

_____ born _____, 19__
_____ born _____, 19__

(or)

3. There is an ongoing custody or placement dispute between the parties or special concern for the minor child(ren), which necessitates the appointment of a guardian ad litem for the following reasons:

(insert briefly the concerns about the request for the appointment)

and (check one)

Mediation has concluded without agreement.

Mediation is inappropriate pursuant to Tribal Ordinances _____ for the following reasons:

4. **(Check one)**

No previous application has been made for the appointment of a guardian ad litem in this matter.

The prior guardian ad litem was: _____.

5. I reside at _____ my home telephone number is _____; my work telephone number is _____; my income is approximately \$ _____ per month; my employer is _____; I am represented in this action by _____.

6. Upon information and belief my (former) spouse resides at _____; (his/her) home telephone number is _____; work telephone number is _____; income is approximately \$ _____ per month; is employed by _____; and is represented in this action by _____.

WHEREFORE, I request that the Tribal Court appoint an attorney or advocate to act as guardian ad litem for said minor child(ren).

(Client's name)

I, _____ swear that I am the (petitioner/respondent) in the above-entitled action, and I have read and signed the above petition for the appointment of a guardian ad litem, and the allegations are true to my own knowledge.

(Client's name)

Signed and sworn to before me this _____ day of _____ 20 ____.

Notary Public, State of Minnesota
My commission _____

ORDER

Based upon the foregoing petition, the court finds (select one):

1. That _____, an attorney admitted to practice law in this state, hereby is appointed guardian ad litem for the minor child(ren), namely, _____.
2. The (petitioner/respondent/each party) shall deposit \$ _____ with the guardian ad litem as a down payment for services, which may be applied towards fees as earned.
3. The (petitioner/respondent/both parties) (is/are) currently unable to pay the fees of the guardian ad litem and accordingly the Prairie Island Tribal Court shall pay the portion attributable to the (petitioner/respondent), and the (petitioner/respondent) shall be liable for reimbursement upon a court finding of (his/her) ability to pay.

Dated: _____, 20_____.

By the Tribal Court:

Tribal Court Judge

CONSENT TO ACT

I, _____, an attorney at law or an advocate admitted to practice in this court, consent to act as guardian ad litem for the above-named minor child(ren) at a rate of \$ _____ per hour. (I agree to provide monthly itemized billing statements to the parties for the duration of my appointment.)

Guardian ad Litem