

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

**STATE OF MINNESOTA**

Attorney, Party Without Attorney or Governmental Agency  
(Name, State bar number (if applicable), and address)

Telephone Number:  
Fax Number:  
Attorney for:

<p>_____ ,  Petitioner.</p> <p>v.</p> <p>_____ ,  Respondent.</p>	<p style="text-align: center;">CASE NO. _____</p> <p style="text-align: center;"><b>PETITION AND ORDER FOR APPOINTMENT OF MINOR'S COUNSEL</b></p> <p>Date: Time: Judge:</p>
---	---

This court has jurisdiction over the subject matter and parties in this action pursuant to Title 3 of the Trial Court Code.

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**

Respondent, \_\_\_\_\_, 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**

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

**TO THE TRIBAL COURT OF THE PRAIRIE ISLAND INDIAN COMMUNITY:**

1. I, \_\_\_\_\_ am the [mother/father/legal guardian] of the following minor and dependent [child/children] of the parties in this action who [is/are] in need of minor's counsel: (Attach additional sheet if necessary.)

\_\_\_\_\_ born \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_ born \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_ born \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_ born \_\_\_\_\_, \_\_\_\_\_

2.1. I allege that the following minor [child/children] [is/are] not an issue of this marriage, namely: (Attach additional sheet, if necessary.)

\_\_\_\_\_ born \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_ born \_\_\_\_\_, \_\_\_\_\_

**OR**

2.2 There is an ongoing custody or placement dispute between the parties or special concern for the minor [child/children], which necessitates the appointment of minor's counsel for the following reasons:

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

**AND (CHECK ONE)**

Mediation has concluded without agreement.

**OR**

Mediation is otherwise inappropriate the following reasons:

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

**3. (CHECK ONE)**

No previous application has been made for the appointment of minor's counsel in this matter.

**OR**

The prior minor's counsel was \_\_\_\_\_. Said person can no longer serve as minor's counsel because \_\_\_\_\_.

4. a. I reside at \_\_\_\_\_;  
b. My home telephone number is \_\_\_\_\_;  
c. My work telephone number is \_\_\_\_\_;  
d. My estimated monthly income is approximately (if applicable) \$ \_\_\_\_\_;  
e. My employer is (if applicable) \_\_\_\_\_;  
f. I am represented in this action by \_\_\_\_\_.

**AND (CHOOSE ONE)**

- 5.1 a. My (former) spouse resides at \_\_\_\_\_;  
b. His/her home telephone number is \_\_\_\_\_;  
c. His/her work telephone number is \_\_\_\_\_;  
d. His/her monthly income is approximately \_\_\_\_\_;  
e. He/she is employed by (if applicable) \_\_\_\_\_; and  
f. He/she is represented in this action by (if applicable) \_\_\_\_\_.

**OR**

- 5.2 a. Upon information and belief, my (former) spouse resides at \_\_\_\_\_;  
b. Upon information and belief, his/her home telephone number is \_\_\_\_\_;  
c. Upon information and belief, his/her work telephone number is \_\_\_\_\_;  
d. Upon information and belief, his/her monthly income is approximately \_\_\_\_\_;  
e. Upon information and belief, he/she is employed by (if applicable) \_\_\_\_\_; and  
f. Upon information and belief, he/she is represented in this action by (if applicable) \_\_\_\_\_.

6. WHEREFORE, I, \_\_\_\_\_, request that the Tribal Court appoint an attorney or advocate to act as minor's counsel for said minor [child/children].

I, \_\_\_\_\_, swear that I am the [petitioner/respondent] in the above-entitled action. I have personal knowledge of the facts set forth in this petition except to those matters to which I have stated that my knowledge is based upon information and belief. In those matters, I believe the facts to be correct. If called upon to testify to the facts set forth herein, I could and would competently do so.

\_\_\_\_\_  
(Petitioner or Respondent's Signature)

### ORDER

Based upon [the foregoing petition/the court's own motion] the court finds:

1. The above petition [meets/does not meet] the requirements for appointment of minor's counsel as set forth in Title 3 of the Prairie Island Judicial Code.

2. Good cause appearing, \_\_\_\_\_, an attorney admitted to practice law in this state, hereby is appointed as minor's counsel for

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. Minor's counsel shall be entitled to compensation at an hourly rate of \_\_\_\_\_.

4. [Petitioner/respondent/each party] shall deposit \_\_\_\_\_ with minor's counsel as a down payment for services, which may be applied towards fees as earned.

5. The [petitioner/respondent/both parties] [is/are] currently unable to pay the deposit of the minor's counsel and accordingly said deposit shall be paid out of the Prairie Island Indian Community general court fund. Future billing from minor's counsel shall also be paid out of the general court fund until such time as the court deems the [petitioner/respondent/both parties] able to pay for said services. The Prairie Island Indian Community shall have a right of indemnity from [petitioner/respondent/both parties] for any moneys paid to minor's counsel in this matter as equity requires.

Dated: \_\_\_\_\_.

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 the appointment as minor's counsel for the above-named minor child(ren) at a rate of \$ \_\_\_\_\_ per hour. I agree to provide monthly itemized billing statements to [petitioner/respondent/both parties/Tribal Court] for the duration of my appointment.

---

Minor's Counsel's Signature