

IN THE APPELLATE COURT
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD RESERVATION, PABLO, MONTANA

IN THE MATTER OF M.F., D.F.,
and L.O.

Youths in Need of Care.

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Cause No. AP 98-213- CP

ORDER

On Stipulated Motion of the parties, the Court now enters the following Order in this matter.

1. On filing a Petition for Emergency Removal, the Prosecution and Tribal Social Services will make all best efforts to serve the affected parents or custodian with a Notice that is substantially in compliance with the attached form. If attempts to so notify the child's parents or custodian are unsuccessful, then the Prosecution shall make all best efforts to provide the same notice to the child's nearest relatives. If the Tribal Court grants the Emergency authority, it shall contemporaneously appoint a guardian ad litem for the children. The Tribal Defenders Office shall be provided with a copy of the Petition when it is filed.

2. On filing a Petition for Youth in Need of Care status, the Court shall issue a summons substantially in compliance with the attached form. The Prosecution and Tribal Social Services shall make all best efforts to obtain personal service on the affected parents and/or custodian. The Tribal Defenders Office shall be provided with a copy of the Petition when it is filed. If personal service is not possible, the affected parents shall be served by publication in accordance with Rule 5 of the Rules of Practice of the Tribal Court.

3. In the event that either parent or custodian is served with the Petition less than five business days before the date set for hearing, the parent or custodian shall be entitled to a continuance of the Youth in Need of Care hearing. In this event, the terms of the Emergency Order shall remain in place until the hearing on the Youth in Need of Care Petition.

4. In the event of an appeal from the Tribal Court concerning an Emergency Order or a Youth in Need of Care Order, the Tribal Court shall retain such ongoing jurisdiction as may be necessary to manage the case for the best interests of the children.

5. This case is remanded to the Tribal Court.

Dated this 21st day of August, 1999.



Cynthia Ford
Justice of the Appellate Court

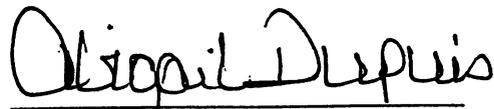
CERTIFICATE OF MAILING

I, Abigail Dupuis, Appellate Court Administrator, do hereby certify that I mailed true and correct copies of the ORDER to the persons first named therein at the addresses shown below by depositing same in the U.S. Mail, postage prepaid at Pablo, Montana, or hand-delivered this 8th day of September, 1999.

James Park Taylor
Tribal Defenders Office
Confederated Salish and
Kootenai Tribes
Post Office Box 278
Pablo, Montana 59855

Susan Firth
Tribal Prosecutors Office
Confederated Salish and
Kootenai Tribes
Post Office Box 278
Pablo, Montana 59855

Clerk of Court
Tribal Court



Abigail Dupuis
Abigail Dupuis
Appellate Court Administrator

IN THE YOUTH COURT OF THE TRIBAL COURT OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, PABLO, MONTANA

IN THE MATTER OF _____)
_____)
_____)
Youth(s) in Need of Care.)

SUMMONS AND ADVICE OF RIGHTS

To: _____, as parent(s) or custodian of the above named Youth(s).

You are hereby summoned to appear in the Tribal Court, at Pablo, Montana, to answer the allegations of the attached Petition. You must appear at the Tribal Court on the _____ day of _____, _____, at the hour of _____.

You have the following rights:

1. You have the right to be represented by an attorney or advocate. You may hire your own attorney, bring any other Tribal Member you want to assist you, or you may contact the Tribal Defenders Office and they will provide an attorney or advocate to you without charge. If you want someone from that Office to represent you should contact them immediately. They may be contacted at:

Tribal Defenders Office
P.O. Box 278
Pablo, MT 59855
406-675-2700, ext. 1125

2. If you are not served with this Summons and Petition at least five (5) business days prior to the scheduled hearing, you have a right to continue the hearing to allow you to prepare for it. If you request this continuance, the Court's prior emergency Order will remain in effect until the hearing takes place. To request the continuance you must either contact the Court in person, or else have your attorney or advocate make a written request for a continuance.

3. The Court may appoint a guardian ad litem for your children. This is not a legal guardian for your children, it is just a person who will act as your children's representative in these proceedings.

4. You have the right to admit or deny the allegations of the Petition. If you admit to the Petition, the Tribes may ask the Court to grant the relief it requests in the Petition.

5. If you do not appear at the hearing, or request a continuance of it either yourself or through your advocate or attorney, the Court will probably grant the relief requested in the Petition.

6. If you deny the Petition, a hearing will be set by the Court to determine whether the allegations in it are true or not. At the hearing you will be entitled to cross-examine the Tribes' witnesses, and you will have the right to present witnesses or other evidence of your own. The Tribes will have to prove that the allegations are true.

7. You have the right to request an informal conference between you, your attorney or advocate, the Prosecution, and Tribal Social Services to see if this case can be resolved without a hearing.

8. All these proceedings concerning your children are confidential, and information about these proceedings will not be given to anyone except those authorized by Tribal law.

Dated this ____ day of _____, _____.

Judge of the Tribal Court

Certificate of Service

I, _____, hereby certify that on the ____ day of _____, _____, I personally served _____ at the hour of _____, at the following location _____, with a copy of the attached Summons and Petition.

IN THE YOUTH COURT OF THE TRIBAL COURT OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, PABLO, MONTANA

IN THE MATTER OF _____)
_____)
_____)
Youth(s) in Need of Care.)

NOTICE OF EMERGENCY HEARING

To: _____

You are advised that pursuant to the Tribal Children's Code, the following child or children have been temporarily removed from your custody:

A hearing will be held on the ___ day of _____, _____, at the hour of _____ in the Tribal Court, Pablo, Montana. The reasons for the removal are set forth in the attached Petition. You have the right to attend this hearing in person. At the hearing the Court will decide whether your children will be returned to you now, or kept under the Tribes' protection for an additional period of time. You have the right to be represented by an attorney or advocate. You may hire your own attorney, bring any other Tribal Member you want to assist you, or you may contact the Tribal Defenders Office and they will provide an attorney or advocate to you without charge. If you want someone from that Office to represent you at the hearing you should contact them immediately. They may be contacted at:

Tribal Defenders Office
P.O. Box 278
Pablo, MT 59855
406-675-2700, ext. 1125

At the hearing you will be entitled to cross-examine the Tribes' witnesses, and you will have the right to present witnesses or other evidence of your own. The Tribes will have to prove by clear and convincing evidence that returning the child to you will likely result in serious emotional or physical damage to the child. If this is not proven the child will be returned to you.

Dated this ___ day of _____, _____.

Tribal Social Services

Certificate of Service

I, _____, hereby certify that on the _____ day of _____, _____, I personally served _____ at the hour of _____, at the following location _____, with a copy of the attached Notice of Emergency Hearing and Emergency Petition.
