

**RESOLUTION OF THE GOVERNING
BODY OF THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

WHEREAS, This nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI of the Three Affiliated Tribes Constitution empowers the Tribal Business Council of the Three Affiliated Tribes to establish and operate a Tribal Court; and

WHEREAS, Article VI, Section 5(l) of the Constitution of the Three Affiliated Tribes specifically authorizes the Tribal Business Council to adopt resolutions regulating the procedure(s) of tribal agencies; and

WHEREAS, The Fort Berthold District Court is in need of updating and adopting a Court Fee Schedule for the purposes of assessing costs incurred by the Court; and

WHEREAS The Fort Berthold District Court presently shares the filing fees assessed for divorces and marriages with the Domestic Violence Program, to-wit:

\$50.00	filing fee (divorces)
20.00	remains with the Court
30.00	given to Domestic Violence
\$25.00	marriage license fee
6.00	remains with the Court
19.00	given to Domestic Violence; and

WHEREAS, The Court has experienced a dramatic rise in its caseload thereby incurring excessive Court costs for office supplies, which has been approximately \$20,000 for the past Fiscal Year; and

WHEREAS, The Court has been required to pay for its own office supplies, rental space and utility costs out of its Fines and Costs Budget; whereas, these costs are normally paid out of the Indirect Cost Pool for other Tribal Programs; and

ATTACHMENT A

FORT BERTHOLD DISTRICT COURT COURT FEE SCHEDULE

Effective October 1, 1995

This fee schedule* has been compiled to assist Clerks of the District Court in determining the fees to be charged pursuant to Tribal Code of Three Affiliated Tribes.

I. Fee for filing a case for decision in District Court.

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|----|--|-------------------|
| 1. | For filing for dissolution or reinstatement of a corporation | \$30 |
| 2. | For filing a petition for divorce, annulment or separation from bed and board | \$30 |
| 3. | For filing a motion to modify an order for alimony, property division, child support, or child custody | \$20. |
| 4. | For filing an application for Protection Order | \$20 |
| 5. | For filing an action for support of a child where there is no previous existing court order for support of the child | \$30 |
| | <u>Except</u> where actions is filed by Tribal Prosecutor, regional child support enforcement unit or department of human services | No Fee |
| 6. | For filing URESA support order or action | No Fee |
| 7. | For filing action for termination of parental rights | \$30 |
| | <u>Except</u> where action is part of adoption proceedings and filing fee for adoption has been paid or where action is part of juvenile proceedings | No Additional Fee |
| 8. | For filing proceedings in domestic matters not otherwise provided for in Tribal Code, i.e. adoption; determination of father/child relationship | \$30 |

9.	For fling appeal from decision of various boards, i.e. TERO Commission	\$30;
10.	For filing probate, guardianship, or any other testamentary cases	\$30
	<u>Except</u> where petition for guardianship is filed by a Tribal Human Service Agency	
11.	For filing a civil action or judicial remedy, personal injury, injunction, quiet title, writ of habits corpus, change of name, writ of certiorari, writ of mandamus, establish date and place of birth	\$30
12.	For filing and issuing a marriage license	\$25
13.	For filing custody order from another state where the order is not filed as part of an existing court proceeding	\$10
	<u>Except</u> where custody order is part of URESA support order	
14.	For preparing certified copy of documents	\$10
15.	For civil record searches, i.e., unsatisfied judgments, written confirmation of searches	\$10
	<u>Except</u> search is made and results provided orally.	Per Name Search No Fee
16.	Divorce	\$50
17.	Post Judgment Motions	\$30
18.	General civil matters, complaints, petitions, etc.	\$30

*These fees are subject to review and change by the Fort Berthold District Court.

Resolution # 95-193-DSB

WHEREAS, The Court is faced with budget cuts that will have a detrimental impact on the Court and in order to meet these rising costs it is imperative that the Court increase the fees for the filing of cases; and

WHEREAS, The Court can no longer justify the sharing of the divorce and marriage fees with the Domestic Violence Program since all of the costs associated with these fees are borne exclusively by the Court.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council hereby adopts the Court Fee Schedule included in this Resolution as Attachment A; and

BE IT FURTHER RESOLVED, that the fees contained in Attachment A shall be solely utilized by the District Court for its costs associated with the processing of these cases.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Special meeting thereof duly called, noticed, convened, and held on the 27th day of September, 1995; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 27th day of September, 1995.

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ATTEST:



Tribal Business Council