

**Sec. 304. Jurisdiction - commencement of proceedings.**

(a) The Fort Peck Tribal Court has jurisdiction to make a child custody determination by initial or modification decree if:

(1) The Fort Peck Reservation:

(A) Is the home of the child at the time of commencement of proceedings; or

(B) Has been the child's home within 6 months before commencement of proceeding and the child is absent from this home because of his removal or retention by the person claiming custody or for other reasons, and a parent or person acting as parent continues to live within the Fort Peck Reservation; or

(2) It is in the best interest of the child that the Fort Peck Tribal Court assume jurisdiction because:

(A) The child and his parents or the child and at least one contestant have a significant connection with the Fort Peck Reservation; and

(B) There is available within the Fort Peck Reservation substantial evidence concerning the child's present or future care, protection, training, and personal relationship; or

(3) The child is physically present with the Fort Peck Reservation and :

(A) Has been abandoned; or

(B) It is necessary in an emergency to protect him because he has been subjected to or threatened with mistreatment or abuse or is neglected or dependent; or

(4)

(A) no other state or tribe has jurisdiction under prerequisites substantially in accordance with subsections (a)(1), (a)(2), or (a)(3) of this section or another state or tribe has declined to exercise jurisdiction on the ground that the Fort Peck Reservation is the more appropriate forum to determine custody of the child; and

(B) It is in his best interest that the Court assume jurisdiction.

(b) Except under subsections (a)(3) and (a)(4) of this section, physical presence on the Fort Peck Reservation of the child or of the child and one of the contestants is not alone sufficient to confer jurisdiction on the Fort Peck Tribal Court to make a child custody determination.

(c) Physical presence of the child, while desirable is not a prerequisite for jurisdiction to determine his custody.

(d) A child custody proceeding is commenced in the Court:

(1) By a parent, by filing a petition:

(A) For dissolution or legal separation; or

(B) For custody of the child in the Court; or

(2) By a person other than a parent, by filing a petition for custody of the child in Court , but only if he is not in the physical custody of one of his parents.

(e) Notice of the child custody proceeding shall be given to the child's parents, guardian, custodian, those persons having physical custody of the child and all other contestants, who may appear, be heard, and file a responsive pleading. The Court, upon the showing of good cause, may permit intervention of other interested parties.

**(AS PER RESOLUTION NO. 29-1590-2019-06; DATED 6/10/2019)**