

SUMMONS TO APPEAR

THE SAGINAW CHIPPEWA
TRIBAL COURT
CIVIL DIVISION
6954 East Broadway
Mt. Pleasant, MI 48858
Telephone: (989)775-4800

CASE NO.: _____

Plaintiff: (list full name, address & telephone number)	Defendant: (list full name, address & telephone number)
Plaintiff's Attorney: (list full name, address & telephone number)	Defendant's Attorney (list full name, address & telephone number)

NOTICE TO THE DEFENDANT:

1. You are being sued in the Saginaw Chippewa Tribal Court.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and to serve a copy on the other party or take other lawful action. Please note that if you were served by certified mail or served outside of the reservation land you have 28 days to answer attached complaint.
3. Failure to file an answer or take other action within the time allowed may result in a default Judgment being entered against you for the relief requested in Plaintiff's complaint.

I declare that the information above and contained in the attached complaint is true to the best of my information, knowledge and belief.

_____ Date

_____ Signature of Plaintiff/Plaintiff's Attorney

THE COMPLAINT IS STATED ON THE ATTACHED PAGE(S) AND EXHIBIT(S) ARE ATTACHED AS REQUIRED.

Issued:	This Summons Expires:	Court Clerk:
---------	-----------------------	--------------

NOTICE TO POLICE OFFICER/OR DISINTERESTED PARTY:

YOU ARE HEREBY ORDERED TO SERVE THE SUMMONS AND COMPLAINT TOGETHER WITH ALL ATTACHMENTS UPON THE DEFENDANT NOT LATER THAN 180 DAYS AFTER THE DATE OF FILING OF THIS COMPLAINT. IF YOU ARE UNABLE TO COMPLETE SERVICE, YOU MUST RETURN THIS ORIGINAL AND ALL COPIES TO THE COURT CLERK.

Saginaw Chippewa Indian Tribe
Tribal Court
6954 E. Broadway
Mt. Pleasant, MI 48858

**PETITION FOR EMANCIPATION
AFFIDAVIT, AND WAIVER OF NOTICE**

FILE NO.

In the matter of the emancipation of _____, a minor

1. My full name _____ and my social security
number is _____
First name, middle name, and last name (type or print)

2. An action within the jurisdiction of the family division of circuit court involving the family or family members of the minor
been previously filed in _____ Court, Case Number _____, was
assigned to Judge _____, and remains is no longer

3. I am at least 16 years of age. I was born on _____ in _____
Date

County, _____ State. A certified copy of my birth certificate is attached to this petition.

4. The name(s) and last known address(es) of my parents, guardian, or custodian are:

NAME	RELATIONSHIP	ADDRESS
	Father	
	Mother	
	Guardian	
	Custodian	

5. I presently reside within this county at _____
Street address
_____ and I have lived there continuously since _____
City, state, zip Date

6. I am able to manage my own financial affairs as shown by the following facts: _____

I am employed by: _____

(PLEASE SEE OTHER SIDE)

Do not write below this line - For court use only

7. I am able to manage my personal and social affairs as shown by the following facts: _____

My housing arrangements are: _____

8. I have read the Emancipation of Minors laws (Tribal Code Sections 3.1719 and 3.1724), and I understand my rights and responsibilities as an emancipated minor.

I REQUEST the court to order my emancipation.

I declare that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date Minor's signature

Attorney signature

Name (type or print) Bar no.

Address City State Zip Telephone

AFFIDAVIT

1. I am a _____, and I conduct business at or am employed at
Occupation

Address City State Zip Telephone

2. I have personally known _____, a minor, for _____ years, and I have
Name (type or print)
personal knowledge of his/her current circumstances.

3. I believe that emancipation would be in the best interests of the minor because of the following circumstances:

4. I have reviewed this petition, and I waive notice of hearing and any adjournment of the hearing.

Date Signature of Affiant

Name (type or print)

Address

City, state, zip Telephone no.

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Notary public

EMANCIPATION

3.1719 EMANCIPATION OF MINORS; RIGHTS OF FAMILY MEMBERS

1. Unless otherwise ordered, the parents of an un-emancipated minor are equally entitled to the custody, control, services and earnings of the minor.
2. Emancipation may occur by operation of law or by court order.
3. An emancipation occurs by operation of law under any of the following circumstances:
 - (a) When a minor is validly married;
 - (b) When a person reaches the age of 18 years;
 - (c) During the period when the minor is on active duty with the armed forces of the United States.
4. An emancipation occurs by court order subsequent to hearing on a petition filed by a minor with the Tribal Court.

3.1720 PETITION FOR EMANCIPATION

1. A minor seeking emancipation shall file a petition for emancipation in the Tribal Court. The petition must be signed and sworn by the minor, and must include all of the following information:
 - (a) The minor's full name and birth date;
 - (b) A certified copy of the minor's birth certificate;
 - (c) The name and address of the minor's parents, guardian, or custodian;
 - (d) The minor's present address, and length of residency at that address;
 - (e) The membership or decendancy status of the minor;
 - (f) A declaration by the minor indicating that they have demonstrated the ability to manage their financial affairs;
 - (g) A declaration by the minor indicating that they have the ability to manage their personal and social affairs.
2. The petition shall include an affidavit by one of the following individuals declaring that the individual has personal knowledge of the minor's circumstances and believes that emancipation is in the best interests of the minor:

- (a) Physician or nurse;
- (b) Member of the clergy;
- (c) Psychologist or Family Therapist;
- (d) Social worker;
- (e) School administrator, counselor, or teacher; Law enforcement officer;
- (g) Child care provider.

3. A copy of the petition and a summons to appear at the hearing shall be served on the minor's parents or guardian.

3.1721 POWERS OF THE COURT

1. After a petition is filed, the court may do one (1) or more of the following-:
- (a) Assign a person to investigate the allegations contained in the petition and to report the results of the investigation to the court;
 - (b) Appoint legal counsel for the minor;
 - (c) Appoint legal counsel for the minor's parents or guardian if they are indigent and if they oppose the petition;
 - (d) Dismiss the petition if the minor's custodial parent does not consent and is providing support.

3.1722 EMANCIPATION ORDER AND APPEAL

1. The court shall issue an emancipation order if it determines that emancipation is in the best interest of the minor and the minor establishes all of the following:
- (a) That the minor's parent or guardian does not object to the petition or if a parent or guardian objects to the petition, that the objecting parent or guardian is not providing the minor with support;
 - (b) That the minor is at least 16 years of age;
 - (c) That the minor is a tribal member or descendant;
 - (d) That the minor has demonstrated the ability to manage his or her financial affairs, including proof of employment or other means of support;
 - (e) That the minor has the ability to manage his or her personal and social affairs, including, but not limited to, proof of housing;

- (f) That the minor understands his or her rights and responsibilities under the Tribal Code as an emancipated minor.
2. A minor who petitions the court for emancipation shall have the burden of showing by clear and convincing evidence that emancipation should be ordered.
3. The minor or a parent or guardian of the minor may file an appeal from the court's grant or denial of an emancipation petition in the same fashion and manner as any other order of the court.

3.1724 EMANCIPATED MINORS RIGHTS

An emancipated minor shall be considered to have the rights and responsibilities of an adult, except for those specific constitutional and statutory age requirements regarding voting, Per-Capita benefits, use of alcoholic beverages, and other health and safety regulations relevant because of age. A minor shall be considered emancipated for the purposes of, but not limited to, all of the following:

1. The right to enter into enforceable contracts, including leases;
2. The right to sue or be sued;
3. The right to retain his or her own earnings;
4. The right to establish a separate domicile;
5. The right to act autonomously, and with the rights and responsibilities of an adult, in all business relationships;
6. The right to earn a living, subject only to the health and safety regulations designed to protect those under the age of majority;
7. The right to authorize health care, medical care, dental care, and mental health care, without parental knowledge or liability;
8. The right to apply for a driver's or other licenses;
9. The right to register for school;
10. The right to marry;
11. The right of a parent to make decisions and provide care for their own minor child.