

FILING AND/OR SERVICE FEES IN TRIBAL COURT

Filing and Service Fees. Rosebud Sioux Tribal Court requires a filing fee to file your summons and complaint or petition with the court. There is also a fee to have your summons and complaint served on the opposing party(s). Tribal law require that your summons and complaint be personally served on the opposing party(s) by a process server or an adult tribal member not a party to the action.

There are 3 methods of having your summons and complaint served:

1. If you have the process server serve your papers it will cost you a service fee of \$15.00. The process server will attempt to locate and serve the defendant. The process server will file their own affidavit of service with the court for your file.

2. You can ask the court to waive the filing and service fees. You must be indigent to do this. **The Motion for Waiver of Filing and Service Fees form and the Affidavit of Financial Condition** will allow you to ask the court to waive the filing and/or service fees. The court may or may not grant your motion. If the court grants your motion you will not have to pay the filing fee to file your action or to have the summons and complaint served on the opposing party(s). The process server will serve your papers for free. If the court denies your request you will have to pay these fees in order to start your action in court or have someone serve your papers. On some occasions the court may allow you to make partial payments for the filing and service fees.

If you file a Motion to Waive Filing and/or Service Fees and Affidavit of Financial Condition you do not have to send a copy of such motion to the opposing party. A Motion to Waive Fees is an ex parte motion where you do not have to give the opposing party any type of notice. A Motion to Waive Fees is between you and the court.

3. You can also have an adult (someone over the age of 18) member of the Rosebud Sioux Tribe who resides on the reservation personally serve your papers on the defendant within the reservation boundaries. If they do, have the person who serves the defendant fill out the **Affidavit of Service form** contained in this packet. Then file the affidavit of service with the court to placed in your court file.