

INFORMATION TO THE PETITIONERS

DIVORCE PETITION

A sample copy of the Divorce Petition is available in the Court Clerk's office. Parties are responsible for completing and typing their own divorce petitions if the Plaintiff is representing his or her self, (Pro Se). The Court Clerk is not allowed to give legal advice, but may assist you in answering questions regarding your legal forms/and petition.

A **Filing Fee of \$45.00 (Fourty-five Dollars)**, payable by check or money order (Cash Not Accepted). Fees must be paid to the Court Clerk's office before the petition can be filed. Make the check/ money order payable to:

Pawnee Nation District Court
P.O. Box 28
Pawnee, OK 74058

3. A **\$10.00 Personal Service Fee** for **Certified Mail** of Delivery of Summons is required in addition to the Filing Fee.
4. If the Petitioner requests that the Summons and Petition be delivered by the Tribal Police for Process of Personal Service, then an additional fee of **\$50.00 Process Service Fee** is required.
5. An original petition and two copies are required for submission to the Court Clerk for filing. Please note that the Petition must be signed by the Plaintiff and witnessed before the Court Clerk and/or a Notary Public.
 - A. Original- Court File
 - B. Copy One- Plaintiff Copy
 - C. Copy Two- Defendant Copy
6. Both the Plaintiff and Defendant's correct mailing address must be included on the Divorce Petition, so that proper service and notice can be made to both parties, as required by Law.
7. If the Defendant's address is no good and/or unknown, then a Divorce by Publication must be filed and published in the local newspaper, which requires an additional **\$35.00 Publication Fee**.
8. Upon proper service of the Divorce Petition and Summons to the Defendant, the Defendant will have 20 (Twenty) days in which to Answer the Divorce Petition, as required by Law.
* Exception: Defendant signs a Waiver and submits to the jurisdiction of the Pawnee Nation District Court, then the court clerk can set the matter on the court docket to be heard at the next available court date.
9. A copy of either party's **Pawnee CDIB or Marriage License** must be submitted with the Divorce Petition.

IN THE DISTRICT COURT FOR THE
PAWNEE NATION OF OKLAHOMA
PAWNEE, OKLAHOMA
CIVIL DIVISION

_____)
Plaintiff) Case No.: JFD-
vs)
_____)
Defendant)

PETITION FOR DIVORCE

COMES NOW, the Plaintiff, _____, and files this Petition for
Dissolution of Marriage between the Plaintiff and Defendant _____, in the
Pawnee Nation District Court, Pawnee Nation of Oklahoma, in Pawnee, OK and alleges and states
under oath that the following information is true and correct:

1. That the Pawnee Nation District Court has subject matter jurisdiction to hear and decide
this matter according to the Pawnee Nation Law and Order Code because the Plaintiff
(name) _____ is an enrolled Tribal Member of the Pawnee
Nation, and Plaintiff currently resides in the jurisdiction of the Pawnee Nation of Oklahoma
on Indian Trust Land at the following address:

_____.

2. That the Defendant is a Member of the Pawnee Nation with a mailing address
of: _____.

(OR),

3. That the Defendant (name) _____ is a non-member and submits to the jurisdiction of this court with a mailing address _____.

4. That the parties hereto were married on or about the ____ day of ____ (Month) _____, (Year of) _____, at (City of) _____, (State of) _____.

By (Common Law:) _____ (or) Ceremonial marriage: _____,
(Attach License or Certificate as Exhibit)

5. The following information about the parties is true and correct:

Plaintiff: Occupation: _____, Date of Birth: _____.

Defendant: Occupation: _____, Date of Birth: _____.

6. That of this marriage (List the number of child(ren):) _____ of child(ren) have been born to this marriage, and they are as follows: (List their names and dates of birth of child(ren)). (If no children were born, indicate by N/A).

That the (Plaintiff/or the Defendant :) _____ is not pregnant at this time.

7. That as grounds for Dissolution of Marriage, the Plaintiff alleges that the marriage is irretrievably broken because: (Type In One or more of the following:)

_____ Incompatibility. (OR),

_____ There is serious marital discord adversely affecting the attitude of one or both of the parties toward the marriage, and there is no reasonable prospect of reconciliation.

(OR),

_____ The parties have lived separately and apart for 180 days,
Since date of: _____, before the date this petition is filed.

8. That the Plaintiff: (Type in one:)

_____ Does not need a restraining order against the Defendant.
(OR),

_____ Request that the Defendant should be restrained, both permanently and during the pendency of this action, from harassing, threatening or harming the plaintiff.

9. That during the period of the marriage, the parties have: (Type in One:)

_____ A. Not accumulated any land, or buildings that should be divided by the Court.

(OR),

_____ B. The parties have acquired the following interests in land and or Buildings.

(Real Property) which should be divided by the Court. (Attach all deeds, MHO Agreements, leases, or other evidence of land ownership). List and Describe the land and buildings:

(AND/ OR),

_____ C. The parties have acquired the following **personal property** (property other than land) during the period of the marriage, which is jointly held by both parties, and which should be divided as follows:

Plaintiff to be Awarded:

Defendant to be Awarded Items:

List items of property and value.

- | | |
|----------|----------|
| 1. _____ | 1. _____ |
| 2. _____ | 2. _____ |
| 3. _____ | 3. _____ |
| 4. _____ | 4. _____ |
| 5. _____ | 5. _____ |
| 6. _____ | 6. _____ |
| 7. _____ | 7. _____ |
| 8. _____ | 8. _____ |
| 9. _____ | 9. _____ |

Or See Attached sheet for a continuation of listing of property_____.

10. That during the period of marriage, the parties have: (Check items that apply).

_____ Not incurred any indebtedness, loans bills of unpaid accounts that need to be addressed by the Court.

(OR),

_____ The parties have incurred the following indebtedness, loans, bills, or unpaid accounts and the responsibility for the payment of this indebtedness should be addressed by the Court as follows:

_____ The Plaintiff is responsible for his/her own debts.

_____ The Defendant is responsible for his/her own debts.

Plaintiff to Pay the following debts:

Defendant to Pay to pay the following debts:

(List Accounts & Balance of Amount owned)

_____	_____
_____	_____
_____	_____
_____	_____

(Attach exhibits all notes, bills & statements as exhibits).

(Note: Items 12. through 14 is regarding parties that have children, custody, visitation and child support. If the following paragraphs do not apply to your situation, indicate by marking Not Applicable, N/A.)

CUSTODY

12. That the Plaintiff _____ (and/ or) the Defendant _____ is a fit and proper person to have custody of the minor child(ren) of the parties and that custody of the children should be awarded to the _____ Plaintiff, (or) to the _____ Defendant, (OR) _____ Jointly to both parties.

VISITATION

13. Reasonable visitation should be granted to the _____ Plaintiff, or, to the Defendant _____, at reasonable times and places as determined by the Court according to the following schedules: (Type In one)
- A. _____ Every other weekend from 6:00 P.M. Friday to 6:00 P.M. on Sunday and on alternating holidays and birthdays of the child(ren) as ordered by the Court.
(OR),

B. _____ Other schedule as follows, _____
_____.

(OR),

C. _____ The Defendant/Plaintiff should not be permitted visitation because it is not in the best interest of the child(ren) at the present time because of the following reasons:
(Explain). _____

CHILD SUPPORT

14. The Plaintiff _____ (or) the Defendant _____ is a healthy adult and should be ordered and directed to make regular periodic payments of child support for the maintenance and support of the children of the parties above named until, the children reach the age 18 years of age of majority, in the amount of \$ _____ per month, per child.

15. That the Plaintiff, _____ (or) the Defendant _____ should be restored to her maiden name as follows:
_____.

____ That the Plaintiff waives any right to spousal maintenance or support from the Defendant.

(or)

____ That the Defendant waives any right to spousal maintenance or support from the Plaintiff.

That the Plaintiff certifies to the Court that no other divorce action has been filed by either the or Defendant in any other state and/or court as of the date of the filing of this petition.

WHEREFORE, premises considered, the Plaintiff prays that upon hearing this cause of Petition for Divorce, the Court grant and award the Plaintiff a Decree of dissolving the marriage to the Defendant, and grant custody of minor child(ren) to Plaintiff/or, Defendant; with reasonable visitation privileges to the Defendant/or Defendant; with reasonable child support for the care and maintenance of the said minor child(ren) of the parties; a fair and equitable division of property and debts and obligations accumulated by the parties, and an order restraining both parties, both permanently and during the pendency of this action, from harassing, threatening or harming the other party; that each party shall bear their own costs and attorney fees of the action; that the Plaintiff be restored to her former name; and other such relief as to which the Plaintiff may be entitled and which may be deem just and proper by the Court.

Plaintiff's Signature

(Signed in front of the Court Clerk or Notary)

Address

City

State

VERIFICATION

STATE OF OKLAHOMA)
) SS
COUNTY OF PAWNEE)

(Plaintiff's Name), _____, of lawful age, being first duly sworn upon oath, does state that he/ she is the above named Plaintiff, and he/ she has read the foregoing Petition and understands the same, and the facts contained therein are true and correct to the best of his, or her knowledge and belief.

Plaintiff's Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____.

(SEAL)

COURT CLERK, PAWNEE NATION
DISTRICT COURT, PAWNEE, OKLAHOMA

(Note: The Applicant must sign the Divorce Petition before the Court Clerk, or a Notary Public).

Subscribed and sworn to before me this _____ day of _____ 20____.

Notary Public Signature

(SEAL)

My Commission Expires: _____