**INSTRUCTIONS**

**PETITION FOR DISSOLUTION OF MARRIAGE**

IMPORTANT INFORMATION-PLEASE READ

1. Petition for Dissolution of Marriage must be typed double-spaced and on letter size paper.
2. Petition for Dissolution of Marriage must be signed in front of the Court Clerk or a notary public when you are ready to file.
3. Copies of your motion must be mailed to the interested party(ies). This is the responsibility of the party who is filing.
4. Filing fees, copies, etc., must be made in the form of a CASHIER’S CHECK or MONEY ORDER and made payable to “Absentee Shawnee Tribe”. Filing dee MUST be paid at the time of filing your motion. If you are unsure of the amount of filing fees, contact the Court Clerk.
5. Submit original Petition for Dissolution of Marriage and Summons and a copy for each of the interested parties, who has NOT signed an Entry of Appearance and Waiver and you should retain a copy of the filed Petition for your records. If the Court Clerk makes your copies you will be charged a $1.00 PER PAGE.
6. Petition for Dissolution of Marriage must have the FULL ADDRESSES (include city, state, and zip) of all interested parties. Obtaining this information is your responsibility.
7. The Petition for Dissolution of Marriage form is a guide to use in preparing the petition. DO NOT fill in the blanks and submit for filing. IT MUST BE RETYPED.

**Filing Fees-Motion FEE**

Petition for Guardianship………………… $50

 Summons………………………………….. $10

Office Hours: 8:00 am-12:00 pm and 1:00 pm- 5:00 pm, Monday-Friday.

Last filing of the day is taken at 4:30 pm.

Court Clerk’s Office Phone: 405-531-3524

Court Clerk’s Email: court@astribe.com

**IN THE DISTRICT COURT OF THE ABSENTEE SHAWNEE TRIBE OF OKLAHOMA**

)

 ) Petitioner, )

)

v. ) CASE NO. JFD-

)

)

 ) Respondent. )

)

**PETITION FOR DISSOLUTION OF MARRIAGE**

**COMES NOW**, the Petitioner files this petition for the dissolution of the marriage in the District Court for the Absentee Shawnee Tribe, and alleges and states under oath that the following information is true and correct;

1. That the Court has jurisdiction to hear and decide this matter pursuant to the Civil Code of Laws, Chapter 10 Subchapter A of the Absentee Shawnee Tribal Code in that:

the **Petitioner**:

*(please check*  **one***)*

is a member of the Absentee Shawnee Tribe, **OR**:

is a member of the Tribe ;

is a non-Indian married to a member of the Absentee Shawnee Tribe,

who voluntarily submits to the jurisdiction of the Court.

**And**,

the **Respondent**:

*(please check*  **one***)*

is a member of the Absentee Shawnee Tribe, **OR:**

is a member of the Tribe;

is a non-Indian,

who voluntarily submits to the jurisdiction of the Court.

2. The parties were married by ceremonial marriage common law marriage on or about the date of: at *(location where marriage license is filed or where parties began living together)*

1. The parties separated on day of , .

3. Of the marriage child(ren) has/have been born, as follows:

NAME DATE OF BIRTH

4. That the petitioner respondent **is** the father of said child(ren).

*(Check box, if appropriate)*

However, the petitioner respondent **is not** the father of:

 .

5. That the petitioner respondent *(Check appropriate box)*

is not pregnant at this time.

is pregnant and the birth of the child is expected on or about ,

20 . The father of said child is .

6. The petitioner alleges the marriage is irretrievably broken because 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.

7. During the period of the marriage the parties: *(Check appropriate box, attach paper as needed)*

have not accumulated any land, buildings or other personal property that should be divided by the Court.

acquired the following interests in land and/or buildings (real property) which should be divided by the court (attach all deeds, MHO agreements, or other evidence of land ownership).

LAND DESCRIPTION ADDRESS TRUST LAND (Yes or No)

acquired the following personal property (property other than land) during the period of their marriage, which is jointly held by both parties, which should be divided as follows:

PETITIONER TO BE AWARDED: RESPONDENT TO BE AWARDED:

8. During the period of the marriage the parties, they have:*(Check appropriate box, attach paper as needed)* not incurred any indebtedness, loans, bills or unpaid accounts that need to be addressed by the Court.

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:

PETITIONER TO PAY: RESPONDENT TO PAY: (account and amount owed) (account and amount owed)

(attach all notes, finance agreements, bills, statements, etc. or other evidence of indebtedness)

9. The petitioner and/or respondent is a fit and proper person to have custody of the minor child(ren) of the parties and that custody of the child(ren) should be awarded to the

petitioner or the respondent or jointly to both parties.

10. The petitioner states that: *(Check appropriate box)*

the petitioner requests that the respondent be given custody of the minor child(ren), but that the petitioner be permitted to visit with said child(ren) at reasonable times and places as determined by the court according to the following schedule: every other weekend from 6:00 p.m. on Fridays to 6:00 p.m. on Sundays (standard visitation schedule).

the respondent should have the right to visit with said child(ren) at reasonable times

and places as determined by the court, according to the following schedule: every other weekend from 6:00 p.m. on Fridays to 6:00 p.m. on Sundays (standard visitation schedule).

an alternate visitation schedule described below should be adopted by the Court to

permit the petitioner or defendant to visit the minor child(ren):

the respondent should not be permitted visitation because it is not in the best interests of the child(ren) because of the following reasons: (please explain, attach paper if needed)

11. The petitioner or respondent 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 child(ren) of the parties listed above until the child(ren) reaches the age of 18, or if the child(ren) is still in school, until the child(ren) reaches the age of 20 whichever comes first, or until further order of this Court.

12. The petitioner the respondent should be restored to her maiden name/former name as

follows:

13. *(Check appropriate box)*

The respondent is a healthy adult and should be ordered and directed to make regular periodic payments for the maintenance and support of the petitioner in the amount of

$ per month until the petitioner remarries or until further order of the Court.

The petitioner agrees to pay the respondent $ per month for the maintenance and support of the respondent until the respondent remarries or until further order of the Court.

the petitioner waives any right to spousal maintenance or support from the respondent.

 14. That should claim minor child(ren) on taxes. Unless otherwise stated: .

15. Petitioner certifies to the court that: *(Check appropriate box)*

no other divorce action has been filed by either the petitioner or respondent in any other state or tribal court as of the date of the filing of this petition.

another divorce action was previously filed in the following court:

 , and the file number of that

divorce action is as follows: . The case is

currently: pending closed. *(Check appropriate box)*

**WHEREFORE**, premises considered, petitioner prays that upon hearing this cause, the

Court grant and award the petitioner a decree of divorce from the respondent and all of the relief requested herein and such other and further relief as to which the petitioner may be entitled.

Petitioner’s signature

**VERIFICATION**

I, , petitioner herein, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby state that I have prepared and read the attached petition and verify that all of the factual allegations contained in the petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF**

**PERJURY**.

Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME THIS

 , 20 .

DAY OF

 Court Clerk &/or Deputy Clerk

**ACKNOWLEDGMENT OF NEED TO CONSULT AN ATTORNEY, COURT RULES AND ABSENTEE SHAWNEE TRIBAL CODE OF LAWS.**

I, , petitioner herein, acknowledge that I am aware that an attorney should be consulted about procedure, legal rights, and advice in connection with this proceeding and my failure to hire an attorney to represent me in this case may result in the loss of or waiver of important legal rights that I may have. I understand that Article XVI of the Constitution of the Absentee Shawnee Tribe and the provisions of the Absentee Shawnee Tribal Code of Laws govern the procedures in the court and that I should review and consult the constitution and code of laws and become familiar with these provisions in order to properly handle my case.

Petitioner

**CERTIFICATION**

I, , Court Clerk / Deputy Clerk, certify that the petitioner, , personally appeared before me on , 20 , and being duly sworn, executed the above

acknowledgment in my presence.

Date Court Clerk &/or Deputy Clerk

**IN THE DISTRICT COURT OF THE ABSENTEE SHAWNEE TRIBE OF OKLAHOMA**

)

 ) Petitioner, )

)

v. ) CASE NO. JFD-

)

)

 ) Respondent. )

)

**ENTRY OF APPEARANCE AND WAIVER**

 **COMES NOW,** the Respondent herein, the undersigned, and acknowledges that I have received a copy of the Petition for Dissolution of Marriage filed in this action, and stated that he/she has read and understands the Petition filed, hereby waives the issuance, service, and return of process upon him/her in this action, enters a voluntary appearance in this action and submits to the jurisdiction of the Absentee Shawnee Tribal Court, waiving all time and right to plead and answer, or appear in this action, and consents that the same may be set down for trial and heard by the Court at any time hereafter without notice to, and in the absence of the Respondent.

Dated this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature

Please print your name, mailing address, telephone, and email address:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Should you agree to sign this waiver, please sign in front of the court clerk or notary public and return to the court clerk either by mail, email, or in person.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

(SEAL)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Court Clerk or

Notary Public

State of Oklahoma; )

County of \_\_\_\_\_\_\_\_\_\_\_\_\_ )

Before me the undersigned Notary Public, came \_\_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, to me known to be the identical person who executed the above and foregoing Entry of Appearance and Waiver, and personally acknowledged to me that he/she read, understood, and signed the same, and that he/she executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth. IN WITNESS THEREOF I have hereunto affixed my signature and official seal the date heretofore stated.

(SEAL)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Notary Public

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**IN THE DISTRICT COURT OF THE ABSENTEE SHAWNEE TRIBE OF OKLAHOMA**

)

 ) Petitioner, )

)

v. ) CASE NO. JFD-

)

)

 ) Respondent. )

)

**SUMMONS**

**NOTICE TO RESPONDENT:** Respondent Name

 Respondent Mailing Address

 Respondent City/State/Zip

 **YOU ARE HEREBY SUMMONED** and directed to file a written Answer to the attached Petition for Dissolution of Marriage with the Court Clerk of this Tribe, within thirty (30) days of the date you were served with this Summons, which is herewith served upon you.

 A copy of your written Answer to the Petition of Dissolution of Marriage must also be served upon the Petitioner or his/her attorney within thirty (30) days of the date you were served with this summons and proof of such service with your written Answer must be filed in this Court.

 If you do not served and file a written Answer to this Petition for Dissolution of Marriage within the time stated, judgement by default can be rendered against you for the relief demanded by the Petitioner.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Court Clerk

**CONTACT SHEET**

**PETITIONER:**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Veteran? Yes No If yes, please provide Veteran ID

Physical Address:

*City State Zip*

Mailing Address:

*City State Zip*

Phone #:

Message#:

 Native American Non-Native Tribal Affiliation \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Roll # \_\_\_\_\_\_DOB\_\_\_\_\_\_\_\_

Height \_\_\_\_\_\_ Weight \_\_\_\_\_\_ Hair Color \_\_\_\_\_\_ Eye Color \_\_\_\_\_\_

Driver License Number

DL State

DL Expiration

Email Address: Updates (address, phone number, etc.):

**RESPONDENT:**

Name:

Physical Address:

*City State Zip*

Mailing Address:

*City State Zip*

Phone #:

Message#:

 Email Address:

 Native American Non-Native \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DOB\_\_\_\_\_\_\_\_SSN\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Height \_\_\_\_\_\_\_ Weight \_\_\_\_\_\_\_ Eye Color \_\_\_\_\_\_\_ Hair Color \_\_\_\_\_\_\_\_\_\_

Driver License Number: DL State: DL Expiration

Vehicle Make \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Model: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Year\_\_\_\_\_\_\_ Color:\_\_\_\_\_\_\_\_\_\_

Identifiers: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Distinguishing Features or Marks \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Other Identifiers: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Updates (address, phone numbers, etc.) \_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_