

INSTRUCTIONS FOR FILING
IMPORTANT INFORMATION
PLEASE READ!!!

Should you need assistance in preparing any documents, you must consult with an attorney at your own expense. This court does not have legal aid. Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. Different situations may require special procedures and the Court Clerks **CANNOT** advise you on how to proceed or what forms may be necessary in specific situations.

1. Submit ORIGINAL documents. Documents must be signed in front of the Court Clerk or a notary public when you are ready to file.
2. Filing fees, copy fees, etc. must be made in the form of a MONEY ORDER payable to "Ponca Tribal Court" OR a debit/credit card. Filing and service fees MUST be paid at the time of filing your petition. If you are unsure of the amount of the filing fees, contact the Court Clerk. Fees are non-refundable.
3. Documents must have the FULL ADDRESS including street, city, state & zip of the parties to be served. Obtaining this information is your responsibility.
4. Petitions filed MUST have copies of the following items included:
 - Identification
 - Tribal Enrollment Cards/CDIB cards
 - Relevant Birth Certificates

- Relevant Death Certificates

Obtaining these documents is YOUR responsibility.

Fees

1. FILING FEE - A filing fee of **\$65.00** is required when filing a Petition. There is no cost to file a Protective Order, but there is a service fee. See below. Please be prepared to inform the Court Clerk as to which type of Process Service you will be utilizing at the time of filing your packet.

2. SERVICE FEE - All parties must be notified of the filing of a Petition and any pending hearings. Respondents are allowed twenty (20) days from service of a Petition to file an answer with the Court. It will be at least a month from your file date before a court date will be set unless the Respondent signs a Waiver. A Notice of Hearing and/or Summons may be served by BIA Police within White Eagle for a Service Fee of **\$40.00**. If the parties reside outside of White Eagle, a private process server may need to be hired for service at a starting rate of **\$50.00**. You will be billed for the remaining due amount. The Notice may also be served through Certified Mail. A Service Fee of **\$20.00** will be assessed for the Court Clerk to mail the Notice.

3. PUBLICATION FEE - It is required by law that Notice be given to the Respondent, so it is necessary to have a current mailing and physical address for this person. If you **do not have** an address, additional charges will need to be paid to obtain Notice by Publication in the local newspaper. THIS FEE CANNOT BE WAIVED AND WILL NEED TO BE PAID WHEN FILING FORMS. A fee of **\$75.00**

(average publication cost) will be assessed. Keep in mind that the fee assessed for publication is an average cost and it could cost more. If the cost is more than \$75.00, you will be responsible for the balance due at the end of publication. Name change, adoption, and other petitions/documents require publication also. You will be responsible for the charges.

Court Clerks WILL NOT accept documents that do not conform to these Instructions.

You must also file a Contact Information Sheet and a Summons.

THANK YOU

CONTACT INFORMATION

Plaintiff/Petitioner's Full Name: _____

Previous Names: _____

If Married, To Whom: _____ Date: _____ City/County/State: _____

Divorced or Separated From: _____ Date: _____

Mailing Address (Including County): _____

Physical Address (Including County): _____

Work Address: _____

Home Phone: _____ Work Phone: _____

Cell Phone: _____ Email: _____

DOB: _____ SSN: _____

Born in City/County/State: _____ Birth Certificate No: _____

Race: _____ If Native American, Which Tribe: _____ CDIB No: _____

Attorney: _____

Defendant/Respondent's Full Name: _____

Previous Names: _____

If Married, To Whom: _____ Date: _____ City/County/State: _____

Divorced or Separated From: _____ Date: _____

Mailing Address (Including County): _____

Physical Address (Including County): _____

Work Address: _____

Home Phone: _____ Work Phone: _____

Cell Phone: _____ Email: _____

DOB: _____ SSN: _____

Born in City/County/State: _____ Birth Certificate No: _____

Race: _____ If Native American, Which Tribe: _____ CDIB No: _____

Attorney: _____

If asking for a Protective Order, fill out the following also (regarding Defendant/Respondent):

DL No: _____ DL State: _____ DL Exp: _____

Hair Color: _____ Eye Color: _____

Height: _____ Weight: _____

Distinguishing Features (Tattoos, Scars, etc.) _____

**IN THE DISTRICT COURT FOR
THE PONCA TRIBE OF OKLAHOMA
WHITE EAGLE, OKLAHOMA**

_____,)
 Plaintiff/Petitioner,)
))
V) **Case No** _____)
))
_____,)
 Defendant/Respondent.)

PETITION FOR CUSTODY/ TEMPORARY EMERGENCY CUSTODY

COMES NOW, _____, Petitioner herein, pro se, respectfully petitions the Court to seek custody of _____, minor child herein, the Petitioner alleges and states the following:

1. Statement of Jurisdiction.

INSTRUCTIONS: Check ALL boxes that apply.

- Plaintiff/Petitioner is a member of the Ponca Tribe of Oklahoma.
- Defendant/Respondent is a member of the Ponca Tribe of Oklahoma.
- Plaintiff/Petitioner is a resident of or is employed within White Eagle wherein this Petition is filed.
- Defendant/Respondent is a resident of or is employed within White Eagle wherein this Petition is filed.
- Plaintiff/Petitioner is an Indian who resides within the Indian country of the Ponca Tribe of Oklahoma wherein this Petition is filed.
- Defendant/Respondent is an Indian who resides within the Indian country of the Ponca Tribe of Oklahoma wherein this Petition is filed.
- Plaintiff/Petitioner is a member of the _____ Tribe.
- Defendant/Respondent is a member of the _____ Tribe.

2. That the Petitioner is the _____ of the minor child;
3. That the minor child is an enrolled member of the _____ Tribe, and a copy of the **minor child's Tribal Enrollment Card/Certificate Degree of Indian Blood is submitted** with the petition to the Court.
4. That the minor child resides at _____ **(INCLUDE CITY, STATE & ZIP)** and has lived at this address for _____ **(STATE LENGTH OF TIME IN MONTHS OR YEARS AT THIS ADDRESS)**;
5. That the minor child was born on _____, _____, at _____ Hospital in _____, Oklahoma;
6. That the birth certificate number of the minor child is _____ and is recorded at the Vital Records Division of the State of _____, and a **copy of the minor child's birth certificate is submitted** with the petition to the Court;
7. That the minor child's biological mother's full name, including maiden name is _____ and her address is _____ **(INCLUDE CITY, STATE & ZIP)** and she is an enrolled member of the _____ Tribe **OR** is non-Indian;
8. That the minor child's biological father's full name is _____ and his address is _____ **(INCLUDE CITY, STATE & ZIP)** and he is an enrolled member of the _____ Tribe **OR** is non-Indian;
9. That the biological mother and biological father **are/were/were not (CIRCLE ONE)** married;

10. That the Petitioner can provide financially and medically for the care and maintenance of minor child;

11. That the Plaintiff/Defendant should have visitation with the minor child(ren) at reasonable times and places;

OR

That the Plaintiff/Defendant should have visitation with the minor child(ren) according to the Court's standard visitation schedule and a **copy of the standard visitation schedule is submitted** with the petition to the Court;

(NOTE: The standard visitation schedule is included in this packet. It does not have to be retyped, just submit it with your petition when you file.)

OR

That the Plaintiff/Defendant should have visitation with the minor child(ren) according to the following schedule: (list recommended schedule);

12. That there is not at the present time a court order establishing custody and there is no other court proceeding in any state or tribal court pertaining to the minor child as of this date;

**** ONLY ADD 13 IF YOU ARE REQUESTING AN EMERGENCY TEMPORARY ORDER ****

13. That a temporary order needs to be issued for the reason that

(EXPLAIN IN DETAIL WHY AN EMERGENCY FOR THE TEMPORARY ORDER EXISTS. USE ADDITIONAL PAPER IF NECESSARY)

WHEREFORE, the Petitioner prays that the Court finds the best interest of minor child will be served by granting an order of custody to Petitioner, as requested in this petition and that a hearing be set on this matter as soon as the Court deems necessary.

PRINTED NAME of Petitioner

SIGNATURE of Petitioner

FULL ADDRESS (include city, state & zip)

TELEPHONE NO

EMAIL ADDRESS (If available)

VERIFICATION

I, _____, 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 this petition

and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

SIGNATURE of Petitioner

STATE OF OKLAHOMA)
COUNTY OF _____)

SUBSCRIBED AND SWORN to before me on this _____ day of _____,
20____.

Notary Public

Commission Expires On: _____

Commission No: _____

**IN THE DISTRICT COURT FOR
THE PONCA TRIBE OF OKLAHOMA
WHITE EAGLE, OKLAHOMA**

_____,)
Plaintiff/Petitioner,)
vs.) Case No. _____
_____,)
Defendant/Respondent.)

OR

IN RE THE MATTER OF:)
_____,)
DOB: _____) Case No. _____

SUMMONS

Do you want the Defendant to be served via:

- Certified Mail (\$20)**
or a
 Process Server (\$40 and Up)
or
 Publication (\$75 and Up)?

THE PONCA TRIBE OF OKLAHOMA TO/FROM:

Plaintiff/Petitioner's Name and Address Defendant/Respondent's Name and Address

From _____ To _____

To the above-named Defendant:

You are ordered and directed to appear at the Tribal District Court for the Ponca Tribe of Oklahoma, in Ponca City, Oklahoma, on the _____ day of _____, 20_____, at _____ o'clock am/pm.

If you fail to appear and/or file an answer to the Petition attached hereto within twenty (20) days of receiving this Summons, a default judgment may be rendered against you.

You may seek the advice of an attorney in any matter connected with this suit or your answer. Such attorney should be consulted immediately.

Issued this _____ day of _____, 20_____.

Court Administrator/Clerk

AFFIDAVIT OF SERVICE

SERVICE BY PROCESS SERVER

I, _____, hereby certify that I served this Summons together with a copy of the Petition upon _____ at _____ am/pm on the _____ day of _____, 20_____ and made the return according to law, and that I am duly authorized to endorse this affidavit, so help me God.

Police Officer/Process Server

First Attempt: _____

Second Attempt: _____

Final Attempt: _____

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

Notary Public's Signature: _____

My commission expires: _____

My commission number: _____

CERTIFICATION OF SERVICE BY MAIL

I hereby certify that I mailed copies of the foregoing Summons with a copy of the Petition attached to the following named parties at the address shown by certified mail, addressee only, return receipt requested, on the _____ day of _____, 20____.

Court Administrator/Clerk

CERTIFICATION OF SERVICE BY PUBLISHING

I hereby certify that I published notice of this case on the following dates:

_____, 20____
_____, 20____
_____, 20____
_____, 20____

Court Administrator/Clerk