

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.) _____

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 requesting a Dissolution of Marriage due to irreconcilable differences adultery extreme cruelty abandonment and/or habitual intemperance; and

3. That the Petitioner is _____ years of age, is is not employed and resides at _____ and has resided there for _____ months years; and

4. That the Respondent is _____ years of age, is is not employed and resides at _____ and has resided there for _____ months years; and

5. That the parties were married on the _____ day of _____, _____ in the State of _____; and

6. That the parties have been separated since the _____ day of _____, _____; and

7. There were _____ child(ren) born of the marriage:

a. _____(name), a male female child born on _____ (mm/dd/yyyy), and is is not eligible for enrollment with a federally recognized Tribe; and

b. _____(name), a male female child born on _____ (mm/dd/yyyy), and is is not eligible for enrollment with a federally recognized Tribe; and

c. _____(name), a male female child born on _____ (mm/dd/yyyy), and is is not eligible for enrollment with a federally recognized Tribe; and

d. _____(name), a male female child born on _____ (mm/dd/yyyy), and is is not eligible for enrollment with a federally recognized Tribe; and

e. _____(name), a male female child born on _____ (mm/dd/yyyy), and is is not eligible for enrollment with a federally recognized Tribe; and

8. At the time of filing this Petition there are no other children expected of this marriage: no yes, expected due date: _____; and

9. That at the time of filing this Petition the child(ren) currently reside with the Petitioner Respondent Other: _____ at _____; and

10. That at the time of filing this Petition there is is not an ongoing case that includes the child(ren) listed in the Petition; Type of case: custody

guardianship protection order; Date issued: _____; Case No: _____; and

11. That the Petitioner is a fit and proper person to have joint custody sole custody and control of the said minor child(ren) of the parties; and

12. That the Respondent is is not a fit and proper person to have joint care, custody and control of the said minor child(ren) of the parties and that the Court order joint custody and visitation sole custody and determine if visitation is appropriate; and

13. That the Respondent should not share joint custody and visitation because of the following:

_____;

14. That the Respondent has the ability to seek and gain meaningful employment and is employed is not employed and that they should be ordered and directed to make temporary payments of child support for the maintenance and support of the child(ren) named in this Petition; and

15. That the Petitioner and/or Respondent be ordered to submit an application and cooperate with the Ponca Tribe of Oklahoma Child Support Division to determine appropriate child support; and

16. That this portion of the Petitioner's Petition shall be construed as their application for orders for joint custody and visitation sole custody and determine if visitation is appropriate and temporary child support of the minor child(ren) of the parties; and

17. That the Petitioner is is not requesting spousal support to be paid in an amount and duration deemed appropriate; and

18. That the Petitioner requests use of the marital home and/or family vehicle during the pendency of this action; and

19. That the following debts have incurred during the course of this marriage and should be divided as follows:

Creditor:	Amount:	Awarded to:
_____	\$ _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
_____	\$ _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
_____	\$ _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
_____	\$ _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
_____	\$ _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

(Attach a separate sheet of paper if more room is needed)

20. That the following property has been acquired during the course of this marriage and should be divided as follows:

Name/Type of Property:	Awarded to:
_____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
_____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
_____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

_____ Petitioner Respondent
_____ Petitioner Respondent

(Attach a separate sheet of paper if more room is needed)

21. The Petitioner/Respondent wishes to resume her married name restore her last name to: _____; and

22. The Ponca Tribe of Oklahoma has jurisdiction and is the proper place of venue for this matter pursuant to the Constitution of the Ponca Tribe of Oklahoma; and

WHEREFORE, the Petitioner prays for a final decree of divorce on the grounds of incompatibility; a fair and equitable division of the property and debts of the marriage between the parties; order custody of the minor child(ren) and permanent child support; and for such other relief as the Ponca Tribe of Oklahoma District Court deems equitable and just.

Petitioner's Printed Name

VERIFICATION

I, _____, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby states 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:)
_____,) Case No. _____
DOB: _____)

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

AUTOMATIC TEMPORARY INJUNCTION NOTICE

WARNING: This is an official Court Order by operation of law. It affects your rights. Read this Notice immediately and carefully. If you do not understand it, contact a lawyer for help. Violation of this Order may be punished by fine and/or imprisonment.

Upon service of the Petition and Summons on the Respondent, or upon waiver and acceptance of service by the Respondent, an Automatic Temporary Injunction shall be in effect against both parties until the final decree is entered or the Petition is dismissed, or until further Order of the Court unless:

A both parties have signed their names below agreeing to waive these Automatic Temporary Orders; or

B within three (3) days after service of this Summons, a party files an objection and requests a hearing with the Court.

This Automatic Temporary Injunction shall remain in force until the hearing by the Court. Either party may apply to the Court for further temporary orders, an expanded temporary injunction, or modification or revocation.

THEREFORE, BOTH YOU AND YOUR SPOUSE ARE RESTRAINED, ENJOINED, AND PROHIBITED FROM THE FOLLOWING:

- 1 Molesting or disturbing the peace of the other party or the child(ren) of the marriage.
- 2 Disrupting or withdrawing any child(ren) of this marriage from an educational facility, program, or day care where the child(ren) historically have been enrolled.
- 3 Hiding or secreting any child(ren) of this marriage from the other party.
- 4 Removing any child(ren) of this marriage beyond the jurisdiction of the State of Oklahoma, acting directly or in concert with others, except for vacations of two (2) weeks or less duration, without the prior written consent of the other party, which shall not be unreasonably withheld.
- 5 Selling, mortgaging, encumbering, transferring, loaning, concealing or in any way disposing of, without the written consent of the other party or an Order of the Court, any marital property, except:
 - a in the usual course of operating a business;
 - b for the purpose of retaining an attorney for the case; or
 - c for the necessities of life.

Each party shall notify the other party of any proposed other expenditures and shall account to the Court for all such expenditures made after this injunction went into effect.

- 6 Intentionally or knowingly damaging or destroying the tangible property of the parties, or either of them, including, but not limited to, any document that represents or embodies anything of value.

- 7 Making a withdrawal for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account.
- 8 Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on either party or any of their child(ren).
- 9 Changing or in any manner altering the beneficiary designation on any life insurance policies of either party or any of their child(ren).
- 10 Canceling, altering, or in any manner affecting any casualty, automobile, homeowners', or health insurance policies insuring the parties' property or persons.
- 11 Opening or diverting mail addressed to the other party.
- 12 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instruments payable to either party without the personal signature of the other party.

REGARDING INSURANCE, YOU AND YOUR SPOUSE ARE:

- 13 Ordered to maintain and keep in force, all presently existing health, property, vehicle, homeowners', life and other insurance which you are presently carrying on any member of this family unit or property or vehicle, and to cooperate as necessary in the filing and processing of claims. Any employer provided health insurance currently in existence shall remain in full force and effect for all family members.
- 14 Both parties are required to deliver to the other party within thirty (30) days from the earlier of the date of service of the Summons of the filing of an initial pleading by the Respondent the following documents;
 - a The federal and state income tax returns of each party for the past two (2) years and any nonpublic, limited partnership and privately held corporate returns for any entity in which either party has an interest, together with all supporting documentation for the tax returns including but not limited to W-2 forms, 1099 forms, K-1 forms, Schedule C and Schedule E. If a return is not completed at the time of disclosure, the parties shall provide the documents necessary to prepare the tax return of the party, to include W-2 forms, 1099 forms, K-1 forms, copies of extension requests and estimated tax payments.
 - b Two (2) months of the most recent pay stubs for each employer for whom the party worked.
 - c Statements for the last six (6) months for all bank accounts held in the name of either party individually or jointly, or in the name of another person for the benefit of either party or held by either party for the benefit of the minor child or children of the parties.
 - d Documentation regarding the cost and nature of available health insurance coverage for the benefit of either party or the minor child or children of the parties,

- e Documentation regarding the cost and nature of employment or educationally related childcare expenses incurred for the benefit of the minor child or children of the parties, and
- f Documentation of all debts in the name of either party individually or jointly, showing the most recent balance due and payment terms.

15 If either party is not in possession of a document required or has not been able to obtain the document in a timely fashion, the party shall state in verified writing, under the penalty of perjury, the specific document which is not available, and what efforts have been made to obtain the document, as more information becomes available, there is a continuing duty to supplement the disclosures.

WAIVER OF AUTOMATIC TEMPORARY INJUNCTION

Pursuant to Title 18 §304, the provisions of this Automatic Temporary Injunction can be waived if both parties agree.

By my signature below, I waive the effectiveness of the foregoing Automatic Temporary Injunction. I understand this waiver is not effective unless both parties have signed below.

Dated: _____

Dated: _____

Signature of Petitioner

Signature of Respondent