



WYANDOTTE NATION DISTRICT COURT

GENERAL COURT INFORMATION **IMPORTANT INFORMATION-PLEASE READ!**

WHAT CIVIL CASES CAN BE HEARD IN WYANDOTTE NATION (WN) COURT?

The WN Court can hear many different types of civil cases. The civil matters heard in the WN court include Indian child welfare, adoption, guardianship, divorce, child support, custody, name change, protective order, small claims, and marriage, in addition to other civil disputes. To begin a civil suit, a party, or the party's attorney must pay the required filing fee and file the required petition. After that time, the court may set the matter for hearing and trial, if required.

DO YOU NEED AN ATTORNEY TO APPEAR IN THE WN COURT?

No. It is advisable to get assistance of an attorney. Defendants in criminal or child welfare cases (involving the termination of parental rights), who cannot afford an attorney may apply to the court to have the public defender appointed to assist in their defense. In other matters, parties are encouraged to hire an attorney who is familiar with the laws and procedures with the WN Court. The judge and court clerk cannot help parties' present cases or act as advocates. Ethical codes do not permit court clerks, judges or other court personnel to assist parties in preparing filings. The Office of the Court Clerk does provide some forms.

CAN ONE APPEAL A WN COURT DECISION?

Yes. Parties have a right to appeal their cases to the Supreme Court of the Wyandotte Nation, if they believe that the judge of the WN Court has committed an error. A notice of appeal must be filed within the time allotted per the WN Code. Failure to abide by the deadlines may result in dismissal of the appeal. The Supreme Court of the Wyandotte Nation consists of five Justices who review the action of the trial court to determine if the decision made should be upheld or overturned. Generally, a party is limited to discuss issues and evidence presented to the trial court, and cannot submit additional evidence or legal arguments on appeal.

ASSISTANCE OF THE COURT CLERK

The Court Clerk can provide information or resources that can be helpful in the handling of your case. However, the Court Clerk CANNOT provide legal advice, which limits the type of information that can be given. The following are guidelines established that the Court Clerk must follow. Your understanding of what information can be provided will assist you in effectively talking with the Court Clerk.

The Court Clerk will check your court documents for completeness. They will check for signatures, addresses, phone numbers, etc. The Court Clerk will insure that you submit the required documents (petition, summons, birth certificates, filing fees, etc.) for filing.

Court Clerks May:

- Encourage self-represented parties to consult with an attorney for legal advice.
- Explain general information on the court process and procedure.
- Provide court forms and written instructions.
- Provide docketed case information.
- Provide resource material.
- Give you information on a court case, unless it is restricted by law.
- Provide you with your court file to review, unless it is restricted by law.

Court Clerks CANNOT do any of the following:

- Advise you whether you should file a case or whether you should take any particulate action in a case.
- Advise you what forms may be necessary in specific situations.
- Recommend what you should do in a case.
- Conduct legal research for you.
- Provide legal advice.
- Help you prepare or type court documents.
- They cannot tell you what a judge might do.
- They cannot tell you what to say in court.
- Tell you what words to use in preparing your court documents.
- Talk to the judge for you.
- Let you talk to the judge in private.
- They cannot explain judicial decisions.
- They cannot correct errors in your court documents.
- They cannot change and order issued by a judge.
- Provide you contact information for another party.

GENERAL DEFINITIONS

The following are some definitions and information, which will be useful for you to know:

Judge: A judge with experience in many different areas of law who will be a neutral listener in your case; he/she will direct your case as it proceeds through the legal system and make decisions based on the information you provide and on the law.

Court Clerk: The Court Clerk of the court maintains records of all documents filed with the court and of court proceedings. They also collect fees, court costs and fines. They can provide court forms and written instructions. They cannot give legal advice.

Attorney: A person who has specialized training and has a license to practice law; he/she acts as an advocate and can give advice to the individual he/she represents.

Petitioner or Plaintiff: The person(s) starting the case with the court; this person is the one who files the paperwork, which begins the case.

Respondent or Defendant: The person(s) responding to the case that was started by the petitioner.

HOW TO ACT IN COURT

The court is a very traditional and polite place where a certain demeanor (way of acting) is expected. You must act and speak in a way that helps you with your case.

- Be on time! The court has a very busy schedule. If you are late, your case might be postponed to another date or dismissed entirely.
- Dress professionally, as you would for an important event. This means that your clothing should be neat and clean and that you are well groomed.
- Do not bring your children into court.
- Do not chew gum.
- Be respectful to everyone in court. This includes the judge, court staff, the other party involved in your case, witnesses, court bailiff, and any other people in the area.
- Address the judge as "Your Honor."
- Do not use profanity, argue, or verbally react to answers given in court by the judge, opposing party, or attorney. You will have your turn to speak.
- Turn off cell phones and other electronic devices.
- Remove headwear.

GENERAL TIPS

When you are representing yourself, you are trying to persuade a judge that you are right. You must act and speak in a way that helps you with your case.

Before You Begin:

Designate a notebook or folder to hold all of your court records and forms and to record all of the activities related to the case

- Keep all of your legal papers and case related documents in one place and organized.
- Keep track of all conversations you have with others regarding your case.

Preparing Your Forms:

- Make sure you have chosen the correct forms for your case. Read the instructions carefully before you complete the forms.
- Make sure that all of the required information is attached to the forms and documents.
- Be prepared to pay the filing fees required for your specific court matter at the time you file the papers.
- Make photocopies for your own records

Preparing for Court:

- Representing yourself in court is a big decision. In many matters, such as a disputed divorce or a complicated child custody case, it may be best to get legal advice. You may need to consult an attorney to determine that you are doing the right thing and that you are fully prepared for the court hearing. If you are unsure, it may be best to seek the help of an attorney.
- Look over the forms and materials you are going to present in court. Make sure they are filled in accurately and completely and that you have made the proper number of copies for the court.
- Make notes before you go to court so you are prepared and know exactly what you want to say.
- Be prepared to provide any information requested by judges and court staff. Remember: The judge cannot speak to you about your case except when your case is in court and when the other party is there. Court staff can help you with questions such as when your hearing is scheduled but they cannot give you legal advice or recommendations about what you should do.
- Dress professionally, as you would for an important event. This means that your clothing should be neat and clean and that you are well groomed.

Going to Court:

- Be sure to take your notebook in which you have recorded all related events, along with all case-related documents. Take paper and a pen for notes. You may need to prepare other necessary documents after the hearing.
- Be on time! The court has a very busy schedule. If you are late, your case might be postponed to another date or dismissed entirely. You also court have a judgment or unfavorable ruling made against you if you are not there to defend your case.

Other Tips:

- Always remember the four “Ps”: Professionalism-Punctuality-Politeness-Preparation.
 - Be sure to provide the court with changes to your address and/or phone number.
 - Respond to court notices and correspondence.
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POINT OF CONTACTS

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