

DIVORCE PACKET



IN THE DISTRICT COURT OF WYANDOTTE NATION

Wyandotte Nation Courts
64700 E Hwy 60
Wyandotte, Ok 74370

Court Clerk Phone: 918-678-6342
Court Administrator Phone: 918-678-6394
Fax: 918-676-7002

The forms in this packet are to be used as a template, if you are seeking to file a Divorce. Please read the instructions carefully before completing the forms. The Court Clerk CANNOT accept a Petition that is not filled out completely.

Should you need assistance in preparing the Petition, you must consult with an Attorney at your own expense. This court does not have Legal Aid. The Court Clerk is 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 Clerk CANNOT advise you on how to proceed or what forms may be necessary in specific situations.

Packet contains:

1. Instructions
2. Flow Chart
3. Petition
4. Entry of Appearance & Waiver
5. Summons
6. Proof of Service
7. Standard Visitation Schedule



IN THE DISTRICT COURT OF WYANDOTTE NATION

INSTRUCTIONS **PETITION FOR DIVORCE**

IMPORTANT INFORMATION-PLEASE READ!

1. Petition for Divorce must be filled out completely to the best of your knowledge and ability.
2. Petition for Divorce must be signed in front of the Court Clerk or a Notary Public when you are ready to file.
3. Filing fees, copy fees, etc., must be made in the form of **CASH, CASHIER'S CHECK, MONEY ORDER, DEBIT/CREDIT CARD OR E-CHECK (there is a processing fee when using a debit/credit card or e-check)** and must be payable to "**Wyandotte Nation Courts**". Filing fees **MUST** be paid at the time of filing your Petition. If you are unsure of the amount of filing fees, contact the Court Clerk.
4. Submit original Petition for Divorce and one (1) copy of the Petition (if the Defendant has signed an Entry of Appearance and Waiver, then you only have to submit the Original Petition); you should retain a copy of the Petition for your records. If the Court Clerk makes any copies, you will be charged \$1.00 for the first page and \$.50 for each additional page.

FILING FEES-PETITION FOR DIVORCE

FEE

Petition for Divorce	\$125.00
Service (Certified Mail)	\$ Per USPS
Service (Tribal PD)	\$30.00
Service (Process Server)	\$60.00

If an Entry of Appearance & Waiver is filed, there will be no service fee.

OFFICE HOURS: 8:00AM-12:00PM and 1:00PM-4:30PM, MONDAY-FRIDAY

Mailing Address: Wyandotte Nation Courts
64700 E Hwy 60
Wyandotte, Ok 74370

Physical Address: 64700 E Hwy 60
Wyandotte, Ok 74370

Telephone: Court Clerk: 918-678-6342
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DIVORCE FLOW CHART: Divorce Process

"PETITION FOR DIVORCE" - The petitioner prepares and files the *petition* with the Court Clerk. This is the document filed by the petitioner to start the divorce action.

*If an Entry of Appearance and Waiver is **NOT** filed with the Petition*



"SUMMONS" - The Court Clerk will prepare *summons* to respondent advising him/her that they have 30 days to answer to the petition.



"SERVICE OF PROCESS" - Serve respondent with copy of the petition and summons sent certified mail, served by WNPD, or process server.



"ANSWER" - Respondent must respond to the petition within 30 day. The *answer* states whether or not the Respondent agrees with the Petition. If the respondent doesn't file an answer, the Court assumes that the respondent agrees to the terms in the petition.



"NOTICE OF HEARING" - Petitioner and respondent will receive a *notice of hearing* advising the parties of the schedule divorce hearing date and time.



"DIVORCE HEARING" - The Judge will review the case file and ask a few basic factual questions. The Judge will rule on matters of the case including, division of property, debts, and if applicable, will act in the best interest of the child(ren) in determining child custody, child support and visitation



"DIVORCE DECREE" - The petitioner and respondent will receive a certified *divorce decree* in the mail 2 weeks after the hearing. The divorce decree is an official document of the decision of the Judge.

*If an Entry of Appearance and Waiver
IS filed with the Petition*





IN THE DISTRICT COURT OF WYANDOTTE NATION

_____,)
Petitioner,)
V.)
_____,) Case No. _____
Respondent.)

PETITION FOR DIVORCE

1. The petitioner, _____, born _____, resides at _____ in the City of _____, Oklahoma, _____, enrolled member of the Wyandotte Tribe of Indians and residing within the exterior boundaries of the Wyandotte Indian Reservation; the petitioner is by occupation a _____ and has a telephone number _____.
2. The respondent, _____, born _____, resides at _____ in the City of _____, Oklahoma, _____, is (not an enrolled member) (is an enrolled member) of the Wyandotte Tribe of Indians and residing within the exterior boundaries of the Wyandotte Indian Reservation; the respondent is by occupation a _____.
3. The parties were married on _____ at _____.
4. The Petitioner has been (a) bona fide resident of the Wyandotte Tribe for more than _____ days immediately preceding the commencement of this action and of the state of Oklahoma for more than six months immediately preceding the commencement of this action.
5. _____ child(ren) have been born to or adopted by the parties to this marriage, namely;

<u>Name</u>	<u>DOB</u>	<u>Age</u>
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6. Upon information and belief, the wife is (not) pregnant.
7. The marriage is irretrievably broken.
8. No other action for divorce, annulment, or legal separation by either of the parties has been at any time commenced or is now pending in any other court or before any judge thereof in this Tribe or elsewhere.
9. The petitioner was (not) previously married (which marriage was terminate by ____ in the _____ Tribal Court or _____ Court of _____ County, in the State of _____ by judgment on _____. The respondent was (not) previously married (which marriage was terminated by ____ in the _____ Tribal Court or _____ Court of _____ County, in the State of _____ by judgment on _____).
10. The parties have (not) entered into (a/any) agreement(s) as to (maintenance/property division) (a copy of which agreement(s) (is/are) attached).
11. Pursuant to Article 2 of Tribal Constitution, Section 1, this action affects real property. Therefore, the court will be required to confirm or change interests in the real property that is described as follow: _____

THE PETITIONER REQUESTS THE FOLLOWING RELIEF:

- ____ Divorce
- ____ Property Division
- ____ Maintenance
- ____ Advocate fees and costs
- ____ Income assignments
- ____ Restoration of legal surname
- ____ Such other relief as is appropriate

YOU ARE HEREBY NOTIFIED THAT pursuant to Tribal Statutes, during the dependency of this action, both parties are prohibited from and may be held in contempt of court for:

- (1) Harassing, intimidating, physically abusing or imposing any restraint on the personal liberty of the other party or a minor child of either of the parties.
- (2) Encumbering, concealing, damaging, destroying, transferring or otherwise disposing of property owned by either or both of the parties, without the consent of the other party or an order of the court or family court commissioner, except in the usual course of business, in order to secure necessities or in order to pay reasonable costs and expenses of the action, including advocates fees.

These restraining orders apply until the action is dismissed, a final judgment in the action is entered, or the court orders otherwise.

A VIOLATION OF THE ABOVE RESTRAINING ORDERS MAY RESULT IN PUNISHMENT FOR CONTEMPT, WHICH MAY INCLUDE MONETARY PENALTIES, IMPRISONMENT, AND OTHER SANCTIONS.

Petitioner

Print Petitioner's Name

Address

Phone #

VERIFICATION

I, _____, being first 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 foregoing 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.**

Plaintiff

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

Court Clerk/Deputy or Notary Public

SEAL

Commission Expires: _____



WYANDOTTE NATION DISTRICT COURT

_____,)
Plaintiff,)
VS.)
_____,)
Defendant,) Case No. _____

ENTRY OF APPEARANCE AND WAIVER

COMES NOW, the Defendant herein, the undersigned, and acknowledges receipt of a copy of the Petition filed and, states that he/she has read and understands the same, hereby waives the issuance, service, and return of process upon him/her in this action, enters a voluntary appearance in this cause and submits to the jurisdiction of the Wyandotte Nation, 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 this Defendant.

Dated this ____ day of _____, 20__.

Signature

Please print your name & address:

Telephone: _____

SHOULD YOU AGREE TO SIGN THIS WAIVER, PLEASE SIGN IN FRONT OF A NOTARY PUBLIC OR COURT CLERK AND RETURN TO THIS OFFICE EITHER BY MAIL OR IN PERSON.

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 has 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: _____

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

COURT CLERK/DEPUTY



WYANDOTTE NATION DISTRICT COURT

_____,)
Petitioner,)
VS.)
_____,)
Respondent,) CASE NO: _____

SUMMONS

TO: _____ (Respondents Name)
_____ (Respondents Address)
_____ (Respondents City, State, Zip)

YOU ARE HEREBY SUMMONED in the above-named action and directed to file a written Answer to the attached Petition with the Court Clerk of this Court, within thirty (30) days after service of this Summons upon you, exclusive of the day of service, which is herewith served upon you.

A copy of your Answer must also be delivered or mailed to the Petitioner or his/her Attorney and proof of such service with your Answer must be filed in this Court.

If you fail to answer this Petition within the time stated, judgment by default can be rendered against you for the relief demanded by the Petitioner.

SEAL

Court Clerk/Deputy Court Clerk
Wyandotte Nation
64700 E Hwy 60
Wyandotte, OK 74370
Telephone: (918) 678-6342

(Petitioner or Petitioner's Attorney sign)
(Petitioner Name)
(Petitioner Address)
(Petitioner City, State, Zip)
(Petitioner Telephone Number)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

CERTIFICATION

I, the undersigned Court Clerk, hereby certify that I emailed, faxed, hand-delivered or mailed a true and correct copy of this document and copy of the Petition on the ____ day of _____ 20____, to the Respondent:

Certified Mail-Restricted Delivery

Article No.

(Respondents Name)

(Respondent Address)

(Respondent City, State, Zip)

SEAL

Court Clerk/Deputy Court Clerk

STANDARD VISITATION SCHEDULE

PETITIONER: _____

RESPONDENT: _____

CASE NO: _____

The non-custodial parent shall have visitation with the minor child/(ren) of the parties as follows:

REGULAR VISITATION

Every other weekend from 6:00pm Friday to 6:00pm Sunday.

HOLIDAY VISITATION

In even- numbered years (2020, etc.) the non-custodial parent shall have visitation according to the following schedule:

EASTER: 6 p.m. Friday preceding Easter until Easter Sunday at 10 p.m.
INDEPENDENCE DAY: Evening preceding July 4 until 10 p.m. on July 4.
THANKSGIVING: Wednesday preceding Thanksgiving until 10 p.m. Sunday
CHILD'S BIRTHDAY: 8 a.m. on day of birthday until 6 p.m. on day of birthday

In odd-numbered years (2021, etc.) the non-custodial parent shall have visitation according to the following schedule:

MEMORIAL DAY: 6 p.m. Friday preceding Memorial Day until 10 p.m. Monday
LABOR DAY: 6 p.m. Friday preceding Labor Day until 10 p.m. Monday
CHRISTMAS: 6 p.m. Christmas Day until 6 p.m. December 26

The holiday visitation schedule set out above is to be observed whether or not it coincides with the regular every other weekend visitation schedule and is in addition thereto. However, it is intended that the holidays alternate between custodial and non-custodial parents. Therefore, on those occasions when non-custodial shall not occur.

SPECIAL VISITATION

With respect to Father's Day and Mother's Day, if the father is the non-custodial parent, and if Father's Day falls on a weekend not regularly scheduled for parental visitation, he shall have visitation on Father's Day from 12 noon until 10 p.m. If Mother's Day falls within the weekend of father's visitation, he shall return the child(ren) to the mother by 12 noon on Mother's Day. If the mother is the non-custodial parent, the reverse shall apply.

SUMMER VISITATION

The non-custodial parent shall have summer visitation for two 2-week periods from 8:00 a.m. June 15 until 6:00 p.m. June 30 and from 8:00 a.m. July 15 until 6:00 p.m. July 30th. The alternating weekend visits shall remain in effect.

This visitation is for the purpose of providing assured minimum amounts of visitation between non-custodial parent and child(ren). Visitation should exceed the number of occasions set out herein. In addition, liberal telephone communications between non-custodial parent and child(ren) are encouraged.

Judge of the District Court
Wyandotte Nation