

DISTRICT COURT OF THE KAW NATION
Drawer 50
698 Grandview Drive
Kaw City, OK 74641
(580) 269-2552

This form packet is supplied by the Kaw Nation Court Clerk's Office. Nothing in these forms is to be construed as providing legal advice. It is highly recommended that you review these documents with an attorney. The Kaw Nation Court Clerk, Kaw Nation District Court, nor the Kaw Nation shall be liable for any use of the following forms.

Parties seeking an Order of the Court are responsible for completing all required documents. The Court Clerk cannot fill out the form for you nor can they give out legal advice. The Kaw Nation does not provide lawyers, legal advice, or legal assistance. If you need legal advice or representation, you must retain an attorney at your expense. Your selected Attorney **must** be registered to practice law with the Kaw Nation Bar Association prior to representing you in the Kaw Nation District Court. You may contact the Court Clerk for a current list of KNBA attorneys.

All fees, including service fees, must be paid **at the time of** filing. Fees cannot be waived unless a Paupers Affidavit has been filed and approved by the Judge prior to filing. This form may be requested from the Court Clerk.

INSTRUCTIONS FOR FILING

1. A filing fee of **\$75.00** is required when filing a Petition for Divorce. Most other filings are **\$50.00**. There is no cost to file a Protective Order. 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. 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 Tribal Police within Kay and Osage County for a Service Fee of **\$50.00**. If the parties reside outside of the Kay and Osage County areas, a private process server may need to be hired for service at a starting rate of **\$99.00**. You will be billed for the remaining due amount.
3. The Notice may also be served through Certified Mail. A Service Fee of **\$17.00** will be assessed for the Court Clerk to mail the Notice.

4. 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.
5. To begin the filing process, the following required documents must be submitted to the Court Clerk:
 - Copy of your Driver's License (or State ID)
 - Copy of your Marriage Certificate
 - Copies of Birth Certificates
 - Copies of Death Certificates (if applicable)
 - Copies of CDIB Cards
 - Contact Information Sheet
 - Petition
 - Financial Affidavit (Divorce)
 - Statement of Facts (Guardianship)
 - OK Sex Offenders Registration Affidavit (Adoption, Custody and Guardianship)
 - Request for Hearing
 - Summons
 - Filing and Service fees: **Cash or Money Order** Payable to the **Kaw Nation District Court**
6. Please ensure that all required documentation has been attached and provided at the time of filing your Petition. Make sure that you completely fill out the documents and attach the required documentation. Documents that are not completely filled out can delay the process of your case. Parties are responsible for completing their own petition forms. The court clerk cannot give legal advice or assist you in filling out the forms.
7. Once your Petition and all required documentation has been received, an Order for Hearing will be issued by the Court Clerk informing all parties of the date and time of the scheduled hearing.
8. In an adoption, you **MUST** have an attorney. Also, once the Petition is filed, an in-home study must be completed before the adoption can be finalized (unless it is a step-parent adoption).

CONTACT INFORMATION

Petitioner's Full Name: _____

Previous Names: _____

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

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 #: _____

DL No: _____ DL State: _____

Attorney: _____

Respondent's Full Name: _____

Previous Names: _____

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

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 #: _____

DL No: _____ DL State: _____

Attorney: _____

Other Interested Party: _____

Previous Names: _____

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

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 #: _____

DL No: _____ DL State: _____

Attorney: _____

**IN THE DISTRICT COURT FOR THE KAW NATION
KAW CITY, OKLAHOMA**

IN RE: THE GUARDIANSHIP OF _____)
_____, DOB _____)
_____, DOB _____) Case No. GD-_____
_____))
Minor Child(ren) Under the Age of 18)

PETITION FOR APPOINTMENT OF A GUARDIAN

COMES NOW the Petitioner(s) _____, and petitions this Court for the appointment of a guardian of _____, and in support of his/her Petition, informs the Court as follows:

1. That _____ is a minor male female, and was born on the _____ day of _____, _____, in the State of _____;
2. That _____ is a minor male female, and was born on the _____ day of _____, _____, in the State of _____;
3. That the biological **mother** of the minor child(ren) is _____. Her present address is: _____, and she is/is not an enrolled member of the Kaw Nation _____, a federally recognized Tribe;
4. That the biological **father** of the minor child(ren) is _____. His present address is: _____, and he is/is not an enrolled member of the Kaw Nation _____, a federally recognized Tribe;
5. That the Petitioner (1) is an adult person who resides at _____ and whose date of birth is the _____ day of _____, _____. Petitioner (1) is is not employed;
6. That the Petitioner (2) is an adult person who resides at _____ and whose date of birth is the _____ day of _____, _____. Petitioner (2) is is not employed;
7. That the Petitioner(s) is/are the maternal paternal (relationship) _____ other to the minor child(ren), and is/are not enrolled members of _____;
8. That this Court has proper jurisdiction or authority to hear this case for the following reason:
 The child(ren) is/are an enrolled member of the Kaw Nation;

- The child(ren) is/are eligible to be an enrolled member of the Kaw Nation;
- The child(ren) is/are enrolled, or eligible to be enrolled, or member of any Indian Tribe residing in Kay County or Osage County, Oklahoma;

9. The child(ren) has/have no assets (real or personal property) of an equitable monetary value. It is not anticipated that the child(ren) will have any income annual or otherwise nor will the child(ren) have anything of any equitable monetary value over the period of one (1) year;

10. Appointment of a guardian of both the person of the minor and the estate/property of the minor is necessary to provide for the general welfare of the child and to allow us (the Petitioners) to authorize medical and education services for the child;

11. The parents are unable to care for the child at this time because: _____

12. It is in the best interest of the child that Petitioners be appointed as guardian of both the person of the minor(s) and the estate/property of the minor(s);

13. The Petitioner knows of no persons or organizations nominated by will or other writing to serve as guardian;

14. That Petitioner is unaware of the existence or identity of any attorney representing the child(ren) listed in the Petition;

15. That Petitioner is qualified as guardian of the child(ren) listed and the Petitioner is not a minor, incapacitated, or partially incapacitated, nor a convicted felon, is not bankrupt, nor is he/she insolvent, or under any financial obligation to the Ward or subject to a conflict of interest which would preclude, or be substantially detrimental to his/her ability to act in the best interest of the minor child(ren).

WHEREFORE, Petitioner respectfully requests that this Court set a date for hearing on this Petition, order such notice as required by law and upon hearing this Petition, and appoint Petitioner guardian of the child(ren) listed in this Petition.

 Petitioner (1)'s Printed Name

 Petitioner (2)'s Printed Name

VERIFICATION

STATE OF OKLAHOMA)
COUNTY OF _____)

I/We, _____ and _____, of lawful age, being first duly sworn upon oath depose and state: We are the Petitioners named above; We have read the foregoing document and understand its contents; We hereby state that the facts set forth in the foregoing document are true and correct to the best of our knowledge and belief.

Petitioner (1)'s Signature

Petitioner (2)'s Signature

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

Notary Public

Commission expires on: _____

Commission No.: _____

STATEMENT OF FACTS BY PROPOSED GUARDIAN(S)

1. Are you or is anyone living in your home currently charged with or been convicted of a crime? () YES () NO
2. Are you or is anyone living in your home required to register as a sex offender? () YES () NO
3. Have you or has anyone living in your home had a restraining order or protective order filed against him/her in the last ten (10) years? () YES () NO
4. Have you or has anyone living in your home been charged with, arrested for, or convicted of any form of child abuse, neglect or molestation? () YES () NO
5. Have you or has anyone living in your home had any reports alleging any form of abuse, neglect, or molestation made to any agency charged with protecting children (e.g. Oklahoma Child Protective Service or Kaw Nation Social Services) or any other law enforcement agency regarding him/her or anyone living within your home? () YES () NO
6. Have you filed for or received protection under the federal bankruptcy laws? () YES () NO
7. Have you ever had a license, certificate, permit, or registration required by the laws of any state for the practice of a profession or occupation suspended or revoked? () YES () NO
8. Have you or anyone living in your home habitually used any illegal substances or abused alcohol? () YES () NO
9. Have you ever been removed as a guardian in any other case? () YES () NO
10. Have you or anyone living in your home been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol? () YES () NO

- 11. Have you or anyone living in your home had a social worker, parole officer, or probation officer assigned to him/her? () YES () NO
- 12. Have you or anyone living in your home received services from a psychiatrist, psychologist, or therapist for a mental health related issue? () YES () NO
- 13. Do you or anyone living in your home suffer from a mental illness? () YES () NO

VERIFICATION

I/We, _____, proposed guardian(s) herein, being duly sworn to tell the truth and being of lawful age above eighteen (18) years of age, hereby verify that the answers and information I/we have provided in the Statement of Facts are in fact true and correct to the best of my/our knowledge and belief, under penalty of perjury.

| | |
|------------------------------------|------------------------------------|
| | |
| Proposed Guardian (1) Printed Name | Proposed Guardian (2) Printed Name |

| | |
|---------------------------------|---------------------------------|
| | |
| Proposed Guardian (1) Signature | Proposed Guardian (2) Signature |

CERTIFICATION

I, Dawn Nicholas, Court Clerk/Administrator/Deputy Clerk of the District Court, certify that _____ and _____ personally appeared before me on _____, 202__ and being duly sworn, executed the above verification in my presence.

Dated this _____ day of _____, 202__.

Court Clerk/Administrator/Deputy 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 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

Subscribed to and sworn to before me this _____ day of _____, 2024.

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 and order attached, to the following named parties at the address shown by certified mail, addressee only, return receipt requested, on the _____ day of _____, 2024, and said receipt is attached hereto.

| Parties | Address Where Served | Date Received |
|---------|----------------------|---------------|
|---------|----------------------|---------------|

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
|-------|-------|-------|

Court Clerk