

DISTRICT COURT OF THE KAW NATION
Drawer 50
698 Grandview Drive
Kaw City, OK 74641
(580) 269-2552 x 111

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
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: _____

CDIB No: _____ Tribe: _____

DOB: _____ SSN: _____

Born in City/County/State: _____ Birth Certificate #: _____

DL No: _____ DL State: _____

Hair Color: _____ Eye Color: _____

Height: _____ Weight: _____

Race: _____

Distinguishing Features (Tattoos, Scars, etc.) _____

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: _____

CDIB No: _____ Tribe: _____

DOB: _____ SSN: _____

Born in City/County/State: _____ Birth Certificate #: _____

DL No: _____ DL State: _____

Hair Color: _____ Eye Color: _____

Height: _____ Weight: _____

Race: _____

Distinguishing Features (Tattoos, Scars, etc.) _____

Attorney: _____

Notes: _____

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

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

PETITION TO DETERMINE PATERNITY AND CUSTODY

COMES NOW the Petitioner, _____, for his/her claim to determine paternity against the Respondent _____, states and alleges the following:

1. That the Petitioner Respondent is an enrolled member of the Kaw Nation, enrollment # _____;
OR
The Petitioner Respondent has resided within the Kaw Tribal Jurisdiction for more than a three (3) month period preceding the filing of this Petition;
OR
That the Petitioner Respondent is an enrolled member of _____ a federally recognized tribe or band of Indians;
OR
That the parties have consented to the Court's jurisdiction.
2. That the parties hereto were never married but had an intimate relationship.
3. That of the relationship, ___ child(ren) were born, to wit:
 - a) _____, a male/female child born on the ___ day of _____, _____, role # _____ with _____ Tribe.

b) _____, a male/female child born on the
____ day of _____, _____, role # _____ with
_____ Tribe.

c) _____, a male/female child born on the
____ day of _____, _____, role # _____ with
_____ Tribe.

d) _____, a male/female child born on the
____ day of _____, _____, role # _____ with
_____ Tribe.

4. That the Petitioner requests a paternity test be ordered and completed upon the fact that:

The Petitioner believes Respondent to be the biological father of the child(ren);

The Petitioner believes he is the biological father of the child(ren);

5. The Kaw Nation has jurisdiction and is the proper place of venue for this matter pursuant to the Constitution of the Kaw Nation;

6. That upon the determination of paternity and order be issued naming the Petitioner Respondent as the father of the child(ren);

7. That upon the determination of paternity a new birth certificate be issued listing the Petitioner Respondent as the father of the child(ren);

8. That Petitioner 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 sole custody and determine visitation if deemed appropriate;

9. That the Petitioner Respondent should not have joint custody and visitation because of the following:

10. That the Petitioner or Respondent must file a separate Petition to address any issues of child support once paternity, custody and/or visitation has been properly and justly established;
11. That this portion of Petitioner's Petition shall be construed as his her application for temporary orders for custody and visitation only of the minor child(ren) of the parties, and any further relief to which Petitioner is entitled and which may be deemed just and proper by the Court;

WHEREFORE, premises considered the Petitioner prays that upon hearing this cause the Court grant and enter an Order to which the Petitioner is entitled, and which may be deemed just and proper by the Kaw Nation District Court.

Petitioner's Printed Name

VERIFICATION

I, _____, do solemnly swear that I am the Petitioner and that the contents and facts herein are true and correct.

Petitioner's Signature

STATE OF OKLAHOMA)
COUNTY OF _____)

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

Notary Public

Commission expires on: _____

Commission No.: _____

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

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 Clerk