

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: _____

Divorced or Separated From: _____ Date: _____

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: _____ DL Exp: _____

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: _____

Divorced or Separated From: _____ Date: _____

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: _____ DL Exp: _____

Hair Color: _____ Eye Color: _____

Height: _____ Weight: _____

Race: _____

Distinguishing Features (Tattoos, Scars, etc.) _____

Attorney: _____

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

In the Matter of the Marriage of)

Petitioner,)

and)

Respondent.)

)
)
)
)
)
)
)
)
)
)
)

Case No. FD-20_____

PETITION FOR DIVORCE WITH CHILDREN

COMES NOW the Petitioner and petitions the Kaw Nation District Court for a Dissolution of Marriage. The Petitioner alleges that the marriage is in a state of incompatibility and is irretrievably broken and the parties are not likely to reconcile, thereby requesting that a divorce be granted in accordance with Kaw Nation Code. For his/her cause of action against the Respondent, he/she states and alleges the following:

1. That the Petitioner Respondent is an enrolled member of the Kaw Nation;

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 and has consented to the Court's jurisdiction;

AND

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 Kaw Nation 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
_____	<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)

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

22. The Kaw Nation has jurisdiction and is the proper place of venue for this matter pursuant to the Constitution of the Kaw Nation; 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 Kaw Nation District Court deems equitable and just.

Petitioner's Printed Name

VERIFICATION

I, _____, do solemnly swear that I am the Plaintiff 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_____.

(Seal)

Notary Public

Commission expires on: _____

Commission No.: _____

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

In the Matter of the Marriage of)

_____))
Petitioner,)

and)

_____))
Respondent.)

Case No. _____

FINANCIAL AFFIDAVIT

Financial Disclosure is for: (name) _____

Social Security Number _____ Date of Birth _____

Mailing Address _____

Number of dependents claimed on taxes: _____

Child(ren) Name	Date of Birth	Social Security
_____	_____	_____
_____	_____	_____
_____	_____	_____

YOU MUST ATTACH COPIES OF YOUR TAXES FOR THE LAST TWO (2) YEARS AND WAGE STATEMENTS FROM YOUR EMPLOYER (OR PAYCHECK STUBS) FOR THE LAST SIX (6) WEEKS.

Employer _____ Occupation _____

Employers Address _____

Address City State Zip

Hourly rate of Pay \$ _____ If salaried \$ _____

Pay Period _____
 (Weekly, Bi-Weekly,
 Monthly)

Pay above is for _____
 (Weekly, Bi-Weekly,
 Monthly, Yearly)

Average Hours per
 week _____

If paid weekly x 4.3, biweekly x 2.15

Gross Monthly Income \$ _____

OTHER SOURCES OF INCOME

	(Monthly)	% Tax Paid
Public Assistance	\$ _____	_____
Rental Income	\$ _____	_____
Maintenance/Alimony	\$ _____	_____
Bonus/Commissions	\$ _____	_____
Voluntarily Deferred Income	\$ _____	_____
Pensions & Retirement	\$ _____	_____
Social Security	\$ _____	_____
Worker's Unemployment Compensation	\$ _____	_____
Dividends/Interest/Capital Gains	\$ _____	_____
Military/Veterans	\$ _____	_____
Business/Farm/Jobs for Cash	\$ _____	_____
Any other Source	\$ _____	_____
	_____	_____
Total Gross Income:	\$ _____	_____

OTHER ASSETS

Bank Accounts:

_____	_____	_____
Name & Address of Institution	Type of account	Average bal. over 6 months
_____	_____	_____
Name & Address of Institution	Type of account	Average bal. over 6 months
_____	_____	_____

Real Estate:

	\$		
Address/Location	Mortgage Balance	Type of Interest	

Insurance:

		\$	\$
Type of Ins. and Issuing Company	Beneficiary	Face Value	Cash Value

Vehicles (All types of motorized):

	\$	\$	<u>Stocks & Securities:</u>		
Type/Make/Year	Loan Bal	Value	\$	Value	Issuer

Other Assets:

List any other item that has a value of \$250.00 or more including collectibles, equipment, machinery, furniture, electronics, precious metals or stones, tools and implements.

Type of Asset	Outstanding Loan	Net Value
	\$	\$
	\$	\$
	\$	\$
	\$	\$

FUTURE INCOME

When do you expect to receive the next pay raise from your employer? / /

What is the amount of your last two (2) pay raises? \$ \$

Do you expect to receive monies, from any source, in the next year?

YES NO

If "YES" from what source and when?

_____ / _____ / _____
_____ / _____ / _____

- If you are not married, but share a household with any other adult, indicate only your share of those expenses. (Example: If rent for the household is \$400.00, and you pay \$200.00, enter \$200.00)
- If your rent, utilities, food or any other expenses are included with your rent payment, do not enter that amount separately, but indicate that they are included with your rent.
- If you need additional space, complete your answer on the backside of the question page.

I declare under penalty of perjury that the foregoing and any attachments hereto are true and correct. Dated this _____ day of _____, 202____.

Signature

Print Name

VERIFICATION

STATE OF OKLAHOMA)
COUNTY OF _____)

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

Applicant

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

Notary Public

Commission expires on: _____

Commission No.: _____

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

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

OR

IN RE:)
_____,) Case No. _____
DOB: _____)

REQUEST FOR HEARING

Petitioner, _____, requests this Court schedule a hearing on Petitioner's Petition.

Dated this ____ day of _____, 20__.

Petitioner's Printed Name

Petitioner's Signature

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

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

OR

IN RE:))
_____,) Case No. _____
DOB: _____)

SUMMONS

THE KAW NATION TO:

List Petitioner's Name and Address	List Respondent's Name and Address
From _____	To _____
_____	_____
_____	_____

To the above-named Respondent:

You are ordered and directed to appear at the District Court for the Kaw Nation, in Kaw City, Oklahoma, on the _____ day of _____, 20____, at 10:00 am.

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 Clerk

HOW DO YOU WANT THE RESPONDENT TO BE SERVED? Certified Mail \$17

Process Server \$50 and up

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

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.

The Codes of the Kaw Nation, Title 18 §304 provide that upon the filing of a Petition for Divorce or Legal Separation by the Petitioner, or 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 or 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