

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

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**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: \_\_\_\_\_

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**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: \_\_\_\_\_

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

In the Matter of the Marriage of )  
 )  
 \_\_\_\_\_ )  
 Petitioner, )  
 )  
 and ) Case No. FD-202 \_\_\_\_\_  
 )  
 \_\_\_\_\_ )  
 Respondent. )  
 )

**PETITION FOR DIVORCE WITHOUT CHILDREN**

COMES NOW the Petitioner and for his/her cause of action against the Respondent, states and alleges the following:

- 1. That the Petitioner is an enrolled member of the Kaw Nation, enrollment # \_\_\_\_\_

OR

The Petitioner 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/are an enrolled member of \_\_\_\_\_ a federally recognized tribe or band of Indians;

OR

That the parties have consented to the Court's jurisdiction.

- 2. Current residence of Petitioner:

\_\_\_\_\_ since  
\_\_\_\_\_ (date).

3. Current residence of Respondent:

\_\_\_\_\_ since  
\_\_\_\_\_ (date).

4. The parties were married on the following date and year:

\_\_\_\_\_ in the following city and state:  
\_\_\_\_\_ and have been married since that  
time.

5. Petitioner requests a decree of divorce on the grounds of incompatibility.

6. There are no minor children of this marriage.

Neither party is pregnant

Or

\_\_\_\_\_ is pregnant at the time this petition is filed

Or

Unknown

7. During the marriage the parties  have  have not acquired certain  
property that should be fairly and equally divided between the parties.

Property descriptions will be attached as "Exhibit A".

8. During the marriage the parties  have  have not acquired certain  
indebtedness, a list of which will be attached as "Exhibit B". The Petitioner

asks the Court to make a finding and judgment as to each party's responsibility for this debt.

9. Both parties shall refrain from interfering with or molesting either party involved by either action or words at any time until the completion of this action.

**In addition to granting a decree of divorce the Petitioner further requests:  
(check all that apply)**

The Respondent should be ordered to provide for the maintenance and support of the Petitioner and required to pay some form of spousal support.

The Petitioner does not have adequate means of support and Respondent should be required to pay spousal support, attorney fees and court costs for this action.

The Petitioner requests use of the marital home and requests the Respondent be ordered to vacate the premises. Petitioner also requests use of the family vehicle.

Petitioner/Respondent wishes to have her last name restored to:

\_\_\_\_\_.

WHEREFORE, Petitioner prays for a decree of divorce on the grounds of incompatibility; a fair and equitable division of the property and debts of the marriage between the parties; and for such other relief as the Court deems equitable and just.

\_\_\_\_\_  
Petitioner Signature

**VERIFICATION**

I, \_\_\_\_\_, do solemnly swear that I am the Plaintiff and that the contents and facts herein are true and correct.

\_\_\_\_\_  
Plaintiff

STATE OF OKLAHOMA    )  
COUNTY OF \_\_\_\_\_ )

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

In the Matter of the Marriage of \_\_\_\_\_ )  
\_\_\_\_\_ )  
Petitioner, )  
and \_\_\_\_\_ ) Case No. \_\_\_\_\_ )  
Respondent. )

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
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Insurance:

Type of Ins. and Issuing Company	Beneficiary	\$	\$	Face Value	Cash Value
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Vehicles (All types of motorized):

Type/Make/Year	\$	\$	Loan Bal	Value
Type/Make/Year	\$	\$	Loan Bal	Value

Stocks & Securities:

No. Shares	\$	Value	Issuer
No. Shares	\$	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: \_\_\_\_\_ )

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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: \_\_\_\_\_ )

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**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

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**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.**

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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