

## INSTRUCTIONS FOR FILING FOR PETITION FOR DIVORCE

The Petition for Divorce needs to be notarized or brought to the Court Clerk's office for filing. The Clerk will notarize *if* everything is correct.

If the Defendant is female and wants to return to her maiden name, she will have to appear in Court and orally request that from the Judge. A male Petitioner cannot request that the other party's name be changed.

Once you receive your "draft" petition, it will need to be **RETYPED** in the same format. Only an original petition can be filed. Copies will not be accepted. **DO NOT USE THIS FORM AS AN ORIGINAL TO BE FILED** because it will be rejected. **DO NOT COPY THIS FORM AND USE IT AS AN ORIGINAL.**

***DO NOT FILL IN THE BLANKS AND RETURN THE COPY FOR FILING. TYPE A PETITION FOR SUBMISSION TO THE COURT.***

**The fee for filing this petition is \$100.00. When filing your petition, include your \$100.00 fee in the form of a cashier's check or money order made payable to the Citizen Potawatomi District Court.**

If you are mailing your petition for filing, please include the notarized original, two copies and your filing fee. **You must also provide the original notarized copy of the Waiver and Entry of Appearance Waiver from your spouse.** Your petition will not be filed if the fee is not received. **Mail your Petition Waivers and fee to:**

**COURT CLERK'S OFFICE  
CITIZEN POTAWATOMI NATION  
1601 SOUTH GORDON COOPER DRIVE  
SHAWNEE, OKLAHOMA 74801**

File-stamped copies of the **petition, notices and summons** will be mailed back to you. **An instruction sheet will also be enclosed with those documents.**

Should you have any questions concerning this form, please contact me at 405-878-4844.

IN THE DISTRICT COURT OF THE  
CITIZEN POTAWATOMI NATION

, )  
PLAINTIFF, )  
)  
v. ) Case No. \_\_\_\_\_  
)  
, )  
DEFENDANT. )

**PETITION FOR DIVORCE**

Comes now the plaintiff, \_\_\_\_\_, enrolled member of the \_\_\_\_\_, representing (herself/himself), for cause of action against the defendant, \_\_\_\_\_ enrolled member of the \_\_\_\_\_, and alleges and states:

**1. PICK ONE OF THE FOLLOWING THAT APPLIES TO YOUR SITUATION AND ADD TO YOUR PETITION:**

**a.** That the plaintiff is an enrolled member of the \_\_\_\_\_ with a mailing address of \_\_\_\_\_, and the defendant is an enrolled member of the \_\_\_\_\_ with a mailing address of \_\_\_\_\_.

**b.** That the plaintiff is a non-Indian with no objection to the jurisdiction of this court as witnessed by the signing of the waiver attached hereto and made a part hereof by reference and his/her mailing address is \_\_\_\_\_; and that the defendant is an enrolled member of the (State Tribe which defendant is a member of) with a mailing address of \_\_\_\_\_.

**c.** That the plaintiff is an enrolled member of the (State Tribe which plaintiff is a member of) with a mailing address of \_\_\_\_\_; and that the defendant is a non-Indian with no objection to the jurisdiction of this court as witnessed by the signing of the waiver attached hereto and made a part hereof by reference and his/her mailing address is \_\_\_\_\_.

**d.** That the plaintiff is an employee of the Citizen Potawatomi Nation with a mailing address of \_\_\_\_\_; and that the defendant is a non-Indian with no objection to the jurisdiction of this court as witnessed by the signing of the waiver attached hereto and made a part hereof by reference and his/her mailing address is \_\_\_\_\_.

**2.** That the parties were legally married on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at (City/State).

**3. PICK ONE OF THE FOLLOWING THAT APPLIES TO YOUR SITUATION AND ADD TO YOUR PETITION:**

a. That of the marriage, no children have been born, nor is the (plaintiff/defendant) now pregnant.

b. That of the marriage, no children have been born, but (plaintiff/defendant) is now pregnant and anticipates the birth of the child of this union on or about the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

c. That of the marriage, one child, now a minor, has been born, (enrolled/eligible for enrollment) with the (State appropriate Tribe); to-wit: (State name and birth date of child).

d. That of the marriage, \_\_\_\_ children have been born, now minors, (enrolled/eligible for enrollment) with the (State appropriate Tribe); to-wit: (State names and birth dates of children).

e. That of the marriage, \_\_\_\_ children have been born, all of whom have either attained majority or are emancipated from paternal control.

f. That of the marriage, one child, now a minor, has been born, to-wit: (State name and birth date of child).

g. That of the marriage, \_\_\_\_ children have been born, now minors, to-wit: (State names and birth dates of children).

4. That as grounds for divorce the plaintiff alleges that a state of irreconcilable incompatibility has arisen between the parties and rendered its continuation impossible, by reason of which the plaintiff is entitled to a decree of divorce from the defendant.

**5. (USE THE FOLLOWING ONLY IF REQUESTING A RESTRAINING ORDER –IF YOU DO NOT NEED A RESTRAINING ORDER, THEN LEAVE OUT OF YOUR PETITION)**

That the plaintiff fears that the defendant may attempt to remain in or return to the residence of plaintiff to harm, harass, embarrass, and molest (him/her) and the (child/children) above-named, and that (he/she) and said (child/children) will thereby be caused to suffer physical and mental anguish and emotional distress by reason thereof; and that the Court should enter an order directing and commanding said defendant immediately and forthwith to leave the plaintiff's residence and to remain away from said residency or place of plaintiff's habitation during the pendency of this action, that the defendant should be restrained and enjoined by order of the Court from, in any manner, either by action or words, interfering with or molesting the plaintiff or the said (child/children) at any place where either might be.

6. That during said marriage of the parties hereto, they have not acquired any real property and only a modest amount of personal property which should be divided as follows: The plaintiff shall receive the following: \_\_\_\_\_

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7. The defendant shall receive the following \_\_\_\_\_

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**8. PICK ONE OF THE FOLLOWING THAT APPLIES TO YOUR SITUATION AND ADD TO YOUR PETITION:**

a. That during said marriage of the parties hereto, no marital debt has accumulated of the marriage.

b. That during said marriage of the parties hereto, there is marital debt and it should be divided as follows: **LIST THE WAY YOU WOULD LIKE THE DEBT TO BE DIVIDED.**

c. That during said marriage of the parties hereto, there is marital debt and it should be divided equally between the parties.

**9. PICK ONE OF THE FOLLOWING THAT APPLIES TO YOUR SITUATION AND ADD TO YOUR PETITION: (ONLY ADD THIS PORTION IF YOU HAVE CHILDREN).**

a. That the (plaintiff/defendant) is a fit and proper person to have the custody of the minor (child/children) of the parties and that custody of said (child/children) should be awarded to the (plaintiff/defendant) subject to the right of the (plaintiff/defendant) to visit with said (child/children) at reasonable times and places.

b. That the (plaintiff/defendant) is a fit and proper person to have the custody of the minor (child/children) of the parties and that the custody of said (child/children) should be awarded to the (plaintiff/defendant) subject to the right of the (plaintiff/defendant) to have supervised visitation only with said (child/children).

c. That the plaintiff and defendant will share custody of the (child/children) jointly with (plaintiff/defendant) having physical custody of the (child/children).

d. That custody of the (child/children) should be as follows: **USE WHATEVER CUSTODY AGREEMENT YOU FEEL IS BEST.**

10. That the (plaintiff/defendant) is healthy and that (he/she) should be ordered and directed to make regular periodic payments of child support for the maintenance and support of the (child/children) of the parties above-named during their minority in the amount of \$\_\_\_\_\_ per month per child. **(ONLY ADD THIS PORTION IF YOU HAVE**

**CHILDREN).**

**11. That the Plaintiff be restored to her former name of: LIST YOUR FORMER NAME – THIS CAN ONLY BE ASKED FOR BY THE PLAINTIFF. IF THE DEFENDANT WANTS TO GO BACK TO A FORMER NAME, THEN DEFENDANT HAS TO BE PRESENT IN COURT.**

WHEREFORE, premises considered, the plaintiff prays that upon hearing this cause the Court grant and award the plaintiff a decree of divorce from the defendant; custody of the minor (child/children) of the parties with reasonable visitation privileges to the defendant; a fair and equitable division and distribution of the property accumulated by the parties; child support for care and maintenance of the minor (child/children) of the parties; that plaintiff be restored to her former name of \_\_\_\_\_; an order restraining the defendant from bothering or molesting the plaintiff and the minor (child/children) of the parties; and such other and further relief as to which the plaintiff may be entitled and which may be deemed just and proper by the Court; and that the child support payments are to begin on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and every month thereafter during the minority of said (child/children).

\_\_\_\_\_  
Plaintiff's Signature  
Typed Plaintiff's Name  
Typed Mailing Address (city, state, zip)  
Daytime Telephone Number

State of Oklahoma )  
 ) SS  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, of lawful age, being duly sworn upon oath, state that I am the above-named plaintiff and that I have read the above petition, and that the facts stated therein are true and correct to the best of my knowledge.

\_\_\_\_\_  
Plaintiff's Signature  
(Must be signed in front of Notary)

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Seal

\_\_\_\_\_  
COURT CLERK/NOTARY PUBLIC

My commission expires:\_\_\_\_\_