



DIVORCE PACKET

MIAMI TRIBE OF OKLAHOMA DISTRICT COURT

The forms in this packet are to be used for your use as a guide or as the actual document you will file when seeking a divorce. Please read the instructions carefully before completing the forms.

Remember that the Court Clerks cannot accept petitions that do not conform to the instructions in this packet. Should you need assistance in preparing the petition, you must consult an attorney at your own expense or your local legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and in helping parties complete or prepare court documents. Court Clerks cannot advise you on how to proceed or what forms may be necessary in specific situations.

Read all the instructions before completing forms to ensure that you qualify to file a divorce in the Miami Tribe of Oklahoma District Court. In order to file in the Miami Tribe of District Court, you, the Petitioner, must be an enrolled member of the Miami Tribe.

PACKET CONTAINS

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Court Clerk's Office Hours:

8:00 AM – 4:30 pm (closed 12:00 pm – 1:00 pm) Monday – Thursday

8:00 AM – 3:00 pm (closed 12:00 pm – 1:00 pm) Friday

Closed on all Federal holidays

Court Clerk's Office Mailing Address:

P.O. Box 1326

Miami, Oklahoma 74355-0970

Court Clerk's Office Contact Information:

Email: mlankford@miamination.com

Phone: (918) 541-1456

Fax: (918) 512-7929

INSTRUCTION SHEET

PETITION FOR DIVORCE

These standard instructions are informational purposes only and do not constitute legal advice about your case.
If you do not understand this information, please contact an attorney.

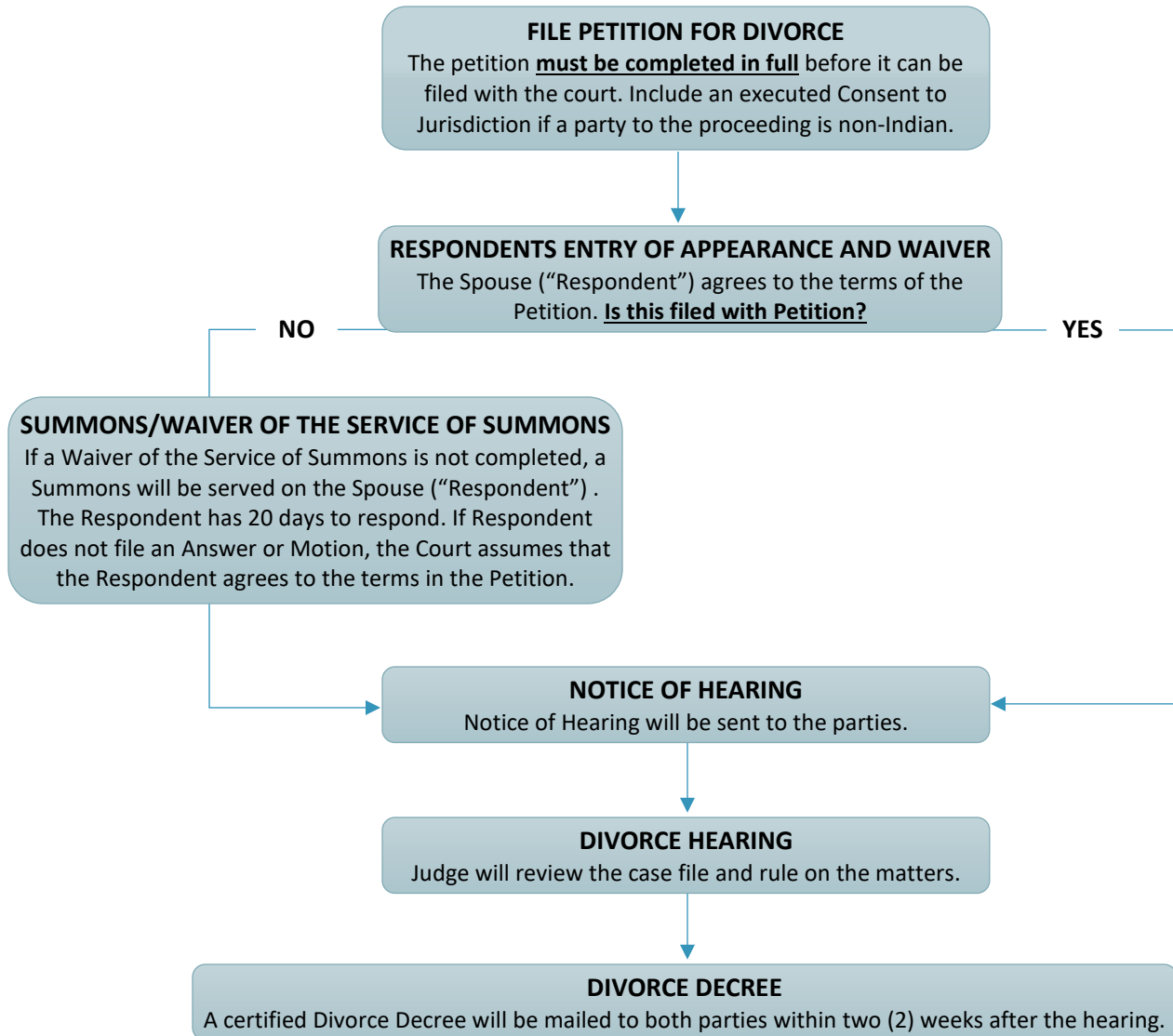
1. Petition for Divorce MUST be signed in front of the Court Clerk or a Notary Public when you are ready to file.
2. COMPLETE FORMS
 - Contact Information Sheet
 - Petition for Divorce
 - Consent to Jurisdiction (If the Petitioner or Respondent is non-Indian)
 - Respondent's Entry of Appearance and Waiver
 - Standard Visitation Schedule

NOTE: All required fields MUST be filled in, if the field does not apply to you then insert 'N/A'. Blanks WILL NOT be accepted. Forms MUST printed one-sided, be legible and completed using blue or black ink.

3. OBTAIN COPIES OF REQUIRED DOCUMENTS. (This is the YOUR responsibility)
 - Tribal Enrollment Verification
 - Marriage License
 - Birth Certificates for MINOR child(ren) of the marriage (if any)
4. FILING FEE

A Filing Fee of \$50.00 MUST be paid at the time of filing your petition. Filing Fees MUST be made in the form of a Cashiers' Check or Money Order made payable to "Miami Tribe of Oklahoma District Court" or cash in the exact amount. The Court does not keep cash on hand to make change.
5. Submit original Petition for Divorce, other completed forms and all required documents for the Court file. The Court Clerk will provide you one copy of the petition for your own records.
6. If all forms, documents and filing fees are not submitted at the time of filing, it will be returned to you, until you obtain ALL required forms, documents and filing fees for filing.

MIAMI TRIBE OF OKLAHOMA DISTRICT COURT DIVORCE FLOWCHART



CONTACT INFORMATION SHEET

To ensure that the Miami Tribe of Oklahoma has the most current contact information on file, please complete this form and return it with your Petition. Please keep our office updated on any changes that may occur to this information sheet.

PETITIONER'S INFORMATION

Name: Last: _____ First: _____ Middle: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Contact Number: _____ Alternate Number: _____

Email: _____

ATTORNEY

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Number: _____ Email: _____

RESPONDANT'S INFORMATION

Name: Last: _____ First: _____ Middle: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Contact Number: _____ Alternate Number: _____

Email: _____

ATTORNEY

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Number: _____ Email: _____

IN THE DISTRICT COURT FOR THE MIAMI TRIBE OF OKLAHOMA

IN RE THE MARRIAGE OF:

Petitioner,

v.

Respondent.

CASE NO.: FD- _____

PETITION FOR DIVORCE

1. INFORMATION ABOUT THE PARTIES

PETITIONER

Name: _____ Maiden Name (if applicable): _____

Address: _____, _____, _____, _____
City State Zip

Date of Birth: ____ / ____ / ____

Choose one:

- Petitioner is an enrolled member of the Miami Tribe of Oklahoma, Enrollment Number: _____ and **Proof of my enrollment is attached** or,
- Petitioner is not an enrolled member of the Miami Tribe of Oklahoma and has willingly signed the Consent to Jurisdiction to participate in the Divorce proceedings and is affirmatively willingly submitting to the jurisdiction of the Miami Tribe of Oklahoma District Court.

RESPONDENT

Name: _____ Maiden Name (if applicable): _____

Address: _____, _____, _____, _____
City State Zip

Date of Birth: ____ / ____ / ____

Choose one:

- Respondent is an enrolled member of the Miami Tribe of Oklahoma, Enrollment Number: _____ and **Proof of my enrollment is attached** or,
- Respondent is an enrolled member of the Miami Tribe of Oklahoma and has willingly signed the Consent to Jurisdiction to participate in the Divorce proceedings and is affirmatively willingly submitting to the jurisdiction of the Miami Tribe of Oklahoma District Court.

2. INFORMATION CONCERNING YOUR MARRIAGE

Petitioner and Respondent were married on: (month, day, year) _____
in the City of _____, County of _____, State of _____.

3. GROUNDS FOR DIVORCE

This marriage is irretrievably broken. I ask the court to dissolve our marriage and find that our marital community ended on (check one):

- the date this Petition is filed.
- (date): _____, which is when (check all that apply):
 - one of us moved to a separate household.
 - we separated our assets and debts.
 - we agreed the marital community ended.
 - other (specify): _____

4. RELIEF

The Petitioner requests the following relief (check all that apply):

- Division of the debts and assets acquired during this marriage
- Award of spousal maintenance
- For the future legal custody and physical placement and care of the minor child(ren) of the marriage as may be in the best interest of the child(ren).
- Approve any agreement between the parties as to the legal custody and physical placement and care of minor child(ren) if deemed by the Court to be in the best interests of the child(ren).
- Award of child support for the care and support of the minor child(ren) as may be just and proper for the party to contribute toward their education and support.
- Other: _____

5. PREGNANCY

Is either spouse currently pregnant? Yes No

If yes, who is pregnant? Petitioner Respondent

The estimated due date: ____ / ____ / ____ and the father of said child is: _____

6. JURISDICTION OVER THE CHILDREN

This Court has jurisdiction over the children for the reasons set forth.

1. The children are enrolled members of the Miami Tribe of Oklahoma.
2. The parties are both the legal (biological or adoptive) parents of the below dependent children.

7. CHILDREN (if there are no children, skip to Section 10)

The following information relates to the **MINOR CHILDREN** (attach additional pages if needed):

	Child's Name (First, Middle, Last)	Date of Birth	Tribal Affiliation	Resides with
1				
2				
3				
4				

8. CHILD CUSTODY/VISITATION

The Petitioner request custody and visitation to be determined by this Court. However, if the parties are able to agree on a parenting plan detailing custody and/or visitation in the best interests of the minor child(ren), then the Petitioner asks the Court to approve the parents' plan and make it part of the *Divorce*

Decree in this case; the Petitioner notes it would be in the best interests of the minor child(ren) to be placed in the care, custody and control of the parties as follows: (Account for all minor children)

The parties have entered into a written agreement as to support, legal custody and physical placement of the children? YES (copy attached) NO

Place with Petitioner:

	Child's Name	Visitation
1		<input type="checkbox"/> Yes <input type="checkbox"/> No
2		<input type="checkbox"/> Yes <input type="checkbox"/> No
3		<input type="checkbox"/> Yes <input type="checkbox"/> No
4		<input type="checkbox"/> Yes <input type="checkbox"/> No

List conditions to visits, if visits will be allowed, if you do not want to allow visitations and why, briefly state reasons:

Place with Respondent:

	Child's Name	Visitation
1		<input type="checkbox"/> Yes <input type="checkbox"/> No
2		<input type="checkbox"/> Yes <input type="checkbox"/> No
3		<input type="checkbox"/> Yes <input type="checkbox"/> No
4		<input type="checkbox"/> Yes <input type="checkbox"/> No

List conditions to visits, if visits will be allowed, if you do not want to allow visitations and why, briefly state reasons:

9. CHILD SUPPORT, INSURANCE, AND TAXES

Support – I ask the Court to order the Respondent to (check all that apply):

- Pay child support according to the Modoc Tribal Child Support Services (TCSS). A copy of my completed Application for Child Support Services is attached.
- Provide and keep health insurance for the children.
- Pay the children's day care, uninsured medical, or other expenses.
- No request made for support of children.
- Other (specify): _____

Tax Exemptions – I ask the Court to order:

- Petitioner may claim the children as dependents on tax forms.
- Other (specify): _____

10. WRITTEN AGREEMENT

Have you and your spouse signed a prenuptial agreement, separation contract, or community property agreement? (check one): No. (skip to Section 11) Yes. (fill out below)

Type of written agreement: _____

Date of written agreement: _____

Should the court enforce this agreement? Yes . No. (if No, explain why not):

11. REAL PROPERTY (land or home):

- Neither spouse owns any real property. (skip to Section 12)
- I ask the court to divide the real property according to the written agreement described in Section 10 above.
- I ask the court to divide the real property fairly (equitably) as the court decides.
- I ask the court to divide the real property fairly (equitably), as explained below:

Real Property Address	Tax Parcel Number	Present Value	Who should own this property?
			<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

Other (specify): _____

12. PERSONAL PROPERTY (possessions, assets, or business interests of any kind) (check one):

- We have already divided the property fairly. I ask the court to order that each spouse will keep any personal property that s/he now has or controls.
- I ask the court to divide the personal property according to the written agreement described in Section 10 above.
- I ask the court to divide the personal property fairly (equitably) as the court decides.
- I ask the court to divide the personal property fairly (equitably), as described below:

List Property (includes vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last four digits of any account number)

	Present Value	Who should own this property?
		<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
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

Other (specify): _____

13. DEBTS (check all that apply):

- I am not aware of any debts. (skip to Section 14)
- I ask the court to order each spouse to be responsible for debts s/he incurred (made) after the date of separation.
- I ask the court to divide the debts according to the written agreement described in Section 9 above.
- I ask the court to make the following orders about debts. (check all that apply):
 - Each spouse is responsible for the debts that are now only in his/her own name.
 - Divide the debts fairly (equitably) as the court decides.
 - Divide the debts fairly (equitably), as explained below:

Debt (describe who is owed and payment schedule)	Debt Amount	Who should pay this debt?
		<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
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

Other (specify): _____

14. ALIMONY/SPOUSAL SUPPORT

The Petitioner request alimony/spousal support be provided as noted (check one):

- I am not requesting spousal support. (skip to Section 15)
- I ask the court to order my spouse to pay spousal maintenance to me as determined by the court.
- Other (specify): _____

15. OTHER RELIEF

Additional requests to the Court. Anything else the Court should consider and decide out of fairness to the parties:

16. NAME CHANGE

The Petitioner Respondent (check one):

- Requests their previous name of _____ be restored.
- Does not request to have their previous name restored.
- Not applicable

Attachments: The Petitioner must attach any written agreements between the parties as to maintenance of either party, division, of debts and assets, or support, legal custody, and physical placement of the child(ren). If the Petitioner is requesting that the Court grant child support, spousal maintenance or division of debts and assets acquired during the marriage, and the parties have not entered into a written agreement as to such requests, the Petitioner must attach a completed Statement of Income, Assets, Debts, and Living Expenses if stipulating to the requests and assertions as evidenced by the joint filing of this pleading.

THEREFORE, the Petitioner asks the Court grant and award the Petitioner a decree of divorce from the Respondent as requested in this petition and a hearing be set as soon as the Court deems necessary.

VERIFICATION

I, _____, (print your name), upon oath, verify I have read the Petition for Divorce and the statements are true, accurate, and complete to the best of my knowledge and belief.

Dated this _____ day of _____, 20____.

Petitioner Signature

Subscribed to and sworn to before me on this

_____ day of _____, 20____.

Notary Public

IN THE DISTRICT COURT FOR THE MIAMI TRIBE OF OKLAHOMA

Petitioner,	CASE NO.: _____
v.	
Respondent.	

CONSENT TO JURISDICTION

I, _____, the above-named Petitioner/Respondent hereby expressly recognizes that the benefit sought or presently enjoyed from the Miami Tribe of Oklahoma regarding the above-named matter is a privilege and a benefit to the undersigned and not a property interest or matter of right. In consideration of, and as a condition precedent to, the grant, issuance or continued enjoyment of this privilege and benefit, regardless of whether the undersigned is of Indian or non-Indian blood, descent or legal character, I hereby stipulate and agree that jurisdiction over all matters and disputes arising out of the exercise of such a benefit and privilege shall vest in the Miami Tribe of Oklahoma District Court. I further stipulate to be bound by all Miami Tribe of Oklahoma laws governing such benefits, privileges and activities. I further expressly waive all future rights to contest the jurisdiction of the Courts of Miami Tribe over the above-named matter.

Dated this _____ day of _____, 20____.

(Day) (Month) (Year)

Petitioner/Respondent's Signature

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

Notary Public

My Commission Expires: _____

Court Clerk

IN THE DISTRICT COURT FOR THE MIAMI TRIBE OF OKLAHOMA

Petitioner,	CASE NO.: _____
v.	
Respondent.	

RESPONDENT'S ENTRY OF APPEARANCE AND WAIVER

COMES NOW, the Respondent herein, the undersigned, and acknowledges receipt of a copy of the Petition filed and, states that he/she has read and understands the same, hereby waives the issuance, service, and return of process upon him/her in this action, enters a voluntary appearance in this cause and submits to the jurisdiction of the Miami Tribe of Oklahoma, waiving all time and ride to pleas and answer, or appear in this action, and consents that the same may be set down for trial and heard by the Court at any time hereafter without notice to, and in the absence of the Respondent.

Dated this _____ day of _____, 20____.

(Day) (Month) (Year)

Signature

Address: _____
City/State/Zip: ` _____
Telephone: _____

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

Notary Public

STANDARD VISITATION SCHEDULE

PETITIONER: _____

RESPONDENT: _____

CASE NO.: _____

The non-custodial parent shall have visitation with the minor child(ren) of the parties as follows:

REGULAR VISITATION

Every other weekend from 6:00 p.m. Friday to 6:00 p.m. Sunday.

HOLIDAY VISITATION

In even-numbered years (2020, etc.) the non-custodial parent shall have visitation according to the following schedule:

EASTER: 6 p.m. Friday preceding Easter until Easter Sunday at 10 p.m.
INDEPENDENCE DAY: Evening preceding July 4 until 10 p.m. on July 4.
THANKSGIVING: Wednesday preceding Thanksgiving until 10 p.m. Sunday
CHILD'S BIRTHDAY: 8 a.m. on day of birthday until 6 p.m. on day of birthday

In odd-numbered years (2021, etc.) the non-custodial parent shall have visitation according to the following schedule:

MEMORIAL DAY: 6 p.m. Friday preceding Memorial Day until 10 p.m. Monday
LABOR DAY: 6 p.m. Friday preceding Labor Day until 10 p.m. Monday
CHRISTMAS: 6 p.m. Christmas Day until 6 p.m. December 26

The holiday visitation schedule set out above is to be observed whether or not it coincides with the regular every other weekend visitation schedule and is in addition thereto. However, it is intended that the holidays alternate between custodial and non-custodial parents. Therefore, on those occasions when non-custodial shall not occur.

SPECIAL VISITATION

With respect to Father's Day and Mother's Day, if the father is the non-custodial parent, and if Father's Day falls on a weekend not regularly scheduled for parental visitation, he shall have visitation on Father's Day from 12 noon until 10 p.m. If Mother's Day falls within the weekend of father's visitation, he shall return the child(ren) to the mother by 12 noon on Mother's Day. If the mother is the non-custodial parent, the reverse shall apply.

SUMMER VISITATION

The non-custodial parent shall have summer visitation for two 2-week periods from 8:00 a.m. June 15 until 6:00 p.m. June 30 and from 8:00 a.m. July 15 until 6:00 p.m. July 30th. The alternating weekend visits shall remain in effect.

This visitation is for the purpose of providing assured minimum amounts of visitation between non-custodial parent and child(ren). Visitation should exceed the number of occasions set out herein. In addition, liberal telephone communications between non-custodial parent and child(ren) are encouraged.

JUDGE OF THE DISTRICT COURT