

**IN THE
HO-CHUNK NATION TRIAL COURT**

In re the Marriage of:

PETITION FOR DIVORCE
(With Minor Children)

_____,

Petitioner,

v.

Case No.: FM 0____ - ____
[assigned by the Court]

_____,

Respondent.

Pursuant to the DIVORCE AND CUSTODY ORDINANCE, 4 HCC § 9, the petitioner requests that the Court dissolve the marriage between the petitioner and respondent by divorce. The petitioner accordingly alleges the following facts:

The following information relates to the **PETITIONER**:

1. I am the petitioner, I am the **Husband** **Wife**.

2. Name: _____

3. Maiden name (if applicable): _____

4. Address: _____
(state physical address also if P.O. Box is listed)

City State Zip Code

5. Phone: (____) _____ (____) _____
Home Work

6. Facsimile Number (if available): (____) _____

7. Date of Birth: _____

8. Social Security Number: _____ - ____ - _____

9. Occupation: _____

Place of employment: _____

10. I am a member of the Ho-Chunk Nation: **Yes** or **No**.

If yes, my enrollment number is: 439A00 _____.
(four numbers)

11. I reside on tribal lands: **Yes** or **No**.

PETITIONER'S INFORMATION

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RESPONDENT'S INFORMATION

The following information relates to the **RESPONDENT**:

1. Name: _____
2. Maiden name (if applicable): _____
3. Address (last known): _____
(state physical address also if P.O. Box is listed)

City State Zip Code
4. Phone: (_____) _____ (_____) _____
Home Work
5. Facsimile Number (if available): _____
6. Date of Birth: _____
7. Social Security Number: _____ - _____ - _____
8. Occupation: _____
Place of Employment: _____
9. The respondent is a member of the Ho-Chunk Nation: **Yes** or **No**.
If yes, the respondent's enrollment number is: 439A00 _____.
(four numbers)
10. The respondent resides on tribal lands: **Yes** or **No**.

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

1. Name: _____
 2. Date of Birth: _____
 3. Social Security Number: _____ - _____ - _____
 4. The minor child is a member of the Ho-Chunk Nation: **Yes** or **No**.
If yes, the respondent's enrollment number is: 439A00 _____.
(four numbers)
-
1. Name: _____
 2. Date of Birth: _____
 3. Social Security Number: _____ - _____ - _____
 4. The minor child is a member of the Ho-Chunk Nation: **Yes** or **No**.
If yes, the respondent's enrollment number is: 439A00 _____.
(four numbers)

1 1. Name: _____

2 2. Date of Birth: _____

3 3. Social Security Number: _____ - _____ - _____

4 4. The minor child is a member of the Ho-Chunk Nation: Yes or No.

5 If yes, the respondent's enrollment number is: 439A00 _____.

(four numbers)

6 Is the wife currently pregnant? Yes or No.

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8 **JURISDICTION:** By filing this petition, I recognize that I voluntarily submit to the
9 personal and subject matter jurisdiction of the Ho-Chunk Nation Judiciary. The below facts
10 support the assumption of jurisdiction over the petitioner and/or respondent. In particular, the
11 Court may exercise personal jurisdiction over the petitioner and/or respondent due to satisfaction
12 of one or more of the following conditions (check all that apply):

13 the petitioner is an enrolled member of the Ho-Chunk Nation, and has maintained
14 a residence in the State of Wisconsin for at least six (6) consecutive months prior to the filing of
15 this petition;

16 the respondent is an enrolled member of the Ho-Chunk Nation, and has maintained
17 a residence in the State of Wisconsin for at least six (6) consecutive months prior to the filing of
18 this petition;

19 the petitioner presently resides on tribal land, and has maintained this residence for
20 at least six (6) consecutive months;

21 the respondent presently resides on tribal land, and has maintained this residence
22 for at least six (6) consecutive months;

23 the marriage between the petitioner and respondent was solemnized by a member
24 of the Ho-Chunk Nation Judiciary.

25 **REQUIRED INFORMATION:** As required by the DIVORCE AND CUSTODY ORDINANCE,
26 the petitioner must make the following assertions in any petition for divorce:

27 1. This marriage was entered into on: _____.
(date)

28 2. The marriage occurred at: _____.
(city, state)

3. This marriage is irretrievably broken.

1 4. An action for divorce or legal separation regarding this marriage was or has been
2 commenced, or is pending in any other state or tribal court. **Yes** or **No**.

3 If **Yes**, location where commenced or pending: City: _____
4 County: _____ State: _____ Case No.: _____

5 5. The parties have entered into a written agreement as to maintenance of either party
6 or division of property. **Yes** (copy attached) or **No**.

7 6. The parties have entered into a written agreement as to support, legal custody and
8 physical placement of the children. **Yes** (copy attached) or **No**.

9 7. The petitioner requests the following relief (check all that apply):

- 10 Divorce
- 11 Division of the debts and assets acquired during this marriage
- 12 Award of spousal maintenance
- 13 For the future legal custody and physical placement and care of the minor
14 children of the marriage as may be in the best interest of the children.
- 15 Approve any agreement between the parties as to the legal custody and
16 physical placement and care of minor children if deemed by the Court to be
17 in the best interests of the children.
- 18 Award of child support for the care and support of the minor children as
19 may be just and proper for the party to contribute toward their education
20 and support.
- 21 Other: _____

22 **PROHIBITED ACTS:** During the pendency of the action, the parties are prohibited from,
23 and may be held in contempt of court for any of the following:

24 1) harassing, intimidating, physically abusing or imposing any restraint on the person or
25 liberty of the other party or a minor child of either party; or

26 2) without the consent of the other party or an order from the Court, encumbering,
27 concealing, damaging, destroying, transferring, or otherwise disposing of property owned by either
28 or both of the parties, except in the usual course of business, in order to secure necessities or in
order to pay reasonable costs and expenses of the action, including attorney fees;

3) Without the consent of the other party or an order of the Court, establishing a residence
with a minor child of the parties outside the state of Wisconsin or more than 150 miles from the
residence of the other party within the state.

1 4) Removing a minor child of the parties from the state of Wisconsin without consent of
2 custodial parent.

3 **ATTACHMENTS:** The petitioner must attach any written agreement between the parties
4 as to maintenance of either party, division of debts and assets, or support, legal custody and
5 physical placement of the children. If the petitioner is requesting that the Court grant child support,
6 spousal maintenance or division of debts and assets acquired during the marriage, and the parties
7 have not entered into a written agreement as to such requests, the petitioner must attach a
8 completed *Statement of Income, Assets, Debts & Living Expenses*. Likewise, the respondent must
9 attach a completed copy of the *Statement of Income, Assets, Debts & Living Expenses* if stipulating
10 to the above requests and assertions as evidenced by the joint filing of this pleading.

11 NUMBER OF ADDITIONAL PAGES USED: _____
12

13 By affixing my signature below, I swear that I have provided the above information in good
14 faith and with the belief that each statement represents a true and accurate account of the facts
15 based upon adequate research and investigation. I recognize that the Ho-Chunk Nation Judiciary
16 may impose sanctions if it determines that I have made statements in bad faith, including
17 intentional misstatements or statements made upon inadequate research or investigation. I also
18 recognize that the foregoing admonition extends to include the omission of material facts or law,
19 which I knew, or should have reasonably known, would impact or prove relevant to the action.

20 I file this petition of my own free will and absent threats, intimidation or coercion of any
21 kind. I understand that any decision reached by the Ho-Chunk Nation Trial Court is binding and
22 that if I disagree with the findings or conclusions or remedies of the Trial Court, I may file an
23 appeal with the Ho-Chunk Nation Supreme Court. I further acknowledge that since I am
24 submitting myself to the jurisdiction of the Ho-Chunk Nation Judiciary, I am subject to its
25 determinations, including those relating to contempt of court.
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RESPECTFULLY SUBMITTED BY PETITIONER,

Signature: _____

Date: _____, 20 _____

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 20____
at _____ .
City State

Notary Public for _____
State

My commission expires: _____

Signature of counsel (if any): _____

Mailing address of counsel: _____

E-mail address of counsel: _____

Telephone number of counsel: _____

Facsimile number of counsel: _____

Ho-Chunk Bar number of counsel: _____

If not a member of the Ho-Chunk bar, a *Motion to Appear Pro Hac Vice* has been
attached in accordance with *Ho-Chunk Nation Rules of Civil Procedure*, Rule 16(B),¹ and/or
I have applied for membership in the Ho-Chunk Nation bar in accordance with the *Ho-Chunk
Nation Rules for Admission to Practice*.

¹ Parties can obtain a copy of the *Ho-Chunk Nation Rules of Civil Procedure* by contacting the Ho-Chunk Nation
Judiciary at (715) 284-2722 or (800) 434-4070 or visiting the judicial website at <http://www.ho-chunknation.com/government/legislature.aspx>.

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RESPECTFULLY SUBMITTED BY RESPONDENT,

Signature: _____

Date: _____, 20 _____

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 20 ____
at _____
City State

Notary Public for _____
State

My commission expires: _____

Signature of counsel (if any): _____

Mailing address of counsel: _____

E-mail address of counsel: _____

Telephone number of counsel: _____

Facsimile number of counsel: _____

Ho-Chunk Bar number of counsel: _____

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