

## INSTRUCTIONS FOR FILLING OUT PETITION FOR DIVORCE WITH MINOR CHILDREN

**These instructions are only intended to provide information on how to fill out this form. It is not intended to substitute legal advice. There may be additional documents and procedures for your particular type of civil action. If you have any legal questions regarding the specific facts of your case, please consult with an attorney.**

### **Do not include these instructions when you file your completed petition**

A *Petition for Divorce* is an initial pleading that starts a divorce action, states the basis for the court's jurisdiction, the request for relief and the basis for the request for relief.

The petitioner is the party who brings the action to court.

The respondent is the party against whom a petition is filed.

- **Page 1, Lines 3 – 8:** Write the name of the petitioner on Line 4. Write the name of the respondent on Line 7. You do not need to write a case number. A case number will be assigned by the Court.
- **Page 1, Lines 10 – 12:** Read Lines 10 – 12 regarding the Court's authority under the DIVORCE AND CUSTODY ORDINANCE. Copies of the ORDINANCE can be found on the Nation's website located at [www.ho-chunknation.com/HCNLAws.aspx](http://www.ho-chunknation.com/HCNLAws.aspx) or by contacting the Ho-Chunk Nation Legislature at (715) 284-9343 or (800) 294-9343.
- **Page 1, Lines 13 – 28:** Indicate whether the petitioner is the husband or wife on line 14. Provide the Court with the petitioner's name, address, phone number, date of birth, social security number, occupation, and place of employment on Lines 15-24. Indicate whether the petitioner is a member of the Ho-Chunk Nation on line 25. Provide the Court with the petitioner's enrollment number if the petitioner is a member of the Ho-Chunk Nation on Line 26. Indicate whether the petitioner resides on tribal lands on Line 27.
- **Page 2, Lines 1 – 15:** Provide the Court with the respondent's name, address, phone number, date of birth, social security number, occupation, and place of employment. Indicate whether the respondent is a member of the Ho-Chunk Nation on Line 12. Provide the Court with the respondent's enrollment Number on Line 13 if the respondent is a member of the Ho-Chunk Nation on Line 13. Indicate whether the respondent resides on tribal lands on Line 14.
- **Page 2, Lines 17 – 28 and Page 3: Lines 1 – 5:** Provide the name, date of birth, social security number of the minor child(ren) and indicate whether the minor child(ren) are members of the Ho-Chunk Nation in the spaces provided. Provide the enrollment number of the minor child(ren) if the minor child(ren) is/are enrolled in the Ho-Chunk Nation.
- **Page 3, Line 6:** Indicate whether the wife is currently pregnant by checking the box next to "yes" or "no." *See Id.*
- **Page 3, Lines 7 – 23:** Read the section regarding jurisdiction on Lines 7-11. Read the options below the Jurisdiction Section and check all the boxes that apply.
- **Page 3, Lines 26 – 28:** Enter the date the marriage was entered into on Line 26. Provide the Court with the city and state where the marriage occurred at on Line 27. Read Line 28. Information regarding whether a marriage is irretrievably broken can be found under the DIVORCE AND CUSTODY ORDINANCE, 4 HCC § 9.6.

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- **Page 4, Lines 1 – 3:** Indicate whether an action for divorce or legal separation was or has been commenced, or is pending in another state or tribal court on Line 2. Provide the name of the city, county, state and case number where the divorce or legal separation action commenced or is pending if you checked “yes” on Line 3.
- **Page 4, Lines 4 – 5:** Indicate whether the petitioner and respondent have a written agreement for either spousal maintenance, division of property, or both by checking either the “yes” or “no” in the box provided.
- **Page 4, Lines 7 – 18:** Place a check mark next to each form of relief the petitioner would like the Court to award. You may select all the forms for relief listed or only one (1). If you check “Other,” then provide a brief description of the “Other” relief you are requesting.
- **Page 4, Lines 18 – 28 and Page 5: Lines 1 – 2:** Read the section relating to prohibited acts during the pendency of the divorce action. If either the petitioner or respondent violates any of the prohibited acts listed, the Court may hold the party in contempt of Court.
- **Page 5, Lines 3 – 5 and Line 11:** Do the parties have a written agreement relating to spousal maintenance, division of debts and assets, support, legal custody and physical placement? **If the answer is yes, then the petitioner must attach such an agreement to the petition and mark how many additional pages are used on Line 11.**
- **Page 5, Lines 5 – 11:** Is the petitioner requesting the Court to grant child support, spousal maintenance or division of debts and assets acquired during the marriage? If yes, then do the parties have a written agreement as to such requests? If there is **no** such agreement and the petitioner is requesting for either child support, spousal maintenance or division of debts and assets acquired during the marriage, then the petitioner **must** attach a completed *Statement of Income, Assets, Debts & Living Expenses*. The respondent must also file a completed copy of the *Statement of Income, Assets, Debts & Living Expenses*.
- **Page 5, Line 11:** Write down the number of additional pages used. The person filling this petition out may include the number of pages from the *Statement of Income, Assets, Debts & Living Expenses* as additional pages. Also include the number of pages from all other attachments, including any agreement between the parties and additional information provided to the Court.
- **Page 5, Lines 13 – 25:** Read the information regarding the petitioner’s signing of their name to the Petition.
- **Page 6, Lines 1 – 11:** Sign your name and write the date of signing before a notary. The Trial Court offers notary services for parties filing petitions.
- **Page 6, Lines 12 – 23:** If you are representing yourself, you do not need to fill out Lines 12 – 23. If you are represented by an attorney, your attorney will fill out these lines.
- **Page 7, Lines 1 -11:** The respondent only needs to sign this petition if they are in agreement with the divorce and the petitioner’s request for relief. If the respondent agrees to the request for relief in the petition, then they must also sign here before a notary.
- **Page 7, Lines 12 – 24:** If the respondent is represented by an attorney, their attorney will fill out these lines.