

INSTRUCTIONS FOR FILLING OUT PETITION FOR DIVORCE WITHOUT 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.

Instructions:

- **Page 1, Lines 3 – 8:** Write the name of the petitioner on Line 4. Write the name of the respondent on Line 8. 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 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 15 – 28 and Page 3, Lines 1 – 4:** Read the section regarding jurisdiction on Lines 15-20. Read the options below the Jurisdiction Section and check all the boxes that apply.
- **Page 3, Lines 5 – 8:** Enter the date the marriage was entered into on Line 7. Provide the Court with the city and state where the marriage occurred at on Line 8.
- **Page 3, Line 9:** Read Line 9. Information regarding whether a marriage is irretrievably broken can be found under the DIVORCE AND CUSTODY ORDINANCE, 4 HCC § 9.6.
- **Page 3, Lines 10 – 11:** If there are no minor children born of or adopted to this marriage and the wife is not currently pregnant, then continue filling out this form. If there are minor children either born of or adopted to this marriage, then discontinue using this form and use the *Petition for Divorce (With Minor Children)* form instead. The petitioner shall also use the *Petition for Divorce (With Minor Children)* form if the wife is currently pregnant.

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- **Page 3, Lines 12 – 14:** 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 13. 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 14.
- **Page 3, Lines 15 – 16:** 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. **If there is a written agreement, attach a copy of the agreement with the petition.**
- **Page 3, Lines 17 – 21:** Here is where the petitioner lists the type of relief the petitioner wants the Court to award. 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 3, Lines 22 – 28:** 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 4, Lines 1 – 2 and Page 4, Line 10:** Do the parties have a written agreement relating to spousal maintenance, or division of debts and assets? Is the petitioner requesting the Court to grant 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 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 4, Line 10:** 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 4, Lines 11 – 24:** Read the information regarding the petitioner’s signing of their name to the Petition. The Ho-Chunk Nation Judiciary may impose sanctions if you are not telling the truth or misleading the Court.
- **Page 5, Lines 1 – 9:** Sign your name and write the date of signature before a notary. The Trial Court offers notary services for parties filing petitions.
- **Page 5, Lines 11 – 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 6, Lines 1 -9:** 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 6, Lines 10 – 21:** If the respondent is represented by an attorney, their attorney will fill out these lines.