

## INSTRUCTIONS FOR PETITION FOR ADMINISTRATIVE REVIEW

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.

For other questions, you may contact the Trial Court at (715) 284-2722. In addition, copies of the applicable law 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.

**Do not include these instruction sheets when you file the completed form.**

### **Petition:**

A petition is an initial pleading that starts an action and states the basis for the court's jurisdiction, the basis for the petitioner's claim, and the demand for relief.

The petitioner is the party who brings the action to court - the person who fills out the petition.

The respondent is the party being sued in the action - the person who the petition is brought against.

### **Instructions:**

- **Page 1, Lines 3-6:** Enter your full, legal name on the petitioner line. There can be more than one petitioner. Enter in the respondent's full, legal name on the respondent line. There can be more than one respondent. The respondent is the official or employee being sued. Indicate whether the official or employee is being sued in their individual, or in their official capacity. You do not need to write a case number. A case number will be assigned by the Court.
- **Page 1, Lines 12-17:** State the specific reasons why the administrative decision is defective. The basis for review is a factual situation that entitles an individual to obtain a remedy in court.
- **Page 1, Lines 18-28:** Enter the applicable information as it relates to the petitioner.
- **Page 2, Lines 1-13:** Enter the applicable information as it relates to the respondent.
- **Page 2, Lines 14-25:** Provide a summary of the incident and circumstances resulting in this action.
- **Page 3, Lines 1-11:** Jurisdiction is the court's power to exercise authority over all persons and things within its territory and to hear and decide a case or issue in dispute. The petitioner must show that the Ho-Chunk Nation Trial Court has

## INSTRUCTIONS FOR PETITION FOR ADMINISTRATIVE REVIEW

jurisdiction over the action and the parties in the action. State the specific law or laws that relate to your action and give the Ho-Chunk Nation Trial Court authority to hear and determine your action.

- **Page 3, Lines 13-26:** The procedural history is the disposition of the case at the administrative level that explains how the case got to the Court. Provide a summary of the procedural history at the administrative level i.e. provide a history and timeline of when the grievance was filed and when grievance levels were completed. Also provide a history and timeline of key events, case filings, and decisions.
- **Page 4, Lines 1-9:** A request for relief is a request for a determination of the rights and liabilities of one or more parties in an action that a legal authority allows the court to decide by a judgment. In simpler terms, a request for relief is what you are asking the court to do with your case, i.e. what do you want to occur in your case. State what you want the Ho-Chunk Nation Trial Court to do. Explain the requests fully.
- **Page 4, Lines 10-21:** Check the corresponding box for the documents that you are including with the petition. For employment grievances, the complainant petition forms for each level and the administrative decision for each level must be included. Make a note if the administration did not provide a written decision with the statutory timeframe.
- **Page 4, Line 23:** State the number of additional pages that are being filed with the petition, if any.
- **Page 4, Lines 25-28:** The prayer for relief is a request addressed to the court and appearing at the end of a pleading; it is a request for specific relief or damages.
- **Page 5, Lines 1-12:** Be sure to read the statement that precedes your signature. By signing the petition, you are signaling to the Court that you agree with this statement. If you are self-represented, you must date and sign the document. If you are represented by a lawyer, the lawyer must date and sign the document.