

INSTRUCTIONS FOR PETITION FOR CUSTODY AND PLACEMENT

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 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 i.e. the person who fills out the petition.

The respondent is the party being sued in the action - the person who currently has full custody of the minor child(ren) and/or shared custody of the minor child(ren) with you.

Instructions:

- **Page 1, Lines 1-9:** Enter your full, legal name on the petitioner line. There can be more than one petitioner. Enter the respondent's full, legal name on the respondent line. There can be more than one respondent. You do not need to write a case number. A case number will be assigned by the Court.
- **Page 1, Lines 12-28:** Enter the applicable information as it relates to the petitioner.
- **Page 2, Lines 1-16:** Enter the applicable information as it relates to the respondent.
- **Page 2, Lines 17-28 & Page 3: Lines 1-6:** Enter the applicable information as it relates to the minor child(ren).
- **Page 3, Lines 7-15:** 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 jurisdiction over the action and the parties in the action. Check all the boxes that apply - state whether you are enrolled or eligible to be enrolled with the Ho-Chunk Nation and/or whether the respondent is enrolled or eligible to be enrolled with the Ho-

INSTRUCTIONS FOR PETITION FOR CUSTODY AND PLACEMENT

Chunk Nation and/or whether you or the respondent reside on Nation lands with a child who is enrolled or is eligible to be enrolled with the Ho-Chunk Nation.

- **Page 3, Lines 16-24:** Check all the boxes that apply i.e. state whether custody was previously decided in a county court (if yes, attach a certified copy of the custody order from that court). Also state whether this petition is a standalone case or if it's being filed in connection with another matter such as a divorce, paternity, or child support action.
- **Page 3, Lines 25-28 & Page 4, Lines 1-5:** Read the statement set forth in this section.
- **Page 3: Lines 6-8:** State the number of additional pages used, if any.
- **Page 4, Lines 10-23 & Page 5, Lines 1-22 & Page 6, Lines 1-22:** Be sure to read the statement that precedes your signature. 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. If you and the respondent are mutually filing this document they must sign and date the document as well. If not, leave the last page blank.