

INSTRUCTIONS FOR PETITION FOR RELEASE OF PER CAPITA DISTRIBUTION

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.

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(s), 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 and is seeking to have the decedent's non-trust property probated.

Instructions:

- **Page 1, Lines 7-8:** Enter the name of the Ward/Minor Child on the line provided under "Beneficiary". You do not need to write a case number. A case number will be assigned by the Court.
- **Page 1, Line 18:** Enter your full, legal name on the line.
- **Page 1, Lines 21-25:** Check the boxes that apply. Either you are petitioning on behalf of yourself as an Adult CTF Beneficiary, or on behalf of minor child/ward as that person's guardian.
- **Page 2, Lines 1-11:** Provide your address, telephone number, email address, social security number, and tribal enrollment number.
- **Page 2, Lines 13-16:** Provide the address of the minor child/ward if they live at a different address than you.
- **Page 2, Lines 18-25:** Provide the information for the parent who is not petitioner if applicable.
- **Page 3, Lines 1-16:** The applicable law is the Ho-Chunk Nation Per Capita Distribution Ordinance. You can ask a Staff Attorney for a copy of the law or go to: <http://www.ho-chunknation.com/HCNLaws.aspx>

INSTRUCTIONS FOR PETITION FOR RELEASE OF PER CAPITA DISTRIBUTION

- **Page 3, Lines 17-27:** 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.
- **Page 4, Lines 1-10:** This section reminds you to include important documentation when filing your petition.
- **Page 4, Lines 12-28:** Provide the information regarding the amount you are requesting, the vendor that will be providing the service, and a description of the goods/services.
- **Page 5, Lines 2-15:** A release from a per capita trust fund account must be for the education, health, and/or welfare of the minor child/ward. State what is the educational, health or welfare benefit.
- **Page 5, Lines 16-27:** You must demonstrate that the request is being made for a need of the minor child/ward. A release cannot be made only because the beneficiary desires it. State specifically the need that this money would cover.
- **Page 6, Lines 1-13:** Provide an explanation as to why this need is not able to be financially covered by other means.
- **Page 6, Lines 14-27:** State whether other methods of funding have been exhausted.
- **Page 6, Line 6:** State the number of additional pages used, if any.
- **Page 6, Lines 8-21:** 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.