

INSTRUCTIONS FOR PETITION FOR VOLUNTARY RELINQUISHMENT OF MEMBERSHIP

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 <https://ho-chunknation.com/government/legislative-branch/ho-chunk-nation-laws/> 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.

Instructions:

- **Page 1, Lines 1-8:** Enter your full, legal name on the petitioner line. There can be more than one petitioner. You do not need to write a case number. A case number will be assigned by the Court.
- **Page 1, Line 10:** A cause of action is a factual situation that entitles one person to obtain a remedy in court from another person.
- **Page 1, Lines 13-28:** Fill in the information relating to the petitioner – the person who is bringing the action.
- **Page 2, Lines 1-28:** 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.
- **Page 3, Lines 26-28:** Sign your name and write down the date you signed the petition.
- **Page 4, Line 2:** Write down the number of pages you will include when filing the petition.
- **Page 4, Lines 10-21:** Your attorney should fill in this information if you have secured an attorney.

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**IN THE
HO-CHUNK NATION TRIAL COURT**

**PETITION FOR VOLUNTARY
RELINQUISHMENT OF MEMBERSHIP**

_____,
Petitioner,

v.

Case No.: CV ____ - ____
[assigned by the Court]

**Ho-Chunk Nation and Ho-Chunk Nation
Office of Tribal Enrollment,**
Respondents.

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I. CAUSE OF ACTION

The petitioner in the above-captioned case files this action requesting that the Ho-Chunk Nation Trial Court certify the attached *Voluntary Relinquishment Form*.

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II. PETITIONER'S INFORMATION

PETITIONER'S INFORMATION

1. Name: _____
2. Maiden name (if applicable): _____
3. Address: _____
(state physical address also if P.O. Box is listed)

City State Zip Code
4. Date of Birth: _____
5. Phone: (____) _____ (____) _____
Home Work
6. Facsimile Number (if available): (____) _____
7. Occupation: _____
Place of employment: _____
or Petitioner is not presently employed.
8. HCN Member Tribal ID No.: _____
9. Do you have any outstanding debts to the Nation? Yes No
Please specify: _____

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2 **III. JURISDICTION**

3 This Court has original jurisdiction over this case pursuant to the “cases and controversy”
4 clause of the CONSTITUTION OF THE HO-CHUNK NATION, Art. VII, Sec. 5(a), providing that the
5 Trial Court “shall have original jurisdiction over all cases and controversies,” in law and equity
6 “arising under the Constitution, laws [or] customs and traditions of the Ho-Chunk Nation.”
7 Specifically, the petitioner alleges that the cause of action arises under the HO-CHUNK NATION
8 MEMBERSHIP CODE, 2 HCC § 7.9;

9 **9. Voluntary Relinquishment.**

10 **a. Voluntary Relinquishment of Membership.**

11 (1) A Member may voluntarily Relinquish Membership in accordance with Article II,
12 Section 2 of the Constitution of the Ho-Chunk Nation.

13 (2) The Tribal Enrollment Officer will establish procedures for Voluntary Relinquishment
14 in accordance with Article II, Section 2 of the Constitution.

15 (3) A Member who seeks Voluntary Relinquishment of Membership will notify the Office
16 of Tribal Enrollment in writing with a notarized signature.

17 (a) The Office of Tribal Enrollment shall develop a Relinquishment Form to be
18 handed to any Member who wishes to Voluntarily Relinquish Membership.
19 ENROLLMENT CODE (2 HCC § 7). This Relinquishment Form shall outline the
20 consequences of Relinquishing Membership and the process to voluntarily
21 Relinquish Membership.

22 (b) Upon receiving a written notification that a Member wishes to Relinquish
23 Membership, the Office of Tribal Enrollment shall send via certified mail a copy of
24 the Relinquishment Form to the Member who submitted the written notification to
25 initiate the process of Relinquishing Membership.

26 (4) The Office of Tribal Enrollment will forward the Voluntary Relinquishment to the
27 Trial Court for certification.

28 (5) Voluntary Relinquishment will become effective upon receipt of the Trial Court's
certification by the Office of Tribal Enrollment, unless otherwise provided under the Code
and will immediately terminate all rights, privileges, and benefits of Membership and the
person’s name will be removed from the Membership Roll.

1 **PRAYER FOR RELIEF:**

2 For the reasons stated above and according to the attached documentation, the petitioner
3 requests that the Court grant the petitioner's requested relief of certifying the attached *Voluntary*
4 *Relinquishment Form* and returning the certified form to the Office of Tribal Enrollment.

5 **OATH:**

6 By affixing my signature below, I swear that I have provided the above information in good
7 faith and with the belief that each statement represents a true and accurate account of the facts
8 based upon adequate research and investigation. I recognize that the Ho-Chunk Nation Judiciary
9 may impose sanctions if it determines that I have made statements in bad faith, including
10 intentional misstatements or statements made upon inadequate research or investigation. I also
11 recognize that the foregoing admonition extends to include the omission of material facts or law,
12 which I knew, or should have reasonably known, would impact or prove relevant to the action.

13 I understand that any decision reached by the Ho-Chunk Nation Trial Court is binding and
14 that if I disagree with the findings or conclusions or remedies of the Trial Court, I may file an
15 appeal with the Ho-Chunk Nation Supreme Court. I further acknowledge that since I am
16 submitting myself to the jurisdiction of the Ho-Chunk Nation Judiciary, I am subject to its
17 determinations, including those relating to contempt of court.

18 I understand that filing this *Petition for Voluntary Relinquishment* constitutes a knowing
19 waiver of my membership rights to the Ho-Chunk Nation and to the Ho-Chunk Nation General
20 Council, including access to tribal funding, employment preference, housing benefits, the right to
21 participate in elections, and to participate in policy direction regarding Ho-Chunk Nation laws.

22 **I freely, voluntarily, and absent any duress, fraud or coercion hereby sign this *Petition***
23 **seeking my relinquishment as a member of the Ho-Chunk Nation. I understand that this**
24 **action, if granted, will have long term effects and unintended consequences which may**
25 **impact my issue (children, grandchildren, etc). I recognize that I have a right to counsel at**
26 **my own expense.**

27 **RESPECTFULLY SUBMITTED BY PETITIONER,**

28 Signature: _____

Date: _____, 20 _____

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NUMBER OF ADDITIONAL PAGES USED: _____

ATTACH:

- 1. Notarized *Voluntary Relinquishment Form*
- 2. Affidavits from the Treasury Department, the Child Support Agency, and the Trial Court certifying that the petitioner does not owe debts to the Nation.

Name of Attorney (if any) _____ Signature of Attorney _____

Mailing address of attorney: _____

E-mail address of attorney: _____

Telephone number of attorney: _____

Facsimile number of attorney: _____

Ho-Chunk Bar number of attorney: _____

If not a member of the Ho-Chunk bar, a *Motion to Appear Pro Hac Vice* has been attached in accordance with *Ho-Chunk Nation Rules of Civil Procedure*, Rule 16(B),¹ and/or I have applied for membership in the Ho-Chunk Nation bar in accordance with the *Ho-Chunk Nation Rules for Admission to Practice*.

¹ Parties can obtain a copy of the *Ho-Chunk Nation Rules of Civil Procedure* by contacting the Ho-Chunk Nation Judiciary at (715) 284-2722 or (800) 434-4070 or visiting the judicial website at <http://www.ho-chunknation.com/government/judiciary/judicial-rules.aspx>.