

# DIVORCE PACKET

## IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION

**Mailing Address:**

P.O. Box 368  
Anadarko, Oklahoma 73005

**Phone:** 405/247-8527 or 405/247-8508

**Fax:** 405/247-7240

**Email:** [edwina.gutierrez@bia.gov](mailto:edwina.gutierrez@bia.gov)

**Physical Location:**

Highway 281 North & Parker McKenzie Drive  
Anadarko, Oklahoma  
(located inside the Anadarko Agency)

The forms in this packet are to be used as a template, if you are seeking a divorce. Please read the instructions carefully before completing the forms. The Court Clerks CANNOT accept petitions that does not conform to the instructions included in this packet.

Should you need assistance in preparing the petition, you must consult with an attorney at your own expense. This court does not have legal aid. The Court Clerks are PROHIBITED by Ethical Code and Court Rules to provide legal advice, conduct legal research or help parties prepare/type court documents. Different situations may require special procedures and the Court Clerks CANNOT advise you on how to proceed or what forms may be necessary in specific situations.



**Website:** <http://www.bia.gov/WhoWeAre/RegionalOffices/SouthernPlains/WeAre/ciospr/index.htm>



**Like Us On Facebook:** [www.facebook.com/ciospr](http://www.facebook.com/ciospr)

**PACKET CONTAINS:**

Instructions for Filing a Petition for  
Dissolution of Marriage

Petition for Dissolution of Marriage  
Form

Entry of Appearance & Waiver  
Form

Summons Form

Standard Visitation Schedule Form

Divorce Flowchart

"Sample" Dissolution of Marriage  
Petition Form

"Sample" Entry of Appearance &  
Waiver

"Sample" Summons Form

General Court Information Sheet



**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION  
ANADARKO, OKLAHOMA**

**GENERAL COURT INFORMATION**

**IMPORTANT – PLEASE READ!**

**WHAT CIVIL CASES CAN BE HEARD IN THE COURT OF INDIAN OFFENSES (“CFR COURT”)?**

The CFR Court can hear many different types of civil cases involving Indian or non-Indian arising in “Indian Country”, where tribal members are defendants. Cases involving Indian and/or non-Indian or non-tribal member are also permitted by consent of the defendant to the personal jurisdiction of the court. The civil matters heard in the court include Indian child welfare, adoption, guardianship, divorce, child support, custody, name change, protective order, small claims, probate of non-trust property, and marriage, in addition to other civil disputes. To begin a civil suit, a party, or the party’s attorney must pay the required filing fee and file the required petition. After that time the court may set the matter for hearing and trial, if required.

**DO YOU NEED A LAWYER TO APPEAR IN THE CFR COURT?**

No. It is advisable to get assistance of an attorney. Parties are encouraged to hire an attorney who is familiar with the laws and procedures with the CFR Court. The judges and court clerks cannot help parties present cases or act as advocates. Ethical codes do not permit court clerks, judges or other court personnel to assist parties in preparing filings. The Office of the Court Clerk does provide forms and instruction.

**CAN ONE APPEAL A CFR COURT DECISION?**

Yes. Parties have a right to appeal their cases to the Court of Indian Appeals, if they believe that the judge of the CFR Court has committed an error or for the relief, such as a writ of habeas corpus, as provided for in the court rules. A notice of appeal must be filed within 15 days after entry of judgment or an order issued by the CFR Court. Parties must submit a filing fee, insure that the records are transferred to the appeals court within the required time period after the record has been certified and file the necessary petition in error and briefs by the deadlines set forth in the court rules. Failure to abide by the deadlines may result in dismissal of the appeal. The decisions are made primarily by reviewing the written briefs and court record of the trial court. The Court of Indian Appeals consists of three appeal officers who review the action of the trial court to determine if the decision made should be upheld or overturned. Generally, a party is limited to discuss issues and evidence presented to the trial court, and cannot submit additional evidence or legal arguments on appeal. If a party wishes to expedite a decision, the party should demonstrate why the court should hear the matter in an expedited manner.

**ASSISTANCE OF COURT CLERKS**

Court Clerks can provide information or resources that can be helpful in the handling of your case. However, Court Clerks CANNOT provide legal advice, which limits the type of information that can be given. The following are guidelines established that the Court Clerks must follow. Your understanding of what information can be provided will assist you in effectively talking with the Court Clerks.

Court Clerks will check your court documents for completeness. They will check for signatures, addresses, phone numbers, etc. Court Clerks will insure that you submit the required documents (petition, summons, tribal verification, birth certificates, filing fees, etc.) for filing.

**Court Clerks May:**

- Encourage self-represented parties to consult with an attorney for legal advice.
- Explain general information on the court process and procedure.

- Provide court forms and written instructions.
- Provide docketed case information.
- Provide resource material.
- Provide a list of attorneys
- Give you information on a court case, unless it is restricted by law.
- Allow you to review your case file, under the supervision of the Court Clerk, and provide you with a copy (copying fees apply) anything from it, unless it is restricted by law, but you cannot remove the file from the Court Clerk's Office.

**Court Clerks CANNOT do any of the following:**

- Advise you whether you should file a case or whether you should take any particular action in a case.
- Advise you what forms may be necessary in specific situations.
- Recommend what you should do in a case.
- Conduct legal research for you.
- Provide legal advice.
- Help you prepare or type court documents.
- Tell you what a judge might do.
- Tell you what to say in court.
- Tell you what words to use in preparing your court documents.
- Talk to the judge for you.
- Let you talk to the judge in private.
- Explain judicial decisions.
- Advise you as how the court rules and procedures will be applied to your case.
- Correct errors in your court documents or court orders.
- Change an order issued by a judge.
- Provide you contact information for another party.

If a party or attorney contacts a court clerk by telephone with a verbal request for any judicial action, the Court Clerk must tell the party/attorney to put the request in writing. The Court Clerk DOES NOT have authority to act on any judicial action. Furthermore, Court Clerks cannot verbally re-schedule a court hearing or verbally provide notice of hearing. The party/attorney must put the request in writing, however, the Court Clerk should tell the caller that the Court Clerk cannot guarantee that the judge will grant the request.

**GENERAL DEFINITIONS**

The following are some definitions and information which will be useful for you to know:

**Judge:** A magistrate judge with experience in many different areas of law who will be the neutral listener in your case; he/she will direct your case as it proceeds through the legal system and make decisions based on the information you provide and on the law.

**Court Clerk:** The Court Clerk of the court maintains records of all documents filed with the court and of court proceedings. They also collect filing fees, court costs and fines. They can provide court forms and written instructions.

**Attorney:** A person who has specialized training and has a license to practice law; he/she acts as an advocate and can give advice to the individual he/she represents.

**Petitioner or Plaintiff:** The person(s) starting the case with the court; this person is the one who files the paperwork which begins the case.

**Respondent or Defendant:** The person(s) responding to the case that was started by the petitioner.

### **COURT DECORUM**

The court is a very traditional and place where a certain demeanor (way of acting) is expected. The dignity of the court is to be respected and maintained at all times. You must act and speak in a way that helps you with your case.

- Dress professionally, as you would for an important event. This means that your clothing should be neat and clean and that you are well groomed.
- Do not bring your children into court.
- Do not chew gum.
- Be respectful to everyone in court. This includes the judge, court staff, the other party involved in your case, witnesses, court bailiff, and any other people in the area.
- Address the judge as "Your Honor."
- Do not use profanity, argue, or verbally react to answers given in court by the judge, opposing party, or attorney. You will have your turn to speak.
- Turn off cell phones and other electronic devices.
- Remove headwear.
- Recording devices, cameras, food and drinks are prohibited in this courtroom.
- Inappropriate gestures or remarks will not be tolerated.
- Doorways should be kept clear at all times.
- Turn off cell phones.
- No making noises or talking which interferes with any court proceedings.

### **GENERAL TIPS**

When you are representing yourself, you are trying to persuade a judge that you are right. You must act and speak in a way that helps you with your case.

#### **Before You Begin:**

- Designate a notebook or folder to hold all of your court documents and forms and to record all of the activities related to the case.
- Keep all of your legal papers and case related documents in one place and organized.
- Keep track of all conversations you have with others regarding your case.

#### **Preparing Your Forms :**

- Make sure you have chosen the correct forms for your case. Read the instructions carefully before you complete the forms.
- Make sure that all of the required information is attached to the forms and documents.
- Be prepared to pay the filing fees required for your specific court matter at the time you file the papers.
- Make photocopies for your own records.
- Look over the forms and materials you are going to present in court. Make sure they are filled in accurately and completely and that you have made the proper number of copies for the court.

**Preparing for Court:**

- Representing yourself in court is a big decision. In many matters, such as a disputed divorce or a complicated child custody case, it may be best to get legal advice. You may need to consult an attorney to determine that you are doing the right thing and that you are fully prepared for the court hearing. If you are unsure, it may be best to seek the help of an attorney.
- Make notes before you go to court so you are prepared and know exactly what you want to say.
- Be prepared to provide any information requested by judges and court staff. Remember: The judge cannot speak to you about your case except when your case is in court and when the other party is there. Court staff can help you with questions such as when your hearing is scheduled but they cannot give you legal advice or recommendations about what you should do.
- Dress professionally, as you would for an important event. This means that your clothing should be neat and clean and that you are well-groomed.

**Going to Court:**

- Be sure to take your notebook or folder in which you have recorded all related events, along with all case-related documents. Take paper and a pen for notes. You may need to prepare other necessary documents after the hearing.
- *Be on time!* The court has a very busy schedule. If you are late, your case might be postponed to another date or dismissed entirely. You also could have a judgment or unfavorable ruling made against you if you are not there to defend your case.

**Other Tips:**

- Always remember the four "P's": Professionalism - Punctuality - Politeness - Preparation.
- Be sure to provide the court with changes to your address and/or phone number.
- Respond to court notices and correspondence as soon as possible.

**POINT OF CONTACTS**

<p><b>EMPLOYEE CONTACT INFORMATION:</b>  Edwina Gutierrez, Court Clerk  Email: edwina.gutierrez@bia.gov  Office Phone: 405/247-8508  Fax: 405/247-7240  Cell: 405/933-1929  Work Schedule: 8:00 am - 4:00 pm, Monday - Thursday  Duty: Civil Cases (divorce, custody, guardianship  name change, probate, and civil complaints) Criminal Cases</p>	
<p><b>EMPLOYEE CONTACT INFORMATION:</b>  Andrea Phillips, Tribal Gov't Specialist/Court Admin.  Email: Andrea.Phillips@bia.gov  Office Phone: 405/247-1542  Fax: 405/247-9240  Work Schedule: 8:00 am - 5:00 pm, Monday - Friday  Duty: Oversee functions of the court</p>	<p><b>EMPLOYEE CONTACT INFORMATION:</b>  Sherry Lovin, Tribal Government Officer  Email: Sherry.Lovin@bia.gov  Office Phone: 405/247-1534  Fax: 405/247-9240  Cell: 580/560-4463  Work Schedule: 8:30 am - 5:30 pm, Monday - Friday  Duty: Supervises court staff</p>



# Instructions for Filing a Petition for Dissolution of Marriage

## IMPORTANT INFORMATION – PLEASE READ!

These standard instructions are informational purposes only and do not constitute legal advice about your case. If you do not understand this information, please contact an attorney.

### STEP 1: Complete forms.

- ☐ Petition for Dissolution of Marriage
- ☐ Entry of Appearance and Waiver
- ☐ Summons

**NOTE:** Forms must be typed double-spaced and on letter size paper. The forms provided in this packet are guides to be used in preparing your documents for filing divorce. The forms must be re-typed. Forms must include all the required information (addresses, telephone numbers, email addresses, etc.) It is YOUR responsibility to provide the required information on the forms.

### STEP 2: Obtain copies of **required** documents.

- ☐ Tribal Enrollment Verification (Tribal ID, Certificate Degree of Indian Blood, or Letter from Tribe) for Plaintiff and/or Defendant
- ☐ Birth Certificates (if minor child/children are listed in the petition)

**NOTE:** Obtaining these documents is YOUR responsibility.

### STEP 3: Pay filing fee of \$85.00

- ☐ **Pay Here** → <https://www.pay.gov/public/form/start/813563669>

- Bank account (ACH)
- PayPal account
- Debit card

### STEP 4: Submit forms, documents and filing fee for filing to the Court Clerk.

- ☐ Petition for Dissolution of Marriage
- ☐ Entry of Appearance and Waiver (must be filed by the Defendant at least one (1) day after filing the Dissolution of Marriage)
- ☐ Summons
- ☐ Tribal Enrollment Verification (Tribal ID, Certificate Degree of Indian Blood, or Letter from Tribe) for Petitioner and/or Defendant
- ☐ Birth Certificates (if minor child/children are listed in the petition)
- ☐ Filing Fee

**NOTE:** If all forms, documents, and filing fees are not submitted at the time of filing, it will be returned back to you, until you obtain ALL required forms, documents and filing fees for filing.

Petition for Dissolution of Marriage must be signed in front of the Court Clerk or a notary public.

# DIVORCE FLOW CHART: Divorce Process

**"PETITION FOR DISSOLUTION OF MARRIAGE"** - The plaintiff prepares and files the *petition* with the Court Clerk. This is the document filed by the plaintiff to start the divorce action.

If a Entry of Appearance and Waiver is NOT filed with the Petition for Dissolution of Marriage

If an Entry of Appearance and Waiver is filed with the Petition for Dissolution of Marriage.

▼  
**"SUMMONS"** - The Court Clerk will prepare *summons* to defendant advising him/her that that have 30 days to answer to the petition.

▼  
**"SERVICE OF PROCESS"** - Serve defendant with copy of the petition and summons sent certified mail.

▼  
**"ANSWER"** - Defendant must respond to the petition within 30 days. The *answer* states whether or not the defendant agrees with the petition. If the defendant doesn't file an answer, the Court assumes that the defendant agrees to the terms in the petition.

▼  
**"NOTICE OF HEARING"** - Plaintiff and defendant will receive a *notice of hearing* advising the parties of the scheduled divorce hearing date and time.

▼  
**"DIVORCE HEARING"** - The Judge will review the case file and ask a few basic factual questions to the plaintiff and defendant. The Judge will rule on matters of the case including, division of property, debts and, if applicable, will act in the best interest of the child(ren) in determining child custody, child support and visitation.

▼  
**"DIVORCE DECREE"** - The plaintiff and defendant will receive a certified *divorce decree* in the mail 2 weeks after the hearing. The divorce decree is an official document of the decision of the Judge.





**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION  
ANADARKO, OKLAHOMA**

**JANE Q. DOE,**  
**Native Tribal Member,**  
**Plaintiff,**

**VS.**

**JOHN P. DOE,**  
**Native Tribal Member,**  
**Defendant.**

**Case No. JFD-\_\_\_\_-\_\_\_\_**

**PETITION FOR DISSOLUTION OF MARRIAGE**

**COMES NOW**, Jane Q. Doe, Plaintiff herein, pro se, and files this Petition for Dissolution of Marriage against John P. Doe, Defendant herein, in the Court of Indian Offenses for the Southern Plains Region, the Plaintiff alleges and states the following:

1. That the Court of Indian Offenses for the Southern Plains Region has subject matter jurisdiction to hear and decide this matter accordance to 25 CFR 11.605, because there is serious marital discord that exist and there is no reasonable prospect of reconciliation and the Plaintiff currently resides within the Indian country under the jurisdiction of the Court and has resided there for at least 90 days and that said residence will be maintained until the final hearing in this matter;
2. That the Court of Indian Offenses for the Southern Plains Region has personal jurisdiction to hear and decide this matter according to 25 CFR 11.116;
3. That the Plaintiff is an enrolled member of the Native Tribe of Oklahoma. A copy of the Plaintiff's Tribal enrollment card is submitted with the petition to the Court;
4. That the Defendant is an enrolled member of the Native Tribe of Oklahoma. A copy of the Defendant's Certificate Degree of Indian Blood is submitted with the petition to the Court;



5. That the Plaintiff's address is 1234 Native Drive, Anadarko, Oklahoma 73005 and has lived at this address for 22 years;
6. That the Defendant's address is P.O. Box 0000 (100 Bucks Road), Anadarko, Oklahoma 73005 and has lived at this address for 4 months;
7. That the Plaintiff and Defendant were legally married at Anadarko, Oklahoma on April 1, 1994;
8. That the Plaintiff is 41 years old and her occupation is Real Estate Agent; and the Defendant is 40 year old and his occupation is Facilities Manager;
9. That of the marriage 2 children have been born and a copy of each minor child's birth certificate is submitted with the petition to the Court. Children born of the marriage are:

Janey K. Doe, DOB: 08/01/2000  
1234 Native Drive, Anadarko, Oklahoma 73005

Johnny P. Doe, DOB: 10/31/1999  
1234 Native Drive, Anadarko, Oklahoma 73005

10. That the Plaintiff is not pregnant;
11. That the Plaintiff does not need a restraining order;
12. That the parties have acquired certain property either by real estate and/or personal that needs to be divided by the Court in that the Plaintiff shall receive the following: 2000 Chevy Impala VIN #123459789101112131415, household furnishings and personal belongings; and that the Defendant shall receive the following: 1987 Ford F-150 VIN 999888777444555666 and all personal belongings;
13. That the parties have acquired debts that need to be divided by the Court in that the Plaintiff shall be responsible for the following debts: Blue Feather Loan Account #121212 balance \$1100.00, NDN Bank Loan Account #232323 balance

\$333.00 and Sun Jewelry Account #33443344 balance \$99.00; and the Defendant shall be responsible for the following debts: River Falls Hospital Account #4949 Balance \$5600.00;

14. That the Plaintiff is a fit and proper person to have custody of the minor children of the parties;
15. That the Defendant should have visitation with the minor children according to the Court's standard visitation scheduled and a copy of the standard visitation is submitted with the petition to the Court;
16. That the Defendant should be ordered pay child support according to the child support guidelines through the office of Tribal Child Support Enforcement and that both Plaintiff and Defendant will submit their income records to the Tribal Child Support Enforcement.
17. That the Defendant should not be required to pay any spousal support to the Plaintiff;
18. That the Plaintiff should be restored to her former name of Jane Q. Smith;
19. That no other divorce action has been filed by either the Plaintiff or Defendant in any other state or tribal court as of this date;

**WHEREFORE**, the Plaintiff prays that the Court grant and award the Plaintiff a decree of divorce from the Defendant as requested in this petition and a hearing be set as soon as the Court deems necessary.

---

JANE Q. DOE, Plaintiff  
1234 Native Drive  
Anadarko, Oklahoma 73005  
405/247-0000  
jadoe@yahoo.net

## VERIFICATION

I, Jane Q. Doe, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby states that I have prepared and read this petition and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

JANE Q. DOE, Plaintiff

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

(SEAL)

Edwina Gutierrez, Court Clerk  
Court of Indian Offenses for the  
Southern Plains Region  
P.O. Box 368  
Anadarko, Oklahoma 73005  
Phone: 405/247-8508  
Email: [edwina.gutierrez@bia.gov](mailto:edwina.gutierrez@bia.gov)

State of Oklahoma;  
County of \_\_\_\_\_

Before me, the undersigned Notary Public, came \_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to me known to be the identical person who  
executed the above and foregoing Entry of Appearance and Waiver, and personally  
acknowledged to me that he/she has read, understood, and signed the same, and that  
he/she executed the same as his/her free and voluntary act and deed for the uses and  
purposes therein set forth. IN WITNESS THEREOF I have hereunto affixed my  
signature and official seal the date heretofore stated.

(SEAL)

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION  
ANADARKO, OKLAHOMA

NAME OF PLAINTIFF, )  
Plaintiff, )  
VS. ) Case No. JFD-\_\_\_\_-\_\_\_\_\_  
NAME OF DEFENDANT, )  
Defendant. )

**SUMMONS**

**NOTICE TO DEFENDANT:**

Defendant Name  
Defendant Mailing Address  
Defendant City/State/Zip Code

**YOU ARE HEREBY SUMMONED** and directed to file a written Answer to the attached *Petition for Dissolution of Marriage* with the Court Clerk of this Court, within thirty (30) days of the date you were served with this Summons, which is herewith served upon you.

A copy of your written Answer to the Petition for Dissolution of Marriage must also be served upon Plaintiff or his/her attorney within thirty (30) days of the date you were served with this Summons and proof of such service with your written Answer must be filed in this Court.

If you do not serve and file a written Answer to this Petition for Dissolution of Marriage within the time stated, judgment by default can be rendered against you for the relief demanded by the Plaintiff.

(SEAL)

Edwina Gutierrez, Court Clerk  
Court of Indian Offenses  
P.O. Box 368  
Anadarko, Oklahoma 73005  
Phone: 405/247-8508  
Fax: 405/247-7240  
Email: edwina.gutierrez@bia.gov

PLAINTIFF:  
Plaintiff Name  
Plaintiff Mailing Address  
Plaintiff City/State/Zip Code  
Phone: Plaintiff Phone Number  
Email: Plaintiff Email Address

THE ABOVE NAMED PLAINTIFF HAS FILED A PETITION FOR DISSOLUTION OF MARRIAGE AGAINST YOU. A COPY OF THE PETITION FOR DISSOLUTION OF MARRIAGE IS SERVED ON YOU WITH THIS SUMMONS. THIS SUMMONS IS AN OFFICAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

**CERTIFICATION OF MAILING**

I, the undersigned Court Clerk, hereby certify that I mailed via United States Postal Service (Certified, Restricted Delivery, and Return Receipt) a true and correct copy of this *Summons* and copy of the *Petition for Dissolution of Marriage* to the Respondent:

*Certified Mail – Restricted Delivery*

*Article No.*

*Defendant Name*

*Defendant Mailing Address*

*Defendant City/State/Zip Code*

(SEAL)

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Edwina Gutierrez, Court Clerk  
Court of Indian Offenses for the  
Southern Plains Region  
P.O. Box 368  
Anadarko, Oklahoma 73005  
Phone: 405/247-8508  
Fax: 405/247-7240  
Email: edwina.gutierrez@bia.gov

IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION  
ANADARKO, OKLAHOMA

JANE ANN DOE,

Plaintiff,

VS.

BILL JACK DOE,

Defendant.

Case No. JFD-\_\_\_\_-\_\_\_\_

**ENTRY OF APPEARANCE AND WAIVER**

**COMES NOW**, the Defendant herein, the undersigned, and acknowledges that I have received of a copy of the *Petition for Dissolution of Marriage* filed in this action, and states that he/she has read and understands the Petition filed, hereby waives the issuance, service, and return of process upon him/her in this action, enters a voluntary appearance in this action and submits to the jurisdiction of the Court of Indian Offenses for the Southern Plains Region, waiving all time and right to plead and answer, or appear in this action, and consents that the same may be set down for trial and heard by the Court at any time hereafter without notice to, and in the absence of Defendant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

Please print your name, mailing address, telephone and email address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**SHOULD YOU AGREE TO SIGN THIS WAIVER, PLEASE SIGN IN FRONT OF THE COURT CLERK OR A NOTARY PUBLIC AND RETURN TO THE COURT CLERK EITHER BY MAIL OR IN PERSON.**



Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Edwina Gutierrez, Court Clerk  
Court of Indian Offenses for the  
Southern Plains Region  
P.O. Box 368  
Anadarko, Oklahoma 73005  
Phone: 405/247-8508  
Email: edwina.gutierrez@bia.gov

State of Oklahoma; )  
County of \_\_\_\_\_ )

Before me, the undersigned Notary Public, came \_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to me known to be the identical person who  
executed the above and foregoing Entry of Appearance and Waiver, and personally  
acknowledged to me that he/she has read, understood, and signed the same, and that  
he/she executed the same as his/her free and voluntary act and deed for the uses and  
purposes therein set forth. IN WITNESS THEREOF I have hereunto affixed my  
signature and official seal the date heretofore stated.

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_, )  
Tribal Member or Non-Indian, )  
Plaintiff, )  
)  
)  
)  
)  
)  
)  
VS. )  
)  
)  
\_\_\_\_\_, )  
Tribal Member or Non-Indian, )  
Defendant. )

Case No. JFD-\_\_\_\_\_-\_\_\_\_\_

**COMES NOW**, \_\_\_\_\_, Plaintiff herein, pro se and files this Petition for Dissolution of Marriage against \_\_\_\_\_, Defendant herein, in the Court of Indian Offenses for the Southern Plains Region, the Plaintiff alleges and states the following:

1. That the Court of Indian Offenses for the Southern Plains Region has subject matter jurisdiction to hear and decide this matter in accordance to 25 CFR 11.605, because the parties have lived separate and apart for at least 180 days prior to the filing this petition and the plaintiff/defendant currently resides within the Indian country under the jurisdiction of the Court and has resided there for at least 90 days and that said residence will be maintained until the final hearing in this matter;  
**OR**  
That the Court of Indian Offenses for the Southern Plains Region has subject matter jurisdiction to hear and decide this matter accordance to 25 CFR 11.605, because there is serious marital discord that exist and there is no reasonable prospect of reconciliation and the plaintiff/defendant currently resides within the Indian country under the jurisdiction of this Court and has resided there for at least 90 days and that said residence will be maintained until the final hearing in this matter;
2. That the Court of Indian Offenses for the Southern Plains Region has personal jurisdiction to hear and decide this matter according to 25 CFR 11.116;
3. That the Plaintiff is an enrolled member of the \_\_\_\_\_ Tribe of Oklahoma. A copy of the Plaintiff's Tribal enrollment card/Certificate Degree of Indian Blood is submitted along with the petition to the Court; **OR**  
That the Plaintiff is non-Indian;
4. That the Defendant is an enrolled member of the \_\_\_\_\_ Tribe of Oklahoma. A copy of the Defendant's Tribal enrollment card/Certificate Degree of Indian Blood is submitted along with the petition to the Court; **OR**  
That the Defendant is non-Indian;



5. That the Plaintiff's address is \_\_\_\_\_ (list full address – including city, state & zip) and has lived at this address for \_\_\_\_\_ ;(STATE LENGTH OF TIME IN MONTHS OR YEARS AT THIS ADDRESS);
6. That the Defendant's address is \_\_\_\_\_ (list full address – including city, state & zip) and has lived at this address for \_\_\_\_\_ ;(STATE LENGTH OF TIME IN MONTHS OR YEARS AT THIS ADDRESS);
7. That the Plaintiff and Defendant were legally/common law married at \_\_\_\_\_, \_\_\_\_\_(City/State) on \_\_\_\_\_, \_\_\_\_ (Date);
8. That the Plaintiff is \_\_\_\_ years old and his/her occupation is \_\_\_\_\_; and the Defendant is \_\_\_\_ year old and his/her occupation is \_\_\_\_\_;
9. That of the marriage no children have been born; **OR**  
That of the marriage \_\_\_\_ child(ren) have been born and a copy of each minor child's birth certificate is submitted with the petition to the Court. Child(ren) born of the marriage are:

LIST ALL CHILDREN'S NAMES, BIRTHDATES & ADDRESSES REGARDLESS OF THEIR AGES. IF CHILD IS DECEASED, LIST CHILD'S NAME, BIRTHDATE & DATE OF DEATH.

10. That the Plaintiff/Defendant is not pregnant; **OR**  
That the Plaintiff/Defendant is pregnant and the birth of said child is expected on or about \_\_\_\_\_, \_\_\_\_ (list date), and that the father of said child is \_\_\_\_\_;
11. That the Plaintiff does not need a restraining order; **OR**  
That the Plaintiff needs a restraining order because the Plaintiff fears the Defendant may attempt to harm, harass and/or molest the Plaintiff;
12. That the parties have not accumulated any property that needs to be divided by the Court; **OR**  
That the parties have acquired certain property either by real estate and/or personal that needs to be divided by the Court in that the Plaintiff shall receive the following: (list items); and that the Defendant shall receive the following: (list items);
13. That the parties have not acquired any debts that need to be addressed by the Court; **OR**  
That the parties have acquired debts that need to be divided by the Court in that the Plaintiff shall be responsible for the following debts: (list debts & include account #'s); and the Defendant shall be responsible for the following debts: (list debts & include account #'s);

**(IF 10., 11., & 12. DOES NOT APPLY LEAVE IT OUT)**

14. That the Plaintiff/Defendant is a fit and proper person to have custody of the minor child(ren) of the parties;
15. That the Plaintiff/Defendant should have visitation with the minor child(ren) at reasonable times and places; **OR**



That the Plaintiff/Defendant should have visitation with the minor child(ren) according to the Court's standard visitation schedule and a copy of the standard visitation schedule is submitted with the petition to the Court; (NOTE: The standard visitation schedule is included in this packet. It does not have to be retyped, just submit it with your petition when you file.) **OR**

That the Plaintiff/Defendant should have visitation with the minor child(ren) according to the following schedule: (list recommended schedule);

16. That the Plaintiff/Defendant should be ordered pay child support according to the child support guidelines through the office of Tribal Child Support Enforcement and that both Plaintiff and Defendant will submit their income records to the Tribal Child Support Enforcement; **OR**  
That no child support should be ordered because the children of the marriage have reached the age of majority;

17. That the Plaintiff/Defendant should not be required to pay any spousal support to the Plaintiff/Defendant; **OR**  
That the Plaintiff/Defendant should be required to pay spousal support to the Plaintiff/Defendant in the amount of \$\_\_\_\_\_ per month until plaintiff/defendant remarries or until further order of the Court.

18. That the Plaintiff/Defendant should be restored to her former name of (list former name); **OR**  
That the plaintiff/defendant should not be restored to her former name;

19. That no other divorce action has been filed by either the Plaintiff or Defendant in any other state or tribal court as of this date; **OR**  
That another divorce action has been filed in \_\_\_\_\_ County, \_\_\_\_\_, Oklahoma, and that said case number is \_\_\_\_\_;

**WHEREFORE**, the Plaintiff prays that the Court grant and award the Plaintiff a decree of divorce from the Defendant as requested in this petition and a hearing be set as soon as the Court deems necessary.

\_\_\_\_\_  
NAME, Plaintiff  
MAILING ADDRESS (include city, state & zip)  
TELEPHONE NO. (MUST include)  
EMAIL ADDRESS (If available)

### **VERIFICATION**

I, \_\_\_\_\_, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby states that I have prepared and read this petition and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

\_\_\_\_\_  
NAME, Plaintiff

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Edwina Gutierrez, Court Clerk  
Court of Indian Offenses for the  
Southern Plains Region  
P.O. Box 368  
Anadarko, Oklahoma 73005  
Phone: 405/247-8508  
Email: edwina.gutierrez@bia.gov

State of Oklahoma; )  
County of \_\_\_\_\_ )

Before me, the undersigned Notary Public, came \_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to me known to be the identical person who  
executed the above and foregoing Entry of Appearance and Waiver, and personally  
acknowledged to me that he/she has read, understood, and signed the same, and that  
he/she executed the same as his/her free and voluntary act and deed for the uses and  
purposes therein set forth. IN WITNESS THEREOF I have hereunto affixed my  
signature and official seal the date heretofore stated.

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION  
ANADARKO, OKLAHOMA

\_\_\_\_\_, )  
Plaintiff, )  
VS. ) Case No. JFD-\_\_\_\_-\_\_\_\_  
\_\_\_\_\_, )  
Defendant. )

**ENTRY OF APPEARANCE AND WAIVER**

**COMES NOW**, the Defendant herein, the undersigned, and acknowledges that I have received of a copy of the *Petition for Dissolution of Marriage* filed in this action, and states that he/she has read and understands the Petition filed, hereby waives the issuance, service, and return of process upon him/her in this action, enters a voluntary appearance in this action and submits to the jurisdiction of the Court of Indian Offenses for the Southern Plains Region, waiving all time and right to plead and answer, or appear in this action, and consents that the same may be set down for trial and heard by the Court at any time hereafter without notice to, and in the absence of Defendant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

Please print your name, mailing address, telephone and email address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**SHOULD YOU AGREE TO SIGN THIS WAIVER, PLEASE SIGN IN FRONT OF THE COURT CLERK OR A NOTARY PUBLIC AND RETURN TO THE COURT CLERK EITHER BY MAIL OR IN PERSON.**



My Commission Expires: \_\_\_\_\_

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION  
ANADARKO, OKLAHOMA**

NAME OF PLAINTIFF,	)	
	)	
VS.	)	Case No. JFD-____-____
	)	
NAME OF DEFENDANT,	)	
Defendant.	)	

**SUMMONS**

**NOTICE TO DEFENDANT:**      Defendant Name  
                                 Defendant Mailing Address  
                                 Defendant City/State/Zip Code

**YOU ARE HEREBY SUMMONED** and directed to file a written Answer to the attached *Petition for Dissolution of Marriage* with the Court Clerk of this Court, within thirty (30) days of the date you were served with this Summons, which is herewith served upon you.

A copy of your written Answer to the Petition for Dissolution of Marriage must also be served upon Plaintiff or his/her attorney within thirty (30) days of the date you were served with this Summons and proof of such service with your written Answer must be filed in this Court.

If you do not serve and file a written Answer to this Petition for Dissolution of Marriage within the time stated, judgment by default can be rendered against you for the relief demanded by the Plaintiff.

(SEAL)

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Edwina Gutierrez, Court Clerk  
Court of Indian Offenses  
P.O. Box 368  
Anadarko, Oklahoma 73005  
Phone: 405/247-8508  
Fax: 405/247-7240  
Email: edwina.gutierrez@bia.gov

**PLAINTIFF:**  
Plaintiff Name  
Plaintiff Mailing Address  
Plaintiff City/State/Zip Code  
Phone: Plaintiff Phone Number  
Email: Plaintiff Email Address

THE ABOVE NAMED PLAINTIFF HAS FILED A PETITION FOR DISSOLUTION OF MARRIAGE AGAINST YOU. A COPY OF THE PETITION FOR DISSOLUTION OF MARRIAGE IS SERVED ON YOU WITH THIS SUMMONS. THIS SUMMONS IS AN OFFICAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

**CERTIFICATION OF MAILING**

I, the undersigned Court Clerk, hereby certify that I mailed via United States Postal Service (Certified, Restricted Delivery, and Return Receipt) a true and correct copy of this *Summons* and copy of the *Petition for Dissolution of Marriage* to the Respondent:

*Certified Mail – Restricted Delivery*

*Article No.*

Defendant Name

Defendant Mailing Address

Defendant City/State/Zip Code

(SEAL)

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Edwina Gutierrez, Court Clerk  
Court of Indian Offenses for the  
Southern Plains Region  
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