

FORM IX-18A – PETITION FOR DIVORCE WITH MINOR CHILDREN

THE STEPS – DIVORCE -- MINOR CHILDREN – PETITIONER

1. **Instructions.** Please read **all** of these instructions before starting on the forms to make sure that you qualify to file a divorce in the Wind River Tribal Court. If you are printing and completing this form, it **must** be completed with a pen, and must be legible or it will NOT be accepted.

2. **Residency.** To file for a divorce in Tribal Court, the Petitioner [you] must have lived on the Wind River Indian Reservation for at least sixty (60) days **before** the filing of this *Petition for Divorce*. You **must** attach a copy and copy of your tribal enrollment card, if applicable.

3. **Jurisdiction.** Also, to file for divorce in Tribal Court, the Respondent [your spouse] must either (1) be an enrolled member of the Northern Arapaho Tribe or Eastern Shoshone Tribe, or a non-enrolled member of the Northern Arapaho Tribe or Eastern Shoshone Tribe, or an enrolled member of another tribe who lives on the Wind River reservation; **or** (2) if not an Indian, Respondent must be somehow otherwise within the “jurisdiction” of the Court through the “minimum contacts” standard. Jurisdiction means that the court has the right and power under the law to judge their divorce, and minimum contacts generally means they have some kind of connection to the Wind River reservation, whether through business, family or otherwise. If neither (1) nor (2) is true, you are in the wrong court and will have to file your divorce in a court which has jurisdiction over the Respondent.

4. **Things to gather.** You will need to gather the names and last known addresses of your spouse and any children who have been born of the marriage or adopted. If the children are enrolled Tribal members, you must provide copies of the membership cards of your children. If you are an enrolled member, you must attach a copy of your own enrollment card. You will also need copies of the birth certificates of the children. You must also provide the court with information about any debts or property (including both things **and** land, houses, etc) that you and your spouse received during the marriage.

5. **Fill in the blanks.** Complete this Form IX-18A to create the *Petition for Divorce* which provides information about your marriage and asks the Court to divorce you and your spouse. A copy of this *Petition for Divorce* and a copy of the summons Form IX-18B (“*Summons For Divorce*”) must be served on your spouse. A summons announces to the person being served that a lawsuit has been started against them and is included in this packet.

- A. If your spouse is available and willing to accept your *Petition for Divorce*, please have him or her sign the appropriate section of the *Summons*, and return it to the Court Clerk for filing. This informs the Court that your spouse has accepted your petition, and the clock begins running on their time to file a response.
- B. If your spouse is **not** willing or available to accept your petition, you must have them served. Ask the Court Clerk for more information on how to do this. (You may require an additional \$35 fee to be paid to a process server.)

6. **Response.** After they have been served, your spouse must Respond. If your spouse fails to respond by submitting Form IX-18C (“*Response to Petition for Divorce*”) within **20** days, you may complete and submit Form IX-18D (“*Application for Entry of Default*”). This form petitions the Court to enter what is referred to as default judgment for you, meaning the Court may award you everything you asked for in your *Petition for Divorce*.

7. **Filing Fee.** The filing fee for a divorce is \$100.00. This must be in the form of a money order, made payable to “Wind River Tribal Court.”

8. **The Code.** The Shoshone and Arapaho Law and Order Code sets out all the requirements needed to file a divorce petition. Upon request, the Court Clerk will provide you with copies of the sections that these forms are talking about.

9. **Legal Advice.** If you need legal advice on filing your divorce petition you may contact Legal Aid of Wyoming at 1-877-432-9955. The Court Clerk CANNOT help you with legal questions.

If you have any questions which specifically are about this form and are NOT legal questions, please talk to the the Civil Clerk of the Wind River Tribal Court. If you have a LEGAL question, please contact Legal Aid of Wyoming.

IV. Jurisdiction

13. This Court has proper jurisdiction or authority to hear the case under S & A LOC § 9-5-4 because (check one):

the Respondent (your spouse) is an enrolled member of the Northern Arapaho or Eastern Shoshone Tribe, or a non-enrolled member of the Northern Arapaho or Eastern Shoshone Tribe, or an enrolled member of another Federally-recognized Tribe and lives on the Wind River Reservation (please attach a copy of enrollment card if enrolled); **or**

the Respondent is not a member of a Federally-recognized Tribe but is within the jurisdiction or area of control of the court [must have some kind of connection with the reservation].

(explain) _____

V. Children

14. The Parties are the parents, either natural or adoptive, of child(ren) who are: (check all that apply)

- Under 18 years of age;
- Between the ages of 18-20 and still in high school or a program equivalent to high school;
- In utero (meaning the wife is **currently** pregnant), expected due date _____; or
- Prevented from supporting him/herself due to a mental, emotional or physical impairment.

NOTE: IF NO CHILDREN FALL INTO ONE OF THE ABOVE CATEGORIES, STOP. YOU SHOULD BE USING THE PACKET AND FORMS FOR A DIVORCE WITHOUT CHILDREN.

15. Information about the minor child(ren) of the marriage are as follows (please attach birth certificates, and tribal membership cards, if applicable):

Child # 1

Child's name: _____

Child's year of birth: _____

Place of birth: _____

Present Address: _____

Name(s) of person(s) with whom child/ren lived during the past 5 years	Beginning Date	Ending Date	Present address of person(s) with whom child(ren) lived during this period
Example: Dad/John Doe	01-01-01	01-01-11	123 Main St., Lander, WY

Child # 2

Child's name: _____

Child's year of birth: _____

Place of birth: _____

Present Address: _____

Name(s) of person(s) with whom child/ren lived during the past 5 years	Beginning Date	Ending Date	Present address of person(s) with whom child(ren) lived during this period
Example: Mom/Jane Doe	01-01-01	01-01-11	123 1 st St., Lander, WY

(Attach additional sheets if more space is needed.)

VI. Child Custody/Visitation

16. Please check one of the following:

The Petitioner is requesting full custody of all minor children in this case;

The Petitioner requests that the Court order the Standard Visitation Schedule in this packet;

The Petitioner notes it would be in the best interests of the above-named minor child(ren) to have a joint custody arrangement, with the child(ren) to be placed in the care, custody and control of the parties as follows (Account for all minor children):

Place with Petitioner:

1) Child's Name: _____ D.O.B. _____

Visitation: YES NO (list conditions to visits, if visits will be allowed, if you do not want to allow visitation, briefly state reasons.) _____

Place with Respondent:

2) Child's Name: _____ D.O.B. _____

Visitation: YES NO (list conditions to visits, if visits will be allowed, if you do not want to allow visitation, briefly state reasons.) _____

(Attach additional sheets for your custody request if more space is needed.)

VII. Child Support

17. The Petitioner requests child support be provided as noted (check one):

by Respondent (your Spouse) in the amount of \$ _____ per month as such is necessary for the following reasons:

by Petitioner (you) in the amount of \$ _____ per month as such is necessary for the following reasons:

neither party should pay the other spousal support for the following reasons:

unable to agree and request the court to order a specific sum to be paid to either party under S & A LOC § 9-5-10.

VIII. Alimony/spousal support:

18. The Petitioner request alimony/spousal support be provided as noted (check one):

by Respondent (your Spouse) in the amount of \$ _____ per month as such is necessary for the following reasons:

by Petitioner (you) in the amount of \$ _____ per month as such is necessary for the following reasons:

neither party should pay the other spousal support for the following reasons:

unable to agree and request the court to order a specific sum to be paid to either party under S & A LOC § 9-5-10.

IX. Property division:

19. The following list is a complete statement of the property acquired **during** the marriage, and the Petitioner requests the property be divided as noted.

NOTE: LIST PROPERTY VALUES NOTING WHETHER THE HOUSE OF THE MARRIAGE IS A "HUD" HOME PURCHASED THROUGH EASTERN SHOSHONE OR NORTHERN ARAPAHO HOUSING AUTHORITY AS THEY MUST BE NOTIFIED OF THE PROCEEDINGS IF SAID HOUSE IS INVOLVED.

a) **Vehicle(s)** including cars, trucks, ATV, motorcycle, etc.: Ex. 2005 Dodge Ram Truck

Amount Owed/Debt on Each Vehicle: Ex. \$14,000 owed on 2005 Dodge Ram Truck

Person Responsible for Debt on Each Vehicle: Ex. John Doe owes \$14,000 on Dodge Truck

Who should be given the vehicle(s): Ex. John Doe given the Dodge Truck; Jane the Dodge Car

b) **Home(s)** including motor or trailer homes, cabins, etc.: Ex. 2 bed at 123 Main St. not HUD.

Amount Owed/Debt on Each Home: Ex. \$140,000 owed on the 123 Main St. house

Person Responsible for Debt on Each Home: Ex. John Doe owes \$140,000 on 123 Main St.

Who should be given the home(s): Ex. John Doe given the 123 Main St. home

c) **Other Item(s):** Ex. \$600 Sony 32 inch TV; \$200 HP Computer

Amount Owed/Debt on Each Item: Ex. \$200 on Sony TV; Computer paid off

Person Responsible for Debt on Each Item: Ex. John Doe owes \$200 on Sony TV

Who should be given the item(s): Ex. John Doe given Sony TV; Jane Doe the Computer;

(Attach additional sheets for any section if more space is needed.)

X. Division of Debts:

20. The following is complete list of the debts in the amounts listed which are held individually, jointly or along with a third party. The Petitioner respectfully requests the court to equitably divide the parties' debts, or if the parties are able to agree upon an equitable division of their debts, the Petitioner requests the court adopt the parties' agreement.

a) Name of Creditor: Ex. First Bank of Wyoming

Amount Owed on Item: Ex. \$3,000 loan

Person Responsible for Debt: Ex. John Doe

b) Name of Creditor: _____

Amount Owed: _____

Name of Person Responsible to Pay this Debt: _____

c) Name of Creditor: _____

Amount Owed: _____

Name of Person Responsible to Pay this Debt: _____

(Attach additional sheets if more space is needed.)

XI. Name Change:

21. The Wife (check one):

- Wants her previous name of _____ restored.
- Does not want to have her previous name restored.
- Not applicable.

XII. Date of Separation:

22. The seriousness of this petition has been thoroughly considered and the requested action is appropriate as the parties hereto have been living apart since: (please give exact date if applicable)

Month

Day

Year

XIII. Other Relief

23. Additional requests to the Court. Anything else the court should consider and decide out of fairness to the parties.

(Attach additional sheets if more space is needed)

WHEREFORE, the Petitioner _____ (print your name), asks the Court to do the following:

24. Enter a *Decree of Divorce* with child support/spousal support if wanted and all property and debts divided and given as noted above; and (anything else you want to court to decide)

I, _____(print your name), upon oath, verify I have read the Petition for Divorce and the statements are true, accurate and complete to the best of my knowledge and belief.

DATED _____, 20____.
Month Day

Petitioner (your signature)

(Stop)

(For the Clerk)

Subscribed and sworn to before this _____ day of _____, 20 ____.

Court Clerk or Notary Public

My commission Expires: