

## FORM IX-27A - JOINT DIVORCE PETITION

### **THE STEPS – JOINT PETITION – SUMMARY DIVORCE PROCEDURE**

1. Read all the instructions before completing forms to ensure that you qualify to file a divorce by joint petition in the Wind River Tribal Court. A marriage may be dissolved by the summary divorce procedure only when the following conditions exist at the time divorce is filed under S&A LOC § 9-5-14:

- A. Either party must have resided on the Wind River Indian Reservation for at least sixty (60) days prior to filing;
- B. Irreconcilable differences must have caused permanent breakdown of the marriage and therefore the marriage should be dissolved;
- C. There are **no** children of the parties born before or during the marriage or adopted by the parties during the marriage, and to the parties' knowledge there is no pregnancy;
- D. At the time this petition is filed, it must be less than five (5) years in duration since the marriage began;
- E. Neither party has gained, after the date of the marriage, any interest in real property [land and things permanently attached to land, i.e., acres of land, houses, and barns.].
- F. There is less than \$3,000 in unpaid debts incurred either alone or together [excluding the any amounts owed towards an automobile]. *Ex. A personal loan from a bank;*
- G. The value of all the property held **together** [excluding all encumbrances and automobiles] must be less than \$10,000. *Ex. A checking account under both names;*
- H. The value of any property held by either party **alone** [excluding all encumbrances and automobiles] must be less than \$10,000. *Ex. A checking account under one name. ; and*
- I. The parties must agree to waive their right to spousal support, right to appeal, right to request findings of fact and conclusions of law, and right to move for a new trial.

2. If you and your spouse meet all the requirements above and complete this form and Form IX-27B ("*Property Agreement*"), the court may then carry on with a Summary Divorce Procedure. If you do not, you **must** file a *Petition for Divorce* either with or without minor children, naming one of you as Petitioner and one of you as Respondent.

3. When six (6) months have passed from the date of this joint petition, either party may submit Form IX-28 ("*Request for Final Judgment under Joint Petition for Divorce*"). At that point, the court will restore you to legally single status.

4. At any time prior to filing of Form IX-28, either party may revoke this joint petition and terminate the dissolution proceeding by submitting Form IX-27C ("*Notice of Revocation*") with the Court Clerk and either personally serving it to the other party or sending it via First Class mail to their last known address. If so desired, the party revoking this petition may file a *Petition for Divorce* with the Court Clerk at that time.





**VI. Property and Debt:**

a) Has either party acquired any interest in real property [land and things permanently attached to land, i.e., acres of land, houses, and barns.] after the marriage began?

YES

NO

b) Does either party have more than \$3,000 in unpaid debts incurred either alone or together [excluding the any amounts owed towards an automobile]? Ex. A personal loan from a bank.

YES

NO

c) Is the value of all the property held **together** [excluding all encumbrances and automobiles] more than \$10,000? Ex. A checking account under both names.

YES

NO

d) Is the value of any property held by either party **alone** [excluding all encumbrances and automobiles] more than \$10,000? Ex. A checking account under one name.

YES

NO

**NOTE: IF YOU OR YOUR SPOUSE ANSWER YES TO ANY OF THE ABOVE QUESTIONS, STOP FILLING OUT THIS PETITION. YOU ARE NOT ELIGIBLE TO FILE A JOINT PETITION AND WILL HAVE TO FILE A SEPARATE PETITION FOR DIVORCE.**

e) Have the parties created an agreement for the division of property, assumption of liabilities and executed any documents, titles or certificates necessary? Please attach Form IX-27B (“Property Agreement”)

YES

NO

**VII. Alimony/spousal support:**

Do the parties agree to waive any right to spousal support?

YES

NO

**VIII. Final Judgment:**

Do the parties agree to waive any right to appeal, right to request finding of fact and conclusions of law or the right to move for a new trial upon entry of final judgment of dissolution of marriage?

YES

NO

**IX. Name Change:**

The Wife (check one):

- Wants her previous name of \_\_\_\_\_ restored.
- Does not want to have her previous name restored.

**WHEREFORE** the Parties ask the Court to enter a decree of Summary Divorce with the judgment final six (6) months after the date of the filing of this Joint Petition For Divorce upon application of either party. Upon this time period passing, one party should submit Form IX-28 (“Request For Final Judgment on Joint Petition For Divorce”).

We, \_\_\_\_\_ (husband’s printed name) &  
\_\_\_\_\_ (wife’s printed name), upon oath, verify we have read this Joint Petition for Divorce and that the statements are true, accurate and complete to the best of our knowledge and belief.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Husband (signature)

\_\_\_\_\_  
Wife (signature)

(Stop) ----- (For the Clerk)

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

(Seal)

\_\_\_\_\_  
Court Clerk or Notary Public

My commission Expires: