

Petition for Divorce

The forms in this packet are to be used as a **template**, please re-type the forms and **do not** fill in the blanks. Please read the instructions carefully before completing the forms. The Court Clerks **CANNOT** accept documents that do not conform to the instructions in this packet.

You should refer to the Comanche Nation Tribal Court Codes prior to filing any petition or pleadings for a complete understanding of the rules and procedures governing your case. Should you need assistance in preparing any documents, you must consult with an attorney at your own expense. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or 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.

INSTRUCTIONS FOR FILING
IMPORTANT INFORMATION PLEASE READ!!!

1. Documents must be typed DOUBLE-SPACED and on LETTER SIZE PAPER (8 ½” x 11”).
2. Documents must be signed in front of the Court Clerk or a notary public when you are ready to file.
3. Filing fees, copy fees, etc. can be made by DEBIT CARD, CASHIER’S CHECK or MONEY ORDER and must be payable to “Comanche Nation Tribal Court”. Filing fees MUST be paid at the time of filing your petition. If you are unsure of the amount of the filing fees, contact the Court Clerk.
4. Submit original Documents, a copy fee will apply to all copies made by the court clerk over 50 pages in length. If the Court Clerk makes your copies, you will be charged a copy fee of \$10.00 for any copies over 50 pages.
5. Documents must have the FULL ADDRESS including street, city, state & zip of the parties to be served. Obtaining this information is **your** responsibility.
6. The forms are a guide to use in preparing the documents. DO NOT fill in the blanks and submit for filing. IT MUST BE RE-TYPED.
7. Petitions filed MUST have a copy of the relevant birth certificate and tribal enrollment card/CDIB and be submitted with the petition when filed. Obtaining these documents is **YOUR** responsibility.
8. Proof of Service of a Petition is MANDATORY for your case to proceed. Obtaining proof of service is **your** responsibility.

Court Clerks WILL NOT accept documents
that do not conform to these Instructions.

DOMESTIC	
Petition or Complaint	Filing Fee
Custody/Paternity w/child support	\$120.00
Divorce	\$120.00
Paternity (no support or custody)	\$85.00
Additional Court Costs	
Summons (each) PER PERSON SUMMONED	\$15.00
SUMMONS BY PUBLICATION (Actual Publication is to be done independently at your own additional expense through a proper publishing source)	\$35.00
SERVICE Outside of Territorial Jurisdiction (by certified mail through the Court Clerk)	\$15.00
SERVICE (Independently done, may incur additional expense of Private Process Server. Proof of Service must be filed with the Court)	
COPY FEES (filer must provide all necessary copies of filings or a copy fee will apply to all copies made by the court clerk over 50 pages in length)	\$10.00 flat fee for copies made by the court clerks over 50 pages.

IN THE DISTRICT COURT OF
COMANCHE NATION TRIBAL COURT

In re: Marriage of	)	
	)	
_____ ,	)	
	)	
Petitioner,	)	
	)	
Vs.	)	Case No. ____ - ____ - ____
	)	(Court Use Only)
_____ ,	)	PETITION FOR DISSOLUTION OF
	)	MARRIAGE
Respondent.	)	
	)	

PETITION

COMES NOW the above-named Petitioner against the Respondent and alleges and states as follows:

1. The Petitioner is:
 - ☐ A Comanche Indian (proof required)
 - ☐ A citizen of _____, a federally-recognized Indian tribe (proof required)
 - ☐ A non-Native American

2. The Respondent is:
 - ☐ A Comanche Indian (proof required)
 - ☐ A citizen of _____, a federally-recognized Indian tribe (proof required)
 - ☐ A non-Native American

3. That the Court has jurisdiction over this action because:
 - ☐ The respondent is a Comanche Indian
 - ☐ The respondent is a citizen of another federally-recognized Indian tribe and has resided within the governmental boundaries of the Comanche Nation for at least 90 days prior the filing of this petition
 - ☐ The respondent is a non-Native American who has consented to this Court's jurisdiction;

4. That the Petitioner's current address is:

The Petitioner has resided at the above address since on or around _____.

5. That the Respondent's last known address is:

_____.

The Respondent has resided at the above address since on or around

_____.

6. That the Petitioner is _____ years old and his/her occupation is _____ and the Respondent is _____ years old and his/her occupation is _____.

7. That _____ children have been born of this union, the names and dates of birth (and death, if deceased) are listed as follows:

_____.

8. That the Petitioner is ☐ not pregnant; OR ☐ pregnant and the birth of said child is expected on or about _____, and that the father of said child is _____.

9. That the Respondent is ☐ not pregnant; OR ☐ pregnant and the birth of said child is expected on or about _____, and that the father of said child is _____.

10. That the parties ☐ have not acquired any property that needs to be divided by the Court; OR ☐ have acquired certain property either by real estate and/or personal that needs to be divided by the Court (describe below or attach a list hereto):

11. That the parties ☐ have not acquired any debts that need to be addressed by the Court; OR ☐ have acquired debts that need to be divided by the Court (describe below or attach a list hereto);

_____.

12. That the Court should determine paternity, custody and child support arrangements is accordance with the Codes of the Comanche Nation.

13. That the parties were married on or about _____, in _____.

14. That ☐ no other divorce action has been filed by either the Petitioner or Respondent in any other state or tribal court as of this date; OR ☐ Another divorce action has been filed or is

pending in _____ County, _____, and that said case number is _____;

15. That the Petitioner ☐ does not need a restraining order; OR ☐ Needs a restraining order because the Petitioner fears the Respondent may attempt to harm, harass and/or molest the Petitioner;

16. That as grounds for divorce, the Petitioner alleges _____
(irreconcilable differences, infidelity, or other legal grounds)

17. _____ I understand that I am responsible for serving copies of this Petition and
Initials all attachments on the other party because they are entitled to notice and
opportunity to contest my Petition.

WHEREFORE, Petitioner prays for:

- A. A decree of divorce;
- B. A temporary order;
- C. A fair and equitable division of the property and indebtedness as set forth above; and
- D. Other equitable relief,

Respectfully submitted,

Petitioner

VERIFICATION

(Verification required if Petitioner is represented by legal counsel; Petition may be signed without verification by Petitioner appearing pro se.)

I verify 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.

Counsel for the Petitioner

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

Court Clerk