

COMANCHE NATION TRIBAL COURT
PRO SE / SELF REPRESENTED INFORMATION

Court Clerks

Ethical Code and Court Rules prohibit the Court Clerks from providing legal advice and helping 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. If you have legal questions, you will need to consult an attorney at your own expense.

General Information

Unless you are in Court during a hearing, all requests or updates regarding your case should be done in writing and filed with the Court Clerk. If possible, you should submit all filings for your case no later than 10 days before your court date.

No party is allowed to speak to a judge about their case without the other party being present. You are also not allowed to request that the Court Clerks pass on a message to a judge regarding your case.

It is your responsibility to always keep the Court and the other parties updated of your address and phone number if they change during the case. Notices may be sent from the Court regarding your case, however, it is your responsibility to stay updated regarding your case.

If the opposing party has an attorney, address all correspondence and contact to the attorney. DO NOT address the opposing party without the attorney present.

If you fail to appear to a court date or fail to respond to an opposing party's filings, judgment may be entered against you by default.

Starting a Case

All legal proceedings are started by filing a Complaint or a Petition. The Petition should contain at a minimum the following: 1. the basis for the Court's jurisdiction, e.g., Defendant is an enrolled Comanche Member; 2. what you would like to happen; 3. Who you are asking the court to take action against (Defendant/Respondent); and 4. Why you believe you should have the court grant your request.

You must serve (formally deliver by obtaining signature or process service) the opposing party with a summons (Formal notice of an action provided by Court Clerk) and the petition before the case actually begins. You must show proof and file with the court that the opposing party received the summons and the petition.

If you are being served with a summons and petition, you have a time period indicated on the summons in which to file an Answer. The Answer should address all the issues within the Petition. You should specifically deny or admit any facts in the Petition and state why you believe the court should deny the petition. If you wish to request action against the petitioner, then you should include in your answer a Counter-Claim similar to a petition.

Emergency Situations

Sometimes a situation arises that requires immediate action. Because you may request for something to be done without giving the other party notice, you are required to have more information with you. You should have a police report or sworn written statement signed before a notary or the Court Clerk that sets forth the nature of the emergency and attach it to your motion.

You will file a petition as in a regular case; however, you should also file a motion asking for your emergency action as well. To help your request to be processed faster, you should also have a temporary order prepared for the judge to sign. Because this will take place without the other party present, it is called an "Ex Parte" order and is only valid until the next hearing. If you receive an Ex Parte Order, the Court will schedule your next court date between 10 and 30 days. You are required to serve copies of all documents, as described above, to the other party before that court date or your temporary order will be removed.

Due to the schedule of the Judges, it may take up to 24 hours to process your request for a temporary order. If you are needing a protective order while the court is closed, you should contact the Comanche Nation Police Department at (580) 492-3260. You will have to go to the Police Department at 8527 NW Madische Rd., Lawton, OK 73507. Somebody should provide you the forms to fill out there.

Documents/Filing

Once you have all paperwork completed, bring the documents to the Court Clerk for filing, filing fees may apply. You should bring enough copies so that the Court Clerk keeps the original; you retain a copy for your records, and one copy for each opposing party.

Every document you file should have the case style at the top of the first page. The case style should contain the following: Court: "Comanche Nation Tribal Court, District Court"; Parties' names and which party they are; and case number. Every document must be signed before it will be filed.

Motions

If you need to request anything regarding your case, beyond what is in the Petition, you must file a motion to that affect. Common motions are "Motion for Continuance" and "Motion for Hearing". If possible, you should contact the opposing party and discuss your motion to determine whether they will agree to the requested action. To facilitate your motion being granted, you should prepare an Order for the Judge to sign with your signature and the opposing party's signature to show that it is agreed upon. If the opposing party does not agree to the motion, you must certify with the court, in writing, that you delivered the motion to the opposing party.

If you are not going to be able to appear at your court date, you must file a written Motion for Continuance stating the reason you will not be able to appear. Motions for Continuance should be filed as soon as you find out you will not be able to appear in court. If a motion is opposed, it will need to be set for a hearing to determine whether it should be granted or denied.

To get a hearing date you should file a Motion for Hearing. Contact the Court Clerk to obtain a potential court date and prepare an Order Setting Hearing with the proposed court date for the Judge to sign to expedite the process. The court date is not officially set until the order is signed by a judge. You must verify with the Court in writing that you delivered the motion and Order to the opposing party.

Hearings

You should come to court dressed in a respectful manner and prepared to argue your case. If you bring documents that you wish the court to see and admit as evidence, you should bring a copy for yourself, a copy for the Court Clerk, a copy for the Judge, and a copy for each opposing party.

The petitioner is given the first opportunity to present his/her case and call witnesses. When the petitioner is finished, the Respondent is given the opportunity to rebut the petitioner and call witnesses. Be respectful in court and wait until it is your opportunity to make your arguments. If you disagree with an action that the opposing party is taking, you may tell the judge that you Object and on what grounds you object.

Appeal

If, after your hearing, you disagree with the Court Order on a legal grounds you may file a Notice of Appeal with the District Court. You have 30 days from the date of a final Order in which to file your Notice of Appeal. If you wish to appeal, it is strongly recommended to consult an attorney, as appeals go beyond the facts of the case and are highly technical in arguments about the interpretation of the law.

FILING CHECKLIST

Pro se status means you are representing yourself and acting on your own behalf without counsel. The following requirements must be met in order to file in Pro Se status.

The Comanche Nation Tribal Court does not provide legal services. It is **YOUR** responsibility to prosecute or defend your case and to move the case forward to its completion, including but not limited to sending copies of filings to opposing parties, filing the proper pleadings, and requesting court dates.

The Court process functions from paperwork and filings. Requests, such as continuances or new court dates, **WILL NOT BE ACCEPTED BY PHONE**. All requests and filings must be submitted in writing in the form of a pleading or motion in person, by mail at P.O. Box 646, Lawton, OK 73502, or by email (PDF attachment) at tribalcourt@comanchenation.com. If a filing requires payment of fees it must be done in person or regular mail, with payment in full by cashier's check, money order or in person with a debit card for the exact amount due.

CIVIL CASES/DIVORCE/CUSTODY

New Case/Petitioner

Petition: Petitions **MUST** contain the case style with name of the court, and the name of all parties, and which party they are for this case. Form petitions may be found online at the Tribal Court's page on comanchenation.com or at the courthouse. Forms are for guidance only, you may alter the form to fit your specific needs. If no form is available for your specific needs, you will have to draft your own petition. Petitions must be signed before a notary public or a Court Clerk, valid ID required. **YOU** must provide a copy of the petition to be file stamped for: 1 original for the Court, 1 copy for yourself, 1 copy for **each** opposing party.

***Filing Fees:** Filing fees for each case type are attached to form petitions or you can contact the court clerk's office to determine the amount. **All filing fees are due in full at time of filing** and must be paid by cashier's check, money order or debit card.

Civil Cover Sheet: Civil cover sheets may be obtained at the court clerk's window. Civil cover sheets are for court use only, and will not be part of the official case file. It is the responsibility of each party to notify the court of all changes to your contact information. Failure to provide updated contact information may result in you failing to receive notices from the court.

Summons: Every opposing party that requires service must have a Summons issued for them. **YOU** must provide the Court Clerk's office with the names and addresses of all parties that require a summons. You must indicate on the Civil Cover Sheet the number of Summons requested. The Court Clerk's office will generate the Summons for each party upon payment* of \$15.00 summons fee per summons.

Waiver of Service (optional): Instead of issuing a summons and obtaining service, an opposing party may complete and sign (in front of a notary public or Court Clerk) an Entry of Appearance and Waiver of Service. Forms may be found online at the Tribal Court's page on comanchenation.com or at the courthouse. After waiver of service is filed for all opposing parties, the Court Clerk's office will schedule an initial court date between 30 and 60 days from the date the final waiver was filed.

Service of Process: **YOU** are responsible for ensuring that every opposing party is served with a copy of the Summons and Petition. According to Rule 4 of the Tribal Court Codes, Title 3, Comanche Nation Rules of Civil Procedure which may be found online at comanchenation.com: "4C. Process; by whom served. Service of all process shall be made by a tribal law officer or any other person not less than eighteen years of age who is not a party or legal counsel in the action."

Request for Service Certified Mail (Outside Territorial Jurisdiction): You may request that the Court Clerk's office take reasonable steps to obtain service on your behalf by paying the appropriate *fees for outside of territorial jurisdiction. Service will be attempted by Certified Mail at the address provided. You assume the risk that services will be incomplete if the address is incorrect or party avoids service.

Return of Service: Upon completion of proper service of process, **YOU** must file with the Court Clerk a Return of Service showing who was served, where it was served, and when it was served. (*This is not required if Request for Service was filed*). After Return of Service is filed for all parties that a summons was issued, the Court Clerk's office will schedule an initial court date between 30 and 60 days from the date the final Return was filed.

***Pauper's Affidavit (optional):** If you cannot afford to pay the filing fees for a case, you may complete a Pauper's Affidavit, available online at comanchenation.com or at the courthouse. Upon completion of the Pauper's Affidavit, you must sign it in front of a notary public or court clerk, valid ID required. File the Pauper's Affidavit with the Court Clerk prior to filing your petition. The Court Clerk will present the Pauper's Affidavit to a judge, who will determine whether to waive your fees in full or in part. If waiver of fees is granted, the Order Relating to Court Costs will substitute the filing fees and you may file your petition.

Existing Case

_____ **Motion:** If you want the Court or another party to do anything after the Petition is filed (except the Answer, below) you **MUST** file a motion. Motions **MUST** contain the case style with name of the court, case number, the name of all parties, and which party they are for this case. **YOU** must provide a copy of the motion to be file stamped for: 1 original for the Court, 1 copy for yourself, 1 copy for **each** opposing party. Pay all applicable fees associated with filing the motion.

_____ **Certificate of Delivery:** **YOU** must sign and file with the court a Certificate of Delivery, either attached to the motion or separately, certifying that **YOU** delivered a copy of the Motion to each opposing party, on what date you delivered the motion, what method you used to deliver the motion, and where you delivered the motion. Motions may be hand delivered or mailed by regular U.S. Postal Service. Upon receipt of the Certificate of Delivery for each party, the Court Clerk will schedule a hearing between 14 and 30 days from the date of filing.

_____ **Proposed Order:** It is not required to prepare a proposed order for the Judge's signature, but it will expedite the process of your request if you bring a typed proposed order, with your signature indicating that you prepared the order, to your hearing date. If all parties agree on the request in the Motion, all parties should sign the order indicating that they agree to the contents of the order. This may avoid the need for a hearing.

Respondent/Defendant

_____ **Answer/Counter-Claim:** If you have been served with a Petition and Summons, you are required to file an Answer to the allegations found in the Petition. You may also assert your own allegations and requests in the same document, known as a Counter-Claim. Answers **MUST** contain the case style with name of the court, case number, the name of all parties, and which party they are for this case. Answers must be signed before a notary public or a Court Clerk, valid ID required. The time period that you have to file an answer will be on your Summons. The day after you receive the summons is day 1 of the time period. **YOU** must provide a copy of the Answer to be file stamped for: 1 original for the Court, 1 copy for yourself, 1 copy for **each** opposing party.

_____ **Certificate of Delivery:** **YOU** must sign and file with the court a Certificate of Delivery, either attached to the Answer or separately, certifying that **YOU** delivered a copy of the Answer to each Plaintiff, on what date you delivered the Answer, what method you used to deliver the Answer, and where you delivered the Answer. Answers may be hand delivered or mailed by regular U.S. Postal Service.

_____ **Civil Cover Sheet:** Civil cover sheets may be obtained at the court clerk's window. Civil cover sheets are for court use only, and will not be part of the official case file. It is the responsibility of each party to notify the court of all changes to your contact information. Failure to provide updated contact information may result in you failing to receive notices from the court.

GUARDIANSHIP

New Case/Petitioner

Petition: Petitions **MUST** contain the case style with name of the court and the name of the ward(s). Form petitions may be found online at the Tribal Court's page on comanchenation.com or at the courthouse. Forms are for guidance only, you may alter the form to fit your specific needs. If no form is available for your specific needs, you will have to draft your own petition. Petitions must be signed before a notary public or a Court Clerk, valid ID required. **YOU** must provide a copy of the petition to be file stamped for: 1 original for the Court, 1 copy for yourself, 1 copy for **each** opposing party.

Emergency Petitions: Emergency Petitions must meet the same conditions as a regular petition, above. Emergency Petitions must also state the nature and reason for the emergency and you should provide a police report, affidavit, or some other corroborating documentation to support your claim of an emergency. Emergency Petitions will be submitted to a judge who may make a decision that same day or up to 3 days from the filing, depending on judge availability and when the petition was filed. If granted, a hearing will be set 14-21 days from the date of the order, and the emergency order will only be valid until that court date.

***Filing Fees:** Filing fees for each case type are attached to form petitions or you can contact the court clerk's office to determine the amount. **All filing fees are due in full at time of filing** and must be paid by cashier's check or money order or with a debit card.

Civil Cover Sheet: Civil cover sheets may be obtained at the court clerk's window. Civil cover sheets are for court use only, and will not be part of the official case file. It is the responsibility of each party to notify the court of all changes to your contact information. Failure to provide updated contact information may result in you failing to receive notices from the court.

Summons: Every opposing party that requires service must have a Summons issued for them. The standard parties in Guardianship cases are all living parents with their rights still intact and the ward's current custodian(s) or guardian(s). **YOU** must provide the Court Clerk's office with the names and addresses of all parties that require a summons. You must indicate on the Civil Cover Sheet the number of Summons requested. The Court Clerk's office will generate the Summons for each party upon payment* of \$15.00 summons fee per summons.

Waiver of Service (optional): Instead of issuing a summons and obtaining service, an opposing party may complete and sign (in front of a notary public or Court Clerk) an Entry of Appearance and Waiver of Service. Forms may be found online at the Tribal Court's page on comanchenation.com or at the courthouse. After waiver of service is filed for all opposing parties, the Court Clerk's office will schedule an initial court date between 30 and 60 days from the date the final waiver was filed.

Service of Process: **YOU** are responsible for ensuring that every opposing party is served with a copy of the Summons and Petition. According to Rule 4 of the Tribal Court Codes, Title 3, Comanche Nation Rules of Civil Procedure which may be found online at comanchenation.com: "4C. Process; by whom served. Service of all process shall be made by a tribal law officer or any other person not less than eighteen years of age who is not a party or legal counsel in the action."

Request for Service Certified Mail (Outside Territorial Jurisdiction): You may request that the Court Clerk's office take reasonable steps to obtain service on your behalf by paying the appropriate *fees for outside of territorial jurisdiction. Service will be attempted by Certified Mail at the address provided. You assume the risk that services will be incomplete if the address is incorrect or party avoids service

Return of Service: Upon completion of proper service of process, **YOU** must file with the Court Clerk a Return of Service showing who was served, where it was served, and when it was served. (*This is not required if Request for Service was filed*). After Return of Service is filed for all parties that a summons was issued, the Court Clerk's office will schedule an initial court date between 30 and 60 days from the date the final Return was filed.

***Pauper's Affidavit (optional):** If you cannot afford to pay the filing fees for a case, you may complete a Pauper's Affidavit, available online at comanchenation.com or at the courthouse. Upon completion of the Pauper's Affidavit, you must sign it in front of a notary public or court clerk, valid ID required. File the Pauper's Affidavit with the Court Clerk prior to filing your petition. The Court Clerk will present the Pauper's Affidavit to a judge, who will determine whether to waive your fees in full or in part. If waiver of fees is granted, the Order Relating to Court Costs will substitute the filing fees and you may file your petition.

Existing Case

_____ **Motion:** If you want the Court or another party to do anything after the Petition is filed (except the Answer, below) you **MUST** file a motion. Motions **MUST** contain the case style with name of the court, case number, the name of all parties, and which party they are for this case. **YOU** must provide a copy of the motion to be file stamped for: 1 original for the Court, 1 copy for yourself, 1 copy for **each** opposing party. Pay all applicable fees associated with filing the motion.

_____ **Certificate of Delivery:** **YOU** must sign and file with the court a Certificate of Delivery, either attached to the motion or separately, certifying that **YOU** delivered a copy of the Motion to each opposing party, on what date you delivered the motion, what method you used to deliver the motion, and where you delivered the motion. Motions may be hand delivered or mailed by regular U.S. Postal Service. Upon receipt of the Certificate of Delivery for each party, the Court Clerk will schedule a hearing between 14 and 30 days from the date of filing.

_____ **Proposed Order:** It is not required to prepare a proposed order for the Judge's signature, but it will expedite the process of your request if you bring a typed proposed order, with your signature indicating that you prepared the order, to your hearing date. If all parties agree on the request in the Motion, all parties should sign the order indicating that they agree to the contents of the order. This may avoid the need for a hearing.

Respondent/Defendant

_____ **Answer/Counter-Claim:** If you have been served with a Petition and Summons, you are required to file an Answer to the allegations found in the Petition. You may also assert your own allegations and requests in the same document, known as a Counter-Claim. Answers **MUST** contain the case style with name of the court, case number, the name of all parties, and which party they are for this case. Answers must be signed before a notary public or a Court Clerk, valid ID required. The time period that you have to file an answer will be on your Summons. The day after you receive the summons is day 1 of the time period. **YOU** must provide a copy of the Answer to be file stamped for: 1 original for the Court, 1 copy for yourself, 1 copy for **each** opposing party.

_____ **Certificate of Delivery:** **YOU** must sign and file with the court a Certificate of Delivery, either attached to the Answer or separately, certifying that **YOU** delivered a copy of the Answer to each Plaintiff, on what date you delivered the Answer, what method you used to deliver the Answer, and where you delivered the Answer. Answers may be hand delivered or mailed by regular U.S. Postal Service.

_____ **Civil Cover Sheet:** Civil cover sheets may be obtained at the court clerk's window. Civil cover sheets are for court use only, and will not be part of the official case file. It is the responsibility of each party to notify the court of all changes to your contact information. Failure to provide updated contact information may result in you failing to receive notices from the court.

NAME CHANGE

New Case/Petitioner

Petition: Petitions **MUST** contain the case style with name of the court, and the name of all parties, and which party they are for this case. Form petitions may be found online at the Tribal Court's page on comanchenation.com or at the courthouse. Forms are for guidance only, you may alter the form to fit your specific needs. If no form is available for your specific needs, you will have to draft your own petition. Petitions must be signed before a notary public or a Court Clerk, valid ID required. **YOU** must provide a copy of the petition to be file stamped for: 1 original for the Court, 1 copy for yourself, 1 copy for **each** opposing party.

***Filing Fees:** Filing fees for each case type are attached to form petitions or you can contact the court clerk's office to determine the amount. **All filing fees are due in full at time of filing** and must be paid by cashier's check, money order or debit card.

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Notice of Publication: The general public is to be notified of pending Name Change actions by publication. All name changes must be publicized in either the Comanche Nation Newsletter or a Countywide publication where the person seeking to have their name changed resides. Upon payment* of the \$35 Notice of Publication fee, the Court Clerk's office will create the notice of publication for you. The Court Clerk will schedule your hearing at this time 30-60 days from filing. **YOU** are responsible for taking the Notice of Publication to the appropriate publication office and pay any required costs of the publication.

Proof of Publication: The publisher should provide you with a proof of publication after it has been published. **YOU** are to file that proof of publication with the Court Clerk's office prior to your hearing date.

Summons: If the person seeking a name change is an adult not subject to a guardianship, then no summons is needed. Every opposing party that requires service must have a Summons issued for them. The standard parties in Name Change cases are all living parents with their rights still intact and the child's current custodian(s) or guardian(s). **YOU** must provide the Court Clerk's office with the names and addresses of all parties that require a summons. You must indicate on the Civil Cover Sheet the number of Summons requested. The Court Clerk's office will generate the Summons for each party upon payment* of \$15.00 summons fee per summons.

Waiver of Service (optional): Instead of issuing a summons and obtaining service, an opposing party may complete and sign (in front of a notary public or Court Clerk) an Entry of Appearance and Waiver of Service. Forms may be found online at the Tribal Court's page on comanchenation.com or at the courthouse.

Service of Process: **YOU** are responsible for ensuring that every opposing party is served with a copy of the Summons and Petition. According to Rule 4 of the Tribal Court Codes, Title 3, Comanche Nation Rules of Civil Procedure which may be found online at comanchenation.com: "4C. Process; by whom served. Service of all process shall be made by a tribal law officer or any other person not less than eighteen years of age who is not a party or legal counsel in the action."

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Return of Service: Upon completion of proper service of process, **YOU** must file with the Court Clerk a Return of Service showing who was served, where it was served, and when it was served. (*This is not required if Request for Service was filed*).

***Pauper's Affidavit (optional):** If you cannot afford to pay the filing fees for a case, you may complete a Pauper's Affidavit, available online at comanchenation.com or at the courthouse. Upon completion of the Pauper's Affidavit, you must sign it in front of a notary public or court clerk, valid ID required. File the Pauper's Affidavit with the Court Clerk prior to filing your petition. The Court Clerk will present the Pauper's Affidavit to a judge, who will determine whether to waive your fees in full or in part. If waiver of fees is granted, the Order Relating to Court Costs will substitute the filing fees and you may file your petition.

Respondent/Defendant

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_____ **Certificate of Delivery:** **YOU** must sign and file with the court a Certificate of Delivery, either attached to the Answer or separately, certifying that **YOU** delivered a copy of the Answer to each Plaintiff, on what date you delivered the Answer, what method you used to deliver the Answer, and where you delivered the Answer. Answers may be hand delivered or mailed by regular U.S. Postal Service.

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