

DIVORCE INFORMATION SHEET

This information sheet and forms can be used when you want to file for a divorce by yourself and cannot afford an attorney. Read this information sheet carefully to help you.

The Spirit Lake Tribe refers to North Dakota law as guidance when deciding issues surrounding a divorce if and when those issues are not governed by express law under the Spirit Lake Tribal Code of Law and Order. You and your spouse (husband/wife) must have irreconcilable differences to get a divorce. That is to say that there must be no way to make your marriage work. You must also have been a resident of the State of North Dakota and/or the Spirit Lake Reservation for a period of more than 6 months prior to the entry of the divorce by the Spirit Lake Tribal Court.

Use the Divorce Petition form to ask the Spirit Lake Tribal Court for a divorce. Answer every question as completely and thoroughly as possible. Any information that is not contained in the divorce petition in or Answer will not be addressed by the court so be sure to include all the requested information. In the event that any section of the Petition or Answer does not apply to your circumstances please indicate that by writing "NOT APPLICABLE" in the blank space provided. Your name should be written on the line that indicates "Petitioner". Your spouse's name should be written on the line that indicates the word "Respondent" on top of the summons page and the divorce petition page. Fill in all blanks or write the words "not applicable" by any question that does not apply to you. Some questions allow you to choose the correct words such as (am/am not). Circle the words that you want to use.

If you are confused by the form or have any questions, ask for help. When you finish, ask the Notary Public to watch you sign the forms and have the Notary "Notarize" our signature. Take these forms along with a money order or certified check in the amount of \$150.00 which is the Filing Fee, to the Clerk of Court who will make sure that your spouse gets a copy of the divorce forms. However, you must provide to the court information as to the whereabouts of your spouse and a current address. We cannot process the papers unless we know where the other party is and if they have received notice of these proceedings.

After the documents have been served upon your spouse, the Clerk will inform you by mail when your divorce hearing is scheduled. A court date will be determined dependant upon the court's docket schedule. You **MUST** appear in court on the scheduled hearing date to personally ask the Judge for a divorce and to answer any questions that the Judge may have.

Your spouse **MAY** appear in court at the hearing date, but is not required to unless they wish to contest or disagree with anything that you are asking for in your divorce papers.

When your case is called, the Judge will ask you to swear you in to begin to provide testimony to the Court. You must answer all questions clearly and state the facts about your marriage. Also tell the judge what custody and property settlement you would like or read from your papers. Answer the Judge's questions as well as you can. Also you should bring in any receipts for property that you may have and you should also bring proofs of any debts that you may have. If your spouse or any other witnesses show up to oppose you, the Judge will decide if you should go to an attorney before the hearing will be held.

SPECIAL INSTRUCTIONS REGARDING FORMS

Before you begin to fill out your paperwork decide whether you are asking the Court to decide on child custody as part of your divorce, then follow the instructions below on the previous page when completing your paperwork.

- I. If you are filing for divorce and child custody is not at issue you must complete the following forms:

Party who is Filing (Petitioner) must complete:

- 1) Divorce Petition
- 2) Property, Debt and Asset Listing

Party who is Answering (Respondent) must complete:

- 1) Answer to Divorce Petition
- 2) Property, Debt and Asset Listing

- II. If you are filing for divorce and child custody is at issue you must complete the following forms:

Party who is Filing (Petitioner) must complete:

- 1) Divorce Petition
- 2) Property, Debt and Asset Listing
- 3) UCCJEA Affidavit

Party who is Answering (Respondent) must complete:

- 1) Answer to Divorce Petition
- 2) Property, Debt and Asset Listing
- 3) UCCJEA Affidavit

SPIRIT LAKE TRIBAL COURT
SPIRIT LAKE JURISDICTION

IN TRIBAL COURT/CIVIL DIVISION
FORT TOTTEN, NORTH DAKOTA

_____,)
Petitioner,)
)
VS.)
)
)
_____,)
Defendant,)

SUMMONS

C# _____

THE SPIRIT LAKE TRIBE TO THE ABOVE NAMED RESPONDENT

You are hereby summoned and required to appear and defend against the attached Petition for Divorce, by giving the person who signed this summons, a written Answer or other response within twenty (20) days.

The twenty (20) days does not include the day that you've received the Summons. If you do not file a written Answer to the Petition, judgment by default will be taken against you for whatever the Petitioner asked for in the Petition.

Upon service of this summons, you and your spouse are bond by the following restraints:

- 1) Neither spouse shall dispose of, sell, Member, or otherwise dissipate any of the parties' assets, except for necessities of life or for the necessary generation of income or preservation of assets.
- 2) Neither spouse shall harass the other spouse.
- 3) All currently available insurance must be maintained and continued without change in coverage or beneficiary designation.
- 4) Neither spouse shall remove any of their minor children from the jurisdiction without the written consent of the other spouse or order of the court except for temporary time periods.

IF EITHER SPOUSE VIOLATES ANY OF THESE PROVISIONS, THAT SPOUSE MAY BE HELD IN CONTEMPT OF COURT.

Dated

Signature of Petitioner

Address of Petitioner

_____,)
Petitioner,)
VS.)
_____,)
Defendant,)

DIVORCE PETITION

C# _____

1. My name is: _____
2. My date of birth is: _____
3. My spouse's name is: _____
4. My spouse's date of birth is: _____
5. I am/am not an Indian (circle one)
6. I have/have not lived in the State of North Dakota for all of the past six months. (circle one)
7. I currently live at (present address): _____

8. My spouse lives at (present or last known address): _____

9. We were married on (date of marriage): _____
10. We were married in the city of: _____
11. We were married in the county of: _____
12. We were married in the state of: _____
13. We have been separated since: _____
14. We have these children born to us: (give full names and birthdates)

Children cont. _____

15. I am/am not pregnant. (circle one)

16. The pregnancy is/is not of the marriage. (circle one)

17. I want custody of the following children. ((list names and birth dates) :

18. I want my spouse to have custody of the following children. (List names and birth dates):

19. I am/am not asking the court to award me temporary custody of the above named children pending the outcome of this divorce action. (circle one) The reason for this request is: (state why you need a temporary custody order) _____

20. I am/am not asking the court for child support. (I understand the court shall award support dependant upon the criteria for support under the Spirit Lake Tribal Code or the North Dakota Century Code.

21. I am/am not asking the court to award spousal support for me. (circle one)

22. My spouse and I have irreconcilable differences which make it impossible to stay together in a marriage.

23. I want/do not want the use of my maiden name again (circle one)
(maiden name: _____)

24. I have completed and attached a Property Debt and Asset Listing which has been completed as thoroughly as possible and to the best of my knowledge, Said Property, Debt and Asset indicate clearly the property that I wish to be awarded under the terms of the divorce.

25. I understand that upon filing this Petition and upon service of a Summons on the Respondent, both I and my spouse are bond by the following restraints.

- (a) Neither spouse shall dispose of, sell, encumber, or otherwise dissipate any of the parties' assets, except for necessities of life or for the necessary generation of income or preservation of assets.
- (b) Neither spouse shall harass the other spouse.
- (c) All currently available insurance coverage must be maintained and continued without change in coverage of beneficiary designation.
- (d) Neither spouse shall remove any of their minor children from the jurisdiction without the written consent of the other spouse or order of the court except for temporary time periods.

I further understand that if either spouse violates any part of this provision, that spouse may be held in contempt of court.

26. I request such relief as the court considers just and proper.

Dated this _____ day of _____, 20_____

State of North Dakota)
Spirit Lake Tribe)ss
County of Benson)

Verification

_____ Petitioner, being first duly sworn, deposes and says that in the above entitled proceedings, that he/she has read the above and foregoing petition by her/him and knows the contents thereof and that the same is true and accurate to the best of his/her knowledge, except as to matters therein stated on information and belief as to those matters he/she believes to be true.

Signature of Petitioner

Subscribed and sworn to before me this _____ day of _____ 20_____

Notary Public

_____ County, North Dakota

My Commission Expires: _____

(Notary Seal)

_____,)
Petitioner,)
)
VS.)
)
)
_____,)
Defendant,)

UNIFORM CHILD CUSTODY
JURISDICTION ENFORCEMENT
ACT AFFIDAVIT

C# _____

I, _____ (name) pursuant to the Uniform Child Custody Jurisdiction Enforcement Act, NDCC Section 14-14-20 and the Federal Parental Kidnapping Prevention Act, after being duly sworn, do depose and say that:

- 1) The child(rens) name(s) and date(s) of birth are as follows:

Name	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

- 2) The minor children named in the petition in this case are currently living at:
(address) _____
And have lived at that address for: (length of time in months or years) _____

- 3) Within the last five years the places where the children have lived are as follows:

- 4) Within the last five years the names and present addresses of all of the persons with whom the children have lived are as follows:

5) I have/have not-participated as a party, witness, or in any other capacity in any other litigation concerning the custody of the minor children in this any other state of tribal court. (If you circled have, please list here)

6) I have/have no information of any custody proceeding concerning the minor children pending in a Court of the State of North Dakota or any other state or tribal jurisdiction (if you circled have, please list where)

7) I do not know of any person not a party to this proceeding who has physical custody of the minor children or who claims to have custody or visitation rights with respect to the minor children.

8) I understand that I have a continuing duty to inform the Court of any custody proceeding concerning the minor children in this or in any other state, if I obtain that information while this proceeding is still pending.

FURTHER, AFFIANT SAYETH NOT

Petitioner

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

Clerk of Court or Notary Public

(Seal)

SPIRIT LAKE TRIBAL COURT
SPIRIT LAKE JURISDICTION

IN TRIBAL COURT/CIVIL DIVISION
FORT TOTTEN, NORTH DAKOTA

_____,)
Petitioner,)
)
VS.)
)
)
_____,)
Defendant,)

PROPERTY, DEBT AND
ASSET LISTING

C# _____

As the Petitioner in the above captioned case, I hereby state to the Court that the following is a complete and total listing of all property, debts, and assets in my or my spouse's possession or currently owed by myself or my spouse.

PROPERTY

1) Motor Vehicles:/Machinery

a) Make: _____
Model: _____
VIN: _____
Year: _____

b) Make: _____
Model: _____
VIN: _____
Year: _____

c) Make: _____
Model: _____
VIN: _____
Year: _____

d) Make: _____
Model: _____
VIN: _____
Year: _____

(If additional spaces are needed, use another blank sheet and attach)

2) Furniture/Household items:

a) Description of Item: _____
Estimated value: _____

b) Description of Item: _____
Estimated value: _____

c) Description of Item: _____
Estimated value: _____

d) Description item: _____
Estimated value: _____

e) Description of Item: _____
Estimated value: _____

f) Description of Item: _____
Estimated value: _____

g) Description of Item: _____
Estimated value: _____

h) Description of Item: _____
Estimated value: _____

i) Description of Item: _____
Estimated value: _____

j) Description of Item: _____
Estimated value: _____

3) Other Property if applicable

a) Description of Item: _____
Estimated value: _____

b) Description of Item: _____
Estimated value: _____

c) Description of item: _____
Estimated value: _____

d) Description of Item: _____
Estimated value: _____

e) Description of item: _____
Estimated value: _____

4) Real Estate/Land

- a) Location of land/real estate: _____
Name of deed or title holder: _____
Estimated value: _____
- b) Location of land/reel estate: _____
Name of deed or title holder: _____
Estimated value: _____
- c) Location of land/real estate: _____
Name of deed or title holder: _____
Estimated value: _____
- d) Location of land/real estate: _____
Name of deed or title holder: _____
Estimated value: _____

(If additional spaces are needed, use another blank sheet and attach)

DEBTS:

1) Loans

- a) Where loan is from: _____
Purpose of loan: _____
To whom loan was made: _____
Amount outstanding on loan: _____
- b) Where loan is from: _____
Purpose of loan: _____
To whom loan was made: _____
Amount of outstanding on loan: _____
- c) Where loan is from: _____
Purpose of loan: _____
To whom loan was made: _____
Amount outstanding on loan: _____
- d) Where loan is from: _____
Purpose of loan: _____
To whom loan was made: _____
Amount outstanding on loan: _____

2) Bills

- a) To whom bill is owed: _____
Purpose of bill: _____
Amount of bill: _____
- b) To whom bill is owed: _____
Purpose of bill: _____
Amount of bill: _____
- c) To whom bill is owed: _____
Purpose of bill: _____
Amount of bill: _____
- d) To whom bill is owed: _____
Purpose of bill: _____
Amount of bill: _____

3) Other

- a) Description of Debt: _____
To whom debt is owed: _____
Amount of debt: _____
- b) Description of Debt: _____
To whom debt is owed: _____
Amount of debt: _____
- c) Description of Debt: _____
To whom debt is owed: _____
Amount of debt: _____
- d) Description of Debt: _____
To whom debt is owed: _____
Amount of debt: _____

ASSETS

1) Bank Accounts

- a) Name of Bank: _____
Type of Account: _____
Balance on Account: _____
- b) Name of Bank: _____
Type of Account: _____
Balance on Account: _____
- c) Name of Bank: _____
Type of Account: _____
Balance on Account: _____

2) Stocks/Bonds

- a) Name of Stock/bond: _____
Type of Stock/Bond: _____
Value of Stock/Bond: _____
- b) Name of Stock/Bond: _____
Type of Stock/Bond: _____
Value of Stock/Bond: _____
- c) Name of Stock/Bond: _____
Type of Stock/Bond: _____
Value of Stock/Bond: _____

3) Insurance Policy

- a) Policy Number: _____
Name of Policy Holder: _____
Name of Beneficiary: _____
Value of Insurance: _____
- b) Policy Number: _____
Name of Policy Holder: _____
Name of Beneficiary: _____
Value of Insurance: _____
- c) Policy Number: _____
Name of Policy Holder: _____
Name of Beneficiary: _____
Value of Insurance: _____

4) Pension Benefits/Other assets:

- a) Description of Benefit/Asset: _____
Value of Benefit/Asset: _____
- b) Description of Benefit/Asset: _____
Value of Benefit/Asset: _____
- c) Description of Benefit/Asset: _____
Value of Benefit/Asset: _____
- d) Description of Benefit/Asset: _____
Value of Benefit/Asset: _____

State of North Dakota)
Spirit Lake Tribe)ss
County of Benson)

VERIFICATION

_____, Petitioner, being first duly sworn,
deposed and says that in the above entitled proceedings, that he/she has read the above foregoing
Property, debt and Asset Listing by her/him and knows the contents thereof and that the same is
true and accurate to the best of his/her knowledge, except as to matters therein stated on
information and belief as to those matters he/she believes to be true.

Signature of Petitioner

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

Notary Public

_____ County, North Dakota

My Commission Expires: _____

(Notary Seal)

SPIRIT LAKE TRIBAL COURT

IN TRIBAL COURT

SPIRIT LAKE JURISDICTION

FORT TOTTEN, NORTH DAKOTA

The following information is needed in for you to file a Civil Action. We must know this information in order to begin a file on your case. We need to know how to reach you and the Opposing party for purpose of court hearing dates, verbal communication related to your case and for purpose of locating the parties for service of legal documents. YOU MUST PROVIDE THIS INFORMATION. Without this information provided, we cannot proceed with your case.

CIVIL INFORMATION SHEET

Plaintiff/Petitioner:

Name: _____

Place of Residence: (District and/or Unit #) _____

Current Mailing Address: _____

Home Phone Number and Cell Phone Number: _____

Place of Employment: _____

Work Phone Number: _____

Social Security Number: _____

Date of Birth: _____

Do you have an Attorney? If so, Name and Address: _____

Defendant/Respondent:

Name: _____

Place of Residence: (District and/or Unit Number): _____

Current Mailing Address: _____

Home Phone Number and Cell Number: _____

Place of Employment: _____

Work Phone Number: _____

Social Security Number: _____

Date of Birth: _____

Do you have an Attorney? If so, Name and Address: _____
