

**ONEIDA JUDICIARY
INSTRUCTIONS FOR FILING A MOTION**

1. Complete and sign the Motion. A Motion may be filed when a party disputes a court order.
2. Must provide an original and two copies of the completed and signed Motion (1 for the court, 1 for you and 1 for service on the other party).
3. Serve the Motion on the other party (Respondent). **You may not deliver the court papers yourself!**
4. If the respondent has an attorney, have the Motion served on the attorney instead of the respondent. Please reference below the types of service:
 - a. Personal Service: Personal service shall consist of delivering to the party a copy of the paper being served by a law enforcement officer or other person, who is not a party to the action and who is at least eighteen (18) years of age.
 - b. Mail Service (if personal service is not possible): Service of any and all papers, when made by mail and from any party shall be by certified mail, with return receipt (green card).
 - c. Service of Publication: (Service by publication is a last resort and can only be used if you fail to have the other party served by personal or mail service).
5. File the original Motion form, your proof of service, and pay the \$25.00 filing fee with the Clerk (or request a fee waiver).
 - a. **Note:** If filling out Fee Waiver Request you must provide documentation of income.
 - b. **PLEASE NOTE: The Court will not accept your Motion without the proof of service and the filing fee.**
6. The other parties have 14 days to respond to your Motion.
7. A hearing will be scheduled after 14 days have passed from the date of your filing. Most hearings are scheduled within a month of filing.

Any questions, call the Clerk of Court at 920-496-7200.

ONEIDA JUDICIARY

_____,
Petitioner

Case No: _____

v.

_____,
Respondent

MOTION FOR _____

(Name of party making Motion) _____, the
[choose one] Petitioner Respondent, moves the Court, pursuant to (specify ordinance,
Tribal law, or rule under which Motion is made) _____ as follows:

Explain what justifies you in making the motion.
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Grounds for Motion:

Relief sought: _____

Legal argument necessary to support Motion: _____

Signature (Filing party or attorney/advocate)

Name (Filing party or attorney/advocate)

Date

Address

Telephone Number

Pursuant to OCL 803.7-5(a), this completed Motion must be *filed* with the Clerk of Court with proof that all other parties to the action were served.

AFFIDAVIT OF SERVICE

Case No. _____

Petitioner

and

Respondent

I, _____, swear that on _____, I personally served
Date

the Motion on the following person: _____.

DATE: _____

TIME: _____

LOCATION: _____

To the best of my knowledge, _____, is present in the
community and is not a member of the armed forces.

I swear the foregoing is true and correct.

Dated this _____ day of _____, 20____.

Signature of Person serving other party

PLEASE NOTE: Only use this form if you are having the other person personally served. If you are serving the other person by certified mail, simply give the return receipt (green card) to the Clerk of Court.