

Oneida Family Court
P O Box 19
Oneida, WI 54155
(920) 496-7200

INSTRUCTIONS FOR FILING A PETITION TO ESTABLISH THIRD PARTY LEGAL CUSTODY

1. Complete the Petition and the Summons. **BE SURE TO SIGN THE PETITION IN FRONT OF A NOTARY PUBLIC SO THAT YOUR SIGNATURE CAN BE NOTARIZED.**
2. Make three copies of the Petition and Summons (4 sets total).
3. File the original and three copies of the Petition and Summons (1 for you and 1 for service on each of the other parties) and pay the \$25.00 filing fee with the Clerk.
 - a. The Clerk will look over your papers and fill in the case number and the court date on the Summons.
4. Serve the Petition and Summons on the other parties (Respondents).
 - a. The Summons and Petition must be served within 30 days after they are filed.
 - i. An additional 30 days may be requested in writing. The written request may be granted by the Court upon a showing of good cause.
 - b. Serving a person means delivering the court papers to them in person. Service may be made by any law enforcement officer or other person, not a party, who is at least 18 years of age. **You may not deliver the court papers yourself!**
 - c. The person serving the Petition and Summons must complete an Affidavit of Service which is included in this packet. The Affidavit of Service must be returned to the Clerk's office within 10 days of service upon each of the Respondents.
5. If personal service is not possible, you may mail the Petition and Summons to those entitled to notice via certified mail with return receipt requested. If you complete service by certified mail, you must file the certified return receipt (green card) showing the date of delivery with the Clerk.
6. If personal service and mail service are not possible, you may ask the Court to permit service by publication.

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

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ONEIDA FAMILY COURT

In re the matter of: _____, **d.o.b.** _____

_____,
Petitioner(s)

v.

Case No: _____

_____,
and

_____,
Respondents

PETITION TO ESTABLISH THIRD PARTY LEGAL CUSTODY

Pursuant to Oneida Code of Laws Chapter 79, Petitioner seeks to be awarded third party legal custody of the above named child(ren).

1. Petitioner is interested as:

- A relative: _____.
 Other: _____.

2. Petitioner's current address and telephone number is (city, state, zip, telephone number):

_____.

3. Petitioner's date of birth: _____.

4. Petitioner is:

- Oneida tribal member.
 Tribal member at another tribe (_____).
 Non-Indian.

5. Check the ground(s) that apply to this case:

- The child or children are not in the physical custody of either parent.
 Petitioner has a parent-child relationship with the child(ren).
 Neither parent is a suitable custodian.

A statement of the facts and circumstances which support the ground(s) is as follows:

_____.

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6. The child or children are currently residing with: _____.

7. The name, address, and telephone number of the child(ren)'s mother is: _____

a. The child(ren)'s mother is:

Oneida tribal member.

Tribal member at another tribe (_____).

Non-Indian.

8. The name, address, and telephone number of the child(ren)'s father is: _____

a. The child(ren)'s father is:

Oneida tribal member.

Tribal member at another tribe (_____).

Non-Indian.

9. Does anyone else have legal rights to custody of the child(ren)?

Yes. If yes, who: _____.

No.

10. Are you aware of another child custody, placement, or visitation proceeding involving the child(ren) pending in another tribe, state, or county?

Yes. If yes, where: _____.

No.

11. Has a legal custody and/or physical placement order been rendered for the child(ren) by any other court?

Yes. If yes, where: _____.

No.

12. I request the Court order payment of child support.

Yes.

No.

Petitioner asks this Court to enter an order for third party legal custody which addresses periods of physical placement for the child(ren)'s parents.

Dated this ____ day of _____, 20__

Petitioner

Signed and sworn before me

This ____ day of _____, 20__

NOTARY PUBLIC

My commission expires: _____

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_____,
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v.

Case No: _____

_____,
and

_____,
Respondents

SUMMONS

To the person(s) named above as Respondent(s):

A Petition to Establish Third Party Legal Custody was filed and is attached to this summons.

You are summoned to appear on:

Date: _____

Time: _____

Presiding Judge: Robert J. Collins II

Location: Courtroom ____, 2630 W. Mason Street, Green Bay, WI 54303

A failure to appear and defend may result in a default judgment against the Respondent(s) for the relief demanded in the Petition.

BY THE CLERK:

Signature (Clerk)

Date

Signature (Petitioner or Petitioner's Attorney/Advocate)

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AFFIDAVIT OF SERVICE

Case No. _____

In re the matter of:

Petitioner

and

Respondent

I, _____, swear that on _____, I personally
served the Petition to Establish Third Party Legal Custody and Summons on the
following person: _____.
Date

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.