

## INSTRUCTIONS FOR FILING A PETITION FOR DIVORCE, LEGAL SEPARATION OR ANNULMENT

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 two copies of the Petition and Summons (3 sets total).
3. File the original and two copies of the Petition and Summons (1 for you and 1 for service on your spouse) and pay the \$100.00 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 party (Respondent).
  - 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.
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.**

**ONEIDA FAMILY COURT**  
**PETITION FOR DIVORCE, LEGAL SEPARATION OR ANNULMENT**

In re the marriage of:

Case No. \_\_\_\_\_

**Petitioner:**

Enter your name, address and daytime phone number. (you are the Petitioner).

\_\_\_\_\_  
First name Middle name Last name (Maiden name)

\_\_\_\_\_  
Current Mailing Address

\_\_\_\_\_  
City State Zip Daytime Phone Number

**and**

**Respondent:**

Enter the name, address, and daytime phone number of your spouse (your spouse is the Respondent).

\_\_\_\_\_  
First name Middle name Last name (Maiden name)

\_\_\_\_\_  
Current Mailing Address

\_\_\_\_\_  
City State Zip Daytime Phone Number

PLEASE CHECK ONE OF THE BOXES BELOW:

Choose divorce, legal separation or annulment.

- I am filing for a **DIVORCE**.
- I am filing for a **LEGAL SEPARATION**.
- I am filing for an **ANNULMENT**.

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**I am the Petitioner in this action.**

**A.** I am providing the following information about myself:

Enter your date of birth [month, day, year].

1. Date of birth: \_\_\_\_\_ SSN: \_\_\_\_\_

2. Immediately before filing this petition, I will have lived on the Oneida Reservation for:  
\_\_\_\_\_  days  months  years.

*IF YOU HAVE NOT RESIDED ON THE ONEIDA RESERVATION FOR THE PRECEDING 60 DAYS FOR DIVORCES (30 DAYS FOR ANNULMENTS) THE COURT CANNOT HEAR YOUR CASE.*

For 2 enter how long and check which applies. For 3, check which applies.

3. Check one of the following:
- a.  I am an Oneida tribal member (Enrollment No. \_\_\_\_\_).
- b.  I am married to an Oneida tribal member.
- c.  I am married to a member of a federally recognized Indian tribe who resides on the Oneida Reservation.

For 4, check yes or no.

4. I am currently on active duty as a member of the Armed Forces of the United States of America or its allies.  
 Yes  No.

Enter your spouse's date of birth [month, day, year].

B. I am providing the following information about the Respondent, my spouse:

1. Date of birth: \_\_\_\_\_ SSN: \_\_\_\_\_
2. For 60 days immediately before the filing of this Petition, the Respondent has resided: \_\_\_\_\_.
3. The Respondent is: (check one)
  - a.  Oneida tribal member (Enrollment No. \_\_\_\_\_)
  - b.  Tribal member at another tribe
  - c.  Non-Indian
4. The Respondent is currently on active duty as a member of the Armed Forces of the United States of America or its allies.  
 Yes  No.

For 2, enter address. For 3, check which applies. For 4, check yes or no.

Enter the date, city and state where you were married.

C. I am providing the following marriage information:

1. My spouse and I were married on (date): \_\_\_\_\_
2. We were married in (city): \_\_\_\_\_ (state) \_\_\_\_\_
3. I am filing for:
  - a.  Divorce: This marriage is irretrievably broken.
  - b.  Legal Separation: This marriage is broken and the reason I am requesting a legal separation and not a divorce is: \_\_\_\_\_
  - c.  Annulment.

Check a or b. If b, explain why you are filing for legal separation and not a divorce.

4. Previous Actions:

This is the first time that either my spouse or I have filed for divorce or legal separation from each other at Oneida or Wisconsin or any other tribe or state.

- a.  Yes
- b.  No: Tribe: \_\_\_\_\_  
County: \_\_\_\_\_  
State: \_\_\_\_\_  
Case No.: \_\_\_\_\_  
Has this case been dismissed?  Yes  No.

Check a or b. If b, enter the tribe or county and state in which it was filed, the case number assigned to it, and check yes or no to indicate if the case has been dismissed.

5. This my first marriage

Yes  No

- a. I was previously married to \_\_\_\_\_
- b. The marriage was terminated by :  divorce  death
- c. Date of divorce or death: \_\_\_\_\_
- d. The divorce was granted in:  
Name of court: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_

Check yes or no. If no, respond to 5a-5d with information about your most recent previous marriage.

If you had an additional previous marriage, respond to 5e-5h.

- e. I was also previously married to \_\_\_\_\_
- f. The marriage was terminated by:  divorce  death.
- g. Date divorce or death: \_\_\_\_\_
- h. The divorce was granted in:  
 Name of court: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_

*If you had more than 2 previous marriages, please give the above information for each one on a separate sheet of paper and include with your filing.*

Check yes or no. If no, respond to 6a-6d with information about your spouse's most recent previous marriage, if known.

6. This is my spouse's first marriage

Yes  No.

- a. My spouse was previously married to \_\_\_\_\_
- b. The marriage was terminated by :  divorce  death
- c. Date of divorce or death: \_\_\_\_\_
- d. The divorce was granted in:  
 Name of court: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_

If your spouse had an additional previous marriage, respond to 6e-6h.

- e. My spouse was also previously married to \_\_\_\_\_
- f. The marriage was terminated by:  divorce  death.
- g. Date divorce or death: \_\_\_\_\_
- h. The divorce was granted in:  
 Name of court: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_

*If your spouse had more than 2 previous marriages, please give the above information for each one on a separate sheet of paper and include with your filing.*

Enter the name and date of birth [month, day, year] for each **minor** child. If you and your spouse do not have minor children together, check None.

**D. I am providing the following information regarding children:**

1. The minor children (age 17 or younger) born to or adopted together by me and my spouse before or during our marriage are:

None

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

2. The adult children (age 18 or older) born to or adopted together by me and my spouse before or during our marriage are:

None

**Name of Child**

**Date of Birth**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. Other children born to the wife during this marriage, but not fathered by the husband are:  
 None

**Name of Child**

**Date of Birth**

_____	_____
_____	_____
_____	_____

4. To the best of my knowledge, the wife in this marriage:  
a.  is currently pregnant.  
b.  is not currently pregnant.

5. The current address of the minor children is:  
a.  with mother at above address.  
b.  with father at above address.  
c.  with both mother and father at the above addresses.  
d.  at the address below:

Address \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Check a, b, c or d. If d, enter the current address of the minor children. If the children currently reside at separate addresses, provide those addresses on an additional sheet.

6. Previous addresses for the minor children are:  
 None

Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Enter any previous addresses for the minor children living with the parents during the past 5 years. If none check "none."

If the children have lived in more than 2 places over the past 5 years, provide those addresses on an additional sheet.

7. Currently, or during the last 5 years, one or more of the minor children lived with a person other than a parent.  
 Yes  No

Check yes or no.  
If yes, enter the name of that minor child and the name and address of the person with whom that child lived.  
Attach an additional sheet if necessary.

Child \_\_\_\_\_  
 Person \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Child \_\_\_\_\_  
 Person \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Child \_\_\_\_\_  
 Person \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Check a or b.  
If a, enter the name of the court in which it was ordered, the case number assigned to it, and date it was ordered.

8. I personally have been (or I am aware of others who have been) a party, witness or participated in another way in other past court proceedings concerning the custody of or physical placement or visitation with the minor children listed in D1 or D3, on the Oneida Reservation, in Wisconsin or in any other reservation or state.

a.  **Yes** and the custody, physical placement, or visitation order was granted in:  
Name of court: \_\_\_\_\_  
Case Number: \_\_\_\_\_ Date: \_\_\_\_\_

b.  **No**

Check a or b.  
If a, enter the name of the court in which it was ordered, the case number assigned to it, and the nature of the proceeding.

9. I am aware of a proceeding that could affect the current proceeding, including: an action for divorce or legal separation filed in another jurisdiction; proceedings for enforcement; proceedings related to domestic violence and/or protective orders; and child in need of protection or services, termination of parental rights, or adoption proceedings concerning the children listed in D1 or D3, in Oneida, in Wisconsin or in any other reservation or state.

a.  **Yes**, and the proceeding that could affect the this action is in:  
Name of court: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Nature of proceeding: \_\_\_\_\_

b.  **No**

Check a or b. If a, attach a copy of the written agreement.

10. My spouse and I have made written agreements or received orders from the court about some or all of the matters in this action such as maintenance (spousal support), child support, legal custody or physical placement of the minor children, or property division.

a.  **Yes, and I have attached a copy of the written agreement to this Petition.**  
b.  **No**

**E. Information for Annulment. IF YOU ARE SEEKING AN ANNULMENT, please check which grounds apply for annulment: (If you are not seeking annulment, skip this section.)**

- Either party was under 18 years of age at the time of the marriage without consent from a parent or guardian, or either party was under 16 years of age at the time of the marriage.
- At the time of the marriage, either party lacked the capacity to consent to the marriage because of age, mental incapacity, or the influence of drugs or alcohol, or was forced into the marriage or entered into the marriage by fraud or duress.
- The marriage is between relatives who are:  first cousins and at least one (1) of them is younger than fifty-five (55); or  of a closer biological kinship than first cousins.
- One (1) or both of the parties was already married to another person at the time of the marriage.
- One (1) or both of the parties is physically unable or unwilling to consummate the marriage.

**[PROCEED TO THE NEXT PAGE]**

**I ASK THAT THE COURT:**

If you are requesting child support or maintenance (spousal support) at this time, check yes.

1. Grant judgment as requested.
2. Enter an order granting  child support  maintenance (spousal support).
3. Enter other orders as it deems just and equitable.

**ACTS PROHIBITED BY ONEIDA LAW**

In accordance with the Oneida Divorce, Annulment and Legal Separation Ordinance neither the petitioner nor the respondent to this divorce or legal separation action can participate in any of the following activities while this action is pending:

- (1) Harassing, intimidating, physically abusing, or imposing any restraint on the personal liberty of the other party or a minor child of either of the parties.
- (2) Encumbering, concealing, damaging, destroying, transferring, or otherwise disposing of property owned by either or both of the parties, except in the usual course of business, in order to secure necessities, or in order to pay reasonable costs and expenses of the action, including attorney fees.
- (3) Without the consent of the other party or an order of the court, violating any temporary or permanent custody order.

A VIOLATION OF THE ABOVE PROHIBITIONS MAY RESULT IN PUNISHMENT FOR CONTEMPT, WHICH MAY INCLUDE MONETARY PENALTIES, IMPRISONMENT AND OTHER SANCTIONS AS PROVIDED FOR UNDER ONEIDA LAW.

THESE PROHIBITIONS apply until the action is dismissed, a final judgment in the action is entered, or the court orders otherwise.

**ATTENTION:  
ONLY SIGN THIS DOCUMENT  
IN FRONT OF A NOTARY PUBLIC.**

After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date

Subscribed and sworn before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
NOTARY PUBLIC (SEAL)  
My commission expires: \_\_\_\_\_

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**ONEIDA FAMILY COURT**

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**In re the marriage of:**

\_\_\_\_\_,  
**Petitioner**

Case No. \_\_\_\_ DI \_\_\_\_

**and**

\_\_\_\_\_,  
**Respondent**

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**SUMMONS**

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**To the person named above as Respondent:**

You are notified that your spouse has filed a lawsuit or other legal action against you. The Petition, which is attached, states the nature and basis of the legal action.

Within thirty (30) days of receiving this Summons, you may file a written response and/or counterclaim with the Clerk. The response and/or counterclaim must be served on the other party (Petitioner) at the address on the Petition. You may also reply orally at the hearing.

**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 for the relief demanded in the Petition.

**BY THE CLERK:**

\_\_\_\_\_  
Signature (Clerk)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Petitioner or Petitioner's Attorney/Advocate)



# AFFIDAVIT OF SERVICE

Case No. \_\_\_\_\_

In re the marriage of:

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

I, \_\_\_\_\_, swear that on \_\_\_\_\_, I personally  
served the Petition for Divorce/Legal Separation/Annulment 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.