

**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. If the Tribe or any Tribal Entity or Department is a party, you must also serve the Tribe's Secretary's Office. 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.**

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**ONEIDA JUDICIARY**

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

**Case No:** \_\_\_\_\_

v.

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

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**MOTION FOR** \_\_\_\_\_

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(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 153.7-5(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.