

**IMPORTANT: BEFORE FILING FOR A DIVORCE OR  
LEGAL SEPARATION, PLEASE READ THIS.**

For the Oneida Judiciary to grant you a divorce or legal separation, the filing party must have been a resident of the Oneida Reservation for the 60 days immediately preceding the date you file for divorce or legal separation. IN ADDITION, the filing party must meet one of the following:

- Be an Oneida tribal member or a member of a federally recognized tribe.

OR

- Be married to an Oneida tribal member.

OR

- Be married to an Indian who is a resident of the Oneida Reservation.

**IMPORTANT: BEFORE FILING FOR AN ANNULMENT,  
PLEASE READ THIS.**

For the Oneida Judiciary to grant you an annulment, the filing party must have been a resident of the Oneida Reservation for the 30 days immediately preceding the date you file for annulment. IN ADDITION, the filing party must meet one of the following:

- Be an Oneida tribal member or a member of a federally recognized tribe.

OR

- Be married to an Oneida tribal member.

OR

- Be married to an Indian who is a resident of the Oneida Reservation.

**IF YOU DO NOT MEET THESE REQUIREMENTS, YOUR CASE WILL LIKELY BE  
DISMISSED.**

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

**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.
3. File the original and two copies of the Petition (1 for you and 1 for service on your spouse) and the Summons. 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] and social security number.

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

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

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

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

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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.

For 4., check yes or no.

**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.

Enter your spouse's date of birth [month, day, year] and social security number.

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

**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.

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

Check a., b. or c. 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 5.a.-5.d. with information about your most recent previous marriage.

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

- 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.*

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 \_\_\_\_\_

- 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.*

**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**

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

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

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

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.

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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 address(es).
- d.  at the address below:

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

6. Previous addresses for the minor children are:

None

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

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

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

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

Child \_\_\_\_\_  
Person \_\_\_\_\_  
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.

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.

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.

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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 D.1. or D.3., 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 D.1. or D.3., 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 (*check one*):  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.

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

**F. I ASK THAT THE COURT:**

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.

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**ACTS PROHIBITED BY ONEIDA LAW**

In accordance with the Oneida Divorce, Annulment and Legal Separation law neither the petitioner nor the respondent to this 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 AND OTHER SANCTIONS AS PROVIDED FOR UNDER THE ONEIDA CODE OF LAWS.

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  
My commission expires: \_\_\_\_\_

(SEAL)



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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: Family Court Judge**

**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  
Date  
served the Petition for Divorce, Legal Separation, or Annulment and Summons 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.