



PONCA TRIBAL COURT

1800 Syracuse Avenue • Norfolk, NE 68701 • Phone: 402.371.8834 • Fax: 402.371.3238

Re: Divorce

Enclosed, please find the Petition that you may use to obtain a divorce through the Ponca Tribal Court. Please complete this Petition and return it to my office, along with a \$100.00 filing fee. If you cannot afford the filing fee, then please complete the enclosed Motion to Proceed In Forma Pauperis. The Judge has to approve or deny the Motion. Please note that the Ponca Tribal Council has determined that the filing fee may be waived for Ponca Members only.

I have also enclosed a Jurisdictional Affidavit that must be completed in order to file your Petition. Any divorce that is completed is electronically filed with the State of Nebraska, so I have also attached a form that contains confidential information so the divorce may be electronically filed.

Once I receive the Petition and the filing fee (or an Order signed by the Judge approving the Motion to Proceed In Forma Pauperis), then the other party will be personally served with the paperwork and a scheduling order. A pretrial conference will be set to determine what issues still need to be resolved. If issues are not resolved during the pretrial conference, then a trial date will be set. Pretrial conferences may be held by phone, so I have also enclosed telephonic hearing rules.

If you have any questions, please feel free to contact me at 402-371-8834, or via email at ruthanneg@poncatribene.org.

Sincerely,

RUTHANNE GALLUP
Tribal Court Administrator

Enc: Petition; Motion to Proceed In Forma Pauperis, Jurisdiction Affidavit; Confidential Information; Telephonic Hearing Rules

Approved 1-4-17 by Court

IN THE PONCA TRIBAL COURT

IN RE THE MARRIAGE OF:

CASE # _____

Your name - Petitioner

and

Name of spouse - Respondent

)
)
)
)
)
)
)
)
)
)
)
)
PETITION FOR
() Dissolution of Marriage
() Legal Separation

1. Plaintiff, in support of this Petition for Divorce, states and alleges as follows: That jurisdiction with this Court is proper because of the following:

I () am a member of the _____ Tribe, my enrollment number is _____ . This () is () is not a federally recognized Tribe.

I () am not a member of a Tribe, however my child(ren) is/are a member of the _____ Tribe, enrollment# _____ , or my spouse is a member of the _____ Tribe, enrollment # _____ .

I reside within the Ponca Service area: () yes () no

Other basis for jurisdiction: _____

2. My true and correct name is:

First Middle Last

ONLY COMPLETE IF YOU WANT THE SPOUSE TO KNOW THIS ADDRESS

My physical address, where I primarily reside, is _____
Street number Apt number

City State Zip Code

located in _____ County in the state of _____

My mailing address is: _____

I have lived at this residence since _____

My place of employment is _____

- I intend to maintain that residence until the decree is entered.
- I do not intend to maintain that residence until the decree is entered.

3. My spouse's true and correct name is:

First Middle Last

My spouse's physical address is: _____
Street number Apt number

City State Zip Code

located in _____ County in the state of _____.

My spouse's mailing address is: _____.

IF I DO NOT KNOW WHERE MY SPOUSE LIVES, I WILL ATTACH A SEPARATE AFFADAVIT TO REQUEST SERVICE BY PUBLICATION.

My spouse has lived at this residence since _____.

My spouse's place of employment is _____.

4. I affirm that the marriage is irretrievably broken.

5. We were married on or about ____ / ____ / ____ in
the town/city of _____, County of _____,
State of _____, and have ever since been husband and wife,
license hereto attached.

6. We have been separated since ____ / ____ / ____.

7. I am a member of the Armed Forces of the United States or its allies.

am not a member of the Armed Forces of the United States or its allies.

My spouse is a member of the Armed Forces of the U.S. or its allies.

is not a member of the Armed Forces of the U.S. or its allies.

8. Check the box that applies (check one)

There are no other pending actions for divorce, separation, or dissolution of marriage in this state or in any other state.

There is another pending action for divorce, separation, or dissolution of marriage

Name of Court Case Number Date of Court Order

9. Check the box that applies (check one)

There are no existing restraining orders, protection orders, or criminal no-contact orders regarding either party.

There are one or more existing restraining orders, protection orders, or criminal no-contact orders regarding one or more of the parties. Details include:

(a) Type(s) of Order(s): Restraining, protection criminal no-contact

(b)

Name of Court	Case Number	Date of Court Order

10. My spouse and I have _____ child(ren) whose custody or welfare will be affected
Number
by this divorce, attach another sheet if necessary. They are:

Name of child(ren) _____ Date of Birth _____ Sex _____
First Middle Last / / () Male () Female

Place of birth, City and State _____ Tribal Affiliation _____

Current Residence of Child – complete address including zip code _____

Current custodian of child _____

First Middle Last / / () Male () Female

Place of birth, City and State _____ Tribal Affiliation _____

Current Residence of Child – complete address including zip code _____

Current custodian of child _____

First Middle Last / / () Male () Female

Place of birth, City and State _____ Tribal Affiliation _____

Current Residence of Child – complete address including zip code _____

Current custodian of child _____

11. The parties of this marriage are :

Petitioner () Pregnant

Respondent () Pregnant

() NOT pregnant

() NOT Pregnant

COMPLETE 12 – 17 ONLY IF THE PARTIES HAVE CHILDREN.

12. Regarding custody of the child(ren) (check one)

() I have not been a party or a witness in any other proceeding concerning the custody or visitation with the child(ren).

() I have been a party or a witness in another proceeding concerning the custody or visitation with the child(ren) as follows:

Name of Court

Case Number

Date of Court Order

I will send a copy of the last known court order to the Ponca Tribal Court.

13. Check the box that applies: (check one)

() There are no other people other than my spouse and myself who have had physical custody of the child(ren) or claim to have custody or parenting time rights with the child(ren)

() The following is a list of the names and addresses of people other than my spouse and myself who have physical custody of the child(ren) or claim to have custody or parenting time rights with the children.

Name

Address

Name

Address

14. Child support (check one)

() Has already been determined by _____ and has been set at _____ per month.

() Should be determined by the Ponca Tribal Court.

() Should be determined by the Child Support Enforcement of the State of _____.

15. I am requesting (check one)

() Sole legal and physical custody of the above-named minor child(ren)

() Joint legal custody with me being the primary custodian

() Joint legal custody with my spouse being the primary custodian

16. We (check one)

have or are willing to complete a parenting plan signed by both parties to submit to the court

are unwilling/unable to complete a parenting plan based upon the following

17. **ONLY IF A PARENTING PLAN IS UNABLE TO BE COMPLETED BY BOTH PARTIES**, the following visitation is requested. You may attach additional page(s).

18. We (Check one)

Have equitably divided the marital property and request that each to be granted what is currently in their possession.

Have the following property they request the Judge to settle and distribute equitably. Proof of the property will be required. You may attach additional page(s).

19. We (check one)

Have equitably divided any debts and request that each will be responsible for the debts currently in their name.

Have the following debts we request the Judge to settle and distribute equitably. Proof of the debts will be required. You may attach additional page(s).

<hr/> Where debt is owed to	<hr/> Amount of Debt	<hr/> Who should pay (me, spouse, split)
<hr/> Where debt is owed to	<hr/> Amount of Debt	<hr/> Who should pay (me, spouse, split)
<hr/> Where debt is owed to	<hr/> Amount of Debt	<hr/> Who should pay (me, spouse, split)

IN THE PONCA TRIBAL COURT

STATE OF _____)
) ss
COUNTY OF _____)

MOTION TO PROCEED
IN FORMA PAUPERIS

I, _____, being duly sworn upon by oath, say:
(Your Name)

- 1. I am unable to pay the costs of this action.
- 2. I am a member of the Ponca Tribe of Nebraska, enrollment # _____. The Ponca Tribal Council has determined that only enrolled members of the Ponca Tribe are eligible for a waiver of filing fees.
- 3. My family unit consists of _____ people (1 Self + _____ children + _____ adults)
- 4. My family unit has an average gross **monthly** income of \$ _____, including (check all)
 - Employment \$ _____ Food Stamps \$ _____ Medicaid
 - Child Support \$ _____ SSI \$ _____ TANF \$ _____
 - Other _____ Other _____
- 5. I receive no income from other sources. If I have no income and/or expenses, this is the reason why: _____

6. My family unit's average **monthly** expenses are \$ _____, which include

Rent \$ _____	Heating \$ _____	Lights \$ _____	Trash \$ _____
Phone \$ _____	Child Care \$ _____	Food (Do not include food stamps) \$ _____	
Alcohol \$ _____	Cigarettes \$ _____	Car, insurance & gas for car \$ _____	
Other (explain) \$ _____	Other (explain) \$ _____		

- 7. I own no real or personal property of more than nominal value. the following real or personal property that has more than nominal value: _____

- 8. I wish to add the following for consideration.

- 9. The phone number where I may be contacted at is _____.
- 10. Have you, on three or more prior occasions, brought an action or appeal in a Ponca Court that were dismissed on the grounds of being frivolous, malicious, or failing to state a claim upon which relief may be granted? () Yes () No
If yes, is the reason you are coming to court because you are in imminent danger of serious bodily injury? () Yes () No
- 11. I understand that a false statement or answer to any questions in this Motion may subject me to penalties of perjury.

Your Signature Date
SUBSCRIBED AND SWORN BEFORE ME ON THIS _____ DAY OF _____, 20____

Notary Commission Expires

IN THE PONCA TRIBAL COURT

_____,)
)
Plaintiff,)
)
vs.)
)
_____,)
)
Defendant)

CASE # _____

JURISDICTIONAL AFFIDAVIT

STATE OF _____)
) ss
COUNTY OF _____)

COMES NOW Affiant, after being duly sworn and under penalty of perjury, and states as follows:

- 1) My name is _____.
- 2) My mailing address is _____.
- 3) My telephone number is _____.
- 4) My physical address, where I primarily reside, is _____
located in _____ County in the state of _____.
- 5) I () am a member of the _____ Tribe, my enrollment
number is _____. This () is () is not a federally recognized Tribe.
I () am not a member of a Tribe.
My child is a member of the _____ Tribe, enrollment# _____.
- 6) I understand that this information is being provided to determine if I reside within
the territorial jurisdiction of the Ponca Tribe of Nebraska.
- 7) I understand that I am providing this information under oath and penalty of
perjury, with legal consequences if I knowingly make a false statement in this document.

FURTHER AFFIANT SAYETH NOT

DATED this ____ day of _____, 20 ____.

Affiant

SUBSCRIBED TO and sworn before me on _____.

[SEAL]

Notary Public

PONCA TRIBE OF NEBRASKA

TRIBAL COURT

_____)	CIV _____
Petitioner's full name)	
vs)	
_____)	CONFIDENTIAL INFORMATION FOR CASE
Respondent's full name)	

This information is confidential and shall NOT be made part of the Case File or Provided to the Public.

NAMES	SS#	GENDER	DATE OF BIRTH
Petitioner			
_____	____/____/____	_____	____/____/____
Respondent			
_____	____/____/____	_____	____/____/____
Minor Children			
_____	____/____/____	_____	____/____/____
_____	____/____/____	_____	____/____/____
_____	____/____/____	_____	____/____/____
_____	____/____/____	_____	____/____/____

Petitioner's
 Full name (First, middle, last) _____

Address: _____

County of Residence: _____ Maiden Name _____

Telephone Number _____ Cell _____

Place of Birth (City and State or Foreign Country) _____

Employer (Name and Address) _____

Health insurance policy information (if provided through employer) _____

Is Petitioner of Hispanic or Latino Origin (yes or no) _____

Check all that Petitioner considers herself/himself to be

- American Indian/Alaska Native _____ Tribe
- White/Caucasian
- Black/African American
- Asian
- Native Hawaiian or other Pacific Islander

Respondent's

Full name (First, middle, last) _____

Address: _____

County of Residence: _____ Maiden Name _____

Telephone Number _____ Cell _____

Place of Birth (City and State or Foreign Country) _____

Employer (Name and Address) _____

Health insurance policy information (if provided through employer) _____

Is Respondent of Hispanic or Latino Origin (yes or no) _____

Check all that Respondent considers herself/himself to be

- American Indian/Alaska Native _____ Tribe
- White/Caucasian
- Black/African American
- Asian
- Native Hawaiian or other Pacific Islander

**PONCA TRIBAL COURT
INSTRUCTIONS FOR VIDEOCONFERENCE AND/OR TELEPHONIC APPEARANCES**

You may appear by videoconference or by telephone for hearings in the Ponca Tribal Court if you have received prior permission from the Court to do so, or if the hearing for which you will be appearing will not require evidence (such as testimony from witnesses, documents, or other physical evidence) to be taken. Parties at the following types of hearings may always appear by videoconference or telephonically, unless the Court orders otherwise:

- Pretrial conferences
- Temporary hearings by affidavit (sworn written statements) only
- Status hearings
- Any other hearings where the Court has specifically allowed videoconference or telephonic appearances

To appear by videoconference, you must go to the nearest tribal office:

Ponca Tribe of Nebraska Administration Building, 1800 Syracuse Avenue, Norfolk, NE 68701

Ponca Tribal Complex, 5805 S. 86th Circle, Omaha, NE 68127

Ponca Tribe of Nebraska Office, 1701 E Street, Lincoln, NE 68508

Ponca Tribe of Nebraska Office, 125 Sixth Street, Sioux City, IA 51103

Ponca Tribe of Nebraska Headquarters, 2523 Woodbine Street, Niobrara, NE 68760

You must notify the tribal office coordinator that you are there to appear for Court by videoconference. You must check in within fifteen (15) minutes of your scheduled hearing time. You will be escorted to the Videoconference room. You will be expected to stay in that room and follow the Rules of Conduct for the Ponca Tribal Court. As stated in the Rules of Conduct, "Anyone not giving the proper respect to the process of Justice may be removed from the Courtroom".

Your hearing may not happen at the scheduled time, as the Court will frequently schedule a number of hearings for the same time and take them in order. The Order of the hearings will be determined by the Tribal Court Judge and the Tribal Court Administrator and be based upon: 1. Time of Arrival of the parties. 2. Representation by counsel. 3. Nature of the Hearing. 4. Anticipated length of the hearing. 5. Any other factors that need to be considered.

To appear by phone, you must call the Court to check in within 15 minutes of your scheduled hearing, and provide to the Court a telephone number where you can be reached when your telephonic hearing is ready to begin. The numbers to call are as follows:

- **If the Court is being held in Norfolk: 402-371-8834**
- **If the Court is being held in Ralston: 402-315-2760**
- **If the Court is being held in Lincoln: 402-438-9222**

Your hearing may not happen at the scheduled time, as the Court will frequently schedule a number of hearings for the same time and take them in order as listed above. Thus, you should be prepared for a short delay prior to your hearing.

If you choose, you may check-in for your telephonic hearing by e-mail to tribalcourt@poncatribene.org. This e-mail check-in must be made within 15 minutes of your scheduled hearing, and provide a telephone number where you can be reached when your hearing is ready to begin.

FAILURE TO APPEAR BY VIDEOCONFERENCE OR TO CALL AND CHECK IN , OR FAILURE TO ANSWER AT THE NUMBER PROVIDED AFTER THE CHECK-IN, WILL BE TREATED BY THE COURT AS A FAILURE TO APPEAR AFTER PROPER NOTICE.