



Ponca Tribal Court

1800 Syracuse Avenue
Norfolk, NE 68701

402-371-8834
Fax: 402-371-7564

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 \$45.00 filing fee. If you can not afford the filing fee, then please complete the enclosed Affidavit. The Affidavit must be notarized, and the Judge has to approve the waiver of the filing fee.

I have also enclosed a form that contains confidential information for the Case. This includes information that the State of Nebraska requires, as all divorces completed through the Ponca Tribal Court are filed with the State of Nebraska.

If children are involved, and custody has not been determined by another Court, then the Financial Affidavit for Child Support must also be completed before the other party may be served. A Parenting Plan will also have to be approved by the Judge. I have enclosed a sample plan that both parents are encouraged to complete.

Once I receive the Petition and filing fee (or approved Affidavit), I will then notify the other party. If they are in agreement with the divorce, I will try and avoid service by the Sheriff.

The other party will then have thirty (30) days to respond, and then a hearing will go before the Judge. You will need to be present at this hearing, which will be in Norfolk. If you have any questions, please feel free to contact me at the Norfolk Office, 402-371-8834, or via email at ruthanneq@poncatrIBE-ne.org.

Sincerely,

RUTHANNE GALLUP
Tribal Court Administrator

Enc:

PONCA TRIBE OF NEBRASKA

TRIBAL COURT

_____)	CIV _____
Petitioner's full name)	
)	PETITION FOR DIVORCE
vs)	
)	
_____)	
Respondent's full name)	

1. Petitioner, in support of this Petition for Divorce, states and alleges as follows: That jurisdiction with this Court is proper because of the following: The Petitioner is a member of the _____ Tribe and lives within the Ponca Service Area. Any children are enrolled members or eligible for enrollment with the _____ Tribe and live within the Ponca Service Area.

2. That, the Petitioner's true and correct name is _____ and the Petitioner's actual residence is at the following address _____

(Complete only if you wish the Respondent to know this address, otherwise leave it blank.)

Petitioner is an American Indian, enrolled as a member of the _____ Tribe. Petitioner resides in good faith within the territory jurisdiction of the Ponca Tribe of Nebraska and intends to maintain that residence until the decree is entered.

3. That, the Respondent's true name is _____ The Respondent's actual residence is at the following address: _____

Respondent is an American Indian, enrolled member of the _____ Tribe.

4. Petitioner is requesting a divorce on the grounds of: _____

5. Petitioner and Respondent 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. Petitioner and Respondent have been separated since ____/____/____.

7. The parties of this marriage are (check one)

- Pregnant
- NOT pregnant

COMPLETE 8 – 14 ONLY IF THE PARTIES HAVE CHILDREN. The Petitioner must complete the Financial Affidavit for Child Support and submit it with the Petition for Divorce before the Summons may be sent and the hearing for divorce set.

8. _____ child(ren) has/have been born to the Petitioner and

Respondent as a result of this marriage, as follows:

Name	Date of Birth	Present Custodian
_____	____/____/____	_____
_____	____/____/____	_____
_____	____/____/____	_____
_____	____/____/____	_____

9. 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:

The Court is: _____

Case number is: _____

Date of child custody determination _____

A copy of the last known court order will be sent to the Ponca Tribal Court.

10. Child support (check one)

- Has already been determined by _____ and has been set at _____ per month.
- Should be determined by the Ponca Tribal Court. The Financial Affidavit has been completed.
- Should be determined by the Child Support Enforcement of the State of _____

11. There (check one)

- Are no other actions or proceedings that could affect this action, including existing restraining orders, protection orders, or criminal no-contact orders regarding either party.
- Are one or more existing orders regarding one or more of the parties, details as follows
Type of order _____
Name of Court, case number and date of order _____

12. Petitioner is requesting (check one)

- Sole legal and physical custody of the above-named minor child(ren)
- Joint legal custody with the Petitioner being the primary custodian
- Joint legal custody with the Respondent being the primary custodian

13. Petitioner and Respondent (check one)

FOR MEDIATION INFORMATION CONTACT THE COURT

- 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

14. **ONLY IF A PARENTING PLAN IS UNABLE TO BE COMPLETED BY BOTH PARTIES**, the following visitation is requested.

15. The Petitioner and Respondent (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.

16. Petitioner and Respondent (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 they request the Judge to settle and distribute equitably. Proof of the debts will be required.

17. The Petitioner requests (Check one)

- That she be returned to the prior name of _____
- That the Respondent be returned to the prior name of _____

I declare under penalty of perjury that the foregoing is true and correct and dated

_____, 20_____.

Petitioner (Signed before a Notary)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, _____.

Notary Public

Seal

Send notarized form to:

Ruthanne Gallup
Tribal Court Administrator
1800 Syracuse, Norfolk, NE 68701
402-371-8834, ruthanneg@poncatribe-ne.org

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 TRIBE OF NEBRASKA

TRIBAL COURT

_____) CIV _____
Petitioner's full name)
vs)
_____)
Respondent's full name)

FINANCIAL AFFIDAVIT FOR CHILD SUPPORT

I, _____, am under oath and I state that the following information is true:

1. I filed this action for divorce.
2. There (check one)
 - Is no existing order for support for the minor child(ren) born to me and my spouse.
 - Is currently an order for support of the minor child(ren) of me and my spouse through:
Name of Court: _____
Case Number: _____
Amount of Support per month \$ _____
Number of Children: _____

I will attach a copy of the last month's paystubs for each place of employment

3. I am (check one)
 - Not currently employed
 - currently employed
4. Name of Company _____
Address of Company _____
5. My income is (check one)
 - \$ _____ per hour for _____ hours per week
 - \$ _____ salary per month plus \$ _____ bonuses per month.
6. I believe I am capable of earning more income than is currently being earned. I base this on past employment at _____, when my income was

\$ _____ per hour for _____ hours per week

\$ _____ salary per month plus \$ _____ bonuses per month

7. I (check one)

- Do NOT have health insurance available for the children through my employment
- DO HAVE health insurance available for the children at a cost of \$ _____ per month

8. I, (check one)

- Do NOT contribute to a retirement plan
- Contribute \$ _____ per month to a retirement plan.

9. My Spouse is (check one)

- Not currently employed
- currently employed

10. Name of Company _____

Address of Company _____

11. My spouse's income is (check one)

- \$ _____ per hour for _____ hours per week
- \$ _____ salary per month plus \$ _____ bonuses per month.

12. I believe my spouse is capable of earning more income than is currently being earned. I

base this on past employment at _____, when my spouse's income was

\$ _____ per hour for _____ hours per week

\$ _____ salary per month plus \$ _____ bonuses per month

13. My SPOUSE (check one)

- Does NOT have health insurance available for the children through his/her employment
- DOES HAVE health insurance available for the children at a cost of \$ _____ per month
-

14. My Spouse, (check one)

- Does NOT contribute to a retirement plan
- Contributes \$ _____ per month to a retirement plan.

I declared under penalty of perjury that the above is true and correct to the best of my ability.

Petitioner

Date

SUBSCRIBED AND SWORN to before me this _____ day of _____,
20_____.

Notary Public

Seal

PONCA TRIBE OF NEBRASKA

TRIBAL COURT

)	
)	CIV _____
Petitioner's full name)	PARENTING PLAN
)	
vs)	
)	
Respondent's full name)	

The Mother and Father mutually agree as follows and submits the same to the Court for approval:

1. The best interests of the parents' minor child(ren) will be maintained through the ongoing involvement of both the Mother and the Father with the child(ren).
2. The best interests of the parents' minor child(ren) also will be maintained by ensuring regular and continuous school attendance and progress for school-age child(ren) of the parties.
3. The best interests of the parents' minor child(ren) also will be maintained by ensuring continuing involvement with the Tribe that the child(ren) are enrolled or eligible for enrollment with.
4. The Mother and Father agree that each parent is a fit and proper person to be involved in the parenting of the child(ren).
5. The Mother and Father will remain active and involved in parenting the child(ren).
6. The main reason for this Plan is to establish custody, parenting time, visitation, and other access arrangements, to determine parenting time to be spent with Mother and Father, and to decide how to deal with any future disagreements between the Mother and Father about this Plan.
7. The Mother and Father understand that the needs of the child(ren) may change as the child(ren) get(s) older and they will interpret and apply this Plan in a way that best serves any changing needs of the child(ren).
8. The Mother and Father shall share legal custody of the child(ren), with the _____ being the primary physical custodian of the child(ren). The
(Mother or Father)

primary physical custodian shall have the legal responsibility and authority to make final decisions concerning the parenting function necessary to raising the children.

9. The principle place of residence (physical custody) of the child(ren) shall be with the _____, (custodial parent) subject to the terms of this Plan.
(mother or father)

10. The noncustodial parent shall have parenting time with the child(ren) as follows:

A. **Weekends:** Every other weekend from _____ Friday to _____
(beginning time) (ending time)
Sunday, beginning _____.
(month day and year that weekend begins)

B. **Weekdays:** On _____ each week from _____
(day of week) (beginning time)
to _____.
(ending time)

11. Holiday Visitation on the following holidays.

A. Easter. The Easter holiday will include that period of time during which the child is excused from school for the Easter holiday, including Easter Sunday, and shall commence at _____ on the day after the child is released from school and end at _____ on the day before the child returns to school.

B. Memorial Day Weekend. This holiday shall include only that weekend when Memorial Day is nationally recognized and shall commence at _____ on Saturday and conclude at _____ on Monday, Memorial Day.

C. Fourth of July. The Fourth of July visitation shall commence at _____ on the day before the Independence day holiday is celebrated nationally and shall conclude at _____ on the day following such day of national celebration.

D. Labor Day Weekend. This holiday shall include only that weekend on which Labor Day is nationally recognized and shall commence at _____ Saturday and conclude at _____ on Monday, Labor Day.

E. Thanksgiving. This holiday shall be defined as that period of time during which the child is excused from school for the Thanksgiving holiday, including Thanksgiving, and shall commence at _____ Thanksgiving eve and conclude at _____ on the day before the child returns to school.

F. Christmas. The Christmas holiday shall commence at _____ on the day the child is excused from school and shall conclude at _____ on December 28 of each year. The _____ shall be allowed visits on Christmas Eve, from _____ a.m. to _____ p.m., while the _____ shall be allowed visits on Christmas Day from _____ a.m. to _____ p.m.

G. New Years. The New Years Day holiday shall commence at _____ on December 28 of each year and conclude at _____ on the day before the child returns to school.

H. As to all holiday visitation:

- a. The period of time during which the child is excused from school shall be fixed by the school vacation period of the school attended, but if the child does not attend school, by the vacation periods fixed by the school attended by other children of the family or by the public school district of the child's permanent residence.
 - b. In even number years, the mother shall have the child for the even-numbered holidays (B), (D) and (F) above, and the father shall have the child for the odd-numbered holidays, (A), (C), (E) and (G) above. In odd-numbered years, the reverse shall take place.
 - c. The child will spend Mother's Day with his mother and Father's Day with his father. For Mother's Day and Father's Day only, the holiday shall commence at _____ and conclude at _____ on the Sunday on which these holidays are nationally observed.
 - d. The child will spend his birthday in even numbered years with his mother and in odd numbered years with his father. For this visit only, the visit shall commence at _____ and conclude at _____, unless the child is in school, and the visit will commence as soon as the child is released from school and conclude at _____. The child's birthday visitation supersedes the holiday visitation schedule.
 - e. The mother of the child will have the child on her birthday, which is _____, for this visit only, the visit shall start at _____ and end at _____ and the father will have the child on his birthday, which is _____, for this visit only, the visit shall start at _____ and end at _____.
- I. This holiday visitation shall supersede the regular weekend visitation schedule. The regular weekend visitation schedule will continue with the parent who did not have the child on the previous holiday and continue on from that point, alternating between the parents every other weekend.

12. Summer Visitation: The noncustodial parent shall have, beginning the summer of _____, _____ continuous weeks during the child(ren)'s school
(beginning year) (number of weeks)
summer vacation. During this period of time, the custodial parent is entitled to the same parenting time the noncustodial parent would have if the child(ren) was/were with the noncustodial parent; provided, however, that each parent is to have a period of at least ten (10) continuous days during the summer that will be uninterrupted by parenting time with the other parent. The noncustodial parent is to notify the custodial parent, in writing, not later than May 1 of each calendar year of the dates he/she will exercise his/her summer parenting time and must also provide the general location and schedule of where the parenting time will take place.

13. Other contact with the child(ren): The noncustodial parent will have unrestricted mail contact, reasonable telephone and electronic contact with the child(ren) during the normal waking hours of the child.

14. General Provisions governing all visitation:

- A. Transportation.** The non-custodial parent shall provide the transportation to commence the visits, and the custodial parent shall provide transportation to end the visit. The non-custodial parent or a responsible adult to whom the non-custodial parent is related by blood or marriage may perform the transportation duties.
- B. Information Provided.** The custodial parent and non-custodial parent shall provide and at all times keep the other parent advised of their respective home addresses and telephone numbers.
- C. Being on Time.** Both parents understand that they have to responsibility to be on time. If either parent will be late for some reason, or will be unable to either visit with the child(ren) on time, or provide visitation with the child(ren) on time, such parent shall notify the other parent as soon as possible of the delay. Both parents understand that fifteen (15) minutes is a reasonable time for a parent to wait in order to pick up or return the child(ren).
- D. Scheduling Activities.** One parent may not plan or schedule activities during the parenting time of the other parent without reasonable notice to **AND** consent of the other parent.
- E. Child(ren)'s Events.** Both parents shall inform each other, reasonably in advance, of all events where a parent may participate in the child(ren)'s activities or events (i.e., school plays, athletic events, teacher conferences, music recitals, and the like). Notice shall be provided in such a way that the other parent has the maximum opportunity to attend that activity or event.
- F. Clothing for Visits.** The custodial parent shall provide adequate and appropriate clothing for each visitation.

15. Parenting Responsibilities. The parent with legal and physical custody of the child(ren) (custodial parent) shall have the final say in the choices regarding the child(ren)'s education, religious upbringing and medical needs. Both parents recognize that it is in the child(ren)'s best interest to maintain continuous involvement with the Tribe that the child(ren) are involved with. Both parents recognize that it is important that both parents participate and cooperate with each other to bring up the child(ren) in a loving, stable environment, the custodial parent shall, in an effort to encourage this environment, notify the noncustodial parent at a meaningful time in advance of any decision regarding enrollment in school, the beginning of participation in religious activities, and the beginning of health care involving the child(ren) in order to learn the noncustodial parent's wishes in these matters. The parents shall freely discuss these three areas with one another in an effort to reach an agreement on these issues. In the event the parents cannot agree, the custodial parent shall have the final voice in these matters. The names of both parents shall appear on all school, governmental, law enforcement, medical and health-related records, and both parents shall be provided access to all teachers, government officials and doctors.

- 16. Cooperation of parents.** The child(ren)'s best interest require the utmost cooperation between the parents. To this end, neither parent shall talk badly about or in any way be negative about the other parent in front of the child(ren) or in any activity or communication involving the child(ren). Neither parent will ask about the other's personal affairs through the child(ren). Each parent shall cooperate with the other, to the fullest extent necessary, in order to encourage a safe, secure, and loving environment for the child(ren).
- 17. Remediation Process.** In the event one or both of the parties wish to change the terms of this Plan in the future and the parties are unable to agree on the terms of such change, the parties shall attempt to mediate their disagreement by talking with a third person or persons who may be able to help the parties come to an agreement. This third person or persons need not be formally trained in mediation, although the parties are encouraged to talk to a trained mediator if possible.
- 18. Temporary Changes.** The parents can temporarily change the terms of this Plan as long as they both agree to it.
- 19. Permanent Changes.** This Plan may be changed by mutual, written agreement of the parents. Both parents understand that any permanent changes must be approved by the Court to be binding and enforceable.
- 20. Finality.** This plan becomes final and enforceable when approved by the Judge of the Ponca Tribal Court.

Approved by the Mother:

Date

Signature of Mother

Subscribed and sworn to before me in my Presence this ____ day of _____,
20____, a Notary Public in and for the County of _____, State of _____.

Notary Public Signature

Seal of Notary

Approved by the Father:

_____ Date

_____ Signature of Father

Subscribed and sworn to before me in my Presence this ____ day of _____,
20____, a Notary Public in and for the County of _____, State of _____.

_____ Notary Public Signature

_____ Seal of Notary

BY THE COURT:

Approved and Ordered this ____ day of _____, 20____.

The Honorable Theresa M. Maule
Tribal Court Judge

Attest:

Ruthanne Gallup, Tribal Court Administrator
(SEAL)

AFFIDAVIT OF INDIGENCY

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

1. I am unable to pay the costs of this action.
2. My family unit consists of _____ people (1 Self + _____ children + _____ adults)
3. My family unit has an average **monthly** income of \$ _____, including (check all)
 Employment \$ _____ Food Stamps \$ _____ Medicaid
 Child Support \$ _____ SSI \$ _____ TANF \$ _____
 Other _____ Other _____
4. I receive no income from other sources.
5. 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) \$ _____
6. I own no real or personal property of more than nominal value.
7. I wish to add the following for consideration.

8. The phone number where I may be contacted at is _____.
9. **I understand that a false statement or answer to any questions in this Affidavit may subject me to penalties of perjury.**

Your Signature

Date

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

Notary

Commission Expires

FOR COURT USE ONLY

- Approved by Judge _____ (date)
- Denied by Judge _____ (date)

Ruthanne Gallup, Tribal Court Administrator