

IN THE SAC & FOX TRIBE OF THE MISSISSIPPI IN IOWA TRIBAL COURT  
349 Meskwaki Road  
Tama, Iowa 52339-9629

<p>In Re The Marriage Of:</p> <p>_____ ,</p> <p style="text-align: center;">Petitioner,</p> <p>and</p> <p>_____ ,</p> <p style="text-align: center;">Respondent.</p>	<p>Case No. _____</p> <p style="text-align: center;"><b>PETITION FOR DIVORCE</b></p>
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Petitioner for his/her Petition for Divorce, being first sworn, alleges and states:

I.

Identification of Petitioner

Petitioner name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Age: \_\_\_\_\_ Soc. Security No: \_\_\_\_\_  
Prior names: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

II.

Identification of Respondent

Respondent name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Age: \_\_\_\_\_ Soc. Security No: \_\_\_\_\_  
Prior names: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

III.

Jurisdiction

This Court has jurisdiction over this matter because (check all that apply):

- Petitioner is a member of the Sac & Fox Tribe of the Mississippi in Iowa.  
 Respondent is member of the Sac & Fox Tribe of the Mississippi in Iowa.

\_\_\_\_ Child(ren) is/are member(s) of the Sac & Fox Tribe of the Mississippi in Iowa.  
\_\_\_\_ Petitioner \_\_\_\_ Respondent \_\_\_\_ has resided on the Sac & Fox settlement or on Tribally  
owned lands, or any public domain land designated for Tribal use, for at least six (6)  
months prior to commencing this action.  
\_\_\_\_ Other: \_\_\_\_\_

IV.  
Date of Marriage

The parties were married on \_\_\_\_\_ in \_\_\_\_\_ County, State of  
\_\_\_\_\_ and have been married for \_\_\_\_\_ year(s).

**OR**

The parties were common law married on \_\_\_\_\_ in \_\_\_\_\_.

\_\_\_\_ The parties are not separated.

\_\_\_\_ The parties are separated. Date of separation: \_\_\_\_\_.

V.  
Grounds for Divorce

Petitioner states there has been an irretrievable breakdown of the marriage relationship and that  
there is no reasonable prospect of reconciliation.

VI.  
Court Proceedings

\_\_\_\_ There is no other Court proceeding pending with respect to the parties.

\_\_\_\_ There is a Court proceeding pending with respect to the parties. (Please state the nature  
of the proceeding, Court it is filed in and Case File Number):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VII.  
Restraining Order

\_\_\_\_ There is no current restraining order with respect to the parties.

\_\_\_\_ A restraining order was against the \_\_\_\_ Petitioner \_\_\_\_ Respondent on \_\_\_\_\_, in  
the County of \_\_\_\_\_, State of \_\_\_\_\_. (**Attach copy of Restraining Order**)

\_\_\_\_ A continuing restraining order should be entered which restrains or enjoins the

\_\_\_\_ Petitioner \_\_\_\_ Respondent from assaulting, harassing, molesting or disturbing the peace of the \_\_\_\_ Petitioner \_\_\_\_ Respondent.

VIII.  
Child(ren) of the Marriage

Please list the child(ren) of this Marriage:

Name	D.O.B	Age	Address	Soc. Security No.
_____	_____	___	_____	_____
_____	_____	___	_____	_____
_____	_____	___	_____	_____
_____	_____	___	_____	_____
_____	_____	___	_____	_____
_____	_____	___	_____	_____

(attach additional sheets if necessary)

IX.  
Pregnancy

\_\_\_\_ Petitioner \_\_\_\_ Respondent is/is not (circle) pregnant. The father of the unborn child is/is not (circle) the Respondent/Petitioner. Due date of the unborn child is \_\_\_\_\_.

X.  
Other Child(ren)

\_\_\_\_ Petitioner is the parent of the minor child(ren) who is/are not subject to this proceeding:

Name	D.O.B	Age	Address	Soc. Security No.
_____	_____	___	_____	_____
_____	_____	___	_____	_____
_____	_____	___	_____	_____

\_\_\_\_ Respondent is the parent of the minor child(ren) who is/are not subject to this proceeding:

Name	D.O.B	Age	Address	Soc. Security No.
_____	_____	___	_____	_____
_____	_____	___	_____	_____
_____	_____	___	_____	_____

XI.  
Legal Custody

\_\_\_ Petitioner \_\_\_ Respondent \_\_\_ Both parties is/are a fit and proper person(s) to have temporary and permanent legal custody of the minor child(ren) of the parties.

XII.  
Physical Custody

\_\_\_ Petitioner \_\_\_ Respondent currently has physical custody of the minor child(ren) of the parties.

\_\_\_ Petitioner \_\_\_ Respondent is a fit and proper person to have temporary and permanent physical custody of the minor child(ren). The child(ren)'s best interest and welfare will be served by this party being awarded physical custody of said minor child(ren).

XIII.  
Visitation

\_\_\_ Petitioner \_\_\_ Respondent should have unsupervised liberal visitation with the minor child(ren) of the parties, including weekends, holidays, birthdays and vacations to be mutually determined by the parties.

\_\_\_ Petitioner \_\_\_ Respondent should have supervised visitation with the minor child(ren) of the parties. (Please explain): \_\_\_\_\_

\_\_\_\_\_

XIV.  
Child Support

\_\_\_ Petitioner \_\_\_ Respondent should pay temporary and permanent child support for the care of the parties' minor child(ren).

XV.  
Real Property

\_\_\_ The parties do not own any real property.

\_\_\_ The parties own real property which should be distributed as follows:

\_\_\_ Petitioner \_\_\_ Respondent should maintain possession of the home assigned to him in compliance with Tribal law.

\_\_\_\_ Petitioner \_\_\_\_ Respondent should be awarded all right, title, interest and equity of the other party in and to the homestead of the parties located at \_\_\_\_\_, in the County of \_\_\_\_\_, in the state of \_\_\_\_\_.

\_\_\_\_ Petitioner \_\_\_\_ Respondent should assume and pay all encumbrances presently against the property, including any mortgage, contract for deed, real estate taxes, and installments of special assessments, if any.

\_\_\_\_ Petitioner \_\_\_\_ Respondent be awarded all right, title, interest and equity of the other party in and to the \_\_\_\_\_ of the parties located at \_\_\_\_\_, in the County of \_\_\_\_\_, in the state of \_\_\_\_\_.

\_\_\_\_ Petitioner \_\_\_\_ Respondent will assume and pay all encumbrances presently against the property, including any mortgage, contract for deed, real estate taxes, and installments of special assessments, if any.

#### XVI. Personal Property

\_\_\_\_ Petitioner and Respondent have property that they each owned prior to marriage which should be retained by them respectively.

\_\_\_\_ Petitioner and Respondent have marital property which should be divided equitably upon divorce.

#### XVII. Pension Plan

\_\_\_\_ Petitioner \_\_\_\_ Respondent \_\_\_\_ has a pension plan which should be made payable according to Section 6-1405 (f) of the Sac & Fox Family Relations law.

#### XVIII. Debts and Liabilities

\_\_\_\_ The parties have no debts and liabilities.

\_\_\_\_ The parties have debts and liabilities. The Petitioner's recommendation for the division of debts and liabilities is set forth below.

1. The Petitioner should be ordered to pay the following debts and liabilities to the following Creditors:

Debt	Amount	Creditor
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

(for additional items, attach separate sheet)

2. The Respondent should be ordered to pay the following debts and liabilities to the following Creditors:

Debt	Amount	Creditor
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

(for additional items, attach separate sheet)

XIX.  
Spousal Maintenance

\_\_\_\_\_ Spousal Maintenance should not be ordered.  
 \_\_\_\_\_ Petitioner \_\_\_\_\_ Respondent should be awarded spousal maintenance in the amount of \$ \_\_\_\_\_.

XX.  
Health Insurance

\_\_\_\_\_ Petitioner \_\_\_\_\_ Respondent \_\_\_\_\_ should be ordered to name the minor child(ren) as beneficiary on any health plan and dental insurance available to Petitioner \_\_\_\_\_ Respondent \_\_\_\_\_.

XXI.  
Name Change

\_\_\_\_\_ Petitioner is not seeking a name change.  
 \_\_\_\_\_ Petitioner asks the court that his/her former name, \_\_\_\_\_, be restored.  
 Petitioner is seeking a name change solely because of the divorce and not to defraud or mislead anyone. Petitioner has not gone through bankruptcy nor has s/he been convicted of any felonies.

XXII.  
Attorneys Fees

\_\_\_\_\_ Petitioner recommends that each party in this divorce separately bear their own attorney's fees and costs incurred by him/her in obtaining this divorce.

\_\_\_ Petitioner \_\_\_ Respondent should bear all attorney's fees and costs incurred by both parties in obtaining this divorce.

**WHEREFORE**, Petitioner asks this Court to: (check all that apply)

\_\_\_ Dissolve the marriage relationship between Petitioner and Respondent.

\_\_\_ Grant \_\_\_ Petitioner \_\_\_ Respondent \_\_\_ Both parties legal custody of the minor child(ren).

\_\_\_ Grant \_\_\_ Petitioner \_\_\_ Respondent physical custody of the minor child(ren).

\_\_\_ Grant \_\_\_ supervised \_\_\_ unsupervised reasonable visitation to the \_\_\_ Petitioner \_\_\_ Respondent.

\_\_\_ Issue a continuing restraining order against Respondent.

\_\_\_ Grant temporary and permanent child support to \_\_\_ Petitioner \_\_\_ Respondent.

\_\_\_ Award each party the real property of the marriage as requested in the Petition.

\_\_\_ Award to Petitioner and Respondent the property that each owned prior to marriage.

\_\_\_ Award an equitable division of marital property.

\_\_\_ Order \_\_\_ Petitioner \_\_\_ Respondent to make her/his pension plan payable according to Section 6-1405(f) of the Sac & Fox Family Relations law.

\_\_\_ Order \_\_\_ Petitioner \_\_\_ Respondent to name the child(ren) of the marriage as beneficiary on her/his health plan and dental insurance.

\_\_\_ Order Petitioner and Respondent to pay all debts and liabilities as set forth in paragraph XVIII, §§1-2 of this petition for divorce.

\_\_\_ Award spousal maintenance to \_\_\_ Petitioner \_\_\_ Respondent.

\_\_\_ Grant request of \_\_\_ Petitioner \_\_\_ Respondent to restore his/her former name.

\_\_\_ Award \_\_\_ Petitioner \_\_\_ Respondent \_\_\_ each party responsibility for attorneys fees.

\_\_\_ Other: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Printed or typed name





**VERIFICATION**

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

\_\_\_\_\_, being first duly sworn, deposes and says that s/he is a Petitioner in this action; that s/he has reviewed the foregoing Petition; and that the contents thereof are true and correct to the best of her/his knowledge, information and belief, either personally or as provided to her/him by the responsible officers and agents of the Petitioner.

\_\_\_\_\_  
Petitioner

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_  
Notary Public