

DIVORCE - GENERAL INFORMATION

Petition and Complaint for Divorce - needs to be signed in front of Clerk of Court.

Petitioner's Affidavit - needs to be signed in front of Notary Public or Clerk of Court

Consent of Jurisdiction forms signed and Notarized by both parties if they do not live on the Reservation

Filing Fee - \$120.00

- money order, or
- cashier's check payable to Upper Sioux Tribal Court, or
- cash

Please bring in your Marriage Certificate at the time of filing

**IN THE TRIBAL COURT OF THE
UPPER SIOUX COMMUNITY**

UPPER SIOUX INDIAN RESERVATION

GRANITE FALLS, MINNESOTA

**In the Matter of the Dissolution of
the Marriage of:**

Case No. _____

_____,
Name of Petitioner

And

_____,
Name of Respondent

**COMPLAINT
AND PETITION
FOR DIVORCE**

COMES NOW _____, Petitioner who alleges as follows:

The marriage of _____, husband and _____, wife, is irretrievably broken.

1. Petitioner's full name, address, and date of birth are:

Full Name:

First Middle Last

Address:

Street Address Apt.

City County State Zip

Date of Birth: _____.

Month Day Year

2. Respondents' full name, address, and date of birth are:

Full Name:

First Middle Last

Address:

Street Address Apt.

City County State Zip

Date of Birth: _____.

Month Day Year

3. Petitioner and Respondent were married on _____ in the city of _____

_____, County of _____, State of _____.

4. Petitioner lived on the Upper Sioux Reservation for at least (90) days immediately prior to the commencing this action for *Dissolution of Marriage*: YES NO.

If NO, Petitioner signed a **Consent of Jurisdiction form** before a Notary giving jurisdiction to the Upper Sioux Tribal Court. YES NO.

5. Respondent lived on the Upper Sioux Reservation for at least (90) days immediately prior to commencing this action for *Dissolution of Marriage*: YES NO.

If NO, Respondent signed a **Consent of Jurisdiction form** before a Notary giving jurisdiction to the Upper Sioux Tribal Court. YES NO.

6. Petitioner is a member of the Upper Sioux Community: YES NO.

7. Respondent is a member of the Upper Sioux Community: YES NO.

8. Petitioner and Respondent live together currently: YES NO.

If NO, Petitioner and Respondent separated on: _____

9. A separate proceeding for dissolution or legal separation has already been started by Petitioner or Respondent in Minnesota or in another state: YES NO.

If YES, the type of proceeding is for _____, and it is pending in _____ County in the State of _____ and the court file number is _____.

10. An *Order for Protection* or a *Restraining Order* is in effect regarding Petitioner or Respondent: YES NO. If YES, the Order protects: Petitioner Respondent.

The Order was filed in _____ County on the following date _____ and the court file number is _____.

11. Husband and Wife together have minor children under age 18, or under age 20 and still in high school, or adult dependents who are not able to support themselves because of physical or mental condition: YES NO.

Full Name of Each Child (first, middle, last)	Date of Birth	Age

12. Petitioner Respondent is the wife in this marriage and is is not now pregnant.
 If the wife is pregnant, the due date of the baby is _____.

13. Wife has a minor child born prior to the marriage from another marriage or relationship:
 YES NO.
 If YES, the full name, date of birth and age of each minor child is:

Full Name of Each Child (first, middle, last)	Date of Birth	Age

14. Husband has a minor child from another marriage or relationship: YES NO.
 If YES, the full name, date of birth and age of each minor child is:

Full Name of Each Child (first, middle, last)	Date of Birth	Age

15. Legal Custody of the Child/Children shall be with: _____

16. Physical Custody of the Child/Child shall be with: _____

17. Visitation shall be as follows: _____

18. Child Support shall be awarded to the Petitioner/Respondent in the amount of _____ per month.

19. Petitioner/Respondent shall claim the Child/Children on their yearly tax return.

20. Petitioner receives public assistance: YES NO.

If YES, this is from _____ County.

21. Respondent receives public assistance: YES NO.

If YES, this is from _____ County.

22. Petitioner is employed: YES NO. Self-employed: YES NO.

If YES, Petitioner is employed by: (List all employers if more than one.)

Name of Petitioner's employer or self-employed

23. Respondent is employed: YES NO. Self-employed: YES NO.

If YES, Respondent is employed by: (List all employers if more than one.)

Name of Respondent's employer or self-employed

24. Petitioner has income from the following sources:

Source of Income	Amount per month
<input type="checkbox"/> Job-----	\$ _____
<input type="checkbox"/> Unemployment-----	\$ _____
<input type="checkbox"/> Social Security-----	\$ _____
<input type="checkbox"/> General Assistance-----	\$ _____
<input type="checkbox"/> Investments or Rental Income-----	\$ _____
<input type="checkbox"/> Pension-----	\$ _____
<input type="checkbox"/> Other _____	\$ _____

identify source

25. Respondent has income from the following sources:

Source of Income	Amount per month
<input type="checkbox"/> Job-----	\$ _____

and Respondent requests the following marital property: _____

32. Petitioner owns non-marital property: YES NO.
 If YES, Petitioner's non-marital property includes the following: _____

33. Respondent owns non-marital property: YES NO.
 If YES, Respondent's non-marital property includes the following: _____

34. Petitioner and/or Respondent have money in banks, savings, cash or investments: YES NO. If YES, the accounts are as follows: List all checking, savings, credit union or money market accounts, certificates of deposit, stocks, bonds, mutual funds, savings bonds, Treasury Bills and cash, IRA's, 401k's, trust funds, IIM's (Individual Indian Money Acct.'s), etc.

Institution	Type of Account	Account #	Amount	Belongs to
			\$	
			\$	
			\$	
			\$	
			\$	
			\$	

35. Petitioner and Respondent jointly own real property: YES NO.
 If YES, the street address of this property is _____
 in the city of _____, County of _____, State of _____,

36. Petitioner/Respondent (circle one) own other real property separately: YES NO.

If YES, the street address of this property is: _____

In the City of _____, County of _____, State of _____.

37. Petitioner and/or Respondent have debts: YES NO. Please include all bank loans, credit card debts, co-signed loans, etc.

Debt Owed To	Purpose of Debt	Debt Incurred By	Balance Owed	Monthly Payment
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

38. Petitioner wants to change his or her name: YES NO.

If YES, the new name is _____
First Middle Last

39. Respondent wants to change his or her name: YES NO.

If YES, the new name is _____
First Middle Last

40. There has been an irretrievable breakdown of the marriage. YES NO.

Other: _____

Dated: _____

 Petitioner Signature

ATTEST:

 Phone Number

 Clerk of Tribal Court

 E-Mail Address

UPPER SIOUX COMMUNITY
UPPER SIOUX INDIAN RESERVATION
GRANITE FALLS, MINNESOTA

IN TRIBAL COURT

Case No. _____

PETITIONER'S AFFIDAVIT

_____, being duly sworn on oath, deposes and states:

That he/she is the Petitioner named in the foregoing Petition, that he/she has read said Petition, knows the contents thereof, and that the statements and allegations therein contained are true and of his/her knowledge, except as to those matters contained therein stated on information and belief and as to those matters he/she believes to be true.

Signature Line

Printed Name

Subscribed and sworn before me by _____

this _____ day of _____, 20__.

Notary Public

CONSENT TO JURISDICTION

_____, being first duly sworn on oath, does hereby state as follows:

1. I am a member of the Upper Sioux Community and/or currently married to a member of the Upper Sioux Community.
2. My spouse and I are currently seeking to dissolve our marriage.
3. In accordance with Title 1, Chapter II of the Upper Sioux Community Judicial Code, the Tribal Court has jurisdiction over any matter affecting the interests of a member of the Upper Sioux Community.
4. Title 3, Chapter III, Section 1 of the Upper Sioux Community Judicial Code requires persons seeking a dissolution of marriage to reside on the Reservation.
5. The residency requirement contained in Title 3, Chapter III, Section 1 is a reflection of the fact that the Upper Sioux Community Tribal Court does not have the authority to determine the division of property and other related issues occurring outside of the exterior boundaries of the Reservation.
6. My spouse and I, being fully informed of our rights, including the right to have this matter heard in a forum other than the Tribal Court of the Upper Sioux Community, do hereby jointly consent to the jurisdiction of the Tribal Court of the Upper Sioux Community and jointly agree to have the Tribal Court determine all issues in connection with our dissolution proceedings.
7. I hereby agree to comply with any and all orders issued by the Upper Sioux Community Tribal Court. If so ordered, I agree to execute any and all documents necessary to transfer real or personal property outside of the exterior boundaries of the Upper Sioux Community to my spouse and/or others.

8. This Consent to Jurisdiction may be withdrawn at any time within thirty (30) days after the filing of a dissolution petition in the Tribal Court by sending written notice to the Tribal Court Administrator.

Subscribed and sworn to before me
this ___ day of _____, 2011.

Notary Public