

**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.

Oneida Family Court
P O Box 19
Oneida, WI 54155
(920) 496-7200

**INSTRUCTIONS FOR FILING A JOINT PETITION FOR DIVORCE,
LEGAL SEPARATION OR ANNULMENT**

1. Complete the Petition. 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 each spouse) and pay the \$100.00 filing fee with the Clerk.
 - a. The Clerk will look over your papers and fill in the case number.
4. Pursuant to 7 O.C. 702.5-2, a joint petition is not required to be served upon either party.
5. After the joint petition is filed, the court will send you a Notice of Hearing with the date and time of the pretrial hearing.

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

ONEIDA FAMILY COURT
JOINT PETITION FOR DIVORCE, LEGAL SEPARATION OR ANNULMENT

In re the marriage of:

Case No. _____

Joint Petitioner A:

Enter Joint
Petitioner A's
name, address and
daytime phone
number.

First name Middle name Last name (Maiden name)

Current Mailing Address

City State Zip Daytime Phone Number

and

Joint Petitioner B:

Enter Joint
Petitioner B's
name, address and
daytime phone
number.

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.

- ☐ **We are filing for a DIVORCE.**
☐ **We are filing for a LEGAL SEPARATION.**
☐ **We are filing for an ANNULMENT.**

A. We are providing the following information about Joint Petitioner A:

Enter Joint
Petitioner A's date
of birth [month,
day, year] and
social security
number.

1. Date of birth: _____ SSN: _____
2. Immediately before filing this petition, Joint Petitioner A will have lived on the Oneida
Reservation for: _____ ☐ days ☐ months ☐ years.

***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.***

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

3. Check one of the following:
a. ☐ Joint Petitioner A is an Oneida tribal member (Enrollment No. _____).
b. ☐ Joint Petitioner A is a member of another federally recognized Indian tribe
(list tribe: _____).
c. ☐ Joint Petitioner A is married to an Oneida tribal member.
d. ☐ Joint Petitioner A is married to a member of a federally recognized Indian
tribe who resides on the Oneida Reservation.

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For 4., check yes or no.

4. Joint Petitioner A is currently on active duty as a member of the Armed Forces of the United States of America or its allies.
☐ Yes ☐ No.

Enter Joint Petitioner B's date of birth [month, day, year] and social security number.

B. We are providing the following information about Joint Petitioner B:

1. Date of birth: _____ SSN: _____
2. Immediately before filing this petition, Joint Petitioner B will have lived on the Oneida Reservation for: _____ ☐ days ☐ months ☐ years.
3. Check one of the following:
- a. ☐ Joint Petitioner B is an Oneida tribal member (Enrollment No. _____).
 - b. ☐ Joint Petitioner B is a member of another federally recognized Indian tribe (list tribe: _____).
 - c. ☐ Joint Petitioner B is married to an Oneida tribal member.
 - d. ☐ Joint Petitioner B is married to a member of a federally recognized Indian tribe who resides on the Oneida Reservation.
4. Joint Petitioner B is currently on active duty as a member of the Armed Forces of the United States of America or its allies.
☐ Yes ☐ No.

For 2. enter how long and check which applies.

For 3., check which applies.

For 4., check yes or no.

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

C. We are providing the following marriage information:

1. We were married on (date): _____
2. We were married in (city): _____ (state) _____
3. We are filing for:
- a. ☐ Divorce: This marriage is irretrievably broken.
 - b. ☐ Legal Separation: This marriage is broken and the reason we are requesting a legal separation and not a divorce is: _____
 - c. ☐ Annulment.
4. Previous Actions:
This is the first time that either party has 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., b. or c. If b., explain why you are filing for legal separation and not a divorce.

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.

Check yes or no. If no, respond to 5.a.-5.d. with information about Joint Petitioner A's most recent previous marriage.

If Joint Petitioner A had an additional previous marriage, respond to 5.e.-5.h.

5. This is Joint Petitioner A's first marriage
☐ Yes ☐ No
- a. Joint Petitioner A 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 _____

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- e. Joint Petitioner A 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 Joint Petitioner A 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 Joint Petitioner B's first marriage

☐ Yes ☐ No.

Check yes or no. If no, respond to 6.a.-6.d. with information about Joint Petitioner B's most recent previous marriage.

- a. Joint Petitioner B 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 _____

If Joint Petitioner B had an additional previous marriage, respond to 6.e.-6.h.

- e. Joint Petitioner B 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 Joint Petitioner B 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. We are providing the following information regarding our children:

1. The minor children (age 17 or younger) born to or adopted together by you both before or during the marriage are:

☐ None

Enter the name and date of birth [month, day, year] for each **minor** child. If you do not have minor children together, check none.

Name of Child	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

2. The adult children (age 18 or older) born to or adopted together by you both before or during the marriage are:

☐ None

Name of Child	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

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3. Other children born or adopted during this marriage by either party:

☐ None

Name of Child

Date of Birth

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.

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.

5. The current address of the minor children is:

- a. ☐ with Joint Petitioner A at above address.
b. ☐ with Joint Petitioner B at above address.
c. ☐ with both Joint Petitioner A and Joint Petitioner B at the above address(es).
d. ☐ at the address below:

Address _____
City _____ State _____ ZIP _____

Enter any previous addresses for the minor children living **with the parents** during the past 5 years. If none check none.

6. Previous addresses for the minor children are:

☐ None

Address _____
City _____ State _____ ZIP _____

Address _____
City _____ State _____ ZIP _____

If the children have lived in more than 2 places over the past 5 years, provide those addresses on an additional sheet.

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

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.

Child _____
Person _____
Address _____
City _____ State _____ ZIP _____

Child _____
Person _____
Address _____
City _____ State _____ ZIP _____

Child _____
Person _____
Address _____
City _____ State _____ ZIP _____

8. We have been (or we have been 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 date it was ordered.

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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. We are 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. We 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.

F. We consent to jurisdiction and waive service of summons.

G. WE ASK THAT THE COURT:

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

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.

ACTS PROHIBITED BY ONEIDA LAW

In accordance with the Oneida Divorce, Annulment and Legal Separation law neither party 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.

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(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

Joint Petitioner A

Joint Petitioner B

Print or Type Name

Print or Type Name

Date

Date

Subscribed and sworn before me

on _____

(Notary Public)

My commission expires: _____

Subscribed and sworn before me

on _____

(Notary Public)

My commission expires: _____