

## IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

### INSTRUCTIONS and CRITERIA TO OBTAIN A DIVORCE

1. Read all instructions and example pages carefully.
2. The criteria to obtain a divorce through the Choctaw Nation District Court include the following:
  - a) One party must be a tribal member of a federally recognized tribe.
  - b) One party must have been a resident of the Choctaw Nation for at least 90 days prior to filing.
  - c) If the Respondent is a nontribal member, they must sign a Waiver (we will mail form), agreeing to the divorce being processed through this Court's jurisdiction.
3. The Divorce Petition and Divorce Decree Must be typed. The attached pages are a guideline, or *Example only* of how you are to prepare your paperwork. **Use the items from the *Example* that apply to your situation. Leave out all items that do not apply to your situation. If land or vehicles are included you must list the legal description of the land and the make, model, year and VIN of vehicle. You must type and bring your Divorce Decree with you when you appear for your Court Date.**
4. **Do not fill in the blanks of this Example Divorce Petition or the Divorce Decree, simply use the *Example* pages as a guide to type your own.**
5. Type the Divorce Petition and Divorce Decree on 8 1/2" x 11" letter-size paper. Type on ONE SIDE ONLY of each page. Use as many or few pages as needed for your situation.  
**IMPORTANT:** The Choctaw Nation District Court and/or Court Clerk's office do not provide lawyers, legal advice, or legal assistance. If you need legal advice or representation, you must retain your own lawyer at your own expense. If you select a lawyer to represent you, they must be registered with the Choctaw Bar Association, current with annual dues, to practice law within the Choctaw Nation Court of General Jurisdiction.

### ENCLOSE THE FOLLOWING WITH YOUR DIVORCE PETITION:

When you are ready to mail or personally bring your Divorce Petition to be filed with the Court Clerk's office, you **MUST** bring the following in order to file your Divorce Petition:

1. Copy of your CDIB/membership Card.
2. Information sheet.
3. Credit/Debit card, cashier's check or money order for **\$50.00** payable to the **Choctaw Nation Judicial**. (We do NOT accept cash or personal checks)

If you have questions, you may call the Court Clerk's office at (580) 920-7027. **Mail all correspondence to P.O. Box 1160, Durant, OK 74702.** If filing in person, you may use the Choctaw Nation District Court Clerk's office in Durant, located at 2250 Chukka Hina Drive **or** the Choctaw Nation District Court Clerk's office in Talihina, located at the B.I.A. Building at 302 Church Street. **\*\*\*\*NOTE\*\*\*\*** In Matters requiring advice of the Choctaw Nation Children and Family Services Department contact 1-800-522-6170 or (580) 924-8280.

## One Time Credit Card Payment Authorization Form

Sign and complete this form to authorize Choctaw Nation to make a one-time debit to your credit card listed below.

By signing this form you give us permission to debit your account for the amount indicated. This is permission for a single transaction only, and does not provide authorization for any additional unrelated debits or credits to your account.

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### Please complete the information below:

I \_\_\_\_\_ authorize Choctaw Nation to charge my credit  
(full name)  
card account indicated below for \$50.00. This payment is for \_\_\_\_\_.  
(description of services)

Billing Address \_\_\_\_\_ Phone# \_\_\_\_\_

City, State, Zip \_\_\_\_\_ Email \_\_\_\_\_

Account Type:  Visa  MasterCard

Cardholder Name \_\_\_\_\_

Account Number \_\_\_\_\_

Expiration Date \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

I authorize the above named business to charge the credit card indicated in this authorization form according to the terms outlined above. This payment authorization is for the goods/services described above, for the amount indicated above only, and is valid for one time use only. I certify that I am an authorized user of this credit card and that I will not dispute the payment with my credit card company; so long as the transaction corresponds to the terms indicated in this form.

**IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA**

**INFORMATION SHEET**

**TYPE OF CASE**

**Divorce**

**PETITIONER INFORMATION**

**NAME: Last:** \_\_\_\_\_ **First:** \_\_\_\_\_ **Middle:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**DATE OF BIRTH:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **ALTERNATE NUMBER:** \_\_\_\_\_

**E-MAIL:** \_\_\_\_\_

**TRIBAL AFFILIATION:** \_\_\_\_\_

**RESPONDENT INFORMATION**

**NAME: Last:** \_\_\_\_\_ **First:** \_\_\_\_\_ **Middle:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**DATE OF BIRTH:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **ALTERNATE NUMBER:** \_\_\_\_\_

**E-MAIL:** \_\_\_\_\_

**TRIBAL AFFILIATION:** \_\_\_\_\_

**IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA**

**IN RE THE MARRIAGE OF:**

\_\_\_\_\_  
**Petitioner,**

**Case No. FD-**

**AND**

\_\_\_\_\_  
**Respondent.**

**VERIFIED PETITION FOR DISSOLUTION OF MARRIAGE**

Comes now the Petitioner, \_\_\_\_\_ and files this verified petition for the dissolution of the marriage between the Petitioner and Respondent, \_\_\_\_\_, in the District Court for the Choctaw Nation of Oklahoma, and alleges and states under oath that the following information is true and correct:

**1.** That the District Court for the Choctaw Nation of Oklahoma has subject matter jurisdiction to hear and decide this matter because the Petitioner/Respondent currently reside within Indian Country at the following address: \_\_\_\_\_ and has lived there for more than 90 days, since \_\_\_\_\_. (provide date)

**2.** That the District Court for the Choctaw Nation of Oklahoma has personal jurisdiction to hear and decide this matter because the Petitioner stipulates to the jurisdiction of the court and: (choose A, B, or C that applies to your situation.)

- A.** The Petitioner is an enrolled member of the \_\_\_\_\_ Tribe with a mailing address of \_\_\_\_\_, and the Respondent is an enrolled member of the \_\_\_\_\_ Tribe with a mailing address of \_\_\_\_\_.
- B.** The Petitioner is a non-Indian with a mailing address of \_\_\_\_\_, and the Respondent is an enrolled member of the \_\_\_\_\_ Tribe with a mailing address of \_\_\_\_\_.
- C.** The Petitioner is an enrolled member of the \_\_\_\_\_ Tribe with a mailing address of \_\_\_\_\_, and the Respondent is a non-Indian who stipulates to the jurisdiction of this court with a mailing address of \_\_\_\_\_.

3. That the parties hereto were married on or about the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ at \_\_\_\_\_ (provide the location or address where the marriage is registered), by Common Law Marriage/Ceremonial Marriage and the following information about the parties is true and correct:

**Petitioner:**

Occupation: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Indian Land: (Yes or No) \_\_\_\_\_

Length of time at address indicated: \_\_\_\_\_

**Respondent:**

Occupation: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Indian Land: (Yes or No) \_\_\_\_\_

Length of time at address indicated: \_\_\_\_\_

4. That of the marriage \_\_\_\_\_ (the number) or no children have been born as follows:  
(List each child and their information separately – use additional pages as needed.)

**Name of Child:**

**Date of Birth:**

**Mother's Name:**

**Father's Name:**

5. That the Petitioner/Respondent is/is not pregnant at this time. If the answer is YES, the birth of said child is expected on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The Father of said child is \_\_\_\_\_ and his address is \_\_\_\_\_.

6. That as grounds for Dissolution of this Marriage, the Petitioner alleges that the marriage is irretrievably broken because: (select A or B)

A. The parties have lived separately and apart for 180 days before the date that this petition is filed.

B. There is serious marital discord adversely affecting the attitude and well-being of one or both of the parties toward the marriage, and there is not reasonable prospect of reconciliation.

7. That during the said marriage of the parties hereto they have: (Select A, B or C)

A. Not accumulated any land, buildings or other personal property that should be divided by the Court.

B. Acquired the following land and /or buildings (include real property only) which should be divided by the Court. (Attach all deeds or other evidence of land ownership.)

a. Land Legal Description:

b. Physical Address of Land:

c. Trust Land: (Yes or No)

C. Acquired the following personal property during the period of their marriage, which is jointly held by both parties, which should be divided as follows:

**Petitioner to be awarded:** (List each with a brief description and value)

**Respondent to be awarded:** (List each with a brief description and value)

8. That during said marriage of the parties hereto they have: (Choose A or B)

A. Not incurred any indebtedness, loans, bills, or unpaid accounts.

B. Have incurred the following indebtedness, loans, bills or unpaid accounts and the responsibility of the payment of this indebtedness should be addressed by the court as follows:

**Petitioner to pay:** (List account(s) and the amount owed.)

**Respondent to pay:** (List account(s) and the amount owed.)

(Attach all notes, bills, statements, etc. or other evidence of indebtedness.)

9. That the Petitioner/Respondent is a fit and proper person to have custody of the minor child/children of the parties and that custody of the child/children should be awarded to the Petitioner/Respondent.

10. NOTE: For this paragraph, select the wording that applies from A, B, C, or D.

A. That the Petitioner requests that the Respondent be given custody of the minor child/children, but that the Petitioner be permitted to visit said child/children at reasonable times and places as determined by the Court according to the following schedule: Every other weekend from 6 PM on Friday until 6 PM on Sunday.

B. The Respondent should have the right to visit with said child/children at reasonable times and places as determined by the Court, according to the following schedule: Every other weekend from 6 PM on Friday to 6 PM on Sunday.

C. The Respondent should not be permitted visitation because it is not in the best interest of the child/children, because of the following reasons: \_\_\_\_\_.  
(Please explain and use additional pages if needed to fully inform the Court of the situation.)

D. An alternate visitation schedule described below should be adopted by the court to permit the Petitioner/Respondent to visit the minor child/children.  
(Please explain and use additional pages as needed to inform the Court of the situation.)

11. That the Petitioner/Respondent is a healthy adult and should be ordered and directed to make regular periodic payments of child support for the maintenance and support of the child/children of the parties above named until the child/children reaches 18 years of age in the amount of \$\_\_\_\_\_ per child, per month for a total amount of \$\_\_\_\_\_ per month. The support of the Petitioner is waived or is requested in the amount of \$\_\_\_\_\_ per month.

12. That the Petitioner/Respondent should be restored to her maiden name as follows \_\_\_\_\_

\_\_\_\_\_. **\*\*\* IF HUSBAND IS FILING PETITION, HE CANNOT REQUEST NAME CHANGE FOR WIFE. SHE (RESPONDENT) MUST FILE AN**

**ANSWER/COUNTER CLAIM STATING THEY WANT THEIR MAIDEN NAME RESTORED.  
LEAVE THIS SECTION OFF IF YOU ARE THE HUSBAND FILING.\*\*\***

13. That the Petitioner certifies to the Court that: (choose A or B)

- A. No other divorce action has been filed by either the Petitioner or Respondent in any other state or tribal court as of the date of the filing of this petition.
- B. Another divorce action was previously files in the following court: (Name of Court, address, city and state) and the file number of that divorce action is as follows: \_\_\_\_\_ (indicate if the case is opened or closed.)

14. **AUTOMATIC TEMPORARY INJUNCTION ORDERS.** The orders contained within the Automatic Temporary Injunction Notice herein should all remain in full force and effect, to wit: Both parties should continue to be restrained, enjoined, and prohibited from the following:

- A. Molesting or disturbing the peace of the other party or the child(ren) of the marriage.
- B. Disrupting or withdrawing any child(ren) of this marriage from an educational facility, program, or day-care where the child(ren) historically have been enrolled.
- C. Hiding or secreting any child(ren) of this marriage from the other party.
- D. Removing any child(ren) of this marriage beyond the jurisdiction of the State of Oklahoma, acting directly or in concert with others, except for vacations of two (2) weeks or less duration, without the prior written consent of the other party, which shall not be unreasonably withheld.
- E. Selling, mortgaging, encumbering, transferring, loaning, giving away, concealing or in any way disposing of, without the written consent of the other party or an order of the Court, any marital property, except:
  - a. In the usual course of operating a business;
  - b. For the purpose of retaining an attorney for the case; or
  - c. For the necessities of lifeEach party shall notify the other party of any proposed other expenditures, and shall account to the court for all such expenditures made after this injunction went into effect.
- F. Intentionally or knowingly damaging or destroying the tangible property of the parties, or either of them, including, but not limited to, any document that represents or embodies anything of value.
- G. Making a withdrawal for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account.
- H. Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on either party or their child(ren).
- I. Changing or in any manner altering the beneficiary designation on any life insurance policies of either party or any of their children.
- J. Canceling, altering, or in any manner affecting any casualty, automobile, homeowners', or health insurance policies insuring the parties' property or persons.
- K. Opening or diverting mail addressed to the other party.
- L. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instruments payable to either party without the personal signature of the other party.

M. Both spouses are ordered to maintain and keep in force all presently existing health, property, vehicle, homeowners', life and other insurance which you are presently carrying on any member of this family unit, or property or vehicle, and to cooperate as necessary in the filing and processing of claims. Any employer provided health insurance currently in existence shall remain in full force and effect for all family members.

WHEREFORE, premises considered, the Petitioner prays that upon hearing this case, the court grant and award the Petitioner a Decree of Divorce from the Respondent and all of the relief requested herein and such other and further relief as to which the Petitioner may be entitled.

Petitioner's Signature: \_\_\_\_\_

Petitioner's Name: \_\_\_\_\_

Petitioner's Address: \_\_\_\_\_

Petitioner's Telephone Number: \_\_\_\_\_

Alternate Phone Number Where Petitioner May Be Reached: \_\_\_\_\_

**VERIFICATION**

STATE OF OKLAHOMA

COUNTY OF \_\_\_\_\_

Before me, a Notary Public in and for said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, personally appeared \_\_\_\_\_, of lawful age, being first duly sworn upon oath state:

That \_\_\_\_\_ is the Petitioner above named; that he/she has read the above and foregoing Verified Petition for Dissolution of Marriage and understand the same; that the facts contained therein are true and correct.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My commission Exp.: \_\_\_\_\_



**IF PARTIES HAVE MINOR CHILDREN, THIS FORM NEEDS TO BE INCLUDED WITH PETITION**

**IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA**

**AFFIDAVIT PURSUANT TO  
UNIFORM CHILD CUSTODY JURISDICTION ACT**

STATE OF OKLAHOMA )  
 )  
COUNTY OF [COUNTY] ) ss.

I, [Name of Petitioner], being first duly sworn, state:

- 1. I am the Petitioner in a civil action currently pending in this Court.
- 2. \_\_\_\_\_ and \_\_\_\_\_ are the parents of [number of children] minor [child/children], namely: [Name of Child No. 1], born [birth date of child 1]; [Name of child No. 2]; born [birth date of child 2]; and, [Name of child No. 3], born [birth date of child 3].
  - a. The present address of the [child/children] is [current address].
  - b. The [child/children] [has/have] resided with the following persons at the following addresses for the past five (5) years: [Or list address for the past five (5) years]

DATES (To-From)	ADDRESS	CITY	STATE	WITH

c. I have not participated as a party, witness or in any other capacity, in other litigation concerning the custody of the [child/children] in this state or in any other state. [EXCEPT: \_\_\_\_\_]

\_\_\_\_\_].

d. I have no knowledge of any custody proceeding concerning the **[child/children]** pending in any court.

e. I know of no other party not a party to these proceedings who has physical custody of the **[child/children]** or claims to have custody or visitation rights with respect to the **[child/children]**.

f. The **[child/children]** **[is/are]** not of Indian descent. **[OR]** The **[child/children]** **[is/are]** **[a member of/members of]** the **[Name of Tribe]**.

3. I have prepared this *Affidavit* in compliance with the Uniform Child Custody Jurisdiction Act and understand that I have a continuing duty to inform the Court of any custody proceeding concerning the **[child/children]** in this or any other state of which I obtain information during this proceeding.

FURTHER AFFIANT SAITH NOT.

\_\_\_\_\_  
Petitioner

Subscribed and sworn to before me the undersigned Notary Public this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:\_\_\_\_\_

(SEAL)

**PETITION ON THE RESPONDENT VIA U.S. MAIL, RETURN RECEIPT REQUESTED, OR BY A LICENCED PRIVATE PROCESS SERVER, OR IN CERTAIN CIRCUMSTANCES, REQUEST THAT SERVICE BE MADE BY THE BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT.**

**ACKNOWLEDGMENT OF NEED TO CONSULT ATTORNEY  
Court Rules and Regulations**

I, \_\_\_\_\_ acknowledge that I am aware that an attorney should be consulted about procedure, legal rights, and advice in connection with this proceeding and my failure to hire an attorney to represent me in this case may result in the loss of or waiver of important legal rights that I may have. I understand that the Court Rules of the District Court for the Choctaw Nation of Oklahoma, the laws of the Choctaw Nation of Oklahoma and the Code of Federal Regulations may govern the procedures in the Court and that I should review and consult the rules, laws and the regulations and become familiar with these provisions in order to properly handle my case.

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**Petitioner's Signature**

**IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA**

**INSTRUCTIONS TO PREPARE THE DISSOLUTION OF MARRIAGE DIVORCE  
DECREE**

**PLEASE READ THESE INSTRUCTIONS CAREFULLY**

1. The following Form is **ONLY** a Guide (an Example to follow) to Help You Prepare Your Decree. You must type your own Divorce Decree. Please type your Divorce Decree on 8 ½” x 11” letter size paper. Type on only one side of each paper.
2. This Court does not provide attorneys or legal advice. If you need legal advice or an attorney to represent you in this Court, you must retain a lawyer at your own expense, who is a member of the Choctaw Bar.
3. Use your Petition for the information to prepare your Decree. Use only the statements and sections that apply to your Divorce situation. Put the same information in the Decree that was in the Divorce Petition.
4. Mail the original Decree with the Petition for Dissolution of Marriage to the Court Clerk **OR** bring the Decree with you on your court day for the Judge to sign.
5. If you have questions, please call the Court Clerk at (580) 920-7027. **The Court is located in the Choctaw Nation Judicial Center, located at 2250 Chukka Hina Drive, Durant, OK 74701.**

**NOTICE:**

**Please read your Decree to determine if it accurately states your position, i.e. does your Decree state that you are appearing in person and the respondent is not appearing, but has signed an Entry of Appearance and Waiver allowing you to be divorced without his presence? Is there such an Entry of Appearance and Waiver in the file? If not, your Decree is not accurate and WILL NOT BE ACCEPTED.**

**Does your Decree state that your Respondent spouse has been served with a summons of service? If so, was the service by certified mail? If the green card does not have the signature of your spouse on it, it may not be good. If the green card was signed by someone other than your spouse, it must be signed by someone who lives at the same place and is more than 15 years old. You must be prepared to testify that you recognize the signature of the person signing the green card, and if he/she is not your spouse, whether he**

**lives in the same place and is more than 15 years old. The Decree must recite that he/she was served with summons, and has failed to answer or respond, and is in default.**

**The Respondent has 20 days to file an answer to the Summons. Your case cannot be heard before the 20 days they are allowed to file a response.**

**The Entry of Appearance and Waiver cannot be signed or notarized until 24 hours after the Petition for Divorce has been filed.**

**IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA**

**IN RE THE MARRIAGE OF:**

\_\_\_\_\_,  
**Petitioner,**

**AND**

**CASE NO: FD-**

\_\_\_\_\_,  
**Respondent.**

**DECREE OF DIVORCE**

(Select the paragraph that applies to your case; modify as needed)

**(A)** Now on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ the above entitled cause comes on for trial on its merits, the Petitioner appearing in person, and the Respondent appears not, having heretofore executed and filed sufficient waiver of service of summons and entry of appearance.

**(B)** Now on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ the above entitled cause comes on for trial on its merits, the Petitioner appearing in person and Respondent appears not. The court finds the Respondent has been served with summons and has failed to answer or plead and is wholly in default. Respondent has been three times called.

**(C)** Now on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ the above entitled cause comes on for trial on its merits, the Petitioner appearing in person, and the Respondent was duly served notice by publication, the court having examined notice by publication and proof of publication on file in said cause, finds and holds that the same is legally sufficient, and the Court hereby approves the service by publication upon having been called three times in open court to appear, accept, demur or plead or answer to the Petitioner's petition, came not but wholly made default.

The Court, having ordered that the allegations contained in said Divorce Petition be taken as true, and having examined the files and records in this case and having heard the oral testimony of the Petitioner (and testimony of witnesses) sworn and examined in open Court, having fully considered the evidence, and being fully advised in the premises finds:

**That all the material facts alleged in Petitioner's Divorce Petition are true:**

(Use the following paragraph that applies to your case)

**(A)** That this Court has jurisdiction to hear this matter in that the Petitioner/Respondent is a member of the \_\_\_\_\_ Tribe of Oklahoma and the Respondent is a member of the \_\_\_\_\_ Tribe of Oklahoma (or is a non-Indian and has stipulated to the jurisdiction of this court by signing a waiver and/or stipulating to this court's jurisdiction in open court.)

**(B)** That the Parties hereto were legally/common law married at \_\_\_\_\_ Oklahoma, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and have since that time lived as husband and wife:

**(1)** That of said marriage, no children have been born or conceived.

(2) That of said marriage, \_\_\_\_\_children have been born, to-wit: **(List names and Birthdates of Children)**

(C) That the Petitioner/Respondent is not now pregnant.

(D) That a state of irreconcilable incompatibility exists between the parties hereto and is such that an absolute decree of divorce should be awarded to both parties.

(E) That prior to her marriage to the Respondent, the Petitioner's former name was \_\_\_\_\_, and that her former name should be restored.

(F) That the Petitioner/Respondent is a fit and proper person to be awarded exclusive care and custody of the minor child/children, subject to the Petitioner/Respondent rights of reasonable visitation, and that the Petitioner/Respondent should be required to pay reasonable child support during the minority of said child/children in the amount of \$\_\_\_\_\_ per child, per month, in the total sum of \$\_\_\_\_\_ per month.

(G) That should the Respondent, \_\_\_\_\_ become more than thirty (30) days past due on his child support obligation, an income assignment shall issue. At any time the Respondent's employer/payor is not paying pursuant to an income assignment, the Respondent must make the full and timely payments directly to the child Support Division. Payments not made through the Child Support Division shall be considered gifts, unless otherwise ordered. Payments must include the family group number (FGN).

(H) In accordance with the Choctaw Nation Marriage Act §112.3, it is ORDERED that if either Party (hereinafter the relocating Party) intends to move his/her primary residence or intends to move the primary residence of the minor child over seventy-five (75) miles for a period of sixty (60) days or more when such move is not a temporary absence from the child's principal residence:

a. The relocating Party shall furnish the following information to the other Party on the terms set out herein:

1. the intended new address, including specific address, if known;
2. the new mailing address, if not the same;
3. the home telephone number, if known;
4. the date of the intended move or proposed relocation;
5. a brief statement of the specific reasons for the proposed relocation of the child, if applicable; and
6. a proposal for a revised schedule of visitation with the child, if any.

b. The relocating Party shall give notice of the proposed relocation of the children or the proposed change of the Party's residence address to the other Party on or before the sixtieth (60<sup>th</sup>) day before the proposed change. If the relocating party did not know and could not have reasonably known before the proposed change in sufficient time to provide a sixty (60) day notice, then such Party shall give notice of the change on or before the tenth (10<sup>th</sup>) day after the date that the change is known.

c. The obligation of a Party to give the notices and to provide the information set out herein shall continue so long as that Party is entitled to custody of, or visitation with, the child covered by this Order.

d. The failure of a Party to give the notices and provide the information set out herein may result in further litigation to enforce the order, including contempt of court.

e. The failure of a Party to notify of a relocation of the child may be taken into account in modification of custody of, visitation with, possession of, or access to, the child. The Court may assess reasonable attorney fees and costs against a Party who fails to give the required notice.

f. If a Party who receives notices of the intent of the other Party to relocate the residence of the child does not file, within thirty (30) days of receipt of such notice, a proceeding seeking a temporary or permanent order to prevent the relocation, the relocation is authorized.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the Court that \_\_\_\_\_, Petitioner therein, be awarded an absolute Decree of Divorce from the Respondent, \_\_\_\_\_, and the bonds of Matrimony heretofore existing between said parties are hereby dissolved, set aside and held for naught, and both parties are released there from.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Court that the Petitioner/Respondent be, and she/he is hereby granted the exclusive care and custody of the minor child/children, the Petitioner/Respondent is granted rights of visitation with said child/children at reasonable times and under reasonable conditions; and the Petitioner/Respondent is ordered and directed to pay as reasonable child support the sum of \$\_\_\_\_\_ per child, per month in the total amount of \$\_\_\_\_\_ per month for the care and maintenance of said child/children during their minority or until further order of the Court, the initial child support payment to be made on or before the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and like payments on or before the \_\_\_\_ day of each month thereafter.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Court that the Petitioner be and he/she is hereby awarded as his/her sole and separate property, free and clear of any claims, rights, or interest whatsoever of the Respondent, his/her personal effects and belongings and the following:

(List Property)

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Court that the Respondent be and he/she is hereby awarded as his/her sole and separate property, free and clear of any claims, rights, or interest whatsoever of the Petitioner, his/her personal effects and belongings and the following:

(List Property)

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Court that the Petitioner/Respondent be, and she is restored to her former name of \_\_\_\_\_.

**IT IS SO ORDERED.**

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**Judge, Choctaw Nation of Oklahoma**