

CHILD CUSTODY PACKET

COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION

Mailing Address:
P.O. Box 368
Anadarko, Oklahoma 73005

Phone: 405/247-8508 or 405/247-8527
Fax: 405/247-7240
Email: stormy.bennett@bia.gov
angela.anderson@bia.gov

Physical Location:
Highway 281 North & Parker McKenzie Drive
Anadarko, Oklahoma
(located inside the Anadarko Agency)

The forms in this packet are to be used as a template, if you are seeking a custody of your child. Please read the instructions carefully before completing the forms. The Court Clerks CANNOT accept petitions that does not conform to the instructions included in this packet.

Should you need assistance in preparing the petition, you must consult with an attorney at your own expense. This court does not have legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. Different situations may require special procedures and the Court Clerks CANNOT advise you on how to proceed or what forms may be necessary in specific situations.

PACKET CONTAINS:

Instruction Sheet
Petition Form
Entry of Appearance & Waiver Form
Sample Custody Petition
Sample Entry of Appearance & Waiver



Website: <http://www.bia.gov/WhoWeAre/RegionalOffices/SouthernPlains/WeAre/ciospr/index.htm>



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Instructions for Filing a Petition for Child Custody

IMPORTANT INFORMATION – PLEASE READ!

These standard instructions are informational purposes only and do not constitute legal advice about your case. If you do not understand this information, please contact an attorney.

STEP 1: Complete forms.

- Petition for Child Custody
- Entry of Appearance and Waiver
- Summons

NOTE: Forms must be typed double-spaced and on letter size paper. The forms provided in this packet are guides to be used in preparing your documents for filing divorce. The forms must be re-typed. Forms must include all the required information (addresses, telephone numbers, email addresses, etc.) It is YOUR responsibility to provide the required information on the forms.

STEP 2: Obtain copies of required documents.

- Tribal Enrollment Verification (Tribal ID, Certificate Degree of Indian Blood, or Letter from Tribe) for Plaintiff and/or Defendant and minor child/children
- Birth Certificates for minor child/children

NOTE: Obtaining these documents is YOUR responsibility.

STEP 3: Obtain a Money Order or Cashier's Check for filing.

- \$85.00 filing fee

NOTE: Money Order or Cashier's Check made payable to "Bureau of Indian Affairs". No personal checks are accepted. Insure that you receive a receipt for the filing fee from the Court Clerk at the time of filing.

STEP 4: Submit forms, documents and filing fee for filing to the Court Clerk.

- Petition for Child Custody
- Entry of Appearance and Waiver (must be filed by the Defendant at least one (1) day after filing the Child Custody)
- Summons
- Tribal Enrollment Verification (Tribal ID, Certificate Degree of Indian Blood, or Letter from Tribe) for Petitioner and/or Defendant and minor child/children
- Birth Certificates of minor child/children
- Money Order or Cashier's Check (\$85.00 filing fee made payable to "Bureau of Indian Affairs")

NOTE: If all forms, documents, and filing fees are not submitted at the time of filing, it will be returned back to you, until you obtain ALL required forms, documents and filing fees for filing.

Petition for Child Custody must be signed in front of the Court Clerk or a notary public.

11. That the Petitioner can provide financially and medically for the care and maintenance of minor child;
12. That the Plaintiff/Defendant should have visitation with the minor child(ren) at reasonable times and places; **OR**
 That the Plaintiff/Defendant should have visitation with the minor child(ren) according to the Court's standard visitation schedule and a copy of the standard visitation schedule is submitted with the petition to the Court; **(NOTE: The standard visitation schedule is included in this packet. It does not have to be retyped, just submit it with your petition when you file.) OR**
 That the Plaintiff/Defendant should have visitation with the minor child(ren) according to the following schedule: (list recommended schedule);
13. That there is not at the present time a court order establishing custody and there is no other court proceeding in any state or tribal court pertaining to the minor child as of this date;

****ONLY ADD 14. IF YOU ARE REQUESTING A TEMPORARY ORDER****

14. That a temporary order needs to be issued for the reason that **(EXPLAIN IN DETAIL WHY AN EMERGENCY FOR THE TEMPORARY ORDER EXISTS.)**

WHEREFORE, the Petitioner prays that the Court finds the best interest of minor child will be served by granting an order of custody to Petitioner, as requested in this petition and that a hearing be set on this matter as soon as the Court deems necessary.

 NAME, Petitioner
 FULL ADDRESS (include city, state & zip)
 TELEPHONE NO.
 EMAIL ADDRESS (If available)

VERIFICATION

I, _____, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby states that I have prepared and read this petition and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

 NAME, Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____,
20_____.

(SEAL)

 Court Clerk/ Deputy

STANDARD VISITATION SCHEDULE

PLAINTIFF: _____

DEFENDANT: _____

CASE NO.: _____ - _____ - _____

The non-custodial parent shall have visitation with the minor child(ren) of the parties as follow:

REGULAR VISITATION

Every other weekend from 6:00 p.m. Friday to 6:00 p.m. Sunday.

HOLIDAY VISITATION

In even number years (2010, etc.) the non-custodial parent shall have visitation according to the following schedule:

- EASTER: 6 p.m. Friday preceding Easter until Easter Sunday at 10 p.m.
- INDEPENDENCE DAY: Evening preceding July 4 until 10 p.m. on July 4.
- THANKSGIVING: Wednesday preceding Thanksgiving until 10 p.m. Sunday.
- CHILD'S BIRTHDAY: 8 a.m. on day of birthday until 6 p.m. on day of birthday

In odd numbered years (2011, etc.) the non-custodial parent shall have visitation according to the following schedule:

- MEMORIAL DAY: 6 p.m. Friday preceding Memorial Day until 10 p.m. Monday
- LABOR DAY: 6 p.m. Friday preceding Labor Day until 10 p.m. Monday
- CHRISTMAS: 6 p.m. Christmas Day until 6 p.m. December 26

The holiday visitation schedule set out above is to be observed whether or not it coincides with the regular every other weekend visitation schedule and is in addition thereto. However, it is intended that the holidays alternate between custodial and non-custodial parents. Therefore, on those occasions when non-custodial shall not occur.

SPECIAL VISITATION

With respect to Father's Day and Mother's Day, if the father is the non-custodial parent, and if Father's Day falls on a weekend not regularly scheduled for parental visitation, he shall have visitation on Father's Day from 12 noon until 10 p.m. If Mother's Day falls within the weekend of father's visitation, he shall return the child(ren) to the mother by 12 noon on Mother's Day. If the mother is the non-custodial parent, the reverse shall apply.

SUMMER VISTATION

The non-custodial parent shall have summer visitation for two 2-week periods from 8:00 a.m. June 15 until 6:00 p.m. June 30 and from 8:00 a.m. July 15 until 6:00 p.m. July 30th. The alternating weekend visits shall remain in effect.

This visitation is for the purpose of providing assured minimum amounts of visitation between non-custodial parent and child(ren). Visitation should exceed the number of occasions set out herein. In addition, liberal telephone communications between non-custodial parent and child(ren) are encouraged.

PHIL LUJAN, Magistrate

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA**

_____)	
Tribal Member or Non-Indian,)	
Plaintiff,)	
)	
VS.)	Case No. CIV-____-____
)	
_____)	
Tribal Member or Non-Indian,)	
Defendant.)	

SUMMONS

TO: Respondent Name
Respondent Address
Respondent City/State/Zip Code

YOU ARE HEREBY SUMMONED in the above named action and directed to file a written Answer to the attached Petition with the Court Clerk of this Court, within thirty (30) days after service of this Summons, which is herewith served upon you.

A copy of your Answer must also be delivered to the Petitioner or his/her attorney/advocate and proof of such service with your Answer must be filed in this Court.

If you fail to Answer this Petition within the time stated, judgment by default can be rendered against you for the relief demanded by the Petitioner.

(SEAL)

Court Clerk/Deputy
CFR Court
P.O. Box 368
Anadarko, Oklahoma 73005

Petitioner or Petitioner's Attorney:
Petitioner Name
Petitioner Address
Petitioner City/State/Zip Code
Phone: Petitioner Telephone Number

YOU MAY SEEK THE ADVICE OF AN ATTORNEY/ADVOCATE ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

CERTIFICATION

I, the undersigned Court Clerk, hereby certify that I emailed, faxed, hand delivered or mailed, a true and correct copy of this document and copy of the petition to the Respondent:

Certified Mail – Restricted Delivery

Article No.

Respondent Name

Respondent Address

Respondent City/State/Zip Code

(SEAL)

Court Clerk/Deputy Court Clerk

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA**

)	
Tribal Member or Non-Indian,)	
Plaintiff,)	
)	
VS.)	Case No. CIV-____ - ____
)	
)	
Tribal Member or Non-Indian,)	
Defendant.)	

ENTRY OF APPEARANCE AND WAIVER

I, the non-petitioning parent of _____, do hereby waive my right to the Custody of above named minor child in favor of the petitioner, _____ and I respectfully pray that the Court will award custody of the above named minor child to Petitioner. Should I have object to the custody of above named minor child, I am aware that I had the right to appear in Court to make my objections known and that I waive that right.

Dated this _____ day of _____, 20_____.

Signature

Please print your name & address: _____

Telephone: _____

Email: _____

SHOULD YOU AGREE TO SIGN THIS WAIVER, PLEASE SIGN IN FRONT OF A NOTARY PUBLIC OR COURT CLERK AND RETURN TO THIS OFFICE EITHER BY MAIL OR IN PERSON. THIS WAIVER MUST BE DATED ATLEAST ONE DAY AFTER THE CUSTODY FILING.

State of Oklahoma;)
 County of _____)

Before me, the undersigned Notary Public, came _____ this ___ day of _____, 20___, to me known to be the identical person who executed the above and foregoing Entry of Appearance and Waiver, and personally acknowledged to me that he/she has read, understood, and signed the same, and that he/she executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth. IN WITNESS THEREOF I have hereunto affixed my signature and official seal the date heretofore stated.

(SEAL)

NOTARY PUBLIC

My Commission Expires: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20_____.

COURT CLERK/DEPUTY

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA**

JANE DOE,)	
Kiowa Tribal Member,)	
)	
Plaintiff,)	
)	
VS.)	Case No. CIV-____-____
)	
JOHN DOE,)	
Non-Indian,)	
)	
Defendant.)	

PETITION FOR CUSTODY

COMES NOW, Jane M. Doe, Petitioner herein, pro se, respectfully petitions the Court to seek custody of Janey K. Doe, minor child herein, the Petitioner alleges and states the following:

1. That the Court of Indian Offenses for the Southern Plains Region has personal and subject matter jurisdiction to hear and decide this matter in accordance to 25 CFR 11.116 and 11.608;
2. That the Petitioner is the mother of the minor child;
3. That the minor child is an enrolled member of the Native Tribe of Oklahoma and a copy of the minor child's Tribal Enrollment Card is submitted with the petition to the Court.
4. That the minor child resides at 1234 Native Drive, Anadarko, Oklahoma 73005 and has lived at this address for 11 years;
5. That the minor child was born on April 1, 2000 at The Hills Hospital in Carnegie, Oklahoma;
6. That the birth certificate number of the minor child is 527SER48LUI1574S and is recorded at the Vital Records Division of the State of Oklahoma and a copy of the minor child's birth certificate is submitted with the petition to the Court;
7. That the minor child's biological mother's full name, including maiden name is Jane M. Doe and her address is 1234 Elm Drive, Anadarko, Oklahoma 73005 and she is an enrolled member of the Native Tribe of Oklahoma;

8. That the minor child's biological father's full name is John P. Doe and his address is 1111 Indian Road (P.O. Box 0000), Anadarko, Oklahoma 73005 and he is non-Indian;
9. That the biological mother and biological father were not married;
10. That the minor child is presently in the physical custody of Jane M. Doe and has been for 11 years;
11. That the Petitioner can provide financially and medically for the care and maintenance of minor child;
12. That there is not at the present time a court order establishing custody and there is no other court proceeding in any state or tribal court pertaining to the minor child as of this date;

WHEREFORE, the Petitioner prays that the Court finds the best interest of minor child will be served by granting an order of custody to Petitioner, as requested in this petition and that a hearing be set on this matter as soon as the Court deems necessary.

JANE M. DOE, Petitioner
1234 Native Drive
Anadarko, Oklahoma 73005
Phone: 405/247-0000
jadoe@yahoo.net

VERIFICATION

I, Jane M. Doe, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby states that I have prepared and read this petition and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

JANE M. DOE, Petitioner

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

(SEAL)

Court Clerk/ Deputy

IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA

JANE DOE,)
Kiowa Tribal Member,)
Plaintiff,)
VS.) Case No. CIV-____ - ____
JOHN DOE,)
Non-Indian,)
Defendant.)

SUMMONS

TO: Janey Doe
123 ABC Street
Anadarko, OK 73005

YOU ARE HEREBY SUMMONED in the above named action and directed to file a written Answer to the attached Petition with the Court Clerk of this Court, within thirty (30) days after service of this Summons, which is herewith served upon you.

A copy of your Answer must also be delivered to the Petitioner or his/her attorney/advocate and proof of such service with your Answer must be filed in this Court.

If you fail to Answer this Petition within the time stated, judgment by default can be rendered against you for the relief demanded by the Petitioner.

(SEAL)

Court Clerk/Deputy
CFR Court
P.O. Box 368
Anadarko, Oklahoma 73005
Phone: 405/247-8511

Petitioner or Petitioner's Attorney:
James Doe
999 May Avenue
Anadarko, OK 73005
Phone: 405-555-5555

YOU MAY SEEK THE ADVICE OF AN ATTORNEY/ADVOCATE ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

CERTIFICATION

I, the undersigned Court Clerk, hereby certify that I emailed, faxed, hand delivered or mailed, a true and correct copy of this document and copy of the petition to the following interested party:

Certified Mail – Restricted Delivery

Article No. _____

Janey Doe
123 ABC Street
Anadarko, OK 73005

(SEAL)

Court Clerk/Deputy Court Clerk

SAMPLE