

MINOR PETITION FOR EMERGENCY **GUARDIANSHIP**

The forms in this packet are to be used as a **template**, the forms may not address all of your needs. Please read the instructions carefully before completing the forms. The Court Clerks **CANNOT** accept documents that do not conform to the instructions in this packet.

You should refer to the Comanche Nation Tribal Court Codes prior to filing any petition or pleadings for a complete understanding of the rules and procedures governing your case. Should you need assistance in preparing any documents, 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.

INSTRUCTIONS FOR FILING

IMPORTANT INFORMATION PLEASE READ!!!

1. Documents must be Printed or typed and **MUST BE LEGIBLE**. If the Court is unable to read your documents it may adversely affect your case.
2. Documents must be signed in front of the Court Clerk or a notary public when you are ready to file.
3. Filing fees, copy fees, etc. must be made in the form of a CASHIER'S CHECK or MONEY ORDER and must be payable to "Comanche Nation Tribal Court". Filing fees **MUST** be paid at the time of filing your petition. If you are unsure of the amount of the filing fees, contact the Court Clerk.
4. Submit original Documents and one (1) copy for each party to be served, and an additional copy if you want a copy of the document for your records. If the Court Clerk makes your copies, you will be charged a copy fee of \$0.50 PER PAGE.
5. Documents must have the **FULL ADDRESS** including street, city, state & zip of the parties to be served. Obtaining this information is **your** responsibility.
6. The forms are a guide to use in preparing the documents. **DO NOT** fill in the blanks and submit for filing. **IT MUST BE RE-TYPED**.
7. Petitions filed **MUST** have a copy of the relevant birth certificate and tribal enrollment card/CDIB and be submitted with the petition when filed. Obtaining these documents is YOUR responsibility.
8. Proof of Service of a Petition is **MANDATORY** for your case to proceed. Obtaining proof of service is **your** responsibility. If you request the Court Clerks to serve the documents on your behalf, service fees **MUST** be paid at the time of submitting Request of Service.

Court Clerks WILL NOT accept documents

that do not conform to these Instructions.

| GUARDIANSHIP OF MINOR | |
|--|---|
| Petition or Complaint | Filing Fee |
| Guardianship Minor | \$ 72.00 |
| Additional Court Costs | |
| Summons (each) | \$ 8.50 |
| Summon, Notice by Publication (Actual publication is to be done indepently at your own additional expense through a proper publishing source) | \$ 25.00 |
| Court Service (Only available if "Request for Service" is completed and filed) | |
| Within Territorial Jurisdiction | \$ 35.00 |
| Outside Territorial Jurisdiction | \$ 12.00 |
| Service (Independently done, may incur additional expense of Private Process Server. Proof of Service must be filed with the Court.) | |
| Copy Fees (provide all necessary copies of all filings or copy fees will apply to copies made by the Court Clerk.) | \$1.00 first page/\$0.50 each subsequent page |

**IN THE COMANCHE NATION TRIBAL COURT
COMANCHE NATION DISTRICT COURT
LAWTON, OKLAHOMA**

IN THE GUARDIANSHIP: _____)
_____) Case No.: PG-
_____)
DOB: _____)
A Minor Child. _____)

PETITION FOR EMERGENCY GUARDIANSHIP

COMES NOW, _____, and submits his/her Petition for Emergency
Guardianship over the person and property of the minor child, _____, DOB:
_____. In support of his/her Petition, Petitioner will show the following:

1. _____ is a female or male (circle one) minor Indian child, enrolled with
the Comanche Nation eligible for enrollment with the Comanche Nation OR is
eligible for enrollment with the Comanche Nation and is the biological child of a
member of the Comanche Nation.
2. _____ was born at _____, and currently
resides at _____.
3. This court has jurisdiction over the minor child pursuant to Section 201 of the
Comanche Children and Family Relations Code.
4. The minor child is residing with _____ at _____.
5. The mother of the minor child is _____ whose address is
_____.
6. The father of the minor child is _____ whose address is
_____.
7. The Petitioner, _____, who is _____.

8. The minor child has resided with _____ and has been in the home of _____ since _____.

9. The Petitioner claims that Emergency Guardianship is necessary because of the reasons stated in the affidavit, attached, and the following reasons:

10. Petitioner states that service is necessary upon the following person(s) and their respective address(es):

11. The minor child does not own any other property other than clothes and toys and the Petitioner requests that she be allowed to serve without bond.

12. _____ I understand that I am responsible for serving copies of this Petition
Initials and all attachments on the other party because they are entitled to notice and opportunity to contest my Petition.

WHEREFORE, the Petitioner requests the Court to issue an Emergency Guardianship over the minor child in favor of the Petitioner and that proper notice of proceedings in this matter issue to all interested parties.

Petitioner _____ (print)
Phone: _____
Address: _____

VERIFICATION

I, _____, certify that the foregoing facts as alleged in the Petition for Emergency Guardianship are true and correct to the best of my knowledge.
_____, Petitioner

Attest:

Court Clerk or Notary Public

My Commission Expires: _____