

PETITION FOR CUSTODY

The forms in this packet are to be used as a **template**, please re-type the forms and **do not** fill in the blanks. 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 typed DOUBLE-SPACED and on LETTER SIZE PAPER (8 ½” x 11”).
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.

DOMESTIC	
Petition or Complaint	Filing Fee
Custody/Paternity w/child support	\$ 102.00
Divorce	\$ 102.00
Paternity (no support or custody)	\$ 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 DISTRICT COURT OF
COMANCHE NATION TRIBAL COURT

IN THE MATTER OF THE)
CUSTODY OF:)
)
_____) Case No. ____ - ____ - ____
Dob: _____) (*Court Use Only*)
)
Comanche Tribal Minor Child.)

PETITION FOR CUSTODY

COMES NOW, _____, Petitioner herein, pro se,
respectfully petitions the Court to seek custody of _____, minor child herein, the Petitioner alleges
and states the following:

1. That the Comanche Nation Tribal Court has personal and subject matter jurisdiction.
2. That the Petitioner is the _____ of the minor child;
3. That the minor child is an enrolled member of the Comanche Nation, and a copy of the
minor child's Tribal Enrollment Card/Certificate Degree of Indian Blood is submitted with the
petition to the Court.
4. That the minor child resides at _____
(INCLUDE CITY, STATE & ZIP) and has lived at this address for _____ (STATE
LENGTH OF TIME IN MONTHS OR YEARS AT THIS ADDRESS);
5. That the minor child was born on _____, _____, at
_____ Hospital in _____, _____ (City, State).
6. That the birth certificate number of the minor child is _____ and is
recorded at the Vital Records Division of the State of _____, 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 _____ and her address is _____ (INCLUDE CITY, STATE & ZIP) and she is (an enrolled member of the Comanche Nation or is non-Indian)

8. That the minor child's biological father's full name is _____ and his address is _____ (INCLUDE CITY, STATE & ZIP) and he is (an enrolled member of the Comanche Nation of Oklahoma OR is non-Indian.)

9. That the biological mother and biological father are/were not married;

10. That the minor child is presently in the physical custody of _____ and has been for _____;(STATE LENGTH OF TIME IN DAYS, MONTHS OR YEARS)

11. That the Petitioner can provide financially and medically for the care and maintenance of minor child;

12. That the Respondent should not have visitation with the minor child(ren) for the following reasons: _____ (*describe grounds that visitation should not be allowed*); OR

That the Respondent 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 re-retyped; ,just submit it with your petition when you file,*) OR

That the Respondent should have visitation with the minor child(ren) according to the following schedule: (*list recommended schedule or provide an attachment*);

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;

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

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

_____ 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 or Notary Public