

Sisseton Wahpeton Oyate Tribal Court PO Box 568 Agency Village, SD 57262	Divorce Complaint With Child(ren)	IN TRIBAL COURT  CASE NO.
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**IN ORDER TO PROCESS PAPER WORK IN A TIMELY MANNER WE NEED THE  
FOLLOWING INFORMATION  
A FILING FEE OF \$100.00 IS REQUIRED AT TIME OF FILING, OR FEE WAIVER**

ALL PARTIES INVOLVED

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Mailing and Physical (if different)

\_\_\_\_\_  
Mailing and Physical (if different)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Mailing and Physical (if different)

\_\_\_\_\_  
Mailing and Physical (if different)

PLACE OF EMPLOYMENT (FOR SERVICE)

(DOCUMENTS)

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

Tribal Enrollment paper or Tribal ID  
needed to establish jurisdiction

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Other

Names & Addresses if any witnesses are requested:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Other

\_\_\_\_\_  
Other

**IF YOU DO NOT KNOW THE DEFENDANT'S CURRENT MAILING ADDRESS AN ADVERTISING FEE  
OF \$40.00 IS REQUIRED, ADVERTISING FEE CAN NOT BE WAIVED.**

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In the Matter of the	)	Check whether petition is for Divorce,
Dissolution of the Marriage of:	)	Annulment or Legal Separation.
	)	
_____	)	<input type="radio"/> DIVORCE
Plaintiff,	)	<input type="radio"/> ANNULMENT
	)	<input type="radio"/> LEGAL SEPARATION
Vs.	)	
	)	
_____	)	
Defendant,	)	

1. Plaintiff's full legal name:

Name		Date of Birth
_____		
Mailing Address		Physical Address
Trust land <input type="radio"/> YES <input type="radio"/> NO		
_____		
City, County, State, Zip		
Sisseton Wahpeton Oyate member		
<input type="radio"/> YES <input type="radio"/> NO		
_____		
If not SWO, Tribe enrolled in and documents		

2. Defendant's full legal name:

Name		Date of Birth
_____		
Mailing Address (to best of my knowledge)		Physical Address
Trust land <input type="radio"/> YES <input type="radio"/> NO		
_____		
City, County, State, Zip		
Sisseton Wahpeton Oyate member		
<input type="radio"/> YES <input type="radio"/> NO		
_____		
If not SWO, Tribe enrolled in and documents		

3. Plaintiff and Defendant were married on: Date: \_\_\_\_\_, in:

\_\_\_\_\_  
City and State

If the parties are living apart, the date upon which they began to live apart is:

4. Plaintiff \_\_\_\_\_  
armed forces. ☐ Is ☐ Is not Date \_\_\_\_\_  
an active member of the

5. Defendant \_\_\_\_\_  
armed forces. ☐ Is ☐ Is not an active member of the

6. I request a divorce from the defendant on one or more of the following grounds, pursuant to SWO Code, Chapter 34:

☐ Extreme Mental or Physical Cruelty:

☐ Adultery:

☐ Desertion (Requires separation of 6 months or more):

☐ Neglect (Requires separation of 6 months or more):

☐ Habitual Alcoholism/Alcoholic

(Requires separation of 6 months or more):

☐ Mutual Consent

(Requires separation of 6 months or more and the defendant's written consent):

Explain reason for divorce is being requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. We have \_\_\_\_\_ minor child(ren) which have been born to or adopted by the parties.  
The Wife ☐ Is ☐ Is not pregnant. If the Wife is pregnant, her due date is \_\_\_\_\_.

8. Names and Date of Birth(s) of the child(ren) we have.

Name

Date of Birth


9. During the past five years the children have lived with the following person(s) at the times and places indicated below:

Name of Person Living With	County/State	Dates

10. There ☐ Have ☐ Have not been prior court proceedings regarding the custody of the child(ren). If, so that action took place in \_\_\_\_\_ County, \_\_\_\_\_ State on \_\_\_\_\_ date.

**ATTACH ALL ORDERS REGARDING CUSTODY OF MINOR CHILDREN.**

11. Any other person(s) ever have custody of child(ren): \_\_\_\_\_

**ATTACH ALL ORDERS REGARDING CUSTODY OF MINOR CHILDREN.**

12. In regards to custody, the Plaintiff alleges:

- a. ☐ I believe that it would be best for the children if their custody were awarded to me: or
- b. ☐ I believe that it would be best for the children if their custody were awarded to the Defendant: \_\_\_\_\_

- c. ☐ I believe that we should have joint legal custody:

To live with the Plaintiff \_\_\_\_\_

To live with the Defendant \_\_\_\_\_

- d. ☐ Other, visitation condition, explain: \_\_\_\_\_

13. Plaintiff requests that an order for child support be established. ☐ YES ☐ NO (Even if the Plaintiff is the non-custodial parent, he/she will still request that a child support order be entered).

14. Plaintiff requests that the daycare expenses of the minor child(ren) be allocated between the parties. ☐ YES ☐ NO

15. The parties have accumulated property and debts during the course of the marriage which must be equitably divided ☐ YES ☐ NO

16. Plaintiff seeks spousal support (alimony). ☐ YES ☐ NO

**WHEREFORE**, Plaintiff prays for Judgement as follows:

1. For a Judgment and Decree of Divorce dissolving the marriage of the parties;
2. For an equitable division of the marital property and debts;
3. That ☐ Plaintiff's ☐ Defendant's last name be restored to:

\_\_\_\_\_. Date of birth: \_\_\_\_\_;  
First Middle Last (of former name)

4. That custody and visitation of the minor child(ren) be established as set forth above;
5. That an order for child support be established, if requested above;
6. That health insurance for the minor child(ren) be addressed, if requested above;
7. That daycare expenses for the minor child(ren) be allocated between the parties, if requested above;
8. For alimony, if requested above; and
9. For such other and further relief as may be equitable and just.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Plaintiff

ATTEST:

\_\_\_\_\_  
Clerk of Court