Name of Person Filing: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
Email Address: _____
Attorney Bar Number (if applicable): _____
Representing: ☑ Self (without legal counsel)
Or Legal Counsel for ☐ Petitioner ☐ Respondent

THE JUDICIAL COURT OF THE TOHONO O'ODHAM NATION

ADULT CIVIL DIVISION

In the Matter of: _____ Petitioner vs _____ Respondent	Case Number: _____ **PETITION FOR DIVORCE**

COMES NOW, the Petitioner, _____, (DOB)_____, files this Petition for Divorce between Petitioner and Respondent, _____, (DOB)_____, and alleges that the following information is true and correct:

1. This Court has both personal and subject matter jurisdiction under the Tohono O'odham Constitution and Code to hear and decide this matter because the Petitioner is a member/non-member and/or has lived on the Nation for 6 months at the following address: _____.
2. The Respondent is a member/non-member and/or has lived on the Nation for 6 months at the following address:_____.

3. The parties were married on or about _____, at _____ _____.

4. As grounds for Divorce, the Petitioner alleges that the marriage is irretrievably broken because: (*Check all the apply*):

a. ☐ either party has committed adultery;

b. ☐ one of the parties was physically incompetent at the time of the marriage and remained so until this petition was filed;

c. ☐ one of the parties was convicted of a felony and sentenced to prison, and was not convicted on the testimony of the other party;

d. ☐ either party has willfully deserted the other for 90 days preceding the filing of this petition or for habitual intemperance (chronic drunkenness) of either party;

e. ☐ either party is guilty of excesses, cruel treatment, or outrage toward the other, whether by personal violence or other means;

f. ☐ husband, having the ability to provide but failing to do so because of his idleness, recklessness, or self-indulgence, fails to provide his wife with the common necessities of life for one year;

g. ☐ the wife, at the time of marriage, was pregnant by a man other than the husband and without the husband's knowledge at the time of the marriage.

5. Written Settlement Agreement:

☐ Petitioner and Respondent **have a written agreement** signed by both parties about the maintenance of a spouse, division of property/debt, where the

children will live, authority for legal decision-making concerning the children (custody), parenting time, and child support, AND I have attached a copy of the written agreement.

6. That the Petitioner (*choose one*):

a. ☐ does not need a restraining order against the Respondent;

b. ☐ requests that the Respondent be restrained from harassing, threatening, or harming the Petitioner. (*You will need to also file a Protective Order Petition, available on the Court's website*).

7. That during the period of marriage, the parties have (*choose all that apply*):

a. ☐ not accumulated any land or buildings that should be divided by the Court.

b. ☐ acquired land and/or buildings, which should be divided by the Court pursuant to **Attachment A**.

c. ☐ acquired personal property (property other than land) during the marriage, which is jointly held by both parties and which should be divided as requested on **Attachment A**.

8. That during the period of marriage, the parties have (*choose one*):

a. ☐ not incurred any indebtedness, loans, bills, or unpaid accounts that need to be addressed by the Court.

b. ☐ incurred indebtedness, loans, bills, or unpaid accounts and the responsibility for the payment of this indebtedness should be addressed by the Court as requested in **Attachment B**.

9. Spousal Support (*choose one*):

a. ☐ Spousal support is not requested.

b. ☐ Spousal support is requested. See **Attachment C**.

10. Name change (*choose one*):

a. ☐ no request

b. ☐ change the Petitioner's name to: _____.

11. Domestic Violence: (Check the box that is true.)

☐ Domestic violence **has not occurred,**

OR

☐ Domestic violence **has occurred, but it has not been significant.**

☐ There has been **significant domestic violence.**

Summary of what I say **ABOUT DOMESTIC VIOLENCE**:

_____

_____

_____

_____

12. Drug/Alcohol Conviction Within Last Twelve Months: (If you intend to ask for joint legal decision-making (joint custody), check one box.)

☐ **Neither party** has been convicted for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months,

OR

☐ **One or both parties have** been convicted for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months.

☐ **Petitioner** was convicted. ☐ **Respondent** was convicted.

The legal decision-making (custody) and parenting time arrangement I am requesting appropriately protects the minor child(ren).

Explain how this arrangement appropriately protects the minor child(ren).

_____

_____

_____

_____

Summary of what I say about **Drug Or Alcohol Convictions**:

_____

_____

_____

_____

13. Children

a. ☐ Respondent and I have no children together who are still dependent (skip to **Requests to the Court** section).

b. ☐ Respondent and I have _____ children together who are still dependent (*only list the children you and Respondent have together, not children from other relationships*). See **Attachment D** for details.

14. REQUESTS TO THE COURT:

A. DISSOLUTION (DIVORCE):

☐ **Dissolve the parties' marriage** and return each party to the status of a single person.

☐ Dissolve the marriage and return each party to status of a single person but **refuse to decide child legal decision-making (custody) matters due to lack of jurisdiction.**

B. RESTORE NAME: (*Optional*) I took the name of my spouse at the time of marriage and I want to restore my last name to the name I used before this marriage or to my maiden name.

My complete married name is:

_____

I want my legal name restored to: (List complete maiden or legal name before this marriage).

_____

WARNING: If you are not the person who is requesting to have your former name restored, the court must have a written request from the party who wants his/her name restored, to change the name.

CHILD/REN: Order Child Custody, Parenting Time, and Support pursuant to **Attachment D**.

C. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

☐ **Do not order** spousal maintenance.

☐ **Order spousal support to be paid by** ☐ **Petitioner OR** ☐ **Respondent** in the amount of $ _____per month beginning with the first day of the month after the Judge signs the Decree and continuing until the person receiving spousal maintenance remarries or either party is deceased, OR for a period of ____ months. See **Attachment C**.

D. COMMUNITY PROPERTY:

☐ Make a **fair division** of all community property as requested in this Petition, **Attachment A**.

E. COMMUNITY DEBTS:

☐ Order **each party to pay community debts** as requested in the Petition, **Attachment B**, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by Petitioner or Respondent:

☐ since the parties' **separation** on _____ (date),

OR

☐ the date I was **served with the Petition** for Dissolution.

F. SEPARATE PROPERTY:

☐ Award Petitioner's separate property to Petitioner.

☐ Award Respondent's separate property to Respondent.

G. SEPARATE DEBT: Order each party to pay their separate debts and hold the other party harmless from debts incurred during the marriage

H. OTHER ORDERS I AM REQUESTING: (Explain request here.)

_____

_____

_____

_____

I, Petitioner, _____, verify I have read this Petition for Divorce, and any accompanying attachments, and confirm that the statements are true, accurate, and complete to the best of my knowledge and belief.

Dated: _____ _____

Petitioner, _____

A copy of this document was mailed to the other party on: _____
Month / Date / Year

To the following address: _____

Respondent fills out below if he/she agrees to join this Petition:

I, Respondent, _____, agree to join this Petition. I understand that if I fill out and sign below, the Court may approve the requests in this Petition unless I file and serve a Response before the Court signs final orders.

Dated: _____ _____

Respondent, _____