



SAINT REGIS MOHAWK TRIBAL COURTS

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Akwesasne, NY 13655

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Hon. Carrie E. Garrow
Chief Judge

Hon. Barbara R. Potter
Associate Judge

Petitioner:

This Court presides over child support cases issues orders upon direct request of a petitioner and upon request of the Saint Regis Mohawk Tribe Child Support Enforcement Unit (CSEU). While you are able to file a petition directly with this Court, the CSEU also offers the following additional services:

Caseworker services: The CSEU pairs parents with a caseworker who works with them and assists with every step of the process.

Registration of orders: All orders on behalf of the CSEU are registered by the agency by providing additional mechanisms for enforcement of orders.

Outside orders: The CSEU can assist with cases in other counties and possibly transfer it to the CSEU for registration and enforcement.

Payment mechanisms: The CSEU collects payments directly on behalf of parents and records all payments into official record, so non-custodial parents can receive credit for their payments and appropriate enforcement can be taken for non-compliance.

Enforcement mechanisms: The CSEU has means to ensure orders are enforced, including garnishment of wages and other mechanisms.

Safety: The CSEU works closely with other Tribal programs to ensure safety of all parents and children, especially for victims of domestic violence.

You may proceed filing your case directly with this Court; however, this Court does not provide any of the registration, enforcement, and other services offered by the CSEU. If you would rather utilize the services of the CSEU, you may contact them at 518-358-2272.

**SAINT REGIS MOHAWK TRIBAL COURTS
IN AND FOR THE SAINT REGIS MOHAWK TRIBE**

Plaintiff:

v.

Respondent:

Case No. _____

COMPLAINT FOR DIVORCE

Plaintiff, _____, in proper person, and for a cause of action alleges as follows:

I. PARTIES TO THIS COMPLAINT.

1. The parties in this complaint are as follows:

Name of Plaintiff *Telephone Number* *Email address*

Mailing Address or PO box *city* *state/province* *zip/postal code*

Name of Respondent *Telephone Number* *Email address*

Mailing Address or PO box *city* *state/province* *zip/postal code*

2. The parties were married on *(date)* _____, in _____,
State of _____, and ever since that day have lived on the territory of Akwesasne
as husband and wife.

3. Wife is is not pregnant at this time. *If wife is pregnant at this time, answer the following questions. If wife is not pregnant, skip to Section II.*

4. Husband is is not the father of the unborn child.

5. The unborn child is due to be born on _____.

II. CHILDREN

Children have not have been born or adopted by the parties to this marriage. Provide the following information for any children that have been born to or adopted, including deceased or emancipated children. *If there are any minor children, please fill out and submit a Petition for Child Custody and Petition for Establishment of Child Support Obligation and submit with this Petition. Attach additional pages if necessary.*

Name: _____ Birthday: _____

Name: _____ Birthday: _____

Name: _____ Birthday: _____

Name: _____ Birthday: _____

III. JURISDICTION OVER PARTIES

The Saint Regis Mohawk Tribal Court has personal jurisdiction (authority to make decisions) over the parties because *(check all that apply)*:

The Petitioner:

- is an enrolled member of the Saint Regis Mohawk Tribe.
- resides within the territory of Akwesasne.
- is a non-member employed as a contract, temporary, or regular employee of the Tribe or a tribal business located on the Reservation.
- is a non-member who has engaged in consensual relations or a domestic relationship with a Tribal member on the Reservation.
- is a non-member who has participated in any other substantial activity within the territorial jurisdiction of the Tribe that impacts the political integrity, the economic security, or the health and welfare of the Tribe and its members.
- is a non-member who otherwise consents to the jurisdiction of the Court.

The Respondent:

- is an enrolled member of the Saint Regis Mohawk Tribe.
- resides within the territory of Akwesasne.
- is a non-member employed as a contract, temporary, or regular employee of the Tribe or a tribal business located on the Reservation.
- is a non-member who has engaged in consensual relations or a domestic relationship with a Tribal member on the Reservation.
- is a non-member who has participated in any other substantial activity within the territorial jurisdiction of the Tribe that impacts the political integrity, the economic security, or the health and welfare of the Tribe and its members.
- is a non-member who otherwise consents to the jurisdiction of the Court.

The children involved in this case:

- are enrolled members or are eligible for enrollment as members of of the Saint Regis Mohawk Tribe.
- are Indian children who reside or are domiciled on the territory of Akwesasne.
- have a parent who is an enrolled member of the Saint Regis Mohawk Tribe.
- There are no other divorce actions pending in another court.

The Saint Regis Mohawk Tribal Court has subject matter jurisdiction over the parties because *(check all that apply)*:

- There are children named in Section II and Petitioner has resided within the Reservation for one-hundred eighty (180) days immediately preceding the filing of this Petition.
- There are no children named in Section II and Petitioner has resided within the Reservation for thirty (30) days immediately preceding the filing of this Petition.
- The marriage that is the subject of this Petition occurred under this Chapter unless neither of the parties resided within the Reservation for thirty (30) days immediately preceding the filing of the Petition if there are no children or one-hundred eighty (180) days if there are children.

IV. DIVISION OF ASSETS

Initial **ONLY ONE** of the statements below. Print "N/A" in the spaces you do not use. Be sure to address all retirement accounts, bank accounts and vehicles. When listing accounts, use the last four digits of the account. Include the VIN numbers when listing vehicles.

- _____ 1. All of the community assets and property have been previously divided and each is to keep the property they have in their possession at this time.
- _____ 2. There is no community property to be divided.
- _____ 3. The community property should be divided as follows *(provide additional pages if necessary)*:

WIFE SHALL RECEIVE THE FOLLOWING:

HUSBAND SHALL RECEIVE THE FOLLOWING:

V. DIVISION OF DEBTS

Initial ONLY ONE of the statements below. Print "N/A" in the spaces you do not use. Be sure to list all credit cards with the last four numbers of each account, if known and list all VIN numbers when listing vehicles.

- _____ 1. All of the community debts have been previously divided and each is to keep those debts assigned to them and indemnify and hold the other party harmless from those debts.
- _____ 2. There are no community debts to be divided.
- _____ 3. The community debts should be divided as follows *(be sure to list specific debts with the last four numbers of the account, if available. Use additional pages if necessary)*:

WIFE SHALL RECEIVE THE FOLLOWING DEBTS AS HER SOLE AND SEPARATE DEBTS AND SHALL INDEMNIFY AND HOLD HUSBAND HARMLESS FROM THESE DEBTS:

HUSBAND SHALL RECEIVE THE FOLLOWING DEBTS AS HIS SOLE AND SEPARATE DEBTS AND SHALL INDEMNIFY AND HOLD WIFE HARMLESS FROM THESE DEBTS:

VI. SPOUSAL SUPPORT (ALIMONY)

Initial only ONE of the following statements. Spousal Support will automatically cease upon the remarriage of the recipient or the death of either party.

- _____ Alimony is not requested in this case.
- _____ Alimony is requested in this case based on the following reasons:

VII. USE OF FORMER NAME

If wife is filing, wife should initial ONLY ONE of the following three statements and print “not applicable” in the spaces not filled in. If husband is filing, husband should print “N/A” in all spaces

_____ Wife does not wish to return to her former name.

_____ Wife wishes to return to her former name of _____
_____ (Print full name).

_____ Wife never changed her name and, therefore, does not request restoration of her former name.

VIII. REQUEST FOR RELIEF

The parties contend that there has been a breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- 1. That the bonds of matrimony heretofore and now existing between the Plaintiff and Defendant be forever dissolved, and that each of the parties be restored to the status of unmarried persons.
- 2. That the Court grant Plaintiff the relief as requested in this Complaint.
- 3. For other and further relief as the Court may deem just and proper in this action.

IX. VERIFICATION AND ACKNOWLEDGMENT

I, _____, being first duly sworn, under oath and the penalties of perjury, deposes and says: I am the Plaintiff in the above entitled action, and competent to testify as to the contents of the attached pleading of my own knowledge; that I have read the foregoing Complaint For Divorce and know the contents thereof; that the same are true to the best of my own knowledge, save and except to those matters stated upon information and belief, and, as to those matters, I believe the same to be true.

Signature of Plaintiff *Print Name* *Date*

State of New York
Territory of Akwesasne

The foregoing was acknowledged before me on _____, _____, by
_____.

Notary Public