

1 PYRAMID LAKE TRIBAL COURT
2 P.O. BOX 257 / 221 HWY 447
3 NIXON, NV 8424
4

5 **PETITION FOR CONTESTED**
6 **DIVORCE**
7 **(WHEN PARTIES DON'T AGREE)**
8

9 **PACKET INCLUDES PETITION INSTRUCTIONS AND FILING PROCESS**
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11 **ATTENTION: THIS PACKET IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY**
12 **OR ADVOCATE. COUNSEL IS ALWAYS RECOMMENDED FOR LEGAL MATTERS.**
13

14 **The laws governing the Pyramid Lake Paiute Reservation allow any person to represent**
15 **him/herself in any legal action heard in the Pyramid Lake Tribal Court. However, filing**
16 **Petitions/Application/Complaints with the Court and representing yourself in the**
17 **Courtroom can involve complex legal matters. This packet only addresses a few legal**
18 **issues involved in bringing your matter before Court.**
19

20 **When appearing pro se, Latin for “on one’s own behalf”, you are responsible for**
21 **understanding the law that governs your case and for filing the correct legal documents.**
22 **The laws and rules are set out in the Pyramid Lake Law & Order Code, the Federal Rules**
23 **of Civil Procedure, and the Pyramid Lake Tribal Court Operational Procedures.**
24

25 **When you return to the Court and sign these documents for filing, the Court assumes**
26 **that all documents are read carefully and all potential outcomes of litigation in this matter**
27 **are understood.**
28

1 ****BEFORE FILING IN ANY PORTION OF THE PETITION, READ ALL MATERIALS**
2 **AND, IF NEEDED, REQUEST CLARIFICATION FROM THE COURT STAFF.****

- 3 1. Fill out the Petition for Contested Divorce (herein after "Petition") completely. Use
4 blue or black ink only to fill out the forms and neatly print the information
5 requested. DO NOT USE WITE-OUT or any other fluid/tape on the forms. The
6 Complaint will not be accepted by the Court Personnel if correction fluid/tape is
7 used.
8
- 9 2. On page 1, state your name as Petitioner;
- 10 3. On page 1, state the Respondents name;
- 11 4. Read Section I and ensure it is correct; if you believe we have jurisdiction in
12 another matter please state why;
13
- 14 5. Section II: Write the date you were married;
- 15 6. Write the City and State you were married;
- 16 7. Section II: List the name(s) and date of birth(s) in question;
- 17 8. Pg. 2: Section III Cont.: State why should have custody of minor child(ren), the
18 amount of child support requested and who shall pay it.
19
- 20 9. Section IV: List any community property (vehicles, homes, trailers, etc.,) that
21 shall be divided; if none circle "is not";
- 22 10. Section V: List any community debts (credit cards, loans, etc.); if none circle "is
23 not";
24
- 25 11. Section VI: List the reason the divorce is being requested;
- 26 12. On Pg. 3. #2 write who shall be awarded custody;
- 27 13. Pg. 3. #3 write who shall pay child support, how much, who it should be paid to,
28 and when payment shall begin.

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- 14. Pg. 3 # 4; write the amount of alimony requested; if not write \$0.00;
- 15. Pg. 3 #5; write how you request the community property to be distributed;
- 16. Pg. 3. #6; write how you request the community debt to be handled;
- 17. Wait to sign Pg. 4 until in front of Court Staff or a notary;
- 18. Pg. 5 must be completely filled out, as the Court staff are not locators of addresses. Please state mailing and physical addresses as this is necessary for proper service of complaint. ****PLEASE BE ADVISED: We cannot and will not look into the Court management System to locate an address, as it is your responsibility.****
- 19. If you plan on returning to the Courthouse to file the Petition, wait to sign the Petition (Pg. 4) in front of staff so they may sign stating that the signature was witnessed. However, if you are mailing, emailing, or faxing the Complaint, have each area designated for a signature, notarized.
- 20. Once the Petition is completed and ready to be filed, submit the filing fee (\$150.00), the civil service fee (\$15.00 if in the boundaries of the PL Reservation, TBD if outside jurisdiction), and the complaint to Court Personnel. If the Respondent resides outside of the Pyramid Lake Reservation the Court staff will contact the county to determine the service fee, and you will be responsible to pay the fee to the County in question.
- 21. If you are submitting your Petition with an Application Waive Filing Fees (herein after: "Application") the Petition will not be filed until a decision on the Application is rendered. Should the Judge approve the Application, your petition will be filed, however, if it is denied, you will be contacted and must pay the filing fee prior to

1 the Petition being filed. If the Application is approved, no filing fees will be
2 assessed for thirty (30) days per Application.

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4 22. Once the Petition is filed, Court staff will issue a Summons that must be served
5 on the Respondent. The Summons and Petition will be forwarded to the Pyramid
6 Lake Police Department (or applicable Police Department) for service. *Double
7 check and make sure that the address noted for the Respondent is correct as
8 incorrect addresses will slow the process and could add additional service fee
9 charges.

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11 23. Once the Respondent is served, he/she will have twenty (20) days to respond to
12 the Petition. Once an Answer/Response is filed, along with the \$15.00 filing fee,
13 a hearing will be scheduled and all parties will be served notice via mail. If the
14 respondent chooses not to respond, the full twenty (20) days will be allocated
15 and a hearing will be scheduled on the 21st day.

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17 24. If you are unable to appear on the date provided, you may request that this
18 matter be continued via Motion to Continue (herein after "Motion"). Submit Motion
19 and payment (\$15.00) at least eight (8) working days prior to the hearing. Do not
20 forget to send the opposing parties a copy of the Motion. If it is not submitted in a
21 timely manner, you will be required to appear as the Judge may deny your
22 motion and proceed with hearing.

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27 *IF THERE ARE ANY FURTHER QUESTIONS, PLEASE DO NOT HESITATE TO*
28 *CALL THE PYRAMID LAKE TRIBAL COURT AT (775) 574-1094.*

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That the following are the minor children at issue in this marriage;

_____	DOB: _____
_____	DOB: _____
_____	DOB: _____
_____	DOB: _____

and that _____ is a fit and proper person to have the care, custody and control of said minor child(ren); that the sum of \$_____ per month (per child) is a reasonable amount for support and maintenance of said minor child(ren); that _____ is able bodied and capable of paying said sum.

IV

That there is/is not community property of the parties.

V

That there is/is not community debt of the parties.

VI

That Petitioner and Respondent are incompatible in marriage and that there is no possibility of reconciliation because: _____

WHEREFORE, Petitioner prays judgment as follows:

1. That the bonds of matrimony now and heretofore existing between Petitioner and Respondent be dissolved, set aside and forever be held for naught, and

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that the parties hereto, and each of them, be restored to their single, unmarried status.

2. That the care, custody and control of the minor child(ren) be awarded to:

3. That the _____ be ordered to pay _____
_____ for the support of the minor child(ren) of the parties, the total sum of \$ _____ per month, beginning _____ and each and every month thereafter until such child reaches the age of eighteen or _____.

4. That the Petitioner be awarded the sum of \$ _____ per month for alimony for the support and maintenance of the Petitioner and that Respondent is an able bodied person and capable of paying said sum.

5. Request specific distribution of the community property as follows: _____

6. Request that the community debts as follows: _____

7. For such other and further relief as the Court may deem just and proper in the premises.

Done and dated this _____ day of _____, 20_____.

Petitioner

Subscribed and sworn to before me on this _____ day of _____, 20_____

Notary Public/Court Clerk

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VERIFICATION

I, _____, under penalty of perjury, makes the following assertions: That I am the Petitioner, in the above-entitled action; that I have read the foregoing PETITION FOR DIVORCE and know the contents thereof; that the same is true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.

Signature of Petitioner

Date

Subscribed and sworn to before me on this _____ day of _____, 20__

Notary Public/Court Clerk

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