

Sisseton Wahpeton Oyate Tribal Court PO Box 568 Agency Village, SD 57262	Divorce Complaint Without Child(ren)	Case No. D-
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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)

\_\_\_\_\_  
 Witness

\_\_\_\_\_  
 Witness

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

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

\_\_\_\_\_  
 Other

\_\_\_\_\_  
 Other

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

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

PLACE OF EMPLOYMENT (FOR SERVICE)

(DOCUMENTS)

\_\_\_\_\_  
 Plaintiff

Tribal Enrollment paper or Tribal ID  
 needed to establish jurisdiction

\_\_\_\_\_  
 Defendant

\_\_\_\_\_  
 Witness

\_\_\_\_\_  
 Other

Telephone/cell numbers (for questions)

\_\_\_\_\_  
 Plaintiff

\_\_\_\_\_  
 Defendant

\_\_\_\_\_  
 Witness

\_\_\_\_\_  
 Witness

\_\_\_\_\_  
 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 WAIVED**

REVISED 6/2015



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 do so is:

\_\_\_\_\_  
Date

4. Plaintiff  Is  Is not an active member of the armed forces.

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

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 do not have any children which have been born to or adopted by the parties. The Wife is not pregnant.

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

9. 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. For alimony, if requested above; and
- 5. For such other and further relief as may be equitable and just.

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

\_\_\_\_\_  
Plaintiff

ATTEST:

\_\_\_\_\_  
Clerk of Courts

## Instructions for Complaint Without Minor Children & Form

A Complaint is required to begin a divorce action. A Complaint tells your spouse (and the court) what you are asking for and why. This is merely the start of your divorce action. Please note that you are not divorced until a Judgment and Decree of Divorce has been signed by the Judge and filed with the Clerk of Court.

- Complete this form in black or blue ink only!
- Answer or complete ALL the questions within the Complaint.
- The person completing the Complaint is the Plaintiff.
- Check what the petition is for, Divorce, Annulment or Legal Separation.
- A filing fee of \$100.00 is required at time of filing (a payroll deduction form can be filled out or a fee waiver) for complaint to be processed. If fee waiver is done \$100.00 is still required to receive the Divorce Decree.
- Page 1: Provide complete detailed information. A fee waiver is possible if you qualify. An advertising fee will not be needed if you can provide Defendant's complete contact information (mailing address, phone number, place of employment) for serving the 20 day Summons and Notice of Hearing.
- Questions 1 – 5: are self-explanatory.
- Question 16: Check "yes" if you have marital property and debts that need to be divided between you. Check "no" if you did not acquire any marital property or debt during your marriage.
- Question 17: check whether you are seeking alimony.

### In the "Prayer for Relief" (the Section starting with "Wherefore"):

Review the paragraphs in this section. This is the section where you are telling the Court what you want. You do not need to do anything unless one of the parties is seeking to have a former name restored, which is in Paragraph 3.

Paragraph 1: You do not need to write anything. This paragraph tells the court that you are asking for a divorce from your spouse.

Paragraph 2: You do not need to write anything. This paragraph tells the court that you are asking the court to equitably divide your property and debts.

Paragraph 3: Indicate if either party wishes to have his/her former last name restored. Indicate which party wants their former name restored. Enter the first, middle and last name (former name) of that party. Insert that party's date of birth.

Paragraph 4-9: You do not need to write anything. These paragraphs tell the court that you are requesting the additional relief requested in your Complaint as well as any other relief that is equitable and just.

- You must sign and date the Affidavit in the presence of a notary public or clerk of court. Make sure to bring photo identification to show the notary public or clerk of court.

Revised 7/2015