

DISTRICT COURT OF THE KAW NATION

**Drawer 50
698 Grandview Drive
Kaw City, OK 74641
580-269-2552**

NOTICE OF FORMS

This form packet is supplied by the Kaw Nation Court Clerk’s Office. Nothing in these forms is to be construed as providing legal advice. It is highly recommended that you review these documents with an attorney. The Kaw Nation Court Clerk, Kaw Nation District Court, nor the Kaw Nation shall be liable for any use of the following forms.

Parties seeking an Order of the Court are responsible for completing all required documents. The Court Clerk cannot fill out the form for you nor can they give out legal advice. The Kaw Nation does not provide lawyers, legal advice, or legal assistance. If you need legal advice or representation, you must retain an attorney at your expense. Your selected Attorney must be registered to practice law with the Kaw Nation Bar Association prior to representing you in the Kaw Nation District Court.

All fees, including service fees, must be paid at the time of filing. Fees cannot be waived unless a Paupers Affidavit has been filed and approved by the Judge prior to filing. This form may be requested from the Court Clerk.

INSTRUCTIONS FOR FILING A PETITION FOR PROBATE

1. A filing fee of **\$50.00** is required when filing a Petition to Determine Paternity. **Cash or money order** is the only acceptable form of payment. Please be prepared to inform the Court Clerk as to which type of Process Service you will be utilizing at the time of filing your packet.
2. All parties must be notified of the filing of a Petition for Probate and any pending hearings. Respondents are allowed twenty (20) days from service of a Petition to file an answer with the Court. It will be at least a month from your file date before a court date will be set unless the Respondent signs a Waiver. A Notice of Hearing and/or Summons may be served by Tribal Police within Kay and Osage County for a Service Fee of **\$50.00** for each heir. If the parties reside outside of the Kay and Osage County areas, a private process server may need to be hired for service at a starting rate of \$50.00 for each heir. You may be billed for the remaining due amount.
3. The Notice may also be served through Certified Mail ONLY, this is the only acceptable form of service using this method. A Service Fee of **\$10.00** will be assessed for the Court Clerk to mail the Notice to each heir.

4. It is required by law that Notice be given to the heirs, so it is necessary to have a current mailing and physical address for each heir. If you do not have an address, additional charges will need to be paid to obtain Notice by Publication in the local newspaper. THIS FEE CANNOT BE WAIVED AND WILL NEED TO BE PAID WHEN FILING FORMS. A fee of **\$75.00** (average publication cost) will be assessed. Keep in mind that the fee assessed for publication is an average cost and it could cost more. If the cost is more than \$75.00, you will be responsible for the balance due at the end of publication.
5. To begin the determination of probate process, the following required documents must be submitted to the Court Clerk:
 - Copy of valid State or Tribal issued ID
 - Contact Information Sheet
 - Petition for Probate
 - Copy of the Will if there is one
 - Filing and service fees: **cash or money order** payable to the **Kaw Nation District Court**
6. Please ensure that all required documentation has been attached and provided at the time of filing your Petition. Make sure that you completely fill out the documents and attach the required documentation. Documents that are not completely filled out can delay the process of your case. Parties are responsible for completing their own petition forms. The court clerk cannot give legal advice or assist you in filling out the forms.
7. Once your Petition and all required documentation has been received, an Order for Hearing will be issued by the Court Clerk informing all parties of the date and time of the scheduled hearing.