

PACKET for DISSOLUTION OF MARRIAGE WITH CHILDREN

This packet includes:

1. Frequently asked questions and answers on Dissolutions
2. Petition for Dissolution of Marriage with Children
3. Washington State Department of Health Certificate of Dissolution
4. Petition for Parenting Plan (Including Custody and Visitation)

The Policies and Procedures for Dissolution of Marriage can be found in Title 14, Chapter 14.03 (Domestic Relations Code).

The policies and procedures for Child Custody can be found in Title 14, Chapter 14.04 (Domestic Relations Code).

The \$75.00 filing fee must be paid in advance of filing unless a Waiver of Filing Fee has been approved. *The court clerk shall reject and shall not file the Petition without prepayment.*

To file, bring the completed petition plus three (3) copies, accompanied by the payment receipt or other proof of payment to the tribal court clerk by 3:30 p.m.:

Nooksack Tribal Court
4971 Deming Road
Deming, Washington 98244

If you have any questions, please contact the Civil Court Clerk at (360) 306-5125, extension 1.

NOOKSACK INDIAN TRIBE DISSOLUTION OF MARRIAGE

I. GETTING STARTED

Question: Who can get a divorce at the Nooksack Tribal Court?

You or your spouse must be enrolled Nooksack and the spouse who is Nooksack must have lived within the reservation or on an allotment for at least three months before filing a petition with the tribal court.

Question: When can I ask for my marriage to be dissolved?

Anyone can ask for their marriage to be dissolved when they believe the marriage is “irretrievably broken,” meaning that the relationship cannot be fixed.

Question: How do I prove my marriage is “irretrievably broken?”

Generally, you don’t have to prove it. All you have to do is tell the court that it is. Generally, the court will accept your word that it is. However, the respondent (your spouse) could provide evidence of Nooksack custom and tradition to show otherwise.

Question: What if domestic violence occurred during the marriage?

Request a *PROTECTION ORDER* packet from the Nooksack Tribal Court Clerk. A Domestic Violence Advocate is available at Nooksack Family Services, 5061 Deming Rd., phone number (360) 592-5090.

Question: Do I need an attorney?

The tribal court does not require that you have an attorney. However, if you are represented by an attorney or lay counsel, he or she must have a *Nooksack Business License*, must be **admitted to the Nooksack Tribal Bar** and then file a *NOTICE OF APPEARANCE*. This tells the court and your spouse where to mail everything that is filed with the court, or ordered by the Judge.

Question: What if I am not sure how to fill out the forms?

Court staff cannot give legal advice. Contact an attorney if you have any questions about filling out the forms. Do not leave questions blank. You must fill out the forms completely where they apply.

Question: Who are the petitioner and respondent?

The person asking for the dissolution is the petitioner and their spouse is the respondent. You will need to remember this when filling out the forms for court.

II. FILING FOR DISSOLUTION WHEN YOU AND YOUR SPOUSE AGREE ON THE TERMS OF THE DISSOLUTION

Question: How do we file for dissolution together if we have children?

1. If you and your spouse agree on how your property and debts should be divided, custody, child support, and visitation of any children, and whether or not one spouse gets maintenance (alimony), then you can file both a *PETITION FOR DISSOLUTION WITH CHILDREN* and a *PETITION FOR PARENTING PLAN* together. You both must agree on **everything** in both documents.
2. When completing a *Petition for Dissolution*, the person listed as the respondent needs to check the box that says “Joinder: does apply” (found at the end of the document).

3. You must get the *Petition for Dissolution* notarized. This can be done at most banks or by the tribal court clerk. Both parties must agree to the *Petition for Parenting Plan*, but it does not need to be notarized unless one spouse lives out of the area and would not be able to come to the tribal court hearing. If this is the case, the spouse who lives out of the area must sign the petition in front of a notary.
4. You should make two copies of both the *Petition for Dissolution* and the *Petition for Parenting Plan* that are signed and notarized (if applicable). You will give the court clerk the originals and ask the clerk to stamp two copies. You will each keep one of the copies for your own records. The clerk will assign you a hearing date.
5. Just because both you and your spouse join in the petition does not mean that the court will always adopt it. At the hearing, the judge will determine whether the agreement is fair to both parties.

Question: What if my spouse lives out of the area, but still wants to join in the petition?

If your spouse lives out of the area, he or she can still join in the petition. Your spouse should complete and sign the joinder section front of a notary and send it back to you. Most banks and tribal offices can provide notary service.

III. FILING FOR DISSOLUTION IF YOU AND YOUR SPOUSE DO NOT AGREE ON THE TERMS OF THE DISSOLUTION

Question: How do I file for dissolution?

1. In order to ask the Nooksack Court for a dissolution you must complete a *PETITION FOR DISSOLUTION WITH CHILDREN*.
2. You must get your petition notarized. This can be done at most banks or by the tribal court clerk.
3. You must also complete a *PETITION FOR PARENTING PLAN*. Normally, you do not have to get this petition notarized. However; if your spouse does not live here and agrees with the proposed parenting plan, he or she must complete and sign the petition in front of a notary.
4. If you have stepchildren and you would like visitation privileges with these children, you can include the stepchildren in the *Petition for Parenting Plan*. Be sure to note in the document that these are stepchildren for which you are seeking visitation.
5. You should make two copies of both the *Petition for Dissolution* and the *Petition for Parenting Plan*. The court clerk will stamp the copies. The clerk will keep the original and you will, or someone you know can, serve your spouse one of the copies. Also, you may ask the Nooksack Tribal Police Department to serve your spouse one of the copies. You will keep one of the copies for your own records. Once an *Affidavit of Service* is returned to the court, the clerk will then assign you a hearing date.

Question: How does my spouse know that I am filing for a dissolution?

After you have filed the petition, the clerk will direct you on how to serve the documents on your spouse: either by yourself, or someone you know, or you may ask the Nooksack Tribal Police Department. This tells your spouse what you are asking for in the divorce and instructs them on what they are supposed to do next.

IV. GETTING SERVED WITH DISSOLUTION PAPERS

Question: What if I am served with dissolution papers and I agree with them?

1. If you are served with a *Petition for Dissolution* and accompanying papers and agree with **everything** in the petition, you must respond within 20 days of receiving the petition by checking “[x] does apply” in the joinder section of the petition and signing the joinder section in front of a notary.
2. If you agree with **everything** in the *Petition for Parenting Plan* you were served, you do not have to complete your own petition. **Do not** sign your spouse’s petition. You do not need to do anything.
3. Take the original and two copies of the *Petition for Dissolution* that you completed and signed to the clerk’s office. Have the clerk stamp them. You will keep one stamped copy, and the clerk will keep the original that you signed and serve the other copy on your spouse (or your spouse’s attorney, if they have one.). The clerk will assign you a hearing date.

Question: What if I disagree with both the Petition for Dissolution and Petition for Parenting Plan?

1. If you are served with a *Petition for Dissolution* and accompanying papers, but you disagree with both the *Petition for Dissolution* and the *Petition for Parenting Plan*, you must respond within 20 days of receiving the petitions by filing a *Response to Petition* and your own *Petition for Parenting Plan*.
2. You must get the *Response to Dissolution* notarized. You do not have to get the *Petition for Parenting Plan* notarized unless you live out of the area and cannot attend the tribal court hearing.
3. Take the original and two copies of the petitions to the clerk and have the clerk stamp them. You will keep one stamped copy, and the clerk will keep the original and serve the other copy on your spouse (or your spouse’s attorney, if they have one.). The clerk will assign you a hearing date.

Question: What if I agree with the Petition for Dissolution but disagree with the Petition for Parenting Plan?

1. If you are served with a *Petition for Dissolution* and accompanying papers and you agree with **everything** in the Petition, but disagree with the *Petition for Parenting Plan*, you must respond within 20 days of receiving the Petition by filing a *Response to Petition* and your own *Petition for Parenting Plan*. You **should not** sign the Joinder section of your spouse’s petition because the petitioner’s *Petition for Parenting Plan* is included in the *Petition for Dissolution* by attachment.

2. You must get the *Response to Petition* notarized. You do not have to get the *Petition for Parenting Plan* notarized unless you live out of the area and cannot attend the tribal court hearing.
3. Take the original and two copies of the completed and signed *Response to Petition* and *Petition for Parenting Plan* to the court clerk and have the clerk stamp them. You will keep one stamped copy, and the clerk will keep the original that you signed and serve the other copy on your spouse (or your spouse's attorney, if they have one.). The clerk will assign you a hearing date.

V. CHILD SUPPORT AND SPOUSAL SUPPORT DURING THE DIVORCE

Question: How do I ask for maintenance (alimony) during the divorce?

If you are filing for dissolution of your marriage, you will ask for it in the *Petition for Dissolution*. If your spouse served you with dissolution papers, you will request it in the *Response to Petition*. The court may ask you or your spouse for pay stubs, tax returns, or other financial forms.

Question: How do I ask for child support during the divorce?

You will ask for child support as part of your *Petition for Parenting Plan*. The court may ask you or your spouse for pay stubs, tax returns, or other financial forms.

Question: Will I have to pay support to my spouse and for any children while my dissolution is in front of the court?

You may have to pay support to your spouse and children while the action is pending. The court may require either spouse to pay money to support the other spouse and children. The court may also order child support and/or maintenance retroactive to the date of filing of the petition.

Question: How much support will I have to pay or how much support will I get?

The Judge will decide how much support you will have to pay, or how much support you will get paid. It will depend on how much money each spouse makes, which spouse is responsible for paying the bills owed by both spouses together, who has custody of the children and other factors the court will ask about at the first court hearing.

VI. CHILD CUSTODY DURING THE DIVORCE

Question: If I filed for divorce, how do I ask for custody during the divorce?

Either parent can ask the court for custody. If you want custody and you are the one filing for divorce, you should ask for custody in your *Petition for Parenting Plan*, by stating why you believe you should have custody. Also, you must complete a *PETITION FOR CUSTODY* form, which is not included with this packet but may be obtained from the court.

Question: If my spouse filed for divorce, how do I ask for custody during the divorce?

Either parent can ask the court for custody. If you want custody of the children and your spouse is the one filing for divorce, you should ask for custody in your *Petition for Parenting Plan* which is attached to your *Response to Petition* by stating why you believe you should have custody.

Question: What happens if my spouse and I agree on the Proposed Parenting Plan and custody?

If you and your spouse agree on the terms of the *Petition for Parenting Plan*, the court will not usually make an independent determination concerning custody. If there is an issue of safety of the children, however, the court may make its own determination as to who should have custody.

Question: Who will have custody of children during the divorce if my spouse and I disagree?

The Judge will decide which parent should have custody of the child(ren). First, the Judge will consider the best interests of the child(ren) and secondly consider the traditions and customs of the Nooksack Tribe. The court will consider the following information when deciding which parent should have custody:

1. What each parent thinks about who should have custody and what kind of visitation the other parent should have.
2. Who the child wants to live with and how much the child wants to visit the other parent. The court can question the child and can seek advice of professionals who are knowledgeable about the welfare of Indian Children. (14.040.130)
3. If it is important that the child maintain certain relationship with other people in the child's life. This could include brothers and sisters, grandparents, etc.
4. If there are people who the child should be kept away from. This could include boyfriends or girlfriends of the child's parents who should not be around children.
5. Which parent will keep the child close to his home, school, and community?
6. The mental and physical health of all individuals involved.
7. Which parent will keep the child close to his or her Indian heritage?
8. The court will not consider conduct of a parent that does not affect his or her ability to be a good parent.

**IN THE NOOKSACK TRIBAL COURT
FOR THE NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON**

In re: the Marriage of

Case No.

Petitioner,
and

Respondent.

**PETITION FOR DISSOLUTION OF
MARRIAGE (WITH CHILDREN)**

I) JURISDICTION

The Court has jurisdiction over this case pursuant to Title 14 of the Nooksack Tribal Code.

II) PARTIES

A. Petitioner

1) Petitioner's name and address is:

(Name)

(Mailing and Street Address)

2) Petitioner is is not an enrolled member of the Nooksack Tribe.

3) Petitioner has has not resided continuously on the Nooksack Indian Reservation for at least 90 days.

B. Respondent's name and address is:

(Name)

(Mailing and Street Address)

1) Respondent is is not an enrolled member of the Nooksack Tribe.

2) Respondent has has not resided continuously on the Nooksack Indian Reservation for at least 90 days.

III) MARRIAGE

- A. The Marriage took place on _____
- B. The Marriage took place in _____
(City) (County) (State)
- C. The Petitioner and Respondent are are not living together.
1) If they are not living together, the date of separation was _____
- D. The marriage is irretrievably broken.

IV) CHILDREN

- A. Is one of the spouses pregnant? No Yes
- B. The names, addresses and dates of birth of dependent child(ren), natural or adopted, common to the parties [attached copies of birth certificates of all children listed below]:

(Child's Name) (Address) (Date of Birth)

(Child's Name) (Address) (Date of Birth)

(Child's Name) (Address) (Date of Birth)

(Child's Name) (Address) (Date of Birth)

(Child's Name) (Address) (Date of Birth)

- C. A Parenting Plan for the child(ren) named above is attached to this Petition and is incorporated by reference as though fully set forth herein.
- D. Petitioner has does not have information or knowledge of any court proceeding in any other tribal or state court concerning the child(ren) named above. List the nature of any known proceedings and the Court in which they are taking place in the space that follows: _____

V) PROPERTY

A. Petitioner and Respondent own the following property:

- 1) Personal clothing and effects.
- 2) Household goods.
- 3) Other property (list below):

B. Petitioner Should be awarded the following property:

<u>Type of Property</u>	<u>Present Value</u>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

C. Respondent should be awarded the following property:

<u>Type of Property</u>	<u>Present Value</u>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

VI) DEBTS

A. Petitioner and Respondent owe the following debts:

<u>Creditor and Account Number</u>	<u>Amount Owed</u>
_____	_____
_____	_____
_____	_____
_____	_____

B. Petitioner should be responsible for and hold Respondent harmless from the following debts:

<u>Creditor and Account Number</u>	<u>Amount Owed</u>
_____	_____
_____	_____
_____	_____
_____	_____

C. Petitioner should be responsible for and hold Respondent harmless from all debts incurred since separation except:

<u>Creditor and Account Number</u>	<u>Date of Debt</u>	<u>Amount Owed</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. Respondent should be responsible for and hold Petitioner harmless from the following debts:

<u>Creditor and Account Number</u>	<u>Amount Owed</u>
_____	_____
_____	_____
_____	_____
_____	_____

E. Respondent should be responsible for and hold Petitioner harmless from all debts incurred since separation except:

<u>Creditor and Account Number</u>	<u>Date of Debt</u>	<u>Amount Owed</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

VII) SPOUSAL MAINTENANCE

(Check One)

- A. Neither Petitioner nor Respondent request spousal maintenance.
- B. Petitioner Respondent should pay spousal maintenance to the other as determined by the Court because the other spouse is entitled to spousal maintenance.

VIII) NAME CHANGE

- No request.
- Change the Petitioner's name to: _____
First Middle Last
- Change the Respondent's name to: _____
First Middle Last

IX) RELIEF REQUESTED

WHEREFORE, Petitioner requests that the Court provide the following relief

- A. Enter a Decree of Dissolution.
- B. Make a fair decision as to visitation and custody rights of the parties concerning the child(ren) listed in IV-B of this document.
- C. Make just and equitable division of property.
- D. Make a fair decision of the debts.
- E. Restore to Petitioner their former name _____
(Maiden/Former Name)
 No change to Petitioner's name.
- Restore to Respondent their former name _____
(Maiden/Former Name)
 No change to Respondent's name.
- F. Enter any further relief the Court deems fair and equitable.

DATED this _____ day of _____, 20_____ .

Petitioner's Signature

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20_____.

(Signature of Court Clerk or Notary Public)

Notary Public in and for the state of _____

Residing at _____

My commission expires on _____

Notary Seal

X) JOINDER

Does apply, the Respondent joining in the petition. By joining in the petition the Respondent agrees to the entry of a judgment and order in accordance with the petition and any attached documents without further notice.

Signature of the Respondent

Print Name of Respondent

Date

Mailing Address

City, State, and Zip Code

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20 ____.

Notary Seal

(Signature)

Notary Public in and for the state of _____

Residing at _____

My commission expires on _____

Certificate of Dissolution Declaration of Invalidity of Marriage or Legal Separation

Please Type or Print in Permanent Black Ink

	State File Number		
1. Court File Number			
Decree – I certify the marriage of the persons named below was ordered as a			
2. <input type="checkbox"/> Legal Separation <input type="checkbox"/> Dissolution of Marriage <input type="checkbox"/> Declaration of Invalidity	3. Date of Decree MM / DD / YYYY		
4. County of Decree			
5. Signature of Superior Court Clerk			
X			
To be Completed by Petitioner's Attorney or PRO SE			
Spouse A			
6a. Name First Middle Last	6b. Birth Last Name if Different		
	6c. Date of Birth (MM/DD/YYYY)		
	6d. Birth State (If not USA give Country)		
6e. Current Residence (Number and Street)	6f. City		
	6g. County		
	6h. State		
Spouse B			
7a. Name First Middle Last	7b. Birth Last Name if Different		
	7c. Date of Birth (MM/DD/YYYY)		
	7d. Birth State (If not USA give Country)		
7e. Current Residence (Number and Street)	7f. City		
	7g. County		
	7h. State		
8. Place of this Marriage - County	9. State (If not USA give Country)	10. Date of this Marriage (MM/DD/YYYY)	11. Number of Children (Born alive of this Marriage)
12. Petitioner <input type="checkbox"/> Spouse A <input type="checkbox"/> Spouse B <input type="checkbox"/> Both <input type="checkbox"/> Other (Specify)		13 Name of Petitioner's Attorney or PRO SE	
14. Petitioner's Attorney's Address			

15. Spouse A Social Security Number

16. Spouse B Social Security Number

1
2
3
4 **IN THE NOOKSACK TRIBAL COURT**
5 **FOR THE NOOKSACK INDIAN TRIBE**
6 **DEMING, WASHINGTON**

7 In re the Matter of:

8 _____
Name and Date of Birth

9 and

10 _____
Name and Date of Birth

11 _____
12 _____

13 _____
14 Petitioner,

15 and

16 _____
Respondent.

Case No.: _____

PETITION FOR PARENTING PLAN
(INCLUDING CUSTODY, AND VISITATION)
(NTC 14.04)

- Proposed by Mother
 Father
 Jointly
 Other _____

17 COMES NOW the Petitioner, _____ [name], and petitions the Court for an
18 order establishing a Parenting Plan as follows:

19 **I. GENERAL INFORMATION**

20 1.1 This petition for a parenting plan seeks:

- 21 a final parenting plan signed by the court.
22 a final parenting plan signed by the court modifying a previous parenting plan or custody
decree.
23 a temporary parenting plan signed by the court.
24 a plan proposed by _____ [name].
25

1.2 This parenting plan applies to the following children:

Name/Current Address	DOB	Tribal Affiliation

1.3 The parents of the child(ren) are:

A. Mother: _____

Address: _____

Tribal Affiliation: _____

B. Father: _____

Address: _____

Tribal Affiliation: _____

II. RESIDENTIAL SCHEDULE

The residential schedule must set forth where the child(ren) shall reside each day of the year, including provisions for holidays, birthdays of family members, vacations, and other special occasions, and what contact the child(ren) shall have with each parent. Parents are encouraged to create a residential schedule that meets the developmental needs of the child(ren) and individual needs of their family. Paragraphs 2.1 through 2.9 are one way to write your residential schedule. If you do not use these paragraphs, write in your own schedule in Paragraph 2.9.

2.1 DESIGNATION OF CUSTODIAN

The designated custodian for the children named in this parenting plan is the Mother Father. This named person is designated the custodian of the child(ren) solely for purposes of all other tribal codes, and state and federal statutes which require a designation or determination of custody. This designation shall not affect either parent's rights and responsibilities under this parenting plan.

The following provisions set forth where the child(ren) shall reside each day of the year and what contact the child(ren) shall have with each parent.

1 2.2 SCHEDULE FOR CHILDREN UNDER SCHOOL AGE

- 2 There are no children under school age.
- 3 Prior to enrollment in school, the child(ren) shall reside with the Mother
- 4 Father, except for the following days and times when the child(ren) will reside with or be
- 5 with the other parent:
- 6 from _____ [day and time] to _____ [day and time]
- 7 every week every other week the first and third week of the month
- 8 the second and fourth week of the month Other:

9 2.3 SCHOOL SCHEDULE.

- 10 Upon their enrollment in school, the child(ren) shall reside with the Mother
- 11 Father, except as mutually agreed by the parents.
- 12 Upon their enrollment in school, the child(ren) shall reside with the Mother
- 13 Father, except for the following days and times when the child(ren) will reside with or be
- 14 with the other parent:
- 15 from _____ [day and time] to _____ [day and time]
- 16 every week every other week the first and third week of the month
- 17 the second and fourth week of the month Other:

18 2.4 SCHEDULE FOR VACATIONS

19 WINTER VACATION

20 The child(ren) shall reside with the Mother Father during winter vacation, except for the

21 following days and times when the child(ren) will visit with the other parent:

22 _____

23 _____

24 SPRING VACATION

25 The child(ren) shall reside with the Mother Father during spring vacation, except for the

26 following days and times when the child(ren) will visit with the other parent:

27 _____

28 _____

29 SUMMER SCHEDULE.

30 The child(ren) shall reside with the Mother Father during summer vacation, except for the

31 following days and times when the child(ren) will visit with the other parent:

32 No change from schedule in 2.2 and 2.3.

33 Other: _____

34 _____

1 2.5 SCHEDULE FOR HOLIDAYS.

2 The residential schedule for the child(ren) for the holidays listed below is as follows:

- 3 Does not apply.
- 3 Schedule is as follows:

	With Mother (Specify Year <u>Odd/Even/Every</u>)	With Father (Specify Year <u>Odd/Even/Every</u>)
4 New Year's Day	_____	_____
5 Treaty Day	_____	_____
6 Presidents Day	_____	_____
7 Memorial Day	_____	_____
8 July 4th	_____	_____
9 Labor Day	_____	_____
10 Veterans Day	_____	_____
11 Thanksgiving Day	_____	_____
12 Christmas Eve	_____	_____
13 Christmas Day	_____	_____

- 11 For purposes of this parenting plan, a holiday shall begin and end as follows (set forth
- 12 times): _____
- 13 Holidays which fall on a Friday or a Monday shall include Saturday and Sunday
- 14 Thanksgiving Holiday shall include: _____
- 15 Other: _____

15 2.6 SCHEDULE FOR SPECIAL OCCASIONS.

16 The residential schedule for the child(ren) for the following special occasions (for example, birthdays) is as follows:

	With Mother (Specify Year <u>Odd/Even/Every</u>)	With Father (Specify Year <u>Odd/Even/Every</u>)
17 <u>Mother's Day</u>	_____	_____
18 <u>Father's Day</u>	_____	_____
19 <u>Mother's Birthday</u>	_____	_____
20 <u>Father's Birthday</u>	_____	_____
21 _____	_____	_____
22 _____	_____	_____
23 _____	_____	_____

1 2.7 PRIORITIES UNDER THE RESIDENTIAL SCHEDULE.

- 2 Does not apply.
- 3 If the residential schedule results in a conflict where the children are scheduled to be with
- 4 both parents at the same time, the conflict shall be resolved by priority being given as
- 5 follows:
- 6 Rank the order of priority, with 1 being given the highest priority:
- 7 _____regular schedule (2.2, 2.3) _____summer schedule (2.4)
- 8 _____winter vacation (2.4) _____holidays (2.5)
- 9 _____spring vacation (2.4) _____special occasions (2.9)
- 10 Other:

8 2.8 TRANSPORTATION ARRANGEMENTS.

9 Transportation arrangements for the child(re), between parents are as follows:

10 _____

11 _____

12 _____

13 2.9 OTHER: _____

14 _____

15 _____

16 **III. RESTRICTIONS**

17 *Under certain circumstances, as outlined below, you may request the court to limit or prohibit a parent's*

18 *contact with the child(ren) and the right to make decisions for the child(ren). Please select the circumstances*

19 *that you believe apply.*

19 3.1 Parental Conduct (Title 14 Nooksack Tribal Code)

- 20 Does not apply.
- 21 The petitioner's respondent's residential time with the child(ren) shall be limited or
- 22 restrained completely, and mutual decision-making and designation of a dispute resolution
- 23 process other than court action shall not be required, because this parent or a person
- 24 residing with this parent has engaged in the conduct which follows:
- 25 A history of acts of domestic violence as defined in Title 20A.01.040(c) of the
- Nooksack Tribal Code or an assault or sexual assault which causes grievous bodily
- harm or the fear of such harm.

- Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions (this applies only to parents, not to a person who resides with a parent).
- Kidnapping or denial of access of child.
- Other:

3.2 Other Factors

- Does not apply.
- The petitioner's respondent's involvement or conduct may have an adverse effect on the child(ren)'s best interests because of the existence of the factors which follow:
 - Neglect or substantial nonperformance of parenting functions.
 - A long-term emotional or physical impairment which interferes with the performance of parenting functions.
 - A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions.
 - The absence or substantial impairment of emotional ties between the parent and child.
 - The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development.
 - A parent has withheld from the other parent access to the child for a protracted period without good cause.
 - Other:

IV. DECISION MAKING

4.1 DAY-TO-DAY DECISIONS.

Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. Regardless of the allocation of decision making in this parenting plan, either parent may make emergency decisions affecting the health or safety of the children.

4.2 MAJOR DECISIONS.

Major decisions regarding each child shall be made as follows:

- | | | | |
|---------------------------|---------------------------------|---------------------------------|--------------------------------|
| Education decisions | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |
| Non-emergency health care | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |
| Religious upbringing | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |
| _____ | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |
| _____ | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |
| _____ | <input type="checkbox"/> mother | <input type="checkbox"/> father | <input type="checkbox"/> joint |

1 4.3 RESTRICTIONS IN DECISION MAKING.

- 2 Does not apply
- 3 Sole decision making shall be ordered to the
 - 4 Mother
 - 5 Father

6 for the following reasons:

- 7 Both parents are opposed to mutual decision making.
- 8 One parent is opposed to mutual decision making, and such opposition is reasonably
 - 9 based on the following criteria:
 - 10 (a) The existence of a limitations in section III hereto;
 - 11 (b) The history of participation of each parent in decision making;
 - 12 (c) Whether the parents have demonstrated ability and desire to cooperate with
 - 13 one another in decision making; and
 - 14 (d) The parents' geographic proximity to one another, to the extent that it affects
 - 15 their ability to make timely mutual decisions.

16 **V. DISPUTE RESOLUTION**

17 *The purpose of this dispute resolution process is to resolve disagreements about carrying out this parenting plan. This dispute resolution process may, and under some local court rules or the provisions of this plan must be used before filing a petition to modify the plan or a motion for contempt for failing to follow the plan.*

- 18 Disputes may be resolved through court action without a requirement that the parties first submit disputes to the dispute resolution process.
 - 19 Disputes between the parties, other than child support disputes, shall be submitted first to (list person or agency):
 - 20 _____, or
 - 21 _____.
- 22 The cost of this process shall be allocated between the parties as follows:
- 23 _____% Mother _____% Father.
 - 24 based on each party's proportional share of income based on child support worksheets.
 - 25 as determined in the dispute resolution process.

The dispute resolution process shall be commenced by notifying the other party by written request sent certified mail or some other method of service that provides a proof of service.

1 In the dispute resolution process:

- 2 (a) Preference shall be given to carrying out this Parenting Plan.
- 3 (b) Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support in a support order.
- 4 (c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party.
- 5 (d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the other parent.
- 6 (e) The parties have the right of review from the dispute resolution process to this court.

8 **VI. OTHER PROVISIONS**

- 9 There are no other provisions.
- 10 There are other provisions that are attached to this parenting plan and incorporated herein.

11 This Petition is hereby submitted this _____ day of _____, 20_____.

13 _____
[Signature of Petitioner or lawyer/spokesperson]

14 _____
[Print name]

16 Respondent hereby agrees to and joins in this Petition for Parenting Plan, Custody and Visitation and stipulates to its entry by the Court. Respondent states that Respondent has consulted with a lawyer or court advocate or hereby waives such right.

19 _____
20 [Signature of Respondent]

21 _____
22 [Print name]