

PACKET for DISSOLUTION OF MARRIAGE WITHOUT CHILDREN

This packet includes:

1. Frequently asked questions and answers on Dissolutions.
2. Petition for Dissolution of Marriage without Children.
3. Washington State Department of Health Certificate of Dissolution.

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

The \$75.00 filing fee must be paid in advance of filing. *Please note: the court clerk shall reject and shall not file the Petition without prepayment.*

File the petition, accompanied by the payment receipt (or other proof of payment), with the clerk at the tribal court 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 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 the party asking for a dissolution believes the marriage is “irretrievably broken,” where “irretrievably broken” means 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. Usually, 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 complete the forms?

Court staff cannot give legal advice. Contact an attorney if you have any questions about completing 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 don’t have children?

1. If you and your spouse agree on how your property and debts should be divided, and whether or not one spouse gets maintenance (alimony), then you can file a *PETITION FOR DISSOLUTION WITHOUT CHILDREN* together. You both must agree on **everything** in the petition.
2. When completing the petition, the person listed as the respondent needs to both check “[] does apply” in the joinder section and sign the joinder in front of a notary.
3. You must get the petition notarized. This can be done at most banks or by the tribal court clerk.
4. You should make two copies of the signed and notarized petition. You will give the court clerk the original and ask the clerk to 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 in 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 the *PETITION FOR DISSOLUTION WITHOUT CHILDREN*.
2. You must get your petition notarized. This can be done at most banks or by the tribal court clerk.
3. You should make two copies of the notarized petition. 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 with the court clerk, he or she 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 and signing the joinder in front of a notary. This can be done at most banks or by the tribal clerk.
2. Take the original and two copies of the petition that you completed and signed to the court clerk. 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 the Petition for Dissolution?

1. If you are served with a *PETITION FOR DISSOLUTION* and accompanying papers and disagree with them, you must respond within 20 days of receiving the Petition by filing a *RESPONSE TO PETITION*.

2. You must get the petition notarized. This can be done at most banks or by the court clerk.
3. Take the original and two copies of the petition that you completed and signed to the court clerk. 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. SPOUSAL SUPPORT DURING THE DIVORCE

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

When 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: Will I have to pay support to my spouse while my dissolution is in front of the court?

You may have to pay support to your spouse while the action is pending. The court may require either spouse to pay money to support the other spouse. The court may also order 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, and other factors the court will ask about at the first court hearing.

**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 (WITHOUT 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. There are no dependent children of this marriage.

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>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

C. Respondent should be awarded the following property:

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

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>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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____.

(Signature of Court Clerk or Notary Public)

Notary Public in and for the state of _____

Residing at _____

My commission expires on _____

Notary Seal

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	6b. Birth Last Name if Different
First Middle Last	(MM/DD/YYYY)
6c. Date of Birth	6d. Birth State
(MM/DD/YYYY)	(If not USA give Country)
6e. Current Residence (Number and Street)	6f. City
	6g. County
	6h. State
Spouse B	
7a. Name	7b. Birth Last Name if Different
First Middle Last	(MM/DD/YYYY)
7c. Date of Birth	7d. Birth State
(MM/DD/YYYY)	(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	11. Number of Children
(MM/DD/YYYY)	(Born alive of this Marriage)
12. Petitioner	13 Name of Petitioner's Attorney or PRO SE
<input type="checkbox"/> Spouse A <input type="checkbox"/> Spouse B <input type="checkbox"/> Both <input type="checkbox"/> Other (Specify)	
14. Petitioner's Attorney's Address	

15. Spouse A Social Security Number

16. Spouse B Social Security Number