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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 _____

2.5 SCHEDULE FOR HOLIDAYS.

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

- Does not apply.
- Schedule is as follows:

	With Mother (Specify Year <u>Odd/Even/Every</u>)	With Father (Specify Year <u>Odd/Even/Every</u>)
New Year's Day	_____	_____
Treaty Day	_____	_____
Presidents Day	_____	_____
Memorial Day	_____	_____
July 4th	_____	_____
Labor Day	_____	_____
Veterans Day	_____	_____
Thanksgiving Day	_____	_____
Christmas Eve	_____	_____
Christmas Day	_____	_____

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

2.6 SCHEDULE FOR SPECIAL OCCASIONS.

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>)
<u>Mother's Day</u>	_____	_____
<u>Father's Day</u>	_____	_____
<u>Mother's Birthday</u>	_____	_____
<u>Father's Birthday</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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(ren), 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
4 order.
- 5 (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.
- 6 (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
7 parent.
- 8 (e) The parties have the right of review from the dispute resolution process to this court.

9 **VI. OTHER PROVISIONS**

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

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

13 _____
[Signature of Petitioner or lawyer/spokesperson]

14 _____
[Print name]

15
16 Respondent hereby agrees to and joins in this Petition for Parenting Plan, Custody and Visitation and
17 stipulates to its entry by the Court. Respondent states that Respondent has consulted with a lawyer or court
18 advocate or hereby waives such right.

19
20 _____
[Signature of Respondent]

21 _____
[Print name]