

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

In re the custody of:

_____,
Child's Name/DOB,

_____,
Petitioner(s),

and

_____,
Respondent.

No.

**PETITION FOR CUSTODY
(For Parental Use Only)
(NTC 15.17)**

Submitted Jointly

I. Basis

1.1 Identification of Petitioner(s) (List both parents if this is a joint petition)

Name (first, last): _____ Date of Birth: _____

Address: _____

Relationship to child: Mother Father

Nooksack Tribal Member Member of other federally recognized tribe: _____

Non-tribal

Name (first, last): _____ Date of Birth: _____

Address: _____

Relationship to child: Mother Father

Nooksack Tribal Member Member of other federally recognized tribe: _____

Non-tribal

1.2 Identification of Respondent (Leave this section blank if this is a joint petition)

Name (first, last): _____ Date of Birth: _____

Address: _____

Relationship to child: Mother Father

Nooksack Tribal Member Member of other federally recognized tribe: _____

Non-tribal

1.3 Child for Whom Custody is Sought

Name (first, last) _____ Age _____

(Required) A true and correct copy of the child's birth certificate is attached to this petition.

1.4 Identification of all Adults Living in each Petitioner’s Household

Petitioner

Name (first, last) _____ Age _____

Name (first, last) _____ Age _____

Name (first, last) _____ Age _____

(Please attach an additional page if necessary.)

Co-Petitioner

Name (first, last) _____ Age _____

Name (first, last) _____ Age _____

Name (first, last) _____ Age _____

(Please attach an additional page if necessary.)

1.5 Jurisdiction Over the Child

This court has exclusive original and continuing jurisdiction over this proceeding for the reason below:

- The child is an Indian Child who resides or is domiciled on the Nooksack Tribal land; or
- The child is an enrolled member of the Nooksack Indian Tribe; or
- The child is eligible for enrollment in the Nooksack Indian Tribe.
- The child has been placed in temporary care on Tribal land or in any care facility licensed or approved by the Nooksack Indian Tribe for placement of Indian children, unless the child has been placed by a court or social service agency having a written agreement to do so with the Tribe.

1.6 Other Proceedings

- I am not aware of any paternity proceedings or other custody proceedings which have taken place in regard to my child.
- I am aware of paternity proceedings or other custody proceedings which have taken place in regard to my child. The following is a description of all proceedings I am aware of which concern my child (attach an additional page if necessary):

Name and Location of Court: _____

Case Number: _____ Type of Case: _____

Status of Case: Closed Pending Stayed Unknown

Name and Location of Court: _____

Case Number: _____ Type of Case: _____

Status of Case: Closed Pending Stayed Unknown

Additional page is attached.

1.7 Visitation (Leave this section blank if this is a joint petition)

Respondent (name) _____: Visitation should be as set forth in the attached proposed Parenting Plan which is incorporated by reference as part of this Petition; or as follows:

- Visitation should be limited because (name) _____ has engaged in the conduct which follows *(continued on next page)*:

- Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions.
- Physical, sexual or a pattern of emotional abuse of a child.
- A history of acts of domestic violence as defined in Nooksack Tribal Code Chapter 20A.01.040 or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.
- Other: _____

1.8 Child Support

Support for the dependent child should be set pursuant to Nooksack Tribal Code Chapter 14.07

1.9 Health Insurance Coverage

Either or both parents should be required to maintain or provide health insurance coverage consistent with Nooksack Tribal Code Chapter 14.07.060.

1.10 Continuing Restraining Order

- Does not apply.
- (Name) _____ should be restrained or enjoined from disturbing the peace of the other party or of the child.
- (Name) _____ should be restrained or enjoined from going onto the grounds of or entering the home, work place or school of the other party or the day care or school of the child.
- (Name) _____ should be restrained or enjoined from knowingly coming within or knowingly remaining within (distance) _____ of the home, work place or school of the other party or the day care or school of the child.
- A continuing restraining order should be entered which restrains or enjoins (name) _____ from molesting, assaulting, harassing, or stalking (name) _____.
- (Name) _____ should be restrained or enjoined from removing the child from the state of Washington.
- (Name) _____ should be required to surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of this proceeding, to his or her lawyer or to a person designated by the court. Clear and convincing reasons for this request are set forth in paragraph 1.12 below
- Other: _____

1.11 Adequate Cause

The child has been in the physical custody of (name) _____
since (date) _____.

1.12 Best Interest of the Child

The requests made in this petition are in the best interests of the child because:

1.13 Other (*attach additional pages as necessary*)

II. Relief Requested

The Petitioner *requests* that the court enter an order finding that there is adequate cause for hearing this petition and giving Petitioner custody of the child listed in paragraph 1.3 of this petition and requiring either or both parents to maintain or provide health insurance coverage for the child consistent with Nooksack Tribal Code Chapter 14.07.060. The Petitioner also *requests* the relief described below.

- Determine support for the dependent child pursuant to the Nooksack Tribal Code Chapter 14.07 Child Support Schedule.
- Approve my proposed Parenting Plan, or order visitation pursuant to paragraph 1.9.
- Award the tax exemptions for the dependent child as follows: _____

- Enter a continuing restraining order.
- Enter a domestic violence anti-harassment and/or stalking protection order protecting (name) _____ from (name) _____.

NOTE: If you check this box, complete and file either a *Petition for Order for Protection* or a *Petition for Order for Protection-Harassment or Stalking*.

- Order payment of day care expenses for the children.
 - Order payment of attorney fees, spokesperson fees, and/or other professional fees and costs.
 - Other: _____
- _____

(Signatures on the following page)

I declare, under penalty of perjury under the laws of the Nooksack Indian Tribe, that the foregoing statement and any attachments are true and correct to the best of my knowledge and belief.

Date

Petitioner's Signature

Print Name

Date

Co-Petitioner's Signature

Print Name

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

In re the Custody of:

Child

Petitioner(s),

and

Respondent(s).

Case no.

CONSENT TO CUSTODY

State of Washington)
) SS
County of Whatcom)

I, _____, being first sworn on oath, depose and say that my relationship to the above-named youth is: Mother Father Legal Custodian

My date of birth is (month, date, year): _____.

I reside at: _____.
(Address, City, State, Zip Code)

I have received a copy of the Petition for Custody filed in this matter, I have read that petition, and I believe that custody of the youth as proposed will be in the youth's best interest. Therefore, I give my consent to the Nooksack Tribal Court to grant custody of the youth as requested in the petition.

****Do not sign until directed to do so by the Notary Public****

Signature of Party

Signed and sworn to before me this _____ day of _____, 20____.

Signature of Notary Public

*Notary
Seal*

Title

My Commission Expires: _____

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

In re the Matter of:
Name(s) and Date(s) of Birth

Case No.:

**PETITION FOR PARENTING PLAN
(INCLUDING CUSTODY & VISITATION)
(NTC 14.04) *For Parental Use Only***

_____,
Petitioner(s),

Submitted Jointly

and

_____,
Respondent(s).

COMES NOW the Petitioner(s), _____ [name/s], and petitions the Court for an order establishing a Parenting Plan as follows:

I. GENERAL INFORMATION

1.1 THIS PETITION FOR A PARENTING PLAN SEEKS:

- a plan proposed by _____ [name/s].
- a temporary parenting plan signed by the court.
- a final parenting plan signed by the Court.
- a final parenting plan signed by the Court modifying a previous parenting plan or custody decree.

1.2 THIS PARENTING PLAN IS FOR THE FOLLOWING CHILD(REN):

Name/Current Address	DOB	Tribal Affiliation
1.		
2.		
3.		
4.		
5.		
6.		

1.3 THE PARENTS OF THE CHILD(REN) ARE:

A. Parent A: _____

Address: _____

Tribal Affiliation: _____ Enrollment #: _____

B. Parent B: _____

Address: _____

Tribal Affiliation: _____ Enrollment #: _____

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 Parent A Parent B. 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.

2.2 SCHEDULE FOR CHILDREN UNDER SCHOOL AGE.

There are no children under school age.

Prior to enrollment in school, the child(ren) shall reside with Parent A Parent B, except for the following days and times when the child(ren) will reside with or be with the other parent:

from _____ [day and time] to _____ [day and time]

every week every other week the first and third week of the month

the second and fourth week of the month

Other: _____

2.3 SCHOOL SCHEDULE.

Upon their enrollment in school, the child(ren) shall reside with Parent A Parent B, except as mutually agreed by the parents.

Upon their enrollment in school, the child(ren) shall reside with Parent A Parent B, except for the following days and times when the child(ren) will reside with or be with the other parent:

from _____ [day and time] to _____ [day and time]

every week every other week the first and third week of the month

the second and fourth week of the month

Other: _____

2.4 SCHEDULE FOR VACATIONS.

WINTER VACATION

The child(ren) shall reside with Parent A Parent B during winter vacation, except for the following days and times when the child(ren) will visit with the other parent:

SPRING VACATION

The child(ren) shall reside with Parent A Parent B during spring vacation, except for the following days and times when the child(ren) will visit with the other parent:

SUMMER SCHEDULE

The child(ren) shall reside with the Parent A Parent B during summer vacation, except for the following days and times when the child(ren) will visit with the other parent:

No change from schedule in 2.2 and 2.3.

Other: _____

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 Parent A (Specify Year - <u>Odd/Even/Every</u>)	With Parent B (Specify Year - <u>Odd/Even/Every</u>)
New Year's Day	_____	_____
Treaty Day	_____	_____
Presidents Day	_____	_____
Memorial Day	_____	_____
July 4 th	_____	_____
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 other occasions important to the family (example: birthdays) is as follows:

	With Parent A (Specify Year <u>Odd/Even/Every</u>)	With Parent B (Specify Year <u>Odd/Even/Every</u>)
<u>Mother's Day</u>	_____	_____
<u>Father's Day</u>	_____	_____
<u>Parent A's Birthday</u>	_____	_____
<u>Parent B's Birthday</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2.7 PRIORITIES UNDER THE RESIDENTIAL SCHEDULE.

- Does not apply.
- If the residential schedule results in a conflict where the children are scheduled to be with both parents at the same time, the conflict shall be resolved by priority being given as follows:
 - Rank the order of priority, with 1 being given the highest priority:

_____ regular schedule (2.2, 2.3)	_____ summer schedule (2.4)
_____ winter vacation (2.4)	_____ holidays (2.5)
_____ spring vacation (2.4)	_____ special occasions (2.9)
 - Other: _____

2.8 TRANSPORTATION ARRANGEMENTS.

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

2.9 OTHER: _____

III. RESTRICTIONS

Under certain circumstances, as outlined below, you may request the court to limit or prohibit a parent’s contact with the child(ren) and the right to make decisions for the child(ren). Please select the circumstances that you believe apply.

3.1 PARENTAL CONDUCT (Title 14 of the Nooksack Tribal Code).

- Does not apply.
- Parent A’s Parent B’s residential time with the child(ren) shall be limited or restrained completely, and mutual decision-making and designation of a dispute resolution process other than court action shall not be required, because this parent or a person residing with this parent has engaged in the conduct which follows:

- 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.
- Parent A's Parent B'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 him/her. 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"/> Jointly | <input type="checkbox"/> Parent A | <input type="checkbox"/> Parent B |
| Non-emergency health care | <input type="checkbox"/> Jointly | <input type="checkbox"/> Parent A | <input type="checkbox"/> Parent B |
| Religious upbringing | <input type="checkbox"/> Jointly | <input type="checkbox"/> Parent A | <input type="checkbox"/> Parent B |

- _____ Jointly Parent A Parent B
- _____ Jointly Parent A Parent B
- _____ Jointly Parent A Parent B

4.3 RESTRICTIONS IN DECISION MAKING.

- Does not apply
- Sole decision making shall be ordered to Parent A Parent B for the following reasons:
 - Both parents are opposed to mutual decision making.
 - One parent is opposed to mutual decision making, and such opposition is reasonably based on the following criteria:
 - (a) The existence of a limitations in section III hereto;
 - (b) The history of participation of each parent in decision making;
 - (c) Whether the parents have demonstrated ability and desire to cooperate with one another in decision making; and
 - (d) The parents’ geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

V. DISPUTE RESOLUTION

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.

- Disputes may be resolved through court action without a requirement that the parties first submit disputes to the dispute resolution process.
- Disputes between the parties, other than child support disputes, shall be submitted first to (list person or agency):
 - _____, or
 - _____.

The cost of this process shall be allocated between the parties as follows:

- _____% Parent A _____% Parent B.
- based on each party’s proportional share of income based on child support worksheets.
- 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.

In the dispute resolution process:

- (a) Preference shall be given to carrying out this Parenting Plan.
- (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.
- (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.
- (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.
- (e) The parties have the right of review from the dispute resolution process to this court.

VI. OTHER PROVISIONS

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

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

Petitioner or Lawyer Signature

Co-Petitioner or Lawyer Signature (if any)

Print Name

Print Name

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.

Respondent or Lawyer Signature

Print Name