

DOING YOUR OWN DIVORCE IN TRIBAL COURT

INTRODUCTION

The information contained in this packet is to assist you if you are considering doing your own divorce in Tribal Court. It provides information about the law and the forms you will need to fill out. If you have any questions regarding the information provided or the forms to be filled out, please contact the Tribal Court Clerk.

WHAT SHOULD I CONSIDER BEFORE I DECIDE TO DO MY OWN DIVORCE?

Will your spouse disagree with you over which one of you the children will live with?

Will your spouse disagree with you over the amount of child support to be paid or how you should divide your property (i.e., house, furniture, cars, boats, bank accounts, etc.)?

Will your spouse disagree with you over how you should divide your debts?

If your answer to any of the above questions is Yes, you may want to consider talking to a lawyer or legal advocate who is familiar with the law. (Neither the Swinomish Tribal Attorneys nor the Northwest Intertribal Court System (NICS) Attorneys can represent you in your divorce. You must either represent yourself or find someone else to represent you in Tribal Court.) If you and your spouse agree on all the terms of the divorce, forms are provided so that you can file for divorce together.

OVERVIEW OF THE PROCESS

There are a number of steps that you will need to complete before your marriage is dissolved. They include:

1. Complete the legal forms
2. File the forms with the Court Clerk
3. Notify your spouse of the divorce action by having copies of the legal forms delivered to him or her. The Court Clerk can explain the proper way to do this.

4. Wait at least 90 days. (The Court will not schedule a dissolution hearing for at least 90 days from when you first filed your papers).
5. Go to Court for your final divorce decree.

HOW MUCH WILL IT COST?

The cost for filing your forms and service of process on the reservation is \$_____. There is also a \$15.00 fee for filing the divorce with the Washington State Department of Vital Statistics.

There are forms which can be used to request the judge to waive your filing fee. If, based on your forms, the judge finds that you cannot afford to pay the filing fee, he or she will sign an order allowing you to file for a divorce without having to pay the court filing fee.

WHO MAY FILE FOR A DIVORCE IN TRIBAL COURT?

You may apply to the Swinomish Tribal Court for a divorce if you or your spouse is an enrolled member of the Swinomish Indian Tribal Community and you have resided on the Reservation for at least 90 days.

The only ground required to obtain a divorce is that the marriage is irretrievably broken. "Irretrievably Broken" means that there is no reasonable possibility that your marriage can be saved. However, your spouse may deny the marriage is irretrievably broken under oath. The court will either make a determination right away or it can continue the case for up to 90 days and order a conciliation or counseling conference. At the next scheduled hearing after the conciliation or counseling conference, the court will determine whether or not the marriage is irretrievably broken.

YOUR CHILDREN - THE PARENTING PLAN

Because the terms "custody" and "visitation" are non-Indian concepts and do not accurately reflect the parenting functions and roles in a Tribal community, the divorce forms refer instead to a plan that parents will follow regarding where the children will live, who will make the major decisions for them and how their support costs will be shared. This plan is called a parenting plan and is one of the forms included here.

The objectives of a parenting plan are:

1. To provide for the children's physical care and emotional well being.

2. To provide for the children's changing needs as they grow.
3. To clearly identify the roles and responsibilities of each parent.
4. To minimize the children's exposure to conflict between the parents.
5. To protect the best interests of the children.

A parenting plan will also provide for the financial support of the children. The Court recognizes that children have a right to receive support and that both parents have a duty to provide support for their children in proportion to their incomes. The Court has computation factors it considers in determining child support (Section 9-3.160 of SITC Domestic Relations Ordinance).

WHAT IF MY SPOUSE IS COOPERATING?

If you and your spouse agree to all the terms contained in your divorce petition, he or she can fill out and file with the Court Clerk the "Joinder of Respondent" form which indicates to the Court that there are no major disagreements between your spouse and yourself regarding division of property, allocation of debts, terms of the parenting plan, including child support, etc. The Joinder and Petition should be filed together.

WHAT IF MY SPOUSE IS NOT COOPERATING?

If your spouse is unwilling to cooperate with you or has major disagreements regarding any provisions of the Divorce Petition, you should file the Petition yourself with the Court Clerk. Next, you will need to see that a copy of the Petition and a Summons is served (delivered) to your spouse. **YOUR CANNOT DELIVER THE PETITION AND SUMMONS YOURSELF.** You can either have the Swinomish Police Department serve the legal papers if your spouse resides on the Reservation, or you can have a professional process server (see the yellow pages under "Process Server") deliver the papers to your spouse for a fee. Or you can have a friend who is over 18 years old deliver the papers to your spouse. The friend will have to fill out an Affidavit of Service which tells the Court who served your spouse, where your spouse was served and what papers your spouse was served with.

Because the judge will only grant your divorce if your spouse has been served correctly and there is proof of this service in your court file, you will probably want to have either the Swinomish Police Department or a professional process server do it.

HOW TO FILE FOR A DIVORCE IN TRIBAL COURT

I. FORM #1 - Petition for Dissolution of Marriage

- A. Fill out Form #1 - Do not sign the form until you have gone to a notary public. Be sure if there are children of the marriage that you have filled out and attached a Parenting Plan. [Form # 2]
- B. List all children born or adopted by both you and your spouse in **Section IV C** of the Petition. Children of prior marriages or relationships who have not been adopted by you or your spouse should be listed in **Section IV F and G**.
- C. **Section IV D** refers to the Parenting Plan form you must fill out if there are dependent children of the marriage.
- D. In **Section V A**, you must list the property you and your spouse own and which you would like the court to award to you or your spouse. Normally, property that was acquired by you or your spouse before the marriage, or property acquired solely by one of you by gift or inheritance during the marriage, is considered separate property by the court and will be given to the spouse that acquired it. All other property acquired during the course of the marriage will be considered property that you both own. This includes any property bought during the course of the marriage even if only the wages of one spouse were used.
- In **Section V B & C** you must tell the court how the property listed in **Section V A** should be divided between you and your spouse.
- E. In **Section VI A**, list all the debts you and your spouse owe, even if the debt was incurred by only one of you.
- In **Section VI B & C**, you must tell the court how the debts should be divided between you and your spouse.
- F. The court can order either spouse to pay spousal maintenance (i.e., alimony). If you believe you are due maintenance, check the appropriate box in **Section VII B**. If neither you nor your spouse wishes to request maintenance check **Section VII A**. Although the judge will consider your request, he/she will make the final decision on whether or not to order maintenance and, if awarded, the amount.

- G. If you are the wife of this marriage and want to request that your former or maiden name be returned, fill out **Section VIII**. You cannot choose a new name at this time, but only go back to your previous name.

II. FORM #2 - PARENTING PLAN

- A. Completing the Parenting Plan can be time consuming. Read the form carefully and take your time. If you have more than one child and the children will be living with different parents, fill out a Parenting Plan for each child.
- B. In **Part I**, list the names, ages and birthdates of all minor (under 18 years old) children of this marriage.
- C. In **Part II**, you are required to inform the court of any reasons why a parent's involvement with a child should be limited or restricted. The court may restrict or not allow shared parenting for a number of reasons including: child abuse, domestic violence, child abandonment or neglect, alcohol or drug abuse, mental or physical illness.

If you claim that the other parent has hurt or may harm you or your child(ren), you will need to present evidence to the court of this fact. The other parent will be able to present evidence to show that the harm did not occur.

Check **Box A** if neither parent has any special problems that should restrict or limit his or her access to the child(ren). Check **Box B** if you believe there are circumstances that require limiting access to the child(ren) and then check the box or boxes that apply.

Section C should be used to describe any special arrangements for the parent's contact with the child(ren) which may be needed for their protection [i.e., another adult shall be present during any contact with the child(ren)].

- D. **Part III** of your Parenting Plan requires you to spell out what times your child(ren) will spend with each parent, including holidays, birthdays and vacations. Usually, the court will want to see a residential schedule that allows both parents to continue to spend time with the child(ren).

If no restrictions apply (see **Part II** above), the court will lean toward having the child(ren) live primarily with the parent who has been taking care of the child(ren)'s daily needs (i.e., feeding, bathing, supervising, etc.). The court will also consider other factors like:

- ◀ any agreements the parents have reached for the residential schedule.
- ◀ how good a job each parent has done in taking care of the child(ren) in the past and their ability to take care of the child(ren) in the future.
- ◀ your child(ren)'s relationship with brothers, sisters and adults in his or her life.
- ◀ the wishes of the child if he or she is old enough to make a decision.

Under "Special Days and Holidays" check the appropriate box to indicate whether mother or father will always have that child on that holiday or whether the parents will alternate the holidays [i.e., Mother to have the children on July 4th in even numbered years; father to have them in the odd numbered years.]

- E. **Part IV** of the Parenting Plan determines who will make major decisions about your child(ren)'s education, health care, religious upbringing and other major issues. Such decisions can be made by one parent, both parents, or divided between them.

Day-to-day decisions will be made by whichever parent your child is with at a particular time. If there is an emergency, either parent may decide what to do for the child's health or safety.

If your Parenting Plan provides that both parents will make major decisions, then you will have to talk with your spouse about major problems regarding your child(ren). If you and he/she cannot agree on how to solve a problem, then you will have to go through the problem solving process spelled out in the Plan entitled, "Dispute Resolution in Implementing Plan" [Part VI].

- F. In **Part V**, check the appropriate box to indicate which parent the child(ren) will be living with most of the time (more than half of the time).
- G. **Part VI** spells out the process you and your spouse will use to resolve any problems or conflicts that may arise when mutual decision making is designated but cannot be achieved or when there is a conflict regarding residential arrangements for the child(ren).

Parents can choose to utilize available Tribal services like counseling or mediation, hire a counselor or mediator, or utilize religious, traditional or any other mutually agreeable dispute resolution process, including court. The Parenting Plan should not require counseling or some other alternative to court if one parent has one of the restrictions set out in **Part II**.

If your Parenting Plan requires you and your spouse to go through some process other than court, you must try to resolve your problem through that process before you take your problems back to court.

H. **Part VII** requires you to provide certain information so that the court can calculate what is a reasonable amount for child support. If you do not have the information in **Section A** and cannot get it, write "unknown". If you do not know your spouse's net (after taxes) income, you should estimate this amount based on what you know about his or past earnings, work history and present job or earning ability. If your spouse is a seasonal worker who earns most of his or her money for the year over the course of a few months, divide his/her total net income by 12 months to figure out what his/her average net monthly income is (i.e., if your spouse is a fisherman, and based on past fishing income and future fishing projections expects to make about \$20,000, his or her average monthly net income would be $\$20,000 \div 12$ months or \$1,666.66).

In **Section B** check which parent is to pay support and the amount requested to be paid. If you do not know how much child support to request, check the "reasonable amount" box and the court will figure out the appropriate amount based on all other information you provide it with.

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IN THE SWINOMISH TRIBAL COURT
FOR THE SWINOMISH INDIAN COMMUNITY, WASHINGTON

IN RE THE MARRIAGE OF:) No.
)
) PETITION FOR DISSOLUTION
) OF MARRIAGE
Petitioner,) (WITH Minor Children Involved)
)
and)
)
)
Respondent.)
)
)
_____)

I. BASIS

1.1 IDENTIFICATION OF PETITIONER.

Name	
Date of Birth	
Tribal Affiliation	
Home Address Phone Number	

1.2 IDENTIFICATION OF RESPONDENT.

Name	
Date of Birth	
Tribal Affiliation	
Home Address Phone Number	

1.3 CHILDREN OF THE MARRIAGE DEPENDENT UPON EITHER OR BOTH SPOUSES.

Name	1	2
Date of Birth		
Tribal Affiliation		
Home Address		
Name	3	4
Date of Birth		
Tribal Affiliation		
Home Address		

1.4 ALLEGATION REGARDING MARRIAGE.

This marriage is irretrievably broken.

1 1.5 DATE AND PLACE OF MARRIAGE.

2 The parties were married on _____ at _____.
3 [Date] [Place]

4 1.6 SEPARATION.

5 Husband and wife are not separated.

6 Husband and wife separated on _____
7 [Date]

8 1.7 JURISDICTION.

9 This court has jurisdiction over this matter pursuant to Swinomish Tribal Code for the
10 following reasons:

11 The Petitioner and/or Respondent is an enrolled member of the Swinomish Indian
12 Tribe and the Petitioner and/or Respondent has been domiciled on the Swinomish
13 Indian Reservation at least ninety (90) days prior to the commencement of this
14 action.

15 The parties knowingly and voluntarily consent to the jurisdiction of this Court.

16 Other:

17 1.8 PROPERTY.

18 There is community or separate property owned by the parties. The court should make a
19 fair and equitable division of all the property.

20 The division of property should be determined by the court at a later date.

21 The petitioner's recommendation for the division of property is set forth below.

22 The petitioner should be awarded the parties' interest in the following
23 property: (LIST)

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2 The respondent should be awarded the parties' interest in the following
3 property: (LIST)
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7 1.9 DEBTS AND LIABILITIES.

8 The parties have no debts and liabilities.

9 The parties have debts and liabilities. The court should make a fair and equitable
10 division of all debts and liabilities.

11 The division of debts and liabilities should be determined by the court at a
12 later date.

13 The petitioner's recommendation for the division of debts and liabilities
14 division of debts and liabilities is set forth below.

15 The petitioner should be ordered to pay the following debts and
16 liabilities to the following creditors: (LIST)
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19 The respondent should be ordered to pay the following debts and
20 liabilities to the following creditors: (LIST)
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2 1.10 SPOUSAL MAINTENANCE.

3 Spousal maintenance should not be ordered.

4 There is a need for spousal maintenance as follows:

5
6 1.11 CONTINUING RESTRAINING ORDER.

7 Does not apply.

8 A continuing restraining order should be entered which restrains or enjoins the
9 respondent from assaulting, harassing, molesting or disturbing the peace of the
10 petitioner.

11 A continuing restraining order should be entered which restrains or enjoins the
12 respondent from going onto the grounds of or entering the home, working place or
13 school of the petitioner or the daycare or school of the following children:

14 A continuing restraining order should be entered which restrains or enjoins the
15 respondent from knowingly coming within or knowingly remaining within
16 _____ (distance) of _____ (location).

17 Other:

18 1.12 PREGNANCY.

19 The wife is not pregnant.

20 The wife is pregnant. The father of the unborn child is the husband not the
21 husband unknown.

22 1.13 CHILD SUPPORT AND PARENTING PLAN FOR DEPENDENT CHILDREN.

23 The parties have no dependent children.

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2 A petition for an order of child support and child support scheduled are filed with this action.

3 A petition for an order of child support and child support scheduled will be
4 filed and served at a later date.

5 The court should enter a parenting plan for the parties minor children. The
6 petitioner's proposed parenting plan for these children:

7 is attached and is incorporated by reference as part of this Petition.

8 will be filed and served at a later date.

9 Claims to custody or visitation.

10 The petitioner does not know of any person other than the respondent who
11 has physical custody of, or claims to have custody or visitation rights to,
the children.

12 The following persons have physical custody of, or claim to have custody
13 or visitation rights to, the children (do not list the respondent):

14 Other legal proceedings concerning the children.

15 The petitioner has not participated in, and is not aware of, any other legal
16 proceedings concerning the children, including any paternity, dependency
or custody proceedings.

17 The petitioner has participated in, or is aware of, the following legal
18 proceedings which concern the children (list the children concerned and
the county, state and case number of the proceeding):

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20
21 1.14 OTHER:

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2 II. RELIEF REQUESTED

3 The petitioner REQUESTS the Court to enter a decree of dissolution and to grant the relief
4 below.

- 5 Provide reasonable maintenance for the husband wife.
6 Approve the petitioner's proposed parenting plan for the dependent children.
7 Determine support for the dependent children pursuant to the Lummi Indian
8 Nation Child Support Schedule.
9 Approve the separation agreement.
10 Divide the property and liabilities.
11 Change name of wife to _____.
12 Change name of husband to: _____.
13 Enter a continuing restraining order.
14 Award the tax exemptions for the dependent children as follows:
15 Order payment of attorney's fees, other professional fees and costs.
16 Other:

17 Dated: _____

18 _____
Signature of Lawyer or Petitioner

19 _____
Print or Type Name

20 I declare under penalty of perjury under the laws of the Swinomish Indian Community that the
21 foregoing is true and correct.

22 Signed _____ on _____
23 [Place] [Date]

24 _____
Print or Type Name

1 [] JOINDER.

2 The respondent joins in the petition. By joining in the petition, the respondent agrees to the entry
3 of a decree in accordance with the petition, without further notice.

4 Dated: _____

5 Signature of Respondent

6 _____
7 Name
8 Print or Type Name

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3 **SWINOMISH TRIBAL COURT**
4 **THE SWINOMISH TRIBAL COMMUNITY**

5
6 _____
7 Petitioner / Plaintiff

8 v.

9
10 _____
11 Respondent / Defendant

Case No(s) _____

12 **SWORN AFFIDAVIT**

13
14 I, _____, hereby state that the following is true and correct to

15
16 The best of my knowledge: _____

17 _____
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33 *(If more room is needed please ask Court Clerk for long form, or use fresh separate piece of paper.)*

34
35 I swear the above statements to be true and correct to the best of my knowledge.

36 _____
37
38 Date

39 Signature of Affiant

40 SIGNED AND SWORN before me, this the _____ day of _____, 20 ____.

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42 _____
43 Signature of Court Clerk / Notary Public

44 [] Notary Public in and for the state of _____

45 My commission expires _____

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4 **SWINOMISH TRIBAL COURT**
5 **SWINOMISH TRIBAL COMMUNITY**

6 IN RE:) No.
7)
8 _____,)
Petitioner,) PARENTING PLAN
9 and)
_____) [] Permanent
Respondent.) [] Temporary
_____) [] Proposed by ___ mother
_____) ___ father
12 _____)

13 I. GENERAL INFORMATION

- 14
15 1.1 This parenting plan is:
16 [] the final parenting plan signed by the court pursuant to a decree of dissolution
entered on _____ [date].
17 [] the final parenting plan signed by the court pursuant to an order entered on
_____ [date] which modifies a previous parenting plan or custody decree.
18 [] a temporary parenting plan signed by the court.
19 [] proposed by _____ [name].
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1.2 This parenting plan applies to the following children:

Name	1	2
Date of Birth		
Tribal Affiliation		
Home Address		
Name	3	4
Date of Birth		
Tribal Affiliation		
Home Address		

1.3 The child(ren) named in this plan reside the majority of time with the [] mother [] father.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

II. RESIDENTIAL SCHEDULE

The residential schedule must set forth where the child(ren) will reside each day of the year, including provisions for holidays, birthdays, vacations, and other special occasions, and what contact the child(ren) will 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 the family. Paragraphs 2.1 through 2.9 are one way you may want to write your residential schedule. If you do not use these paragraphs write your own schedule in 2.12.

2.1 DESIGNATION OF CUSTODIAN

The children named in this parenting plan are scheduled to reside the majority of the time with the [] mother [] father. This parent 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.

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2 *These provisions set forth where the child(ren) shall reside each day of the year and what*
3 *contact the child(ren) shall have with each parent.*

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15 2.2 SCHEDULE FOR CHILDREN UNDER SCHOOL AGE

16 There are no children under school age.

17 Prior to enrollment in school, the child(ren) shall reside with the Mother
18 Father, except:

19 Prior to enrollment in school, the child(ren) shall reside with the mother
20 father, except for the following days and times when the child(ren) will reside
21 with or be with the other parent:

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

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

25 the second and fourth week of the month other:

Other:

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35 2.3 SCHOOL SCHEDULE.

36 Upon their enrollment in school, the child(ren) shall reside with the Mother
37 Father, except as mutually agreed by the parents.

38 Upon their enrollment in school, the child(ren) shall reside with the mother
39 father, except for the following days and times when the child(ren) will reside
40 with or be with the other parent:

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

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

44 the second and fourth week of the month other

45 Other:

1 2.4 SCHEDULE FOR VACATIONS

2 WINTER VACATION

3 The child(ren) shall reside with the mother father during winter vacation, except
4 for the following days and times when the child(ren) will reside with or be with the other
5 parent: as arranged and agreed by the parties.

6
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8 SPRING VACATION

9 The child(ren) shall reside with the mother father during spring vacation, except
10 for the following days and times when the child(ren) will reside with or be with the other
11 parent:

12
13 SUMMER SCHEDULE.

14 Upon completion of the school year, the child(ren) shall reside with the mother
15 father, except for the following days and times when the child(ren) will reside with or be
16 with the other parent:

17 Same as school year schedule.

18 Other:

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.

4 Schedule is as follows:

	With Mother (Specify Year <u>Odd/Even/Every</u>)	With Father (Specify Year <u>Odd/Even/Every</u>)
5 New Year's 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		
Other		

14 For purposes of this parenting plan, a holiday shall begin and end as follows (set
15 forth times):

16 Holidays which fall on a Friday or a Monday shall include Saturday and Sunday.

17 Other:

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19 2.9 SCHEDULE FOR SPECIAL OCCASIONS.

20 The residential schedule for the child(ren) for the following special occasions (for
21 example, birthdays) is as follows:
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1 2.10 PRIORITIES UNDER THE RESIDENTIAL SCHEDULE.

2 Does not apply.

3 If the residential schedule, paragraphs 3.1 - 3.8, results in a conflict where the
4 children are scheduled to be with both parents at the same time, the conflict shall
5 be resolved by priority being given as follows:

6 Rank the order of priority, with 1 being given the highest priority:

- | | |
|---|--|
| <input type="checkbox"/> school schedule (2.2, 2.3) | <input type="checkbox"/> summer schedule (2.4) |
| <input type="checkbox"/> winter vacation (2.4) | <input type="checkbox"/> holidays (2.5) |
| <input type="checkbox"/> spring vacation (2.4) | <input type="checkbox"/> special occasions (2.9) |

8 Other:

9
10 2.11 TRANSPORTATION ARRANGEMENTS.

11 Transportation costs are included in the Child Support Worksheets and/or the Order of
12 Child Support and should not be included here.

13 Transportation arrangements for the child(ren), between parents shall be as follows:

14 2.12 OTHER:

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18 III. RESTRICTIONS

19 3.1 RESTRICTIONS

20 There are no restrictions on the parents' residential time with the child(ren).

21 The mother's father's residential time with the children shall be limited
22 because there are limiting factors. The following restrictions shall apply when the
23 children spend time with this parent:

1 3.2 PARENTAL CONDUCT. (STC 7-04.040(H)(1- 4))

2 Does not apply.

3 The mother's father's residential time with the child(ren) shall be limited or
4 restrained completely, and mutual decision-making and designation of a dispute
5 resolution process other than court action shall not be required, because this
6 parent a person residing with this parent has engaged in the conduct which
7 follows.

8 Willful abandonment that continues for an extended period of time or
9 substantial refusal to perform parenting functions (this applies only to
10 parents, not to a person who resides with a parent).

11 Physical, sexual or a pattern of emotional abuse of a child.

12 A history of acts of domestic violence as defined in Swinomish Tribal
13 Code or an assault or sexual assault which causes grievous bodily harm or
14 the fear of such harm.

15 3.3 OTHER FACTORS. (STC 7-04.040(H)(5-10))

16 Does not apply.

17 The mother's father's involvement or conduct may have an adverse effect
18 on the child(ren)'s best interests because of the existence of the factors which
19 follow.

20 Neglect or substantial nonperformance of parenting functions.

21 A long-term emotional or physical impairment which interferes with the
22 performance of parenting functions.

23 A long-term impairment resulting from drug, alcohol, or other substance
24 abuse that interferes with the performance of parenting functions.

25 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:

1 IV. DECISION MAKING

2 4.1 DAY-TO-DAY DECISIONS.

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

6 4.2 MAJOR DECISIONS.

7 Major decisions regarding each child shall be made as follows:

8 Education decisions	<input type="checkbox"/>	mother	<input type="checkbox"/>	father	<input type="checkbox"/>	joint
9 Non-emergency health care	<input type="checkbox"/>	mother	<input type="checkbox"/>	father	<input type="checkbox"/>	joint
10 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

12 4.3 RESTRICTIONS IN DECISION MAKING.

13 Does not apply because there are no limiting factors in paragraphs 2.1 and 2.2
14 above.

15 Sole decision making shall be ordered to the mother
 father for the following reasons:

16 Both parents are opposed to mutual decision making.

17 One parent is opposed to mutual decision making, and such opposition is
18 reasonably based on the following criteria:

- 19 (a) The existence of a limitations in section III hereto;
- 20 (b) The history of participation of each parent in decision making;
- 21 (c) Whether the parents have demonstrated ability and desire to
22 cooperate with one another in decision making; and
- 23 (d) The parents' geographic proximity to one another, to the extent
24 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. Unless stated otherwise below, this dispute resolution process must be used pursuant to STC 7-04.040(E) before filing a petition to modify the plan or a motion for contempt for failing to follow the plan.

[] Disputes between the parties, other than child support disputes, shall be submitted to (list person or agency):

[] _____, or

[] _____, or

[] _____.

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

[] _____% mother _____% father.

[] based on each party's proportional share of income from line 6 of the 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 [] certified mail [] other:

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.

(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 the superior court.

[] No dispute resolution process, except court action, shall be ordered.

1 VI. OTHER PROVISIONS

2 [] There are no other provisions.

3 [] There are the following other provisions:

4 II. DECLARATION FOR PROPOSED PARENTING PLAN

5 [] Does not apply.

6 [] (Only sign if this is a proposed parenting plan.) I declare under penalty of perjury under
7 the laws of the Swinomish Nation that this plan has been proposed in good faith and that
8 the statements in Part III of this Plan are true and correct.

<p>9 Mother</p>	<p>Date and Place of Signature</p>
<p>10 Father</p>	<p>Date and Place of Signature</p>

11 VIII. ORDER BY THE COURT

12 It is ordered, adjudged and decreed that the parenting plan set forth above is adopted and
13 approved as an order of this court.

14 **WARNING:** Violation of residential provisions of this order with actual knowledge of its terms
15 is punishable by contempt of court and may be a criminal offense Swinomish Tribal Code.

16 Violation of this order may subject a violator to arrest.

17 When mutual decision making is designated but cannot be achieved, the parties shall make a
18 good faith effort to resolve the issue through the dispute resolution process.

19 If a parent fails to comply with a provision of this plan, the other parent's obligations under the
20 plan are not affected.

21 Dated: _____

22 Judge

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4 **SWINOMISH TRIBAL COURT**
5 **SWINOMISH INDIAN RESERVATION, LaCONNER WASHINGTON**

6 IN RE:) No.
7)
8) DECLARATION IN SUPPORT
9) OF PROPOSED PARENTING
10) PLAN/PETITION FOR
11) PARENTINGPLAN
12)
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Petitioner,
and
Respondent.

13 **I. PETITION**

14 Not applicable because the request for a parenting plan is contained in an existing
15 proceeding before this court case # _____ **(proceed to section**
16 **II.)**

17 This is an independent Petition for a Parenting Plan.

18 **I.1 IDENTIFICATION OF PETITIONER.**

Name	
Social Sec. Number	
Date of Birth	
Tribal Affiliation	
Home Address	

1
2 I.2 IDENTIFICATION OF RESPONDENT.

3 Name	
4 Social Security 5 Number	
6 Date of Birth	
7 Tribal Affiliation	
8 Home Address	

10
11 I.3 CHILDREN THAT ARE THE SUBJECT OF PETITION.

12 Name	1	2
13 Date of Birth		
14 Tribal Affiliation		
15 Home Address		
16 Name	3	4
17 Date of Birth		
18 Tribal Affiliation		
19 Home Address		

1 I.4 JURISDICTION.

2 This court has jurisdiction over this matter pursuant to Swinomish Tribal Code 7-06.030
3 for the he following reasons:

4 This petition is joined with an action for dissolution, annulment, declaration of
5 invalidity, or other civil action in which the issue of residential placement is
6 before the court and jurisdiction in this court has already been established.

7 The Petitioner and/or Respondent is a member of the Swinomish Indian
8 Community, has been domiciled within the Reservation region for at least ninety
9 (90) days and is alleged to be the parent of a Swinomish child or child residing on
10 the Swinomish Indian Reservation.
11

12 The Petitioner Respondent voluntarily and intelligently consented to
13 jurisdiction of this court on the record.

14 Other:

15
16 II. DECLARATION

17 This declaration is made by the father mother.

18 II.1. _____ [name of child(ren)] has/have resided with the
19 following person(s) during the past twelve months:

<u>Name</u>	<u>Address</u>	<u>Length of Time Child Resided With This Person</u>
-------------	----------------	--

1 II.2. (a) The mother's performance of parenting functions relating to the daily needs of the
2 child(ren) during the past twelve months:

3
4
5 (b) The mother's work schedule currently and for the past twelve months:
6
7

8
9 II.3. (a) The father's performance of parenting functions relating to the daily needs of the
10 child(ren) during the past twelve months:

11
12 (b) The father's work schedule currently and for the past twelve months:
13

14 II.4. (a) The child-care schedule for the past twelve months:
15

16
17 (b) The current child-care schedule:
18
19
20

21 II.5. Any circumstances that are likely to pose a serious risk to the child(ren) and that warrant
22 limitation on the award to a parent of temporary residence or time with the child(ren)
23 pending entry of a permanent parenting plan are set forth in Part III of my proposed
24 temporary parenting plan and contained in the attached supplemental declaration(s).
25

1 II.6. OTHER:
2
3
4
5

6 I declare under penalty of perjury under the laws of the Swinomish Tribal Community that the
7 foregoing is true and correct.

8 Signed at _____ [Place] on _____ [Date].
9

10 _____
Signature

11 _____
Print or Type Name
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**SWINOMISH TRIBAL COURT
SWINOMISH RESERVATION, LaCONNER, WASHINGTON**

In re:

 Petitioner,
and
 Respondent

Case No.:

FINANCIAL WORKSHEET OF
 Petitioner
 Respondent

This is the FINANCIAL WORKSHEET of _____[name].

Directions: [See page 3 of this form.]

1.1. PETITIONER’S FINANCIAL INFORMATION.

Petitioner’s Occupation:

Petitioner’s MONTHLY GROSS income \$
(including ALL sources of income)

Adjustments to income:
 United States Income Taxes \$
 Tribal, State or local Income taxes \$
 Fishing Taxes \$
 FICA \$
 Health Insurance premiums
 paid by Petitioner \$
 State Industrial \$
 Child Support actually paid
 for another child \$
 Court ordered spousal maintenance
 actually paid \$

Petitioner’s ADJUSTED Gross Income \$

Identify all other available assets (i.e. cash on hand, on deposit in banks, stocks, bonds, etc.):

1.2 RESPONDENT'S FINANCIAL INFORMATION

Respondent's Occupation:

[] Respondent's MONTHLY GROSS income \$
(including ALL sources of income)

Adjustments to income:

United States Income Taxes	\$
Tribal, State or local Income taxes	\$
Fishing Taxes	\$
FICA	\$
Health Insurance premiums paid by Respondent	\$
State Industrial	\$
Child Support actually paid for another child	\$
Court ordered spousal maintenance actually paid	\$

Respondent's ADJUSTED Gross Income \$

[] Respondent's Monthly income should be imputed at \$_____, because:

Identify all other available assets (i.e. cash on hand, on deposit in banks, stocks, bonds, etc.)

1.3 MONTHLY EXPENSE INFORMATION.

Monthly expenses for myself and ____ dependents are: (Expenses should be based on your expected expenses after any separation of the parties and anticipating your proposed residential schedule for dependant children, if any).

Housing:	\$ _____
Utilities	\$ _____
Food and Supplies	\$ _____
Child care expenses (identify)	
	\$ _____
Transportation	\$ _____

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Consumer Debts (credit cards)
(identify)

\$ _____

Other expenses:
(identify)

\$ _____

TOTAL MONTHLY EXPENSES \$ _____

I declare under penalty of perjury under the laws of the Swinomish Tribal Community that the foregoing is true and correct.

Signed at _____
[Place] [Date]

Signature _____

Directions: If you are the Petitioner fill out section 1.1 and leave section 1.2 blank, or fill out as closely as you believe is correct. If you are the Respondent fill out section 1.2 and leave section 1.1 blank, or fill out as closely as you believe is correct. Petitioner and Respondent should both fill out section 1.3 regarding their own personal expenses.

Support documents such as pay stubs, tax returns, bills etc. may be filed along with this worksheet if you feel their inclusion would be valuable, or in the event of a dispute over accuracy, but are not absolutely necessary for submission of this form.

If you need more room for any of the above sections, please fill out and attach additional blank sheets referencing 'see attached.'

Swinomish Child Support Schedule Worksheet

Tribal Court Case Number _____

Mother _____ Father _____

Children and Ages _____

Part I: Basic Child Support Obligation		
	Father	Mother
1. Gross Monthly Income (See Guidelines)		
a. Wages and Salaries	\$	\$
b. Interest and Dividend Income	\$	\$
c. Business Income	\$	\$
d. Trust and Per Capita Income	\$	\$
e. Other Income (Describe-See Guidelines)	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
f. Total Gross Monthly Income (Add lines 1a through 1e)	\$	\$
2. Monthly Deductions From Gross Income (See Guidelines)		
a. Income Taxes	\$	\$
b. FICA/Self Employment Taxes	\$	\$

c. Mandatory Pension Plan Payments	\$	\$
d. Mandatory Union or Professional Dues	\$	\$
e. State Industrial Insurance Deductions	\$	\$
f. Spousal Maintenance Paid	\$	\$
g. Up to \$2000 per year in Voluntary Pension Payments Actually Made	\$	\$
h. Normal Business Expenses and Self Employment Taxes	\$	\$
i. Total Deductions From Gross Income (Add lines 2a through 2h)	\$	\$
3. Monthly Net Income (Subtract line 2i from 1f)	\$	\$
4. Combined Monthly Net Income (Add Father's and Mother's Net Income from line 3)	\$	
5. Basic Child Support Obligation (Use Swinomish Child Support Schedule) Child #1 _____ Child #2 _____ Child #3 _____ Child #4 _____ Enter Total Amount for All Children	\$	
6. Proportional Share of Income (Each Parent's Net Income from line 3 divided by line 4)	%	%
7. Each Parent's Basic Child Support Obligation (Multiply each number on line 6 by line 5)	\$	\$

Part II: Extraordinary Health Care, Day Care, Special Expenses		
	Father	Mother
8. Extraordinary Health Care Expenses Paid for Children (See Guidelines)	\$	\$
9. Day Care and Special Child Rearing Expenses	\$	\$
a. Day Care Expenses	\$	\$
b. Education Expenses	\$	\$
c. Long Distance Transportation Expenses		
d. Other Special Expenses (Describe)	\$	\$
	\$	\$
	\$	\$
	\$	\$
f. Total Monthly Extraordinary Health Care, Day Care & Special Expenses	\$	\$
10. Combined Total Extraordinary Health Care, Day Care & Special Expenses (Add Father's & Mother's Totals from line 9f)	\$	
11. Each Parent's Obligation for Extraordinary Health Care, Day Care & Special Expenses (Multiply each number on line 6 by line 10)	\$	\$
12. Amended Child Support Obligation (Line 7 plus line 11)	\$	\$

Part III: Child Support Credits		
	Father	Mother
13. Child Support Credits		
a. In-kind Services or Resources (Describe - See Guidelines)		
	\$	\$
	\$	\$
b. Monthly Health Services Credit	\$	\$
c. Monthly Day Care & Special Expenses Credit	\$	\$
d. Other Ordinary Expense Credit (Describe)		
	\$	\$
	\$	\$
e. Total Support Credits (Add lines 13a through 13d)	\$	\$
Part IV: Net Support Obligation/Transfer Payment		
	Father	Mother
14. Net Support Obligation (Subtract line 13e from line 12)	\$	\$

Part V: Additional Factors for Consideration		
	Father	Mother
15. Household Assets (List estimated value)		
a. Real Estate	\$	\$
b. Stocks and Bonds	\$	\$
c. Vehicles	\$	\$
d. Boats	\$	\$
e. Bank Accounts/IRAs/Pensions	\$	\$
f. Cash	\$	\$
g. Insurance Plans	\$	\$
h. Other (Describe)		
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
16. Household Debts (Describe)		
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$

17. Other Household Income	Father	Mother
a. Income of New Spouse and/or Other Adults in Household (List by name)		
	\$	\$
	\$	\$
	\$	\$
b. Income From Child Support Received From Other Relationships	\$	\$
c. Gifts/Prizes Less than \$250 in Value	\$	\$
d. Income from Assistance Programs	\$	\$
e. Supplemental Security Income (SSI)	\$	\$
f. General Assistance	\$	\$
g. Food Stamps	\$	\$
h. Other Income (Describe)		
	\$	\$
	\$	\$
18. Child Support Paid For Other Children (List by child)		
	\$	\$
	\$	\$
19. Other Children Living in Each Household (Names and ages)		

20. Other Factors For Consideration

Lined area for handwritten notes.

I declare under penalty of perjury under the laws of the Swinomish Tribal Community, the information contained in these Worksheets is complete, true and correct.

Mother's Signature

Father's Signature

Date

Date

Judge/Reviewing Officer

Date

SWINOMISH
CHILD SUPPORT
SCHEDULE

Combined Monthly Net Income	One Child Family		Two Children Family		Three Children Family		Four Children Family		Five Children Family	
	A	B	A	B	A	B	A	B	A	B
600	100	123	77	95	65	80	55	68	47	59
700	116	143	90	111	75	93	64	79	56	68
800	133	164	103	128	86	107	73	90	63	78
900	149	185	116	143	97	119	82	101	71	89
1000	165	204	128	158	107	133	91	112	79	98
1100	182	224	141	174	118	145	100	123	87	107
1200	198	245	154	190	128	158	108	134	95	117
1300	214	264	166	206	139	171	117	145	102	126
1400	230	284	179	221	149	185	126	156	110	136
1500	245	303	191	235	159	197	134	166	117	145
1600	260	321	202	250	169	209	143	176	125	154
1700	275	340	214	264	179	221	151	186	131	163
1800	290	359	225	278	188	233	159	197	139	171
1900	305	377	237	293	198	245	167	206	146	180
2000	320	395	248	307	208	257	176	217	153	189
2100	335	414	260	322	217	269	184	227	160	198
2200	350	433	272	336	227	281	192	237	167	207
2300	365	451	284	350	236	293	200	248	175	216
2400	380	470	295	365	246	305	209	257	182	224
2500	395	488	306	379	256	316	216	267	188	233
2600	401	496	312	385	260	321	220	272	192	237
2700	407	503	316	390	263	326	224	276	194	241
2800	412	509	320	395	267	330	226	279	197	243
2900	417	515	323	400	270	334	229	282	200	246
3000	421	520	327	404	273	337	231	285	201	248
3100	425	524	329	407	275	340	233	287	203	251
3200	427	528	332	410	277	343	234	290	204	252
3300	430	531	334	412	278	344	235	291	205	254
3400	431	533	335	413	279	345	236	292	206	255

3500	431	533	335	414	280	346	237	293	206	256
3600	433	534	336	415	281	347	238	293	207	257
	434	535	337	416	281	347	239	294	208	257
3800	436	539	339	419	283	350	239	296	209	258
3900	447	552	347	429	290	358	245	303	213	264
4000	457	565	355	438	296	366	251	310	218	270
4100	467	578	363	449	303	375	256	317	224	276
4200	479	591	371	458	310	383	263	323	229	283
4300	488	604	380	469	317	392	268	331	233	289
4400	498	616	387	478	323	399	273	337	238	294
4500	508	627	394	487	329	407	278	344	242	300
4600	517	638	401	496	335	414	283	350	247	305
4700	526	650	409	505	341	422	288	356	251	311
4800	535	662	416	514	347	429	293	362	256	317
4900	545	673	423	523	353	436	299	368	260	322
5000	554	684	431	531	359	444	303	375	265	328

Columns A = Children ages 0 12 years

Columns B = Children ages 13 18 years

THE ABOVE SCHEDULE IS TO BE USED WITH THE SWINOMISH CHILD SUPPORT WORKSHEET FOR CALCULATING CHILD SUPPORT

1 **IN THE SWINOMISH TRIBAL COURT**
2 **SWINOMISH INDIAN RESERVATION, LaCONNER WASHINGTON**

3
4 IN RE:) No.
5)
6) SUMMONS
7) (Domestic Relations)
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Petitioner,)
and)
Respondent.)

TO THE RESPONDENT:

1. The petitioner has started an action in the above court requesting:
- that your marriage be dissolved.
 - a legal separation.
 - the establishment or modification of an order of child support.
 - the establishment or modification of a parenting plan.

Additional requests, if any, are stated in the petition, a copy of which is attached to this summons.

2. You must respond to this summons and petition by serving a copy of your written response on the person signing this summons and by filing the original with the clerk of the court. If you do not serve your written response within 20 days after the date this summons was served on you, exclusive of the day of service, the court may enter an order of default against you, and the court may, without further notice to you, enter a decree and approve or provide for the relief requested in the petition. If you serve a notice of appearance on the undersigned person, you are entitled to notice before an order of default or a decree may be entered.

3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to Swinomish Tribal Code 3-02.060.

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Dated: _____

Signature of Lawyer or Petitioner

Print or Type Name

FILE ORIGINAL OF YOUR RESPONSE
WITH THE CLERK OF THE COURT AT:

SERVE A COPY OF YOUR RESPONSE
ON:

Clerk
Swinomish Tribal Court
17337 Reservation Road
La Conner, WA 98257

Petitioner
 Petitioner's Lawyer

(Name)

(Address)

(Phone number)

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SWINOMISH TRIBAL COURT
SWINOMISH RESERVATION, LaCONNER, WASHINGTON

In re:

Case No.:

Petitioner,

MOTION FOR TEMPORARY ORDERS

and

Respondent

I. MOTION

Based on the declaration below, the undersigned moves the court for a temporary order which:

- orders temporary maintenance.
- orders child support as determined pursuant to the Swinomish Child Support Schedule.
- approves the parenting plan which is proposed by the husband wife.
- restrains or enjoins the husband wife from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.
- restrains or enjoins the husband wife from molesting or disturbing the peace of the other party or of any child.
- restrains or enjoins the husband wife from going onto the grounds of or entering the home, working place or school of the other party or the day care or school of the following named children:
- restrains or enjoins the husband wife from knowingly coming within or knowingly remaining within _____ (distance) of _____ (location).
- restrains or enjoins the husband wife from removing any of the children from the State of Washington.
- restrains or enjoins the husband wife from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance.

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(IF THIS BOX IS CHECKED CLEAR AND CONVINCING REASONS FOR THIS REQUEST MUST BE PRESENTED IN THE DECLARATION BELOW.) requires the husband wife 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 Swinomish police and/or sheriff of the county having jurisdiction of this proceeding, to his or her lawyer or to a person designated by the court.

makes each party immediately responsible for their own future debts whether incurred by credit card or loan, security interest or mortgage.

divides responsibility for the debts of the parties.

authorizes the family home to be occupied by the husband wife.

orders the use of property.

requires the husband wife to vacate the family home.

requires the husband wife to pay temporary attorney's fees, other professional fees and costs in the amount of \$_____ to:

other:

Dated: _____

Signature of Lawyer or Moving Party

Print or Type Name

II. DECLARATION

Temporary relief is required because:

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If the surrender of deadly weapons is requested, list reasons:

I declare under penalty of perjury under the laws of the Swinomish Nation that the foregoing is true and correct.

Signed at _____ on _____.
[City and State] [Date]

Signature

Print or Type Name

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4 **IN THE SWINOMISH TRIBAL COURT**
5 **SWINOMISH INDIAN RESERVATION, LaCONNER WASHINGTON**

6 IN Re:) No.
7)
8 Petitioner,) TEMPORARY ORDER
9 and)
10)
11 Respondent.)
12)
13)

14 **I. JUDGMENT/ORDER SUMMARIES**

15 1.1 Restraining Order Summary:
16 Does not apply. Restraining Order Summary is set forth below:

17 Name of person(s) restrained: _____ . Name of
18 person(s) protected: _____ **See paragraph 3.1.**

19 **VIOLATION OF A RESTRAINING ORDER IN PARAGRAPH 3.1 WITH ACTUAL**
20 **NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER SWINOMISH TRIBAL**
21 **CODE 4-02.120 & 7-11.140 AND WILL SUBJECT THE VIOLATOR TO ARREST**
UNDER SWINOMISH TRIBAL CODE 7-11.140(B) .

22 1.2 Money Judgment Summary:
23 Does not apply.
24 Judgment Summary is set forth below.

- 25 A. Judgment creditor
B. Judgment debtor
C. Principal judgment amount \$ _____

- 1 D. Interest to date of judgment \$ _____
 - 2 E. Attorney's fees \$ _____
 - 3 F. Costs \$ _____
 - 4 G. Other recovery amount \$ _____
 - 5 H. Principal judgment shall bear interest at _____% per annum.
 - 6 I. Attorney's fees, costs and other recovery amounts shall bear interest at _____ %
per annum.
 - 7 J. Spokesperson for judgment creditor
 - 8 K. Spokesperson for judgment debtor
 - 9 L. Other:
- 1.3 Temporary support: \$_____ per _____ paid by _____ to
_____.

II. BASIS

A motion for a temporary order was presented to this court and the court finds reasonable cause to issue the order.

III. ORDER

It is ORDERED that:

3.1 RESTRAINING ORDER

VIOLATION OF A RESTRAINING ORDER IN PARAGRAPH 3.1 WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER SWINOMISH TRIBAL CODE 4-02.120 & 7-11.140 AND WILL SUBJECT THE VIOLATOR TO ARREST UNDER SWINOMISH TRIBAL CODE 7-11.140(B).

- Does not apply.
- The husband wife is restrained and enjoined from molesting or disturbing the peace of the other party or of any child

1 The husband wife is restrained and enjoined from going onto the grounds
2 of or entering the home, working place or school of the other party, or the
3 daycare or school of the following named children:

4 The husband wife is restrained and enjoined from knowingly coming
5 within or knowingly remaining within _____
6 (distance) of _____ (location).

7 **CLERK'S ACTION/LAW ENFORCEMENT ACTION:**

8 This order shall be filed forthwith in the clerk's office and entered of record.
9 The clerk of the court shall forward a copy of this order on or before the next
10 judicial day to _____
11 [name of appropriate law enforcement agency] which shall forthwith enter this
12 order into any computer-based criminal intelligence system available in this state
13 used by law enforcement agencies to list outstanding warrants.

14 **EXPIRATION DATE:**

15 This restraining order will expire in 12 months and shall be removed from any
16 computer-based criminal intelligence system available in this state used by law
17 enforcement agencies to list outstanding warrants, unless a new order is issued, or
18 unless the court sets forth another expiration date here:
19 _____ [month/day/year].

20 **3.2 TEMPORARY RELIEF**

21 The husband wife shall pay the other party \$_____ per month
22 maintenance.

23 Starting Date: _____

24 Day(s) of the month payment is due: _____

25 Payments shall be made to:

Child support shall be paid in accordance with the order of child support, signed
 by the court.

The parties shall comply with the Temporary Parenting Plan signed by the court.

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The husband wife is restrained and enjoined from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.

The husband wife is restrained and enjoined from removing any of the children from the State of Washington.

The husband wife is restrained and enjoined from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance.

The husband wife shall surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control
to: _____
(name or agency).

Each party shall be immediately responsible for their own future debts whether incurred by credit card or loan, security interest or mortgage.

Responsibility for the debts of the parties is divided as follows:

The family home shall be occupied by the husband wife.

Use of property shall be as follows:

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The husband wife shall vacate the family home at:
Address: _____

The husband wife shall pay temporary attorney's fees, other professional fees and costs in the amount of \$_____ to:

Other:

3.4 OTHER:

Dated: _____

Judge

Presented by:

Approved for entry:
Notice of presentation waived:

Signature

Signature

Print or Type Name

Print or Type Name

1 **SWINOMISH TRIBAL COURT**
2 **SWINOMISH INDIAN RESERVATION, LaCONNER WASHINGTON**

3 IN Re:) No.
4)
5) FINDINGS OF FACT AND
6) Petitioner,) CONCLUSIONS OF LAW RE:
7) DISSOLUTION OF MARRIAGE
8) And)
9)
10) Respondent.)
11)
12)
13)
14)

15 **I. BASIS FOR FINDINGS**

16 The findings are based on:

- 17 agreement.
18 an order of default entered on _____ [Date].
19 trial. The following people attended:
20 Petitioner Petitioner's Spokesperson.
21 Respondent Respondent's Spokesperson.
22 Other:

23 **II. FINDINGS OF FACT**

24 Upon the basis of the court record, the court FINDS:

25 **2.1 JURISDICTION OF THE COURT.**

The petitioner respondent is a member of the Swinomish Tribe and was domiciled within the reservation region at least ninety (90) days prior to commencement of this action.

2.2 NOTICE TO THE RESPONDENT.

The respondent

appeared, responded or joined in the petition.

1
2 was served in the following manner:

3 2.3 BASIS OF PERSONAL JURISDICTION OVER THE RESPONDENT.

4 There are no facts to establish personal jurisdiction over the respondent.

5 The facts below establish personal jurisdiction over the respondent.

6 The respondent is a Swinomish Tribal member and presently residing on
7 the Swinomish Indian Reservation.

8 The parties lived on the Swinomish Indian Reservation during their
9 marriage and the petitioner continues to reside on the Swinomish Indian
Reservation, or be a member of the Swinomish Tribe.

10 The Respondent has given a knowing and intelligent consent to the
11 jurisdiction of the Swinomish Tribal Court.

12 Other:

13
14 2.4 DATE AND PLACE OF MARRIAGE.

15 The parties were married on _____
16 [Date] [Place]

17 2.5 STATUS OF THE PARTIES.

18 Husband and wife separated on _____.

19 Husband and wife are not separated.

20 2.6 STATUS OF THE MARRIAGE.

21 The marriage is irretrievably broken and the Respondent was given proper notice
22 of the petition.

23 The petitioner wishes to be legally separated.

1 The petitioner is petitioning for a declaration concerning the invalidity of the
2 marriage. The court FINDS the following facts concerning the validity of the
3 marriage:

4 2.7 COMMUNITY PROPERTY.

5 The parties do not have real or personal community property.

6 The parties have the following real or personal community property:
7
8

9
10 2.9 SEPARATE PROPERTY.

11 The husband has no real or personal separate property.

12 The wife has no real or personal separate property.

13 The husband has the following real or personal separate property:
14

15
16 The wife has the following real or personal separate property:
17
18

19
20
21 Other:
22

23 2.10 COMMUNITY LIABILITIES.

24 There are no known community liabilities.
25

1 The parties have incurred the following community liabilities:

2 Creditor Amount

3
4
5 2.11 SEPARATE LIABILITIES.

6 The husband has no known separate liabilities.

7 The wife has no known separate liabilities.

8 The husband has incurred the following separate liabilities:

9 Creditor Amount

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12
13 The wife has incurred the following separate liabilities:

14 Creditor Amount

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17 Other:

18
19 2.12 MAINTENANCE.

20 Maintenance was not requested.

21 Maintenance should not be ordered because:

22
23 Maintenance should be ordered because:

24 Other:

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2.13 CONTINUING RESTRAINING ORDER.

- Does not apply.
- A continuing restraining order against the husband wife both parties is necessary because:
- Other:

2.14 FEES AND COSTS.

- There is no award of fees or costs.
- The husband wife has the need for the payment of fees and costs and the other spouse has the ability to pay these fees and costs. The husband wife has incurred reasonable attorney fees and costs in the amount of \$_____.
- Other:

2.15 PREGNANCY.

- The wife is not pregnant.
- The wife is pregnant. The father of the unborn child is the husband not the husband undetermined.
- Other:

1 2.16 DEPENDENT CHILDREN.

2 The parties have no dependent children of this marriage.

3 The children listed below are dependent upon either or both spouses.

4 Name	1	2
5 Date of Birth		
6 Tribal Affiliation		
7 Home Address		
8 Name	3	4
9 Date of Birth		
10 Tribal Affiliation		
11 Home Address		

15 2.17 JURISDICTION OVER THE CHILDREN.

16 Does not apply because there are no dependent children.

17 This court does not have jurisdiction over the children.

18 This court has jurisdiction over the children for the reasons set forth below.

19 The child(ren) are members or eligible to be members of the Swinomish Tribe.

20 the child(ren) are residents of the Swinomish Indian Reservation.

21 This court has continuing jurisdiction because the court has previously
22 made a child custody or parenting plan determination in this matter and
23 the Swinomish Reservation remains the residence of the children or any
24 contestant.

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2.18 PARENTING PLAN.

Does not apply.

The parenting plan signed by the court on _____ (Date) is approved and incorporated as part of these findings.

Other:

2.19 CHILD SUPPORT.

Does not apply.

There are children in need of support and child support should be set pursuant to the Swinomish Child Support Schedule. The Order of Child Support signed by the court on _____ (Date) and the child support worksheet which has been approved by the court are incorporated by reference in these findings.

Other:

2.20 OTHER:

III. CONCLUSIONS OF LAW

The court makes the following conclusions of law from the foregoing findings of fact:

3.1 JURISDICTION.

The court has jurisdiction to enter a decree in this matter.

Other:

1 3.2 GRANTING OF A DECREE.

2 The parties should be granted a decree.

3 Other:

4
5 3.3 DISPOSITION.

6 The court should determine the marital status of the parties, make provision for a
7 parenting plan for any minor children of the marriage, make provision for the support of
8 any minor child of the marriage entitled to support, consider or approve provision for the
9 maintenance of either spouse, make provision for the disposition of property and
10 liabilities of the parties, make provision for the allocation of the children as federal tax
exemptions, make provision for any necessary continuing restraining orders, and make
provision for the change of name of any party. The distribution of property and liabilities
as set forth in the decree is fair and equitable.

11 3.4 CONTINUING RESTRAINING ORDER.

12 Does not apply.

13 A continuing restraining order should be entered.

14
15 3.5 ATTORNEY'S FEES AND COSTS.

16 Does not apply.

17 Attorney's fees, other professional fees and costs should be paid.

18 3.6 OTHER:

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21
22 Dated: _____

_____ Judge

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4 **SWINOMISH TRIBAL COURT**
5 **SWINOMISH INDIAN RESERVATION, LaCONNER WASHINGTON**

6 IN RE:) No.
7)
8) [] DECREE OF DISSOLUTION
9) [] DECREE OF LEGAL
10) SEPARATION
11) [] DECLARATION CONCERNING
12) VALIDITY
13)
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Respondent.

14 **I. JUDGMENT/ORDER SUMMARIES**

15 1.1 Restraining Order Summary:
16 [] Does not apply. [] Restraining Order Summary is set forth below:

17 Name of person(s) restrained: _____ . Name of person(s)
18 protected: _____ . **See paragraph 3.8.**

19 **VIOLATION OF A RESTRAINING ORDER IN PARAGRAPH 3.8 BELOW WITH**
20 **ACTUAL KNOWLEDGE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER**
21 **SWINOMISH TRIBAL CODE 4-2.120 & 7-11.140 AND WILL SUBJECT THE**
22 **VIOLATOR TO ARREST UNDER SWINOMISH TRIBAL CODE 7-11.210.**

23 1.2 Real Property Judgment Summary:
24 [] Does not apply. [] Real Property Judgment Summary is set forth below:

25 Assessor's property tax parcel or account number:

1 or

2 Legal description of the property awarded (including lot, block, plat, or section, township,
3 range, county and state) is attached

4 or

5 the Address is:

6 1.3 Money Judgment Summary:

7 Does not apply. Judgment Summary is set forth below.

8
9 A. Judgment creditor:

10 B. Judgment debtor:

11 C. Principal judgment amount: \$ _____

12 D. Interest to date of judgment \$ _____

13 E. Attorney's fees \$ _____

14 F. Costs \$ _____

15 G. Other recovery amount \$ _____

16 H. Principal judgment shall bear interest at _____ % per annum.

17 I. Attorney's fees, costs and other recovery amounts shall bear interest at _____ % per
18 annum.

19
20 J. Spokesperson for judgment creditor

21 K. Spokesperson for judgment debtor

22 L. Other:
23

1
2 II. BASIS

3 2.1 FINDINGS OF FACT AND CONCLUSIONS OF LAW.

4 Findings of Fact and Conclusions of Law have been entered separately in this case.

5 The court makes the following findings and conclusions.

6 2.2 FACTUAL FINDINGS- JURISDICTION.

7 The Petitioner Respondent is a member of the Swinomish tribe and was
8 domiciled in the reservation region within ninety (90) days of the commencement of this
9 action.

10 The Respondent appeared, responded or joined in the Petition.

11 The Respondent was served as follows:

12 The facts below establish personal jurisdiction over Respondent:

13 The Respondent is a Tribal member and presently resides on the Reservation.

14 The parties lived on the Reservation during their marriage and Petitioner
15 continues to reside on the Reservation and/or be a member of the Swinomish
16 Tribe.

17 The Respondent has given knowing and intelligent consent to the jurisdiction
18 of the Tribal Court.

19 Other:

20 2.3 DATE AND PLACE OF MARRIAGE.

21 The parties were married on _____ at _____
22 [Date] [Place]

23 2.4 STATUS OF THE PARTIES.

24 Husband and wife were separated on _____.

25 Husband and wife are not separated.

26 2.5 STATUS OF THE MARRIAGE.

1 The marriage is irretrievably broken and the Respondent was given proper notice
2 of the petition.

3 The petitioner wishes to be legally separated.

4 The petitioner is petitioning for a declaration concerning the invalidity of the
5 marriage. The court FINDS the following facts concerning the validity of the
6 marriage:

7 2.6 PREGNANCY.

8 The wife is not pregnant.

9 The wife is pregnant. The father of the unborn child is the husband not the
10 husband undetermined.

11 Other:

12 2.7 CONCLUSIONS OF LAW.

13 The court has jurisdiction to enter a decree in this matter.

14 The parties should be granted a decree under Title 7 of the Swinomish Tribal Code.

15 III. DECREE

16 IT IS DECREED that:

17 3.1 STATUS OF THE MARRIAGE.

18 The marriage of the parties is dissolved.

19 The husband and wife are legally separated.

20 The marriage of the parties is invalid.

21
22 3.2 PROPERTY TO BE AWARDED THE HUSBAND.

23 Does not apply.

24 The husband is awarded as his separate property the following property (list real
25 estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):

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Other:

3.3 PROPERTY TO BE AWARDED TO THE WIFE.

Does not apply.

The wife is awarded as her separate property the following property (list real estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):

Other:

3.4 LIABILITIES TO BE PAID BY THE HUSBAND.

Does not apply.

The husband shall pay the following community or separate liabilities:

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Creditor

Amount

Other:

Unless otherwise provided herein, the husband shall pay all liabilities incurred by him since the date of separation.

3.5 LIABILITIES TO BE PAID BY THE WIFE.

Does not apply.

The wife shall pay the following community or separate liabilities:

Creditor

Amount

Other:

Unless otherwise provided herein, the wife shall pay all liabilities incurred by her since the date of separation.

1 3.6 HOLD HARMLESS PROVISION.

2 Does not apply.

3 Each party shall hold the other party harmless from any collection action relating
4 to separate or community liabilities set forth above, including reasonable
5 attorney's fees and costs incurred in defending against any attempts to collect an
6 obligation of the other party.

6 Other:

7
8 3.7 SPOUSAL MAINTENANCE.

9 Does not apply.

10 The husband wife shall pay \$ _____ maintenance.
11 Maintenance shall be paid
12 weekly semi-monthly monthly. The first maintenance payment shall be
13 due on _____ [date].

13 The obligation to pay future maintenance is terminated upon the death of either party or
14 the remarriage of the party receiving maintenance unless otherwise specified below:

14 Other:

15
16 Payments shall be made:

17 directly to the other spouse.

18 to the clerk of this court as trustee for remittance to the other spouse (only
19 available if there are no dependent children).

20 If a spousal maintenance payment is more than fifteen days past due and the total
21 of such past due payments is equal to or greater than one hundred dollars, or if the
22 obligor requests a withdrawal of accumulated contributions from the Department
23 of Retirement Systems, the obligee may seek a mandatory benefits assignment
24 order under Chapter 41.50 RCW without prior notice to the obligor.

22 The Department of Retirement Systems may make a direct payment of all or part
23 of a withdrawal of accumulated contributions pursuant to RCW 41.50.550(3).

24 Other:

1 3.8 CONTINUING RESTRAINING ORDER.

2 Does not apply.

3 A continuing restraining order is entered as follows:

4 The [] husband [] wife is restrained and enjoined from assaulting, harassing, molesting or
5 disturbing the peace of the other party.

6 The [] husband [] wife is restrained and enjoined from going onto the grounds of or entering
7 the home, workplace or school of the other party, or the day care or school of the following
8 named children:

9 The [] husband [] wife is restrained and enjoined from knowingly coming within or
10 knowingly remaining within _____(distance) of
11 _____(location).

12 Other:

13 **VIOLATION OF A RESTRAINING ORDER IN PARAGRAPH 3.8 WITH ACTUAL**
14 **KNOWLEDGE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER SWINOMISH**
15 **TRIBAL CODE 4-02.120 & 7-11.140 AND WILL SUBJECT THE VIOLATOR TO**
16 **ARREST UNDER SWINOMISH TRIBAL CODE 7-11.210.**

17 CLERK'S ACTION. The clerk of the court shall forward a copy of this order, on or before
18 the next judicial day, to: _____ law enforcement
19 agency which shall enter this order into any computer-based criminal intelligence system
20 available in this state used by law enforcement agencies to list outstanding warrants. (**A law
21 enforcement information sheet must be completed by the party or the party's attorney
22 and provided with this order before this order will be entered into the computer
23 system.**)

24 EXPIRATION.

25 This restraining order expires on: _____ [month/day/year].

This restraining order supersedes all previous temporary restraining orders in this cause
number.

3.9 PARENTING PLAN.

[] Does not apply.

[] The parties shall comply with the Parenting Plan signed by the court on
_____[date]. The Parenting Plan signed by the court is
approved and incorporated as part of this decree.

1 3.10 CHILD SUPPORT.

2 Does not apply.

3 Child support shall be paid in accordance with the order of child support signed
4 by the court on _____ [date]. This order is incorporated as part
5 of this decree.

6
7
8 3.11 ATTORNEY'S FEES, OTHER PROFESSIONAL FEES AND COSTS.

9 Does not apply.

10 Attorney's fees, other professional fees and costs shall be paid as follows:

11
12 3.12 NAME CHANGES.

13 Does not apply.

14 The wife's name shall be changed to
_____ [name].

15 The husband's name shall be changed to
_____ [name].

16 3.13 OTHER:

17
18
19 Dated: _____

Judge

20
21 Presented by:

Approved for entry:
Notice for presentation waived:

22
23 _____
Signature

Signature

24 _____
Print or Type Name

Print or Type Name