

CUSTODY

PLEASE READ ALL OF THE FOLLOWING BEFORE YOU FILE YOUR PLEADINGS WITH THE COURT.

This is provided to you in order to help you file the custody petition with the court. It will answer many of the most asked questions and give you a guideline to follow. Remember DO NOT ask a member of the Court Clerk Staff for legal advice: they are not allowed to give such advice because (1) they are not attorneys or advocates and (2) it would be a possible conflict of interest.

1. A Custody Petition is a civil matter and is started when someone files the attached petition. The person who files the petition is called the PETITIONER. The person(s) against whom the action is filed is called the RESPONDENT.
2. When filling out this Petition for Custody packet, please make sure you fill it out completely. All the information is requested for a good reason. Make sure you sign the Petition in front of a Notary before filing with the court.
3. The filing fee is \$30.00. If you want it reduced/waived, you must file the Motion to reduce/waive filing fee which is included in this packet.
4. After filing the Petition with the court, the clerk will assign a case number.
5. Notice must be given to the Respondent of the action filed in court. You can provide service to the Respondent by Personal Service or Certified Mailing.

**Personal Service: a person who is not a party to this case and over the age of 18, may personally hand deliver the papers to the Respondent. This person must then fill out an AFFIDAVIT OF SERVICE and file it with the court.

**Certified Mailing: a person who is not a party to this case and over the age of 18, may mail the papers to the Respondent by CERTIFIED MAIL. This person must then fill out an AFFIDAVIT OF SERVICE along with the return receipt and file it with the court.

++Substituted Service is only allowed by court order if diligent efforts have been made to serve the papers by one of the methods listed above.

Please refer to the tribal code section 2-2-71(b)(1) and (2).

6. If the Respondent wants to file an answer, please read the summons that is included in this petition packet.
7. A COPY OF ANYTHING THAT IS SENT TO THE COURT TO BE PUT IN THE FILE MUST BE SERVED ON THE OTHER PARTY, WITH PROOF OF SERVICE TO BE FILED AS SET OUT IN #5 ABOVE.

CHECKLIST

- ___1. PETITION FOR CUSTODY completely filled out.

- ___2. NOTARIZED SIGNATURES

- ___3. PARENTING PLAN completely filled out.

- ___4. CHILD SUPPORT WORKSHEET completely filled out.

- ___5. FILING FEE of \$30.00 (Money Order, cashier's check)
OR
Motion to Reduce/Waive filing fee, COMPLETELY filled out.

- ___6. Obtain case number from Court Clerks.

- ___7. SERVE THE OTHER PARTY.

- ___8. FILE AFFIDAVIT OF SERVICE WITH COURT

- ___9. AFTER 20 OR 30 DAYS OF FILING AFFIDAVIT OF SERVICE, FILE
MOTION TO REQUEST HEARING.

GENERAL RULES TO REMEMBER:

1. DO NOT ASK THE COURT CLERKS FOR LEGAL ADVICE.
2. FILL OUT ALL BLANKS IN THE PETITION/PARENTING PLAN/CHILD SUPPORT WORKSHEET.
3. ANYTHING FILED WITH THE COURT NEEDS TO BE SERVED ON THE OTHER PARTY.
4. NO HEARINGS WILL BE SCHEDULED WITHOUT A REQUEST FOR HEARING BY ONE OF THE PARTIES. All requests for hearing must be made by filing a motion with the court and specify what type of hearing is being requested.

If you have any questions, please contact the Clerk's office at the Tribal Court
509-634-2500. Thank you.

1
2
3 **IN THE TRIBAL COURT OF THE**
4 **COLVILLE CONFEDERATED TRIBES INDIAN RESERVATION**

5
6 In re the Custody/Support of:) Case No.: _____
7 _____ DOB: _____)
8 _____ DOB: _____)
9 _____ DOB: _____)
10 _____)
11 _____)
12 _____)
13 _____)
14 _____)
15 _____)
16 _____)
17 _____)
18 _____)
19 _____)
20 _____)
21 _____)
22 _____)
23 _____)
24 _____)
25 _____)

NOTICE (SUMMONS)

TO THE RESPONDENT(S):

A lawsuit has been filed against you in the above-entitled court by the Petitioner indicated above. Petitioner's claim is stated in the written Petition, a copy of which is attached.

In order to defend against this lawsuit, you must answer the Petition by stating your defense in writing, and filing it with the court and serving a copy of it on the Petitioner herein within 20 days after the day you were served this Notice, exclusive of the day you were served. If you fail to do this a DEFAULT JUDGMENT may be entered against you without further notice. A default judgment is one where the Petitioner is entitled to what he or she is asking for in the Petition because you have not answered the Petition in writing. If you serve a Notice of Appearance on the Petitioner, you are entitled to notify the other party before a default judgment may be entered.

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

This Notice (Summons) is issued pursuant to Section 2-2-70 of the Tribal Law and Order Code.

DATED this _____ day of _____, 20_____.
Petitioner's Name: _____
Address : _____

1 **IN THE TRIBAL COURT OF THE**
2 **CONFEDERATED TRIBES OF THE COLVILLE RESERVATION**

3 IN RE THE CUSTODY/SUPPORT OF:

Case No.: _____

4 _____ DOB: _____

5 _____ DOB: _____

6 _____ DOB: _____

Minor Child(ren)

**PETITION FOR CUSTODY
AND/OR SUPPORT**

7 _____
Petitioner,

8 vs.

9 _____
Respondent

10 **I. JURISDICTION**

11 The Colville Tribal Court has jurisdiction over this matter pursuant to Chapter 2-2 and Chapter 5
12 of the Colville Tribal Law and Order Code.

II. PETITIONER(S)

13 Petitioner(s) in this matter is/are: _____

14 Currently residing at (physical address): _____

which is/is not on the Colville Reservation.

15 With a mailing address of: _____

Who is a member of the: _____ Tribe.

16 Social security number: _____

III. RESPONDENT(S)

17 Respondent(s) in this matter is/are: _____

18 Currently residing at (physical address): _____

which is/is not on the Colville Reservation.

19 With a mailing address of: _____

Who is a member of the: _____ Tribe.

20 Social security number: _____

IV. FACTS

21 Petitioner is basing this custody and support request on the following facts:

22 1. The minor child(ren) involved is/are:

23 A. Name: _____

24 DOB: _____

Address: _____

Which is/is not on the Colville Reservation.

25 Tribe(s): _____

Social Security: _____

1 B. Name: _____
2 DOB: _____
3 Address: _____
4 Which is/is not on the Colville Reservation.
5 Tribe(s): _____
6 Social Security: _____

7 C. Name: _____
8 DOB: _____
9 Address: _____
10 Which is/is not on the Colville Reservation.
11 Tribe(s): _____
12 Social Security: _____

(attach separate sheet for additional children)

13 2. This Petitioner should be awarded custody of the above-named child(ren) because:

14 _____
15 _____
16 _____

17 3. The Petitioner should be awarded support of the above-named child(ren) because:

18 _____
19 _____
20 _____

V. APPLICABLE LAW

The applicable law that the court should look to is Chapter 2-2 and Chapter 5 of the Colville Law and Order Code.

1. That Petitioner be awarded custody of the list of child(ren) mentioned in section IV. of this Petition.
2. The Petitioner be awarded child support of the above-named child(ren) in the amount of \$ _____.
3. List other relief that you are requesting:
 - () Pet Capita/Trust Income payment of the above-named minor child(ren);
 - () IRS deductions
 - () Medical insurance for the minor child(ren)
 - () _____

DATE: _____

Signature of Petitioner

1 STATE OF WASHINGTON)
2)ss.
3 COUNTY OF _____)

4 I, _____, being first duly sworn upon oath, deposes
5 and says:
6 That I am the Petitioner in the above-entitled matter;
7 That I have read the foregoing Petition, know that contents thereof and believe the same to be
8 true.

9 _____
10 Signature of Petitioner

11 SUBSCRIBED AND SWORN TO before me this _____ day of _____ 20____.

12 NOTARY PUBLIC in and for the State
13 of Washington residing at _____
14 My commission expires: _____
15
16
17
18
19
20
21
22
23
24
25

**IN THE COURT OF THE
CONFEDERATED TRIBES OF COLVILLE RESERVATION**

Petitioner,

CASE NO. _____

vs.

**MOTION AND AFFIDAVIT FOR AN
ORDER REDUCING/WAIVING
FILING FEE AND ORDER**

Respondent,

The above-named Petitioner moves the court for reduction/waiver of the filing fee herein based on the following affidavit.

State of Washington _____)
County of _____) ss.

1. _____, swears and affirms that:
2. My address is _____.
3. My phone number is _____ and the hours that I can be reached are _____. () Message phone: _____.
4. My date of birth is _____.
5. The following are the current **monthly** sources of income for the household where I lived:

TYPE OF INCOME	SELF	SPOUSE/RESPONDENT	OTHER ADULTS
Employment	\$	\$	\$
Unemployment	\$	\$	\$
Social Security Income	\$	\$	\$
Pensions	\$	\$	\$
VA Benefits	\$	\$	\$
Child Support/Alimony	\$	\$	\$
AFCD/TANF	\$	\$	\$
Other	\$	\$	\$
Totals	\$	\$	\$

6. There are _____ people in my household. Of those people, _____ are my dependents and of those dependents, _____ are minors.

1 7. I have the following monthly expenses and bills:

2 A. Medical: \$	B. Child Care: \$
3 C. Transportation: \$	D. Job Expenses: \$
E. Fixed Debts: \$	F. Unpaid Taxes: \$

4 G. Other (please state what they are and how much each is): _____

5 _____

6 _____

7 TOTAL: \$ _____

8 9. That I am not able to pay the full amount of the \$30.00 filing fee because: _____

9 _____

10 10. That if the Court reduces the amount of the filing fee, I feel I would be able to
11 pay \$ _____, instead of the full \$30.00.

12 _____
13 Signature of the Petitioner (Must be signed
Before a Court official or Notary Public)

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

15 _____
16 () Notary () Judge () Clerk

17 **ORDER**

18 This matter came before the Court upon a Motion to Reduce or Waive the Filing Fee filed by the
19 Petitioner in this matter. The Court, after reviewing the record and applicable law in this matter,
makes the following determination:

20 It is hereby ORDERED, ADJUDGED and DECREED that the filing fee in this matter is:

21 [] waived

[] reduced to \$ _____

[] shall be paid in full before the case will be processed.

22 Date this _____ day of _____, 20 _____.

23 _____
24 Judge

**IN THE COURT OF
THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION**

IN RE THE CUSTODY OF:

DOB: _____

DOB: _____

DOB: _____

Minor Children.

Petitioner(s),

vs.

Respondent(s).

Case No: CV- _____

PARENTING PLAN

- PROPOSED**
 TEMPORARY
 FINAL

1. This parenting plan is (*check one*):

Proposed by (*name/s*): _____
and is not an order of the court.

Signed by a judge and is a court order. This order is (*check one*):

Temporary.

Final. The court signed an order approving a final parenting plan on (*date*): _____.

Modified. The court signed an order changing the last final parenting plan on (*date*): _____.

2. Children - This parenting plan is for the following children:

Child's name	Age	Child's name	Age
1.		4.	
2.		5.	
3.		6.	

3. **Limitations on a Parent (CTC §§ 5-1-126, 5-5-76-78)**

The court can, and sometimes must, limit parenting time and decision-making about the children, as well as participation in any dispute resolution process if there has been abandonment, abuse, domestic violence, sex offense conviction, neglect, serious behavior or physical problems, drug or

alcohol problems, lack of emotional ties, abusive use of conflict, withholding of the child from the other parent, or other serious issues that may endanger the children's physical, mental, or emotional health or otherwise would not be in the best interest of the children.

- These problems don't apply. (Skip to part 4 below.)
- These problems do apply. (Mark the problems in part 3.1 below, and attach a separate sheet of paper detailing the problems.)

Which parent has some of these problems? (Name): _____

3.1. Reasons for limitations on that parent (Check all that apply):

A. **Abandonment, abuse, domestic violence, or sex offense.** If a parent has any of these problems, the court must limit that parent's contact with the child and decision-making. Describe the problems (check all that apply):

- That parent intentionally abandoned a child named listed in part 2 for an extended time.
- That parent substantially refused to perform his/her parenting duties for a child listed in 2.
- That parent (or someone living in that parent's home) abused or threatened to abuse a child. The abuse was (check all that apply):
- physical sexual repeated emotional abuse.
- That parent (or someone living in that parent's home) has a history of domestic violence as defined in CTC 5-5-3(d)*, or has assaulted someone causing serious physical harm or fear of such harm. (This includes sexual assault.)
- That parent has been convicted of a sex offense as an adult.
- Someone living in that parent's home has been convicted or adjudicated of a sex offense either as an adult or a juvenile.

B. **Other serious problems that may harm the children's best interests.** If a parent has any of these problems, the court may limit that parent's contact with the child and decision-making. Describe the problems (check all that apply):

That parent:

- Neglected his/her parental duties towards a child listed in 2.
- Has a long-term emotional or physical problem that interferes with his/her ability to parent.

* "Domestic Violence" means the occurrence of one or more of the following acts by a family or household member, but does not include acts of self-defense or culturally appropriate discipline of a child:

- (1) Attempting to cause or causing physical, mental or emotional harm to another family or household member;
- (2) Placing a family or household member in reasonable fear of physical harm to him or herself or another family or household member. This fear may be produced by behavior which induces fear in the victim, including, but not limited to, harassment, stalking, destruction of property, or physical harm or threat of harm to household pets;
- (3) Causing a family or household member to engage involuntarily in sexual activity, which includes, but not limited to, through coercion, intoxication, force, threat of force, or duress; or
- (4) Attempting to commit or committing any criminal offense under Colville Tribal law against another family or household member.

- Has a long-term problem with drugs, alcohol, or other substances that interferes with his/her ability to parent.
- Has few or no emotional ties with a child listed in part 2.
- Uses conflict in a way that endangers or damages the psychological development of a child listed in part 2.
- Has kept the other parent away from a child named in part 2 for a long time, without a good reason.
- Other (specify): _____

3.2. Limitations on that parent (check all that apply):

- No contact with children
- Limited contact (specify): _____

- Supervised contact. The supervisor shall be:
 - a professional supervisor (name): _____
to be paid by (name): _____
 - a non-professional supervisor (name): _____
 - determined by the court.

The dates and times of supervised contact shall be:

- as shown in parts 6-9 below
- as arranged by the supervisor
- as follows (specify): _____

- Contact is conditioned on starting and staying in treatment or completion of treatment as follows: _____

- Other limitations (specify): _____

- No limitations (explain why there are no limitations despite the problems checked above): _____

4. Decision-Making—Who can make decisions about the children?

When the children are with you, you are responsible for them. You can make day-to-day decisions for the children when they are with you, including decisions about safety and emergency health care.

4.1. Major decisions. Who makes important decisions affecting the children about:

- | | | |
|-----------------------------------|--|--------------------------------|
| School / Educational | <input type="checkbox"/> (Name): _____ | <input type="checkbox"/> Joint |
| Health care (not emergency) | <input type="checkbox"/> (Name): _____ | <input type="checkbox"/> Joint |
| Religion and religious activities | <input type="checkbox"/> (Name): _____ | <input type="checkbox"/> Joint |
| Other (specify): _____ | <input type="checkbox"/> (Name): _____ | <input type="checkbox"/> Joint |
| Other (specify): _____ | <input type="checkbox"/> (Name): _____ | <input type="checkbox"/> Joint |

4.2. Reasons for limits on decision-making, if any.

- There are no limits on decision-making.
- The reason only one parent should make major decisions is (check all that apply):
 - One of the parents has serious problems as described in 3.1.A above.
 - Both parents are against shared decision-making.
 - One of the parents does not want to share decision-making because the other parent:
 - has serious problems as described in 3.1.B. above,
 - has not shared in decision-making in the past,
 - has not shown he/she can cooperate with decision-making, or
 - lives far away, making it hard to make decisions together.

5. Dispute Resolution – If you and the other parent disagree

From time to time, the parents may have disagreements about shared decisions or about what parts of this parenting plan mean.

5.1. To solve disagreements, the parents will go to (check one):

- Mediation (mediator or agency name): _____
NOTE: If there are domestic violence issues, you may only use mediation if (1) the victim asks for mediation, (2) the mediator is certified and trained in domestic violence in a specialized manner intended to protect the safety of the victim; and (3) the victim can bring a support person to mediation. CTC § 5-5-72.
- Arbitration (arbiter or agency name): _____
- Counseling (counselor or agency name): _____
- Court (without first having to go to mediation, arbitration, or counseling).
(If you check this box, skip 5.2. and go to 6.)

5.2. If mediation, arbitration, or counseling is required, one parent must notify the other parent by (check one):

- certified mail
- other (specify): _____

The parents will pay for the mediation, arbitration, or counseling services as follows (check one):

- (Name): _____ will pay _____%,
- (Name): _____ will pay _____%.

- Based on the parents' relative income listed on line 6 of the *Child Support Worksheet*.
- The mediator, arbiter, or counselor will decide.

What to expect at mediation, arbitration, or counseling

- Unless there is an emergency, you must use the service checked in 5.1 before going to court.
- If your disagreement is about money or support, you may go straight to court without first using the service checked in 5.1.
- If you do not cooperate at mediation, arbitration, or counseling without a good reason, the court can fine you and order you to pay the other parent's legal fees or other costs.
- If you reach an agreement, it must be put into writing and both parents must get a copy.
- In mediation, arbitration, or counseling, preference shall be given to carrying out, and not changing, the parenting plan.
- If mediation, arbitration, or counseling doesn't solve the disagreement, you may go back to court. You can ask the court to clarify or change the parenting plan, or bring the other parent to court for not following the plan (called *Contempt*).

PARENTING SCHEDULES
(Residential Provisions)

- Check here if the Parenting Schedules do not apply because one parent has no parenting time with the children except as stated in 3.2. The children will live with (name): _____ at all times except as stated in 3.2. (Skip to 11)

6. School Schedules

6.1. Children under School-Age

- Does not apply. All children are school age.
- The schedule for children under school-age is the same as for school-age children.
- Children under school-age will live with (name): _____ except when they are scheduled to be with the other parent.

The other parent's parenting schedule is (check all that apply):

- WEEKENDS: every week every other week other (specify): _____
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
- WEEKDAYS: every week every other week other (specify): _____
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
 from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.
- OTHER (specify): _____

6.2. School-Age Children

This schedule will apply when (check one): the youngest child the oldest child

each child begins:

(check one): Kindergarten 1st grade Other: _____

The children will live with (name): _____ except when they are scheduled to be with the other parent.

The other parent's parenting schedule is (check all that apply):

WEEKENDS: every week every other week other (specify): _____

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

WEEKDAYS: every week every other week other (specify): _____

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

OTHER (specify): _____

7. Summer Schedule

The Summer Schedule is the same as the School Schedules. (Skip to 8.)

The Summer Schedule will not apply until the summer before:

(check one): the youngest child the oldest child each child

begins (check one): Kindergarten 1st grade Other: _____

The Summer Schedule is the same as the School Schedules except that each parent shall spend _____ weeks of uninterrupted vacation time with the children each summer. The parents shall confirm their vacation schedules in writing by the end of (date) _____ each year. (Skip to 8.)

The Summer Schedule is different from the School Schedules. During the summer the children will live with (name): _____ except when they are with the other parent.

The other parent's parenting schedule is (check all that apply):

WEEKENDS: every week every other week other (specify): _____

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

WEEKDAYS: every week every other week other (specify): _____

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

from (day) _____ at ____:____.m. to (day) _____ at ____:____.m.

OTHER (specify): _____

8. Holiday Schedule (includes school breaks)

The Holiday Schedule is the same as the School Schedules in 6 for all holidays and school breaks.
 (Skip to 9.)

This is the Holiday Schedule for all children school-age children only:

Holiday	With (name):	With (name):
Martin Luther King Jr. Day	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
	<input type="checkbox"/> Other Plan: _____	
Presidents' Day	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
	<input type="checkbox"/> Other Plan: _____	
Mid-winter Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 1 st half of school Mid-winter Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 2 nd half of school Mid-winter Break
	<input type="checkbox"/> Other Plan: _____	
Spring Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 1 st half of school Spring Break	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr. <input type="checkbox"/> 2 nd half of school Spring Break
	<input type="checkbox"/> Other Plan: _____	
Easter / Passover / Ramadan	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
	<input type="checkbox"/> Other Plan: _____	
Mother's Day	<input type="checkbox"/> Children shall spend every Mother's Day with Mother from 9 a.m. to 6 p.m. <input type="checkbox"/> Other Plan: _____	

Holiday	With (name):	With (name):
Memorial Day Weekend	Begin day/time: _____	Begin day/time: _____
	End day/time: _____	End day/time: _____
<input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.		<input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
<input type="checkbox"/> Other Plan: _____		
Father's Day	<input type="checkbox"/> Children shall spend every Father's Day with Father from 9 a.m. to 6 p.m.	
<input type="checkbox"/> Other Plan: _____		
Fourth of July	Begin day/time: _____	Begin day/time: _____
	End day/time: _____	End day/time: _____
<input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.		<input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
<input type="checkbox"/> Follow the Summer Schedule in 7.		
<input type="checkbox"/> Other Plan: _____		
Labor Day Weekend	Begin day/time: _____	Begin day/time: _____
	End day/time: _____	End day/time: _____
<input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.		<input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
<input type="checkbox"/> Other Plan: _____		
Thanksgiving Day/Break	Begin day/time: _____	Begin day/time: _____
	End day/time: _____	End day/time: _____
<input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.		<input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
<input type="checkbox"/> Other Plan: _____		
Winter Break	Begin day/time: _____	Begin day/time: _____
	End day/time: _____	End day/time: _____
<input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.		<input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
<input type="checkbox"/> Other Plan: _____		

Holiday	With (name):	With (name):
Christmas	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
	<input type="checkbox"/> Follow the Winter Break schedule above. <input type="checkbox"/> Other Plan: _____ 	
New Year's Eve/ New Year's Day <i>(odd/even is based on New Year's Day)</i>	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
	<input type="checkbox"/> Follow the Winter Break schedule above. <input type="checkbox"/> Other Plan: _____ 	
Children's Birthdays	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
	<input type="checkbox"/> Other Plan: _____ 	
All three-day weekends not listed elsewhere	(Federal holidays, school in-service days, etc.) <input type="checkbox"/> The children shall spend any unspecified holiday or non-school day with the parent who has them for the attached weekend. <input type="checkbox"/> Other Plan: _____ 	
Other holiday important to the family: _____	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.	Begin day/time: _____ End day/time: _____ <input type="checkbox"/> Odd Yrs. <input type="checkbox"/> Even Yrs. <input type="checkbox"/> Every Yr.
	<input type="checkbox"/> Other Plan: _____ 	

9. **Third-Party Visitation Rights (CTC § 5-1-126)**

The following people have the right to visit with the children unless the Court finds that it would not be in the best interest of the Child(ren): _____

Visitation shall take place at the following date/time/location: _____

10. Conflicts in Scheduling

Sometimes holiday time may conflict with time set aside for the other parent. When this happens, the holiday time shall be observed over all other schedules. If there are conflicts within the Holiday Schedule (check all that apply):

- Named holidays shall be followed before school breaks.
- Child's birthdays shall be followed before named holidays and school breaks.
- Other (specify): _____

11. Transportation Arrangements (check one):

- When one parent's parenting time ends, the other parent will pick up the children at (specify location): _____
- When one parent's parenting time ends, that same parent will take the children to the other parent at (specify location): _____
- Other (specify): _____

12. Custodian

The Child(ren) named in this Parenting Plan are scheduled to reside the majority of the time with (name) _____. This party is designated the custodian of the Child(ren) for the purposes of state and federal laws which requires the designation or a determination of a custodian. Both parents have parenting rights and responsibilities as described in this document, even though one parent is called the custodian.

13. Trust Monies & IRS Exemptions

The Child(ren)'s half-shares from per-capitas, claims, and other monies should be:

- placed in the Child(ren)'s Individual Indian Monies (IIM) account, or
- received by (name) _____

The IRS Exemptions for the Child(ren) should be:

- received by (name) _____
- alternate between the parents every year

14. Other (list anything that is not contained in this parenting plan that you think should be)

15. Moving with the Children

If the custodian plans to move, he or she must notify every person who has court-ordered time with the children. Notice may be made by either by a letter providing the other parties the custodian's new address and the date of the intended move, or by a motion and affidavit requesting a modification to parenting plan. Notice must be served on the other parties at least 30 days prior to the move unless the party show good cause.

A person who has court-ordered time with the child can object to a move affecting the ability of the parties to fulfill this Parenting Plan and to any proposed changes to the parenting plan.

An objection is made by filing a Motion and Affidavit and serving a copy on the custodian and any other people who have court-ordered time with the child. Service of the *Notice to Move, Petition to Modify the Parenting Plan*, and any *Objection* must be by personal service or by mailing a copy to each person by any form of mail that requires return receipt.

16. Proposal

Does not apply. This is a court order.

This is a *proposed* parenting plan. (*The person proposing the plan must read and sign below.*)

I declare under penalty of perjury under the laws of the Colville Confederated Tribes that this plan was proposed in good faith and that the information in part 3 is true.

▶ _____
Parent proposing plan signs here

Signed at (*city, state, and date*)

▶ _____
Parent proposing plan signs here

Signed at (*city, state, and date*)

COURT ORDER

*This box for Court use only.
Parties do not fill out anything in this box.*

I. FINDINGS OF FACT

Based on the pleadings or evidence considered:

- The Court adopts as findings the limitations described in paragraph 3; makes the following findings regarding limitations on parenting time and decision making about the children: _____

- The Court makes additional findings, which are:
 - contained in an order or findings of fact entered at the same time as this parenting plan.
 - attached as Exhibit A and incorporated into this parenting plan.
 - other: _____

II. CONCLUSIONS OF LAW

- This parenting plan is in the best interest of the children. CTC § 5-1-121.
- Other: _____

III. ORDER

- The parties shall follow the terms of the parenting plan as set out above.
- The Child(ren)'s claims, per-capitas, and other trust monies, are awarded as follows: _____
- The IRS tax exemptions shall be awarded as follows: _____

The Court also *Orders*: _____

▶ _____
Colville Tribal Court Judge *Date*

If this is a court order, Petitioner and Respondent or their spokesman sign below.

- This order (*check all that apply*):
- is an agreement of the parties.
 - is presented by me.
 - may be signed by the court without notice to me.

- This order (*check all that apply*):
- is an agreement of the parties.
 - is presented by me.
 - may be signed by the court without notice to me.

▶ _____
Petitioner signs here or spokesman signs here

▶ _____
Respondent signs here or spokesman signs here

Print Name *Date*

Print Name *Date*

WARNING!

Violation of this order may subject a violator to arrest, jail time, and/or a fine.

If this order is signed by the Court, you *must* obey it. Violation of residential provisions of this Order, or any other order of the Court, with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under CTC § 3-1-123.

**IN THE COURT OF
THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION**

_____ ,
Plaintiff(s)/Petitioner(s),

vs.

_____ ,
Defendant(s)/Respondent(s).

Case No: _____

**CERTIFICATE OF SERVICE/
ATTEMPTED SERVICE**

I, (name): _____, hereby certify upon penalty of perjury:

1. I am age 18 or older and am not party to this case.
2. I served court documents for this case to (name): _____.
3. I served/attempted to serve the following documents: (check all that apply, if checking "other" give the title of the document)

<input type="checkbox"/> Petition/Complaint		
<input type="checkbox"/> Summons	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion & Affidavit for TRO
<input type="checkbox"/> Motion & Affidavit for Fee Reduction/Waiver	<input type="checkbox"/> Order to Show Cause _____	<input type="checkbox"/> Motion & Affidavit _____
<input type="checkbox"/> Restraining Order	<input type="checkbox"/> Parenting Plan	<input type="checkbox"/> Child Support
<input type="checkbox"/> Temporary Order	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

4. I successfully gave the documents to the person listed in 2 by:
 - I personally gave the documents to him/her
 - I personally gave the documents to (name): _____, a person believed to be age 18 or older and of suitable discretion, who lives at the same address as the person listed in 2.
 - I personally mailed the documents by certified mail, return receipt requested, to the last known address listed below. The return receipt is attached to this Certificate of Service.

I personally served/mailed the documents on _____ at _____ am/pm.
 I personally served the documents at/mailed the documents to the following address: _____

5. I was unable to successfully give the documents to the person listed in 2. I attempted serve to him/her on the following dates and locations: (list each date and place you attempted service, you may attach another sheet of paper if needed)

<u>Date</u>	<u>Location</u>	<u>Additional Information</u>

6. I further certify that I have examined the statements made in this document and that the facts contained in it are true and correct to the best of my knowledge.

Signed at (city and state) _____ Date _____

 Signature of server

 Print or type name of server