

KALISPEL TRIBAL COURT

In re the Marriage of:

and

Petitioner,

Respondent.

No.

**Petition for Dissolution of
Marriage
(PTDSS)**

I. Basis

1.1 Identification of Petitioner

Name (first/last) _____, Birth date _____

Last known residence _____ [county and state].

1.2 Identification of Respondent

Name (first/last) _____, Birth date _____

Last known residence _____ [county and state].

1.3 Children of the Marriage Dependent Upon Either or Both Spouses

The husband and wife are both the parents of the following dependent children:

Name (first/last) _____ Age _____

The husband is and the wife is not the parent of the following dependent children:

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

The wife is and the husband is not the parent of the following dependent children:

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

1.4 Allegation Regarding Marriage

This marriage is irretrievably broken.

1.5 Date and Place of Marriage

The parties were married on _____ at _____.
[Date] [City and State]

1.6 Separation

- Husband and wife are not separated.
- Husband and wife separated on _____ [Date].

1.7 Jurisdiction

This court has jurisdiction over the marriage.

- This court has jurisdiction over the respondent because:
 - the respondent is presently residing in Washington.
 - the petitioner and respondent lived in Washington during their marriage and the petitioner continues to reside, or be a member of the armed forces stationed, in this state.
 - the petitioner and respondent may have conceived a child while within Washington.
 - the Respondent is Native American and a resident of the Kalispel Indian Reservation.
 - Other:

- This court does not have jurisdiction over the respondent.

1.8 Property

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

- The division of property should be determined by the court at a later date.
- The petitioner's recommendation for the division of property is set forth below.

The petitioner should be awarded the parties' interest in the following property:

The respondent should be awarded the parties' interest in the following property:

Other:

1.9 Debts and Liabilities

- The parties have no debts and liabilities.
- The Petitioner and Respondent owe the following debts:

Petitioner should be responsible for and hold Respondent harmless from the following debts:

CREDITOR:

AMOUNT OWED:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

All debts incurred since separation except:

CREDITOR:

AMOUNT OWED:

Respondent should be responsible and hold Petitioner harmless from the following debts:

CREDITOR:

AMOUNT OWED:

- 1.
- 2.
- 3.

4.

5.

All debts incurred since separation except:

CREDITOR:

AMOUNT OWED:

1.10 Spousal Maintenance

Spousal maintenance should not be ordered.

Spousal maintenance should be ordered.

Explanation: _____.

1.11 Continuing Restraining Order

Does not apply.

A continuing restraining order should be entered which restrains or enjoins the
 husband wife from disturbing the peace of the other party.

A continuing restraining order should be entered which restrains or enjoins the
 husband wife from going onto the grounds of or entering the home, work place or
school of the other party or the day care or school of the following children:

 A continuing restraining order should be entered which restrains or enjoins the husband
 wife from knowingly coming within or knowingly remaining within _____
(distance) of the home, work place or school of the other party or the day care or school
of these children: _____.

Other: _____.

A continuing restraining order should be entered which restrains or enjoins
_____ [Name] from molesting, assaulting, harassing, or
stalking _____ [Name]. (If the court orders this relief, the
restrained person will be prohibited from possessing a firearm or ammunition under
federal law for the duration of the order. An exception exists for law enforcement
officers and military personnel when carrying department/government-issued firearms.
18 U.S.C. § 925(a)(1).)

Other:

1.12 Protection Order

- Does not apply.
- A domestic violence protection order should be entered protecting _____ [Name] from _____ [Name] because _____ [Name] has committed domestic violence as defined by KLOC 8-5 against _____ [Name]. (If the court orders this relief, the restrained person will be prohibited from possessing a firearm or ammunition under federal law for the duration of the order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

If you need immediate protection, contact the clerk/court for KLOC 8-5 Domestic Violence forms.

1.13 Pregnancy

- The wife is not pregnant.
- The wife is pregnant.
- Other:

1.14 Jurisdiction Over the Children

- Does not apply because there are no dependent children.
- This court has jurisdiction over the children for the reasons set forth below:
- This court has exclusive continuing jurisdiction. The court has previously made child custody, parenting plan, residential schedule or visitation determination in this matter and retains jurisdiction under the laws of the Kalispel Tribe.

- This state is the home state of the children because
- The children are Native American and reside on the Kalispel Indian Reservation
 - the children lived on the Kalispel Indian Reservation/in Washington with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of this proceeding.
 - the children are less than six months old and have lived on the Kalispel Indian Reservation in Washington with a parent or a person acting as parent since birth.
 - any absences from Washington have been only temporary.

- Washington was the home state of the children within six months before the commencement of this proceeding and the children are absent from the state but a parent or person acting as a parent continued to live in this state.
- The children and the parents or the children and at least one parent or person acting as a parent, have significant connection with the state other than mere physical presence; and substantial evidence is available in this state concerning the children's care, protection, training and personal relationships; and
 - the children have no home state elsewhere.
 - the children are Native American and not members of any other Tribe
 - the children's Tribe has declined to exercise jurisdiction on the ground that this Tribal nation is the more appropriate forum.
- All courts in the children's home state/reservation have declined to exercise jurisdiction on the ground that a court of this state/reservation is the more appropriate forum to determine the custody of the children under the laws of the Kalispel Tribe.
- No other state has jurisdiction.
- This court has temporary emergency jurisdiction over this proceeding because the children are present on the Kalispel Indian Reservation and in this state and the children have been abandoned or it is necessary in an emergency to protect the children because the children, or a sibling or parent of the children is subjected to or threatened with abuse.
- There is a previous custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state or Tribe having jurisdiction.
- There is no previous custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state or Tribe having jurisdiction under the laws of the Kalispel Tribe and RCW 26.27.201 through 26.27.221. If an action is not filed in _____ [potential home state or reservation] by the time the child has been in Washington or on the Kalispel Indian Reservation for six months, _____ [Date], then the Kalispel Tribal Court's jurisdiction will be final and continuing.
- Other:

1.15 Child Support and Parenting Plan for Dependent Children

- The parties have no dependent children.

- Support for the dependent children listed below, should be set pursuant to the laws and codes of the Kalispel Tribe of Indians.

<u>Name of Child</u>	<u>Mother's Name</u>	<u>Father's Name</u>
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The petitioner's proposed parenting plan for the children listed above:

- is attached and is incorporated by reference as part of this Petition.
 will be filed and served at a later date.

(The following information is required only for those children who are included in the petitioner's proposed parenting plan.)

During the last five years, the children have lived:

- in no place other than the state of Washington and with no person other than the petitioner or the respondent.
 in no place other than the Kalispel Indian Reservation and with no person other than the petitioner or the respondent.
 in the following places with the following persons (list each place the children lived, including the Kalispel Reservation and the state of Washington, the dates the children lived there and the names of the persons with whom the children lived. The present addresses of those persons must be listed in the required Confidential Information Form):

Claims to custody or visitation:

- The petitioner does not know of any person other than the respondent who has physical custody of, or claims to have custody or visitation rights to, the children.
 The following persons have physical custody of, or claim to have custody or visitation rights to the children (list their names and the children concerned

below and list their present addresses in the Confidential Information Form. Do not list the responding party):

Involvement in any other proceeding concerning the children:

- The petitioner has not been involved in any other proceeding regarding the children.
- The petitioner has been involved in the following proceedings regarding the children (list the court, the case number, and the date of the judgment or order):

Other legal proceedings concerning the children:

- The petitioner does not know of any other legal proceedings concerning the children.
- The petitioner knows of the following legal proceedings which concern the children (list the children concerned, the court, the case number, and the kind of proceeding):

1.16 Other

II. Relief Requested

The petitioner **Requests** the court to enter a decree of dissolution and to grant the relief below.

- Provide reasonable maintenance for the husband wife.
- Approve the petitioner’s proposed parenting plan for the dependent children listed in paragraph 1.15.
- Determine support for the dependent children listed in paragraph 1.15 pursuant to the Washington State Child Support Schedule.
- Approve the separation contract or prenuptial agreement.
- Divide the property and liabilities.
- Change name of wife to (first, middle, last): _____.
- Change name of husband to (first, middle, last): _____.
- Enter a domestic violence protection order.
- Enter a continuing restraining order.
- Other:

Dated: _____

Signature of Petitioner

Print Name

I declare under penalty of perjury under the laws of the Kalispel Tribe of Indians and the State of Washington that the foregoing is true and correct.

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

Signature of Petitioner

Print Name

[] Joinder

I, the respondent, join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition, unless prior to the entry of the decree or judgment and order a response is filed and served.

I consent to exclusive jurisdiction of these proceedings being in the Kalispel Tribal Court.

I waive notice of entry of the decree.

I demand notice of all further proceedings in this matter. Further notice should be sent to the following address [You may list an address that is not your residential address where you agree to accept legal documents]:

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Dated: _____

Signature of Respondent

Print Name