

Respondent's Packet



Dissolution

Contents:

- 1) Divorce Information Sheet
- 2) Defendant/Respondent's Civil Guide
- 3) Statement of Address
- 4) Affidavit of Consent
- 5) Answer to Petition for Dissolution of Marriage
- 6) Motion to Dismiss
- 7) Proposed Parenting Plan
- 8) Proof of Service

RESPONDENT'S DIVORCE INFORMATION

You have been served with this packet because your spouse has filed a Petition for Dissolution in the Puyallup Tribal Court. This packet contains information to help you understand the process and your options.

You have 20 DAYS to file an Answer to the Petition for Dissolution with the Court Clerk or you may be found in default and the Court may grant the Petition in its entirety.

KNOW YOUR RIGHTS

You have important rights in the Puyallup Tribal Court:

- The right to be present before the Court;
- The right to present written and oral testimony;
- The right to subpoena witnesses;
- The right to submit relevant evidence to the Court for consideration; and
- The right to appeal final decisions of the Court.

READ the applicable Puyallup Tribal law:

- Domestic Relations Code – Puyallup Tribal Code Chapter 7.08
- Civil Procedures Code – Puyallup Tribal Code Chapter 4.08

Available online at <http://www.codepublishing.com/WA/puyalluptribe/>

READ the Petition carefully and decide what you want to do:

- If you agree with everything in the Petition and want the Court to grant a divorce without a hearing, complete the “Affidavit of Consent” form.
- If you disagree with any part of the Petition, including the Petitioner’s proposed parenting plan, complete the Answer form or prepare your own Answer. The form is provided for your convenience.
- If you think the Court should dismiss the Petition completely, complete the Motion to Dismiss and file it with the Court Clerk.

COMPLETE all the required information in the forms you decide to use. There can be no blanks on your returned forms.

RETURN your completed forms to the Court.

YOU are responsible for serving a copy of your Answer/Motion on the Petitioner. Someone *other than you* who is at least 18 years old must personally serve your Answer/Motion and any other documents on the Petitioner or you can mail the documents to the Petitioner via U.S. certified mail/return receipt requested.

Complete the Certificate of Service and file it with the Court Clerk.

This packet contains:

- Affidavit of Consent (Use if you agree with everything in the Petition and want the court to grant the divorce without a hearing.)
- Answer to Petition for Dissolution & Affidavit (Use if you contest any part of the Petition and do not want to prepare your own response.)
- Parenting Plan (Use if you disagree with the Petitioner’s proposed parenting plan.)
- Certificate of Service (Required – return after you have completed service on the Petitioner.)
- Motion to Dismiss (Use if you want the Court to dismiss the Petition.)

DEFENDANT/RESPONDENT'S CIVIL GUIDE

This guide is for informational purposes only and the accuracy of this information is not guaranteed. This information is not legal advice and is not a substitute for legal advice. Court Clerks cannot give you legal advice.

A civil case begins when the plaintiff/petitioner files a complaint/petition against a defendant/respondent with the Court. The complaint/petition is a statement of the “events complained of or the right sought to be declared or enforced and a statement of what relief is sought.” PTC 4.08.080.

1. What happens when I am named as a defendant/respondent in a complaint/petition?

If you are named as a defendant/respondent, a lawsuit has been filed against you and you must respond to that lawsuit; otherwise, the plaintiff/petitioner might get what he or she asked for in the complaint/petition. It is important to thoroughly read the complaint/petition to understand why a complaint/petition has been filed.

2. How do I respond to the complaint/petition?

Puyallup Tribal law requires a defendant/respondent in a civil matter to file a written answer to the complaint/petition that has been filed. PTC 4.08.120. An answer form is provided in this packet as a courtesy. You are not required to use this form, but you must complete a Statement of Address form, which is also included in this packet.

3. How do I file my answer?

To file your answer with the court, give your written answer and any supplemental documents to the Court Clerk during business hours (M-F 8 a.m. - 5 p.m., closed for holidays). The Clerk's office is located inside the Puyallup Tribal Court facility, at 1451 East 31st St. Tacoma, WA 98404.

Submit to the Court Clerk:

- Completed & signed answer
- Any supplemental documents
- Statement of Address
- Request for Service, if you would like the Court Clerk to serve your answer.

If, for genuine safety reasons, you are requesting your address to be confidential, then you must make this request to the Court while also providing your mailing address to the Court for service purposes. It is recommended that you file a Statement of Address form with this request and also leave your address blank on the answer to assist in ensuring that your address remains confidential.

4. How long do I have to file my answer?

You have twenty (20) days from the time you were served with the summons, notice of hearing, and a copy of the complaint/petition to file your answer.

5. What happens after I file my answer?

You must serve (give a copy of your answer to) the plaintiff/petitioner. You cannot serve the plaintiff/petitioner yourself. But, you can have anyone over the age of 18, who is not a party to the case, serve the defendant/respondent. *Whoever serves the plaintiff/petitioner must file proof of service with the court.*

You can also request the Court Clerk to serve the plaintiff/petitioner by filling out a Request for Service form, which is included in this packet. The Court Clerk can only serve the plaintiff/petitioner if you provide a good address for them. To avoid delays be sure to provide an accurate address.

6. What happens at the initial hearing?

You must show up at the hearing. The judge will hear from the parties and based on the circumstances will make a decision on how to proceed.

7. What happens after the hearing?

What happens after the hearing depends on what the judge orders. Therefore, it is important to read any order issued by the judge and understand its contents because it will outline the next step in the process.

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re:

Child(ren) or Vulnerable Tribal Adult Name(s)

DOB(s)

=====

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

v.

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

Case No. _____

STATEMENT OF ADDRESS

COMES NOW _____ and, in this matter, I am (we are) the

Full Name(s)

Plaintiff(s)/Petitioner(s) Defendant(s)/Respondent(s) _____.

Party Type

1. Court Record.

For genuine safety concerns, I request my home address and contact information be confidential from the other party(ies) and/or the public to protect my and/or my child(ren)'s or ward's health, safety, or liberty. By checking this box I understand that my address will not become part of the Court record, but will be for Court use only.

My address is not confidential. By checking this box I understand that my address will become part of the Court record and that other parties and individuals involved will have access to my address and contact information.

2. The address where I agree to accept legal papers for this matter is:

Street Address or P.O. Box

City

State

Zip Code

3. (Optional) I also agree to accept legal papers for this matter at the following email address: _____

4. My contact phone number(s) is(are) (check preferred):

_____ _____ _____

Home Phone

Cell Phone

Work Phone

Co-Party: _____ _____ _____

(if any)

Home Phone

Cell Phone

Work Phone

Case No. _____

STATEMENT OF ADDRESS

5. I understand that it is my responsibility to inform the Court of any address or contact information changes while this case is open. I understand that if my address or contact information changes, then I must submit to this Court a new *Statement of Address* form with accompanying proof of service to all parties (*if applicable*).

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and any attachments are true and correct to the best of my knowledge and belief. Puyallup Tribal Code § 5.12.1180.

Party Signature

Date

/s/

Print Name – Party Electronic Signature

Attorney/Advocate Bar No. (if applicable)

Co-Party Signature (if any)

Date

/s/

Print Name – Party Electronic Signature

Attorney/Advocate Bar No. (if applicable)

**IN THE COURT OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

_____,
Petitioner,

v.

_____,
Respondent.

Case No. _____

AFFIDAVIT OF CONSENT; AFFIDAVIT

INSTRUCTIONS

**USE THIS FORM ONLY IF YOU DO NOT CONTEST ANYTHING IN THE PETITION.
YOU HAVE 20 DAYS FROM THE DATE OF SERVICE TO FILE A RESPONSE WITH
THE COURT CLERK.**

- You may use this form to respond to the *Petition for Dissolution of Marriage* that was served on you if you agree to dissolve the marriage and if you agree with the statements in the petition regarding division of property and debts, custody and care of minor children, and other requests made in the Petition.
- You do not have to use this form, but if you do not respond to the Petition, the Court may issue a default judgment against you.
- If you disagree with any part of the Petition, you should not use this form. You should instead file an Answer that tells the Court what you agree with and what you don't agree with and what you would like the Court to do.

COMES NOW, _____, the Respondent in the above-named
(Printed Name)

matter and states:

1. A Petition for Dissolution of Marriage ("Petition") was filed by Petitioner on _____.
(Date)
2. I acknowledge receipt of the Petition for Dissolution of Marriage and its attachments.
3. I agree that the Petitioner and I have an inability to live together in agreement and harmony.

4. I consent to the entry of a Decree of Dissolution by the Puyallup Tribal Court and such further relief as requested in the Petition, including relief regarding spousal support, division of property and debts, and the custody and care of my minor children (if applicable).
5. I further waive the right to a hearing on the Petition and understand that the Court may issue a Decree of Dissolution without a hearing.
6. I understand that by consenting to the entry of a Decree of Dissolution, I am waiving my right to object to issues concerning spousal support, division of real and personal property, and the care, custody, and support of my minor children (if any).
7. This consent applies only to the Petition as of _____. If Petitioner alters, amends, (Date on Petition) or otherwise attempts to modify the Petition, I reserve the right to withdraw my consent if I disagree with any such alterations, amendments or modifications.
8. I swear and affirm under the penalty of perjury under the laws of the Puyallup Tribe of Indians and the State of Washington that the statements and information provided above and/or attached hereto are true and correct to the best of my knowledge.

**** DO NOT SIGN UN**  **CTED TO DO SO BY THE NOTARY PUBLIC ****

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and any attachments are true and correct to the best of my knowledge and belief. Puyallup Tribal Code § 5.12.1180.

Party Signature

Attorney/Advocate Bar No. (if applicable)

/s/_____
Print Name – Party Electronic Signature

Date

Signed and sworn to before me on _____, by _____.
Date Affiant

Notary _____
Notary Public : _____
State of: _____
County of: _____
My commission expires: _____

Affix stamp or seal



PLEASE TAKE NOTICE: Notary requirements are waived until further notice. Please sign and date this form without a Notary.

**IN THE COURT OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

<p>_____, Petitioner,</p> <p>v.</p> <p>_____, Respondent.</p>	<p>Case No. _____</p> <p>ANSWER TO PETITION FOR DISSOLUTION OF MARRIAGE</p>
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INSTRUCTIONS

YOU HAVE 20 DAYS FROM THE DATE OF SERVICE TO FILE AN ANSWER WITH THE COURT CLERK.

You may use this form to respond to the petition for dissolution of marriage that was served on you. You do not have to use this form, but if you do not respond to the petition, the Court may issue a default judgment against you.

1. Complete this form to the best of your ability. You may attach additional sheets or other documents if you believe it would help the Court decide your case.
2. Review the petition and check whether you admit, deny, or lack information about the statements made by the Petitioner.
 - Check the box that says “Admit” if you agree with the statement.
 - Check the box that says “Denies” if you don’t agree with the statement.
 - Check the box that says, “Lacks Information” if you need questions answered or are not sure if you agree or disagree with the statement.

IF YOU DO NOT RESPOND WITHIN 20 DAYS, THE COURT MAY ISSUE A DEFAULT JUDGMENT AND GRANT THE PETITION IN ITS ENTIRETY.

To the above-named Petitioner:

1. JURISDICTION

a. Respondent admits, denies, or lacks information as follows:

<p><i>Petitioner’s Statement</i></p> <p><input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Neither party is a member of the Puyallup Tribe of Indians.</p>	<p><i>Respondent</i></p> <p><input type="checkbox"/> Admits <input type="checkbox"/> Denies <input type="checkbox"/> Lacks information</p>
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Reason(s) for any denials: _____

**N
O
T
E**

IF NEITHER PARTY IS A MEMBER OF THE PUYALLUP TRIBE OF INDIANS, THEN PUYALLUP TRIBAL LAW DOES NOT AUTHORIZE THIS COURT TO GRANT THE PETITION FOR DISSOLUTION.

b. Respondent admits, denies, or lacks information as follows:

<i>Petitioner's Statement</i> The Petitioner has resided in one of the following counties for the past 90 days (or longer): King, Kitsap, Mason, Pierce, Snohomish, Thurston.	<i>Respondent</i> <input type="checkbox"/> Admits <input type="checkbox"/> Denies <input type="checkbox"/> Lacks information
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Reason(s) for denial: _____

**N
O
T
E**

IF THE PETITIONER HAS NOT RESIDED IN AT LEAST ONE OF THE ABOVE COUNTIES FOR AT LEAST 90 DAYS PRIOR TO TODAY, THEN PUYALLUP TRIBAL LAW DOES NOT AUTHORIZE THIS COURT TO GRANT THE PETITION FOR DISSOLUTION UNTIL THIS REQUIREMENT IS MET.

2. PARTIES

a. Respondent admits denies lacks information as to the Petitioner's contact information.

b. Respondent admits denies the Respondent's contact information stated in the Petitioner.

Reason(s) for denial: _____

3. MARRIAGE

a. Respondent admits denies lacks information about the date of marriage.

b. Respondent admits denies lacks information about where the marriage took place.

c. Respondent admits denies that the Petitioner and Respondent live together.

d. Respondent admits denies the date of separation.

Reason(s) for denial: _____

4. GROUNDS FOR DIVORCE

**N
O
T
E**

The Puyallup Tribal Court is authorized to dissolve marriages of Puyallup Tribal members for any of the reasons found in the Puyallup Tribe's Domestic Relations Code at PTC 7.08.220(a)-(j).

Respondent does not contest the grounds for the divorce.

Respondent disagrees with the Petitioner's grounds for divorce because: _____

Respondent lacks information as to Petitioner's grounds for divorce.

5. CHILDREN

**N
O
T
E** Puyallup Tribal law requires the Court's decree of dissolution to provide for the custody and proper care of the minor children. (PTC 7.08.250) **If you disagree with the parenting plan submitted by the Petitioner, then complete a parenting plan and attach it.**

Respondent admits, denies, or lacks information in the Petition as follows:

<i>Petitioner's Statement</i>	<i>Respondent</i>
<input type="checkbox"/> Petitioner is pregnant.	<input type="checkbox"/> Admits <input type="checkbox"/> Denies <input type="checkbox"/> Lacks information
<input type="checkbox"/> There are no minor children.	<input type="checkbox"/> Admits <input type="checkbox"/> Denies <input type="checkbox"/> Lacks information

Respondent admits the names, addresses, dates of birth and tribal enrollment of all dependent children, natural or adopted common to the parties listed in the Petition.

Respondent disagrees with Petitioner as to the following children:

Name	Address	Date of Birth	Tribal Enrollment

Reasons for disagreement: _____

Respondent agrees with does not agree with the parenting plan submitted by the Petitioner. A proposed parenting plan is attached to this Response.

Respondent has no information or knowledge of any court proceeding in any other Tribal or State Court concerning the support or custody of the above-named children.

There are court proceedings concerning the custody and/or support of the above-named children. Additional documents attached.

Case Number	Name of Court	Type of Case	<input type="checkbox"/> Active <input type="checkbox"/> Closed
Case Number	Name of Court	Type of Case	<input type="checkbox"/> Active <input type="checkbox"/> Closed
Case Number	Name of Court	Type of Case	<input type="checkbox"/> Active <input type="checkbox"/> Closed

6. PROPERTY

P E T I T I O N	<ul style="list-style-type: none"> • Puyallup Tribal law requires the Court’s decree to provide for the fair and just settlement of property rights between the Petitioner and Respondent. • Puyallup Tribal law recognizes “community property”, which is property purchased by either spouse (or jointly) during the marriage. • “Separate property” means any property (real and personal) owned or claimed by an individual spouse before marriage and any gift to or inheritance by an individual spouse during the marriage.
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Real Property

INSTRUCTIONS	
<p><u>“Real property” includes land and anything affixed to it (like a house or barn).</u></p>	
<ol style="list-style-type: none"> 1. Check the box that best describes your situation. List real property that (a) you purchased together during the marriage and/or (b) has both parties on the title or deed. 2. Write in the property’s location and its approximate value. 3. Check the box that best describes how the property will be divided or should be divided. 4. If you check the box that says “Other”, describe the arrangement. 	

- Petitioner and Respondent do not own any real property together.
- Respondent does not object to the Petitioner’s proposed division of real property.
- Petitioner and Respondent have agreed upon the division of any real property.
- Respondent proposes the following division of real property: Additional sheet attached.

Land (location) <input type="checkbox"/> Held in trust by BIA*	Value	Goes to: *Trust land may be subject to applicable tribal and federal laws. <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Sell/split proceeds <input type="checkbox"/> Other
House (location)	Value	Goes to: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Sell/split proceeds <input type="checkbox"/> Other
Other Structure (location)	Value	Goes to: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Sell/split proceeds <input type="checkbox"/> Other

Personal Property

INSTRUCTIONS	
<p><u>“Personal property” includes cars, jewelry, household goods, computer, cell phone, pets, etc.</u></p>	
<ol style="list-style-type: none"> 1. Check the box that best describes your situation. Only list personal property that you purchased during the marriage. 2. Write in the property’s location (who has it) and its approximate value. 3. Check the box that best describes how the property will be divided or should be divided. 4. <u>“Cultural items” means items used for ceremonial use or tribal cultural purposes, and includes, ceremonial regalia, feathers, art, books and other objects of cultural significance.</u> 5. If you check the box that says “Other” then describe the arrangement. 	

- Petitioner and Respondent do not own any personal property together.
- Respondent does not object to the Petitioner's proposed division of personal property.
- Petitioner and Respondent have agreed upon the division of personal property.
- Respondent proposes the following division of personal property: Additional sheet attached.

Vehicle (list)	Value	Goes to: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Sell/split proceeds <input type="checkbox"/> Other
Equipment (list)	Value	Goes to: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Sell/split proceeds <input type="checkbox"/> Other
Household Item(s) (list)	Value	Goes to: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Sell/split proceeds <input type="checkbox"/> Other
Electronics (list)	Value	Goes to: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Sell/split proceeds <input type="checkbox"/> Other
Cultural Items (list)	Purpose	Goes to: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Other
Bank/Investment/Retirement Accounts (list)	Value	Goes to: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Close/split proceeds <input type="checkbox"/> Other
Other (list)	Value	Goes to: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Sell/split proceeds <input type="checkbox"/> Other

7. DEBTS

E F O N	<ul style="list-style-type: none"> • “Community debt” is anything both spouses owe money on, such as a credit card, car loan, boat loan, personal loan, etc. Both spouses’ names should be on the loan document, account, or other debt instrument, but that may not always be the case. If the debt was obtained during the marriage, it may be a community debt even if only one spouse’s name is on the debt instrument. • Puyallup Tribal law holds both spouses responsible for the debts incurred by either spouse during the marriage. However, the separate property of the wife and minor children obtained while living separate and apart from the husband cannot be used to pay a community debt. • In the state of Washington, BOTH spouses are still responsible to the creditor for the community debt even after divorce. Therefore, if the ex-spouse fails to pay for the debt s/he was ordered to pay, the creditor can come after the other ex-spouse. An agreed division does not require a creditor to go after only the spouse who was ordered to pay the community debt. If your ex-spouse fails to pay for the debt and you are forced to pay, you may sue your ex-spouse for damages that you incurred.
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INSTRUCTIONS

1. Check the box that best describes your situation.
2. List any community debts.
3. Estimate the amount owed.
4. Check the box indicating who will be responsible for the debt.
5. If you check the box that says "Other" then describe the arrangement.

- The Petitioner and Respondent do not owe any community debts.
 The Respondent does not object to the Petitioner's proposed division of community debts.
 The Petitioner and Respondent have agreed upon the division of any community debts.
 The Respondent proposes the following division of debts: Additional sheet attached.

Creditor	Amount	Responsible Person: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Divide payments <input type="checkbox"/> Other
Creditor	Amount	Responsible Person: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Divide payments <input type="checkbox"/> Other
Creditor	Amount	Responsible Person: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Divide payments <input type="checkbox"/> Other
Creditor	Amount	Responsible Person: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Divide payments <input type="checkbox"/> Other
Creditor	Amount	Responsible Person: <input type="checkbox"/> Petitioner <input type="checkbox"/> You <input type="checkbox"/> Divide payments <input type="checkbox"/> Other

8. REINSTATE MAIDEN NAME

N The Court can only reinstate the maiden name of a spouse in a dissolution decree. If any
O party wishes to change his/her name in any other manner, or if a party wishes to change the
T name of any minor children, a Petition for Name Change must be completed and filed with
E the Court Clerk. This is a separate process from dissolution.

- Respondent's name should be restored to:

First Name

Middle Name

Last Name

9. AFFIRMATIVE DEFENSES

N An affirmative defense is facts and arguments that attack the Petitioner's legal right to bring
O the court case. An affirmative defense might be successful for the Respondent even if
T everything in the Petition is true. You must raise these in your Answer or in a Pre-trial
E motion or they will be considered waived.

- a. Respondent has no affirmative defenses. (*Go to Section 10.*)
- b. Respondent alleges the following as affirmative defense(s) (*check all that apply*):
 - (1) The Court lacks personal jurisdiction.
 - (2) Service of process was improper or insufficient.

(3) The Puyallup Tribal Court lacks jurisdiction over the custody of any minor children because a court in another jurisdiction has already exercised jurisdiction over the custody of the minor children.

(4) The Puyallup Tribal Court lacks jurisdiction because a petition for dissolution of marriage is already pending in another court.

(5) Other: _____

c. A Motion to Dismiss is attached to this Answer.

10. RELIEF REQUESTED

WHEREFORE, Respondent requests that the Court provide the following relief:

a. Enter a decree of dissolution.

b. Make a just and equitable division of property agreed upon by the parties or as proposed by Respondent.

c. Make a fair division of the debts agreed upon by the parties or as proposed by the Respondent.

d. Provide for the custody and proper care of the minor children agreed upon by the parties or as proposed by the Respondent.

e. Restore Respondent to her former name _____
(Maiden/Former Name)

f. Enter any further relief that the Court deems fair and equitable.

g. Set a hearing.

h. Other: _____

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and any attachments are true and correct to the best of my knowledge and belief. Puyallup Tribal Code § 5.12.1180.

Party Signature

Date

/s/

Print Name – Party Electronic Signature

Attorney/Advocate Bar No. (if applicable)

**IN THE COURT OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re: _____,

Name

DOB

a minor child a vulnerable adult
 other: _____

.....

_____,
Plaintiff/Petitioner,

v.

_____,
Defendant/Respondent.

Case No. _____

MOTION TO DISMISS; ORDER

Hearing requested
[Court to determine date/time]

Date: _____

Time: _____

INSTRUCTIONS

IF YOU HAVE AN ATTORNEY, YOUR ATTORNEY MUST COMPLETE AND FILE A MOTION ON YOUR BEHALF. IF YOU ARE UNREPRESENTED, FOLLOW THESE INSTRUCTIONS TO COMPLETE THIS FORM.

- (1) If you would like a hearing, check the box next to “Hearing requested” and obtain a hearing date and time from the Court Clerk.
- (2) Fill out this form by providing the information requested and checking the applicable boxes. File this form with the Court Clerk. Attach any documents you are submitting to support your request.
- (3) Have someone age 18 or older—**NOT YOU**—serve the other party with a copy of this completed form at least 30 days before the scheduled hearing date.
- (4) After the other party has been served, complete and file the Certificate of Service with the Court Clerk on or before the scheduled hearing date.

Until the Court rules on your motion, you should appear at your next scheduled hearing.

COMES NOW, the above-named Plaintiff/Petitioner / Defendant/Respondent and asks the Court for an order dismissing this action for the following reason(s):

I am the plaintiff/petitioner and I no longer want to pursue my cause of action because:

CASE No. _____

MOTION TO DISMISS; ORDER

PAGE 1 OF 2

I am the defendant/respondent and want the Court to dismiss this cause of action because:

I have attached additional documents in support of my motion.

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and any attachments are true and correct to the best of my knowledge and belief. Puyallup Tribal Code § 5.12.1180.

Party Signature

Date

/s/

Print Name – Party Electronic Signature

Attorney/Advocate Bar No. (if applicable)

FOR THE COURT'S USE ONLY

ORDER

The Court considered the above Motion without a hearing at a hearing on _____,
at which the following were present: Plaintiff/Petitioner Defendant/Respondent .

Findings: _____

Conclusions: _____

Based on the information provided, evidence submitted, and case file, the Motion is: GRANTED.

The matter is dismissed. DENIED: _____ STRICKEN: _____

All parties shall personally appear for a hearing on _____ at ____ am/pm.

The Court further orders: _____.

SO ORDERED this _____.

JUDGE

CASE NO. _____

MOTION TO DISMISS; ORDER

PAGE 2 OF 2

3. Mental or physical illness
4. Child abandonment or neglect
5. Abuse use of conflict with spouse which may be harmful to child(ren)
6. Alcohol or drug abuse
7. Kidnapping or denial of access to the child(ren) without good cause
8. Other (describe below) _____

9. Because of such restrictions Father's Mother's time with the child(ren) shall be restricted as follows:

- Supervised by court-appointed monitor /designated person: _____
- Restricted in location of visits: _____
- No overnight visits Transport restrictions: _____
- Other: _____

I. DECISION MAKING

Joint legal custody means the following decisions must be made by both parents: Changes to the minor's legal name, where the minors attend school, permission to attend events where parental permission is required, doctors, dentists, orthodontists and other health specialists, out-of-state and out-of-country travel, and extracurricular activities impacting both parents' time with the children.

Sole legal custody means the parent with legal custody may decide: Changes to the minor's legal name, where the minors attend school, permission to attend events where parental permission is required, doctors, dentists, orthodontists and other health specialists, out-of-state and out-of-country travel, and extracurricular activities.

To avoid having problems and ending up back in court, both parents should communicate with each other and cooperate in making other decisions together.

- Mother and Father have joint legal custody of the minor children.
- Sole legal custody is with Mother Father.

Special provisions for decision making, if any: _____

II. RESIDENTIAL PARENT AND CUSTODIAN

Physical custody determines where the child will live. Joint or shared physical custody means the child will live with each parent according to a residence schedule. Sole physical custody means the minor child will live with one parent and the other parent has no parenting time allocated. Primary physical custody means the minor child will live with one parent and the other parent has parenting time allocated.

- Mother and Father shall have joint physical custody of the minor children.

Sole or Primary physical custody shall be with Mother Father.

This parent is the residential parent and custodian for the purposes of all applicable state and federal laws. This designation shall not affect either parent's rights or responsibilities under the plan.

III. RESIDENTIAL SCHEDULE

The following schedule provides where the child(ren) will live and what contact they will have with each parent. The parents can, by agreement, change the following dates and times, but any agreements should be signed, dated, and in writing.

- A. Pre-School Age: Prior to age five, the child(ren) will live with Father Mother, and the time spent with the other parent will be as follows:

<u>Age</u>	<u>Time With:</u>
0-6 months	<input type="checkbox"/> Mother <input type="checkbox"/> Father
6 months-1 year	<input type="checkbox"/> Mother <input type="checkbox"/> Father
1 year-3 years	<input type="checkbox"/> Mother <input type="checkbox"/> Father
3 years-5 years	<input type="checkbox"/> Mother <input type="checkbox"/> Father

After the child(ren) reach(es) age 5, paragraphs C, D, E, and F below will provide where the child(ren) will live and what contact he/she/they will have with each parent.

- B. School Year Schedule: The school year begins one week before the beginning of the child(ren)'s school year and ends at the end of the school year. If the child(ren) is/are not in school the schedule runs from September 1st through May 31st.

The child(ren) will spend school weekdays with Father Mother, except the following school weekday nights, if any, shall be spent with the other parent:

Weekday night _____ from _____ a.m./p.m. to _____ a.m./p.m. as follows:

1st weekend of each month with: Mother Father
2nd weekend of each month with: Mother Father
3rd weekend of each month with: Mother Father
4th weekend of each month with: Mother Father
5th weekend of each month with: Mother Father

- C. Summer Schedule: The summer schedule begins the Saturday following the end of the child(ren)'s school year and ends one week before the beginning of the next school year. If the child(ren) is/are not in school, the schedule runs from June 1st through August 31st.

The child(ren) will spend the summer with Mother Father, except the following times shall be spent with the other parent: _____

- D. Special Days and Holidays: The child(ren) will spend special days and holidays with each parent as follows: Where "alternating" is selected, the parent with custody will be indicated or the system to determine custody will be indicated.

	<u>Mother</u>	<u>Father</u>	<u>Alternating</u>	<u>Other (write name):</u>
Martin Luther King, Jr. Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Chief's/Presidents' Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Memorial Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
4 th of July	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Labor Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Fishing Wars Recognition Day (9/8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Chief Leschi Day (second Monday in October)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Veteran's Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Thanksgiving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Christmas Eve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Christmas Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Mother's Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Father's Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Birthdays	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Other days or special arrangements: _____

E. Spring Vacation: Spring vacation begins the first day of the Spring vacation from school and ends the Sunday before the return to school.

The child(ren) will spend Spring vacation with Father Mother Alternating, except the following times shall be spent with the other parent: _____

F. Winter Vacation: Winter vacation begins the first day of the Winter vacation from school and ends the Sunday before the return to school.

The child(ren) will spend winter vacation with Father Mother Alternating, except the following times shall be spent with the other parent: _____

G. Transportation: of child(ren) between parents will be provided by:

Father Mother, except that the other parent shall provide the following transportation:

IV. DISPUTE RESOLUTION

A. When the mutual decision-making is designated, but cannot be achieved, or when there is conflict regarding residential arrangements, the parents shall make a good faith effort to resolve the dispute through the following dispute resolution process:

Counseling Mediation Court Other (specify): _____

B. When disputes arise, preference shall be given to carrying out the existing parenting plan unless the contesting parent establishes bad faith, fraud, duress or coercion on the part of the other parent.

V. CHILD SUPPORT: Child support should be set at \$0.00 per month because no request for child support is being made other: _____

Child support should be established. The party requesting child support will contact the Puyallup Tribe Child Support Program to initiate a child support action pursuant to PTC 7.24, the Parental Responsibility Act.

A. Health Care: The cost of the uninsured health care shall be paid by: Father Mother, except that [%] of the cost shall be paid by the other parent.

B. Day Care: The current monthly day care expenses of the child(ren) are \$. The cost of the day care shall be paid by Father Mother, except that [%] of the cost shall be paid by the other parent.

C. Other Costs: Father Mother shall pay \$ per month for the following other costs or special needs: _____

D. Health Insurance: Both parents shall be ordered to maintain any health insurance on the minor child(ren) which is available through a present or future employer or other organization; provided that the employer or other organization pays part or all of the premiums. If the child receives services from the Indian Health Service or its contracting entity, then this requirement is waived.

E. Tax Exemptions: Father Mother shall have the right to claim the child(ren) as exemption(s) for federal income tax purposes. Provided, however, that the parent required to pay support may claim exemption(s) for federal income tax purposes only if he/she is current in the payment of support; provided further, that the parent receiving child support shall annually sign the necessary consent forms to permit the parent required to pay support to claim the child(ren) as exemption(s) for federal income tax purposes.

VI. OTHER TERMS AND CONDITIONS

These additional terms and conditions shall apply to the extent they do not conflict with any special restrictions or conditions set forth above or by Court order.

A. Except in the event of illness, injury, or other form of emergency, neither parent will deny the minor child access to the other parent during their scheduled period as a form of punishment or acceptance of a child's preference to cancel. Neither parent will schedule activities which conflict with the other parent's time with the children without that parent's permission.

- B. The custodial parent will transfer the children in a neat, clean manner and properly fed (unless requested otherwise).
- C. Each parent shall be accorded equal access to all medical and educational records, documents, images, and formats; and shall provide written authorization of full access to the other parent, as may be required by the person, agency or institution maintaining any counseling, treatment, or other such records and files. Information concerning minor medical or emergency medical procedures will be shared as soon as possible with the other parent.
- D. Both parents may attend any school, religious, or community activity in which the children participate regardless of which parent has overall responsibility for the supervision, payment, transportation, etc. of such activity. Either parent may enter the children into additional activities considered safe and age appropriate, which occur exclusively during that parent's scheduled period of access, and do not involve the other parent's time or money. Neither parent however, may enroll the children into any activity which involves the other parent's participation or resources without first obtaining the other parent's written consent.
- E. Use of Alcohol/Illegal Substances Prohibited. The parent exercising custody of the children shall not possess any illegal drugs (or drugs that are illegal without a prescription) or contraband, and shall not consume in excess any alcohol, drugs or medications which could cause an adverse or impaired effect, or any combination of alcohol, drugs and/or medications which could result in an adverse or impaired effect. This prohibition also applies to household members, family members, or associates in the child's presence while in the home. The minors shall not be exposed to second hand smoke while in the parent's residence or vehicles.
- F. Communication. Parents shall maintain respectful communications with each other and shall avoid disparaging the other parent and their families to the children. Parents shall communicate directly with each other on matters concerning the child and may not use the child or significant others as a messenger between them. Parents shall not communicate about the child in the child's presence.
- (1) All parties are prohibited from making extrajudicial statements or otherwise discussing the issues in this matter with the minor in any oral or written manner (including electronic communications and social media). Extrajudicial statements are oral or written statements made outside of court proceedings and are generally subject to hearsay rules and objections if the party making the statement knows or reasonably should know that it will have a substantial likelihood of materially prejudicing the proceedings.
 - (2) This order prohibits the parties' discussion of issues in this matter in any social media or other electronic or digital forum or format.
 - (3) Petitioner and Respondent are further prohibited from discussing the issues in this matter with third parties if (1) they are not a party to this case; and (2) they do not provide a legal, educational, medical, dental, spiritual, or other service that creates a confidential service provider-client relationship.
 - (4) This order shall not be construed to prohibit contact between the parties and their respective advocates or counselors, nor is it intended to prohibit discussion between the parties that

would be protected by applicable provider-client confidentiality (such as doctor-patient confidentiality).

(5) This order shall not be construed to prohibit discussion between the parties and a government agency performing an inquiry or investigation.

- G. Vacations/Out of State Travel. The parents shall provide each other with travel plans (dates and times, carriers, hotels, and phone numbers) as soon as they become known to the traveling parent. The traveling parent shall telephone or will have the child(ren) phone the other parent the day of arrival, as well as other times throughout the vacation. Parents shall also exchange email addresses and allow email exchanges with the children.
- H. Permissions. Parents shall not unreasonably withhold permission for a child's activity, including international travel, completing required documentation for travel, summer camp, medical attention, or other activities.
- I. Babysitter. Before a babysitter or other childcare provider is called to provide care for a child, the parent seeking such care shall immediately advise the other parent by phone, email, text or other appropriate means and give that parent the opportunity to provide such care unless restrictions on that parent's visitation or interaction with the child exist.
- J. Grandparent Visitation. Neither parent shall unreasonably deny the children's access to maternal and paternal grandparents and other close family; provided, such grandparent or family member does not have a history of violence or child abuse or neglect and agrees to abide by all conditions set forth herein. Time with grandparents or close family members shall not take place in a manner that deprives the parent exercising custody of time with the children over such parent's objections. Visitation with maternal grandparents and maternal relatives is at Mother's discretion, and visitation with paternal grandparents and paternal relatives is at Father's discretion.
- K. Per Capita Payments. The Puyallup Tribe strictly governs the distribution and management of Per Capita payments. The parents agree to manage the child's per capita payments in accordance with Puyallup Tribal Law.
- L. Relocation. If one parent plans to move at least 25 miles away, that parent must give at least 60 days written notice of the intended move to every person entitled to court-ordered residential time or visitation with the child. If the moving parent has less than 60 days to relocate (such as a military reassignment), such parent must give notice no more than five (5) days after the parent finds out about the move. The non-moving party must file an objection with this Court within 30 days of receiving such notice.
- M. Catastrophic Events. In the event of the death of a parent, the surviving parent shall immediately assume responsibility of sole custody for the child(ren) identified herein. In the event of serious, extended, or debilitating illness or injury of one parent, the other parent shall assume temporary primary care until such time such afflicted parent shall sufficiently recover to resume the responsibilities of providing adequate shared parenting.
- N. Updated Contact Information. The parties shall notify the Court *and all parties* of any change in contact information via written notice.

VII. COMPLIANCE WITH THIS PLAN

If a parent fails to comply with a provision of this plan, the other parent’s obligations under the plan are not affected. **FAILURE TO COMPLY MAY RESULT IN BEING HELD IN CONTEMPT OF COURT OR OTHER APPROPRIATE ACTION.** Neither parent may withhold visitation as a means of enforcing the terms of this Parenting Plan.

VIII. MODIFICATION

Unless an emergency exists, neither party may petition to modify this parenting plan less than 180 days from the date of its entry. Agreed changes may be made at any time and must be filed with the Court to be valid and enforceable.

If the parents cannot agree on a change, they may pursue the dispute resolution process set forth in this parenting plan.

The court will not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child.

IX. NOTICE

Any notice required or permitted in this parenting plan shall be in writing and shall be deemed given if delivered in person or if mailed, to the addresses provided by the parents in this parenting plan; provided, such notices may be delivered using electronic means when the parent being noticed waives, in writing, the formal notice required herein.

X. VALIDITY OF PLAN

Any provision of this parenting plan deemed invalid or unenforceable shall be deemed to be deleted with all remaining provisions remaining in full force and effect.

XI. SIGNATURES

By signing below, the parties acknowledge that they have reviewed and understand this parenting plan and have had the opportunity to ask the Court questions about the parenting plan.

Father Signature

Mother Signature

/s/

Father Print Name - Electronic Signature

/s/

Mother Print Name - Electronic Signature

Date

Date

PLEASE TAKE NOTICE: THIS PARENTING PLAN IS NOT VALID UNTIL APPROVED BY A PUYALLUP TRIBAL JUDGE .

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re:

DOB(s): _____

Case No. _____

PROOF OF SERVICE

Plaintiff(s)/Petitioner(s),

v.

Defendant(s)/Respondent(s).

1. I, _____, certify that I am 18 years of age or older.
Name
2. I am not a party to this case a party to this case. (*Summons, notice of hearing, and petitions must be served by someone who is not a party to the case.*)
3. I served Plaintiff(s)/Petitioner(s), Defendant(s)/Respondent(s), Other: _____
a true copy of the following document(s): Petition Notice of Hearing Summons
 Motion Other: _____.
4. I served said document(s) by:
 personally delivering to _____ on _____
Name *Date*
at _____, at _____.
Street Address, City, State, Zip Code *Time*
 mailing to _____,
Street Address or P.O. Box, City, State, Zip Code
via first class mail certified mail, return receipt requested other: _____.
 emailing to _____.
Email Address

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and any attachments are true and correct to the best of my knowledge and belief. Puyallup Tribal Code § 5.12.1180.

Date: _____

Signature: _____

Printed Name: /s/ _____

(Party Electronic Signature)

Attorney/Advocate Bar No. (if applicable): _____

Case No. _____

PROOF OF SERVICE

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