Round Valley Tribal Court

In re the Marriage of: Petitioner, and Respondent.	**No.** **Petition for Dissolution of Marriage (PTDSS)** **Para. 1.12: check box if petition is attached for:** **[ ] Order for protection DV (PTORPRT)** **[ ] Order for protection UH (PTORAH)**

I. Basis

1.1 Identification of Petitioner

Name (first/last) _____, Birth date _____

Last known residence (county and state only) _____.

1.2 Identification of Respondent

Name (first/last) _____, Birth date _____

Last known residence (county and state only) _____.

1.3 Children of the Marriage Dependent Upon Either or Both Spouses

[ ] Does not apply. There are no children dependent upon either or both spouses.

[ ] The petitioner and respondent are both the legal (biological or adoptive) parents of the following dependent children:

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

[ ] The petitioner is and the respondent is not the legal parent of the following dependent children:

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

[ ] The respondent is and the petitioner is not the legal 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 (date) _____ at (city and state) _____.

1.6 Separation

[ ] Petitioner and respondent are not separated.
[ ] Petitioner and respondent separated on (date) _____.
This is the date (check all that apply):
[ ] the parties moved into separate residences
[ ] the parties divided their assets and liabilities
[ ] petitioner filed this petition
[ ] both parties agreed is the date of separation
[ ] other:

1.7 Jurisdiction

This court has jurisdiction over the marriage.

[ ] This court has jurisdiction over the respondent because:
[ ] Petitioner is a Round Valley Indian Tribes Tribal Member
[ ] Respondent is a Round Valley Indian Tribes Tribal Member
[ ] The respondent is currently residing in Round Valley .
[ ] The petitioner and respondent lived in Round Valley 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 Round Valley.
[ ] 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 parties have debts and liabilities. The court should make a fair and equitable division of all debts and liabilities.
    [ ] The division of debts and liabilities should be determined by the court at a later date.
    [ ] The petitioner's recommendation for the division of debts and liabilities is set forth below.

        [ ] The petitioner should be ordered to pay the following debts and liabilities to the following creditors:

        [ ] The respondent should be ordered to pay the following debts and liabilities to the following creditors:

    [ ] Each party should pay their debts incurred since separation.
    [ ] Other:

1.10 Maintenance

[ ] Maintenance should not be ordered.
[ ] There is a need for maintenance as follows:

[ ] Other:

1.11 Continuing Restraining Order

[ ] Does not apply.
[ ] A continuing restraining order should be entered which restrains or enjoins the [ ] petitioner [ ] respondent from disturbing the peace of the other party.
[ ] A continuing restraining order should be entered which restrains or enjoins the [ ] petitioner [ ] respondent 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 [ ] petitioner [ ] respondent from knowingly coming within or knowingly remaining within (distance) _____ of the home, work place or school of the other party or the day care or school of the children.
Other: _____.

[ ] A continuing restraining order should be entered which restrains or enjoins the [ ] petitioner [ ] respondent from assaulting, harassing, stalking, or molesting, the other party or the children, or using, attempting to use, or threatening to use physical force against the other party or the children that would reasonably be expected to cause bodily injury, or engaging in other conduct that would place the other party in reasonable fear of bodily injury to the other party or children. (If the court orders this relief, the restrained person may be prohibited from obtaining or possessing a firearm, other dangerous weapon, concealed pistol license, or ammunition under state or federal law for the duration of the order.)

[ ] Other:

1.12 Protection Order

[ ] Does not apply.
[ ] There is a protection order between the parties filed in case number _____, court _____, which expires on (date) _____.
[ ] The court should grant the [ ] domestic violence [ ] antiharassment petition for order for protection:
[ ] attached to this petition.
[ ] filed separately under [ ] this case number [ ] case number _____.

If you need immediate protection, contact the clerk/court Domestic Violence forms or Antiharassment forms.

1.13 Pregnancy

[ ] No party is pregnant.

[ ] (Name) _____ is pregnant. **Note: the other party is the presumed parent. If either party believes the other party is not the parent, this presumption may be challenged up to four years after the birth of the child or as otherwise provided.**

[ ] 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 a child custody, parenting plan, residential schedule or visitation determination in this matter and retains jurisdiction.

[ ] This Reservation is the home Reservation of the children because:

- [ ] the children lived in Round Valley 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 in Round Valley with a parent or a person acting as parent since birth.
- [ ] any absences from Round Valley have been only temporary.
- [ ] Round Valley was the home state of the children within six months before the commencement of this proceeding and the children are absent from the reservation 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's home state has declined to exercise jurisdiction on the ground that this Tribal Court is the more appropriate forum.

[ ] All courts in the children's home state have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the children under Tribal law.

[ ] No other state has jurisdiction.

[ ] This court has temporary emergency jurisdiction over this proceeding because the children are present on this reservation 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 having jurisdiction under Tribal Law. The requirements of Tribal Law apply to this matter. This state's jurisdiction over the children shall last until (date) _____.

[ ] 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 having jurisdiction under Tribal Law. If an action is not filed in (potential home state) _____ by the time the child has been in Round Valley for six months, (date) _____, then Round Valley's jurisdiction will be final and continuing.

[ ] Other:

1.15 Child Support and Parenting Plan for Dependent Children

[ ] The parties have no dependent children.
[ ] A parenting plan and an order of child support pursuant to the California State child support statutes should be entered for the following children who are dependent upon both parties:

Names of Children

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 pursuant to Tribal Law.

(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 Round Valley 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 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 that 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 [ ] petitioner [ ] respondent.
[ ] 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 California State child support statutes.
[ ] Approve the separation contract or prenuptial agreement.
[ ] Divide the property and liabilities.
[ ] Change name of petitioner to (first, middle, last): _____.
[ ] Change name of respondent to (first, middle, last): _____.
[ ] Enter a domestic violence protection order.
[ ] Enter an antiharassment protection order.
[ ] Enter a continuing restraining order.
[ ] Order payment of day care expenses for the children listed in paragraph 1.15.
[ ] Award the tax exemptions for the dependent children listed in paragraph 1.15 as follows:

[ ] Order payment of attorney fees, other professional fees and costs.
[ ] Other:

Dated: _____

_____
Signature of Petitioner

_____
Print Name

I declare under penalty of perjury under the laws of the Round Valley Indian Tribes 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 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 with the court clerk.

Dated: _____

_____
Signature of Respondent

_____
Print Name