Round Valley Tribal Court

	Petitioner,	**No Parenting Plan**
and		☐ **Proposed (PPP)**
		[ ] **Temporary (PPT)**
	Respondent.	[ ] **Final Order (PP)**
		[ ] **Modification (PPM)**

This parenting plan is:

☐ the final parenting plan signed by the court pursuant to a decree of dissolution, legal separation, or declaration concerning validity signed by the court on this date or dated _____.

☐ the final parenting plan signed by the court pursuant to an order signed by the court on this date or dated _____, which modifies a previous parenting plan or custody decree.

☐ a temporary parenting plan signed by the court.

☐ a proposed modification to an existing order proposed by (name) ___ _____.

It Is Ordered, Adjudged and Decreed:

I. General Information

This parenting plan applies to the following children:

Name	Age

II. Basis for Restrictions

Under certain circumstances, as outlined below, the court may limit or prohibit a parent's contact with the child(ren) and the right to make decisions for the child(ren).

2.1 Parental Conduct

☐ Does not apply.

☐ The ☐ petitioner's ☐ respondent's residential time with the child(ren) shall be limited or restrained completely, and mutual decision-making and designation of a dispute resolution process other than court action shall not be required, because ☐ this parent ☐ a person residing with this parent has engaged in the conduct which follows:

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

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

☐ A history of acts of domestic violence or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

2.2 Other Factors

☐ Does not apply.

☐ The ☐ petitioner's ☐ respondent's involvement or conduct may have an adverse effect on the child(ren)'s best interests because of the existence of the factors which follow:

☐ Neglect or substantial nonperformance of parenting functions.

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

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

☐ The absence or substantial impairment of emotional ties between the parent and child.

☐ The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development.

☐ A parent has withheld from the other parent access to the child for a protracted period without good cause.

☐ Other:

III. Residential Schedule

The residential schedule must set forth where the child(ren) shall reside each day of the year, including provisions for holidays, birthdays of family members, vacations, and other special occasions, and what contact the child(ren) shall have with each parent. Parents are encouraged to create a residential schedule that meets the developmental needs of the child(ren) and individual needs of their family. Paragraphs 3.1 through 3.9 are one way to write your residential schedule. If you do not use these paragraphs, write in your own schedule in Paragraph 3.13.

3.1 Schedule for Children Under School Age

☐ There are no children under school age.
Prior to enrollment in school, the child(ren) shall reside with the ☐ petitioner ☐ respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:

from (day and time) _____ to (day and time) _____

☐ every week ☐ every other week ☐ the first and third week of the month
☐ the second and fourth week of the month ☐ other:

from (day and time) _____ to (day and time) _____

☐ every week ☐ every other week ☐ the first and third week of the month
☐ the second and fourth week of the month ☐ other:

3.2 School Schedule

Upon enrollment in school, the child(ren) shall reside with the ☐ petitioner ☐ respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:

from (day and time) _____ to (day and time) _____

☐ every week ☐ every other week ☐ the first and third week of the month
☐ the second and fourth week of the month ☐ other:

From (day and time) _____ to (day and time) _____

☐ every week ☐ every other week ☐ the first and third week of the month
☐ the second and fourth week of the month ☐ other:

☐ The school schedule will start when each child begins ☐ kindergarten ☐ first grade

☐ other:

3.3 Schedule for Winter Vacation

The child(ren) shall reside with the ☐ petitioner ☐ respondent during winter vacation, except for the following days and times when the child(ren) will reside with or be with the other parent:

3.4 Schedule for Other School Breaks

The child(ren) shall reside with the ☐ petitioner ☐ respondent during other school breaks, except for the following days and times when the child(ren) will reside with or be with the other parent:

3.5 Summer Schedule

Upon completion of the school year, the child(ren) shall reside with the ☐ petitioner ☐ respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:

☐ Same as school year schedule.
☐ Other:

3.6 Vacation With Parents

☐ Does not apply.
☐ The schedule for vacation with parents is as follows:

3.7 Schedule for Holidays

The residential schedule for the child(ren) for the holidays listed below is as follows:

	With Petitioner (Specify Year Odd/Even/Every)	With Respondent (Specify Year Odd/Even/Every)
New Year's Day		
Martin Luther King Day		
Presidents' Day		
Memorial Day		
July 4th		
Labor Day		
Veterans' Day		
Thanksgiving Day		
Christmas Eve		
Christmas Day		

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

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

☐ Other:

3.8 Schedule for Special Occasions

The residential schedule for the child(ren) for the following special occasions (for example, birthdays) is as follows:

	With Petitioner (Specify Year Odd/Even/Every)	With Respondent (Specify Year Odd/Even/Every)
Mother's Day		
Father's Day		

☐ Other:

3.9 Priorities Under the Residential Schedule

☐ Does not apply because one parent has no visitation or restricted visitation.

☐ Paragraphs 3.3 - 3.8, have priority over paragraphs 3.1 and 3.2, in the following order:

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

____winter vacation (3.3)	____holidays (3.7)
____school breaks (3.4)	____special occasions (3.8)
____summer schedule (3.5)	____vacation with parents (3.6)

☐ Other:

3.10 Restrictions

☐ Does not apply because there are no limiting factors in paragraphs 2.1 or 2.2.

☐ The ☐ petitioner's ☐ respondent's residential time with the children shall be limited because there are limiting factors in paragraphs 2.1 and 2.2. The following restrictions shall apply when the children spend time with this parent:

☐ There are limiting factors in paragraph 2.2, but there are no restrictions on the ☐ petitioner's ☐ respondent's residential time with the children for the following reasons:

3.11 Transportation Arrangements

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

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

3.12 Designation of Custodian

The children named in this parenting plan are scheduled to reside the majority of the time with the ☐ petitioner ☐ respondent. This parent is designated the custodian of the child(ren) solely for purposes of all other state and federal statutes which require a designation or determination of

custody. This designation shall not affect either parent's rights and responsibilities under this parenting plan.

3.13 Other

3.14 Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child

This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480.

If the person with whom the child resides a majority of the time plans to move, that person shall give notice to every person entitled to court ordered time with the child.

If the move is outside the child's school district, the relocating person must give notice by personal service or by mail requiring a return receipt. This notice must be at least 60 days before the intended move. If the relocating person could not have known about the move in time to give 60 days' notice, that person must give notice within 5 days after learning of the move. The notice must contain the information required in RCW 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended Relocation of A Child).

If the move is within the same school district, the relocating person must provide actual notice by any reasonable means. A person entitled to time with the child may not object to the move but may ask for modification under RCW 26.09.260.

Notice may be delayed for 21 days if the relocating person is entering a domestic violence shelter or is moving to avoid a clear, immediate and unreasonable risk to health and safety.

If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.

A relocating person may ask the court to waive any notice requirements that may put the health and safety of a person or a child at risk.

Failure to give the required notice may be grounds for sanctions, including contempt.

If no objection is filed within 30 days after service of the notice of intended relocation, the relocation will be permitted and the proposed revised residential schedule may be confirmed.

A person entitled to time with a child under a court order can file an objection to the child's relocation whether or not he or she received proper notice.

An objection may be filed by using the mandatory pattern form WPF DRPSCU 07.0700, (Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule). The objection must be served on all persons entitled to time with the child.

The relocating person shall not move the child during the time for objection unless: (a) the delayed notice provisions apply; or (b) a court order allows the move.

If the objecting person schedules a hearing for a date within 15 days of timely service of the objection, the relocating person shall not move the child before the hearing unless there is a clear, immediate and unreasonable risk to the health or safety of a person or a child.

IV. Decision Making

4.1 Day-to-Day Decisions

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

4.2 Major Decisions

Major decisions regarding each child shall be made as follows:

Education decisions	☐	petitioner	☐	respondent	☐	joint
Non-emergency health care	☐	petitioner	☐	respondent	☐	joint
Religious upbringing	☐	petitioner	☐	respondent	☐	joint
Health Care Related decisions__	☐	petitioner	☐	respondent	☐	joint
_____	☐	petitioner	☐	respondent	☐	joint
_____	☐	petitioner	☐	respondent	☐	joint
_____	☐	petitioner	☐	respondent	☐	joint
_____	☐	petitioner	☐	respondent	☐	joint
_____	☐	petitioner	☐	respondent	☐	joint

4.3 Restrictions in Decision Making

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

☐ Sole decision making shall be ordered to the ☐ petitioner ☐ respondent for the following reasons:

☐ A limitation on the other parent's decision making authority is mandated by RCW 26.09.191 (See paragraph 2.1).

☐ Both parents are opposed to mutual decision making.
☐ One parent is opposed to mutual decision making, and such opposition is reasonably based on the following criteria:

(a) The existence of a limitation under Round Valley Tribal Law
(b) The history of participation of each parent in decision making in each of the areas in Round Valley Tribal Law
(c) Whether the parents have demonstrated ability and desire to cooperate with one another in decision making in each of the areas in

(d) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

☐ There are limiting factors in paragraph 2.2, but there are no restrictions on mutual decision making for the following reasons:

V. Dispute Resolution

The purpose of this dispute resolution process is to resolve disagreements about carrying out this parenting plan. This dispute resolution process may, and under some local court rules or the provisions of this plan must be used before filing a petition to modify the plan or a motion for contempt for failing to follow the plan.

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

☐ counseling by _____, or

☐ mediation by _____, if this box is checked and issues of domestic violence or child abuse are present, then the court finds that the victim requested mediation, that mediation is appropriate and that the victim is permitted to have a supporting person present during the mediation proceedings, or

☐ arbitration by _____.

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

☐ _____% petitioner _____% respondent.
☐ based on each party's proportional share of income from line 6 of the child support worksheets.
☐ as determined in the dispute resolution process.

The dispute resolution process shall be commenced by notifying the other party by ☐ written request ☐ certified mail ☐ other:

In the dispute resolution process:

(a) Preference shall be given to carrying out this Parenting Plan.
(b) Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.
(c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party.
(d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the other parent.
(e) The parties have the right of review from the dispute resolution process to the superior court.

☐ No dispute resolution process, except court action is ordered.

VI. Other Provisions

☐ There are no other provisions.
☐ There are the following other provisions:

VII. Declaration for Proposed Parenting Plan

☐ Does not apply.
☐ (Only sign if this is a proposed parenting plan.) I declare under penalty of perjury under the laws of the Round Valley Indian Tribes that this plan has been proposed in good faith and that the statements in Part II of this Plan are true and correct.

Petitioner

Date and Place of Signature

Respondent

Date and Place of Signature

VIII. Order by the Court

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

WARNING: Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under Round Valley Tribal Law. Violation of this order may subject a violator to arrest.

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

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

Dated:

Judge Joseph Wiseman

Presented by:

Approved for entry:

Signature of Party or Lawyer

Signature of Party or Lawyer

Print Name

Print Name