Round Valley Tribal Court

In re: Petitioner/s *(as listed on the Petition)*: _____ And Respondent/s *(as listed on the Petition)*: _____	No. _____ Motion for Adequate Cause Decision (to change a parenting/custody order)

Motion for Adequate Cause Decision
(to change a parenting/custody order)

1. Request

My name is _____.

☐ I **received** a *Petition to Change a Parenting Plan, or Custody Order*. I ask the court to find **no** adequate cause (no valid reasons) and dismiss the *Petition*, ending the case.

☐ I **filed** a *Petition to Change a Parenting Plan, or Custody Order*. I ask the court to find adequate cause (valid reasons) and allow my case to move forward.

2. Service of Summons and Petition

☐ Does not apply. This motion is brought by the party who received the *Petition*.

☐ The other party *(check all that apply):*

- ☐ was or will be served with the *Summons* and *Petition* for this case by:
  - ☐ personal service in Round Valley.
  - ☐ personal service outside of Round Valley.
  - ☐ publication.
  - ☐ mail.
- ☐ waived service by joining the *Petition* and
  - ☐ does not need to be notified about the court's hearings or decisions in this case.
- ☐ must be notified about the court's hearing or decisions in this case.

3. Reason for request

This request is based on the *Petition*, any *Response* and the following other documents filed separately (if any):

☐ My Declaration

☐ Declaration/s of *(name/s):* _____

☐ Other documents *(list):* _____

_____

Person making this motion or his/her lawyer fills out below:

▶ _____ _____

*Person making this motion **or** lawyer signs here* *Date*

_____

Print name (if lawyer.)

I agree to accept legal papers for this case at *(check one):*

☐ lawyer's address, listed below.

_____

Lawyer's street address or PO box *city* *state* *zip*

☐ the following address *(this does **not** have to be your home address):*

_____

street address or PO box *city* *state* *zip*

*If this address changes before the case ends, you **must** notify all parties and the court clerk in writing.*

Round Valley Tribal Court

In re: Petitioner/s *(as listed on the Petition)*: _____ And Respondent/s *(as listed on the Petition)*: _____	No. _____ Final Order and Findings on Petition to Change a Parenting Plan, Residential Schedule or Custody Order

Final Order and Findings on Petition to Change a Parenting Plan, Residential Schedule or Custody Order

1. This Order is based on:

- The *Petition to Change a Parenting Plan, Residential Schedule or Custody Order*,
- The children's best interest,
- The Court's decision that there were valid reasons to hear the *Petition* in the *Order on Adequate Cause to Change a Parenting/Custody Order* signed on (date): _____,

And *(check one)*:

☐ the parents' agreement.

☐ the *Order on Request for Default* signed on *(date)*: _____.

☐ the court hearing or trial on *(date)*: _____.

The following people were at the hearing or trial *(list parties, lawyers, and any guardians)*:

_____

_____

_____

➢ *Findings & Conclusions*

2. Jurisdiction

☐ **The court cannot decide this case for the children because the court does not have jurisdiction over the children.**

☐ The court **can** decide this case for the children because *(check all that apply):*

☐ **Exclusive, continuing jurisdiction** – Round Valley Tribal Court has already made a parenting plan, residential schedule or custody order for the children, and the court still has authority to make other orders for *(children's names):* _____.

☐ **Home state jurisdiction** – The Round Valley Indian Reservation is the children's home state because
(check all that apply):

☐ *(Children's names):* _____ lived in Round Valley with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if the children were less than 6 months old when the case was filed, they had lived in Round Valley with a parent or someone acting as a parent since birth.

☐ There were times the children were not in Round Valley in the 6 months just before this case was filed (or since birth if they were less than 6 months old), but those were temporary absences.

☐ *(Children's names):* _____ do not live in Round Valley right now, but The Round Valley Indian Reservation was the children's home some time in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Round Valley.

☐ *(Children's names):* _____ do not have another home state.

☐ **No home state or home state declined** – No court of any other state has the jurisdiction to make decisions for *(children's names):* _____, **or** a court in the children's home state decided it is better to have this case in Round Valley **and:**

- The children and a parent or someone acting as a parent have ties to Round Valley beyond just living here; **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education and relationships in this state.

☐ **Other state declined** – The courts in other states that might be *(children's names):* _____'s home state have refused to take this case because it is better to have this case in Round Valley Tribal Court.

☐ **Temporary emergency jurisdiction** – Round Valley had temporary emergency jurisdiction over *(children's names):* _____ when the case was filed, and now has jurisdiction to make a final custody decision because:

- When the case was filed, the children were abandoned on the Round Valley Indian Reservation, and the children (or children's parent, brother or sister) was abused or threatened with abuse;

- The court signed a temporary order on *(date)* _____ saying that Round Valley's jurisdiction will become final if no case is filed in the children's home state by the time the children have been in Round Valley for 6 months;
- The children have now lived in Round Valley for 6 months; **and**
- No case concerning the children has been started in the children's home state.

☐ Other reason *(specify):* _____

_____

3. Minor change

☐ **Does not apply. No one requested a minor change.**

☐ **Denied** – The court denies the request for a minor change because *(check all that apply):*

☐ the requested minor change is not in the children's best interest.

☐ the situation of the child/ren or a parent/custodian has not changed substantially.

☐ the reasons (factual basis) for the requested minor change do not qualify under the law.

☐ the parent requesting more time is limited because of problems listed in the current parenting/custody order. That parent has not shown substantial change in the problems that caused the limitations.

☐ the parent requesting more time has not fully completed all evaluations, treatment, or classes required by the current parenting/custody order.

☐ other reasons *(specify):* _____

_____

☐ **Approved** – The court approves a minor change to the parenting/custody order. The court signed the new *Parenting Plan* on *(date):* _____. The minor change is approved because:

- The requested change is in the children's best interest and does not change the person the children live with most of the time; and
- There has been a substantial change in the children's or a parent's/custodian's situation. *(Describe how the situation has changed, or describe a situation that the court did not know about when it made its order):*

_____

_____

_____

_____

_____

Check reason/s for this change:

☐ The current parenting/custody order, is difficult to follow because the parent who has less residential time with the children has moved.

☐ The current parenting/custody order is difficult to follow because one parent's work schedule changed and the change was not by his/her choice.

☐ The requested change will impact the children's schedule on fewer than 25 full days a year.

☐ The requested change will impact the children's schedule on more than 24 full days, but fewer than 90 overnights a year. This change is needed because the current parenting/custody order does not give the children a reasonable amount of time with one parent. It is in the children's best interest to have more than 24 full days of increased time with that parent.

Are there any limitations on the parent whose time is being increased?

☐ **No.** The current parenting/custody order does **not** limit that parent's time with the children because of abandonment, abuse, domestic violence, sex offense, or other serious problems.

☐ **Yes.** That parent's time with the children is limited because of problems listed in the current parenting/custody order. That parent's situation has changed substantially. *(Describe how the parent's problems that caused the limitations in the current parenting/custody order have changed.)*

_____

_____

_____

Has the parent whose time would be increased completed any required evaluations, treatment, or classes?

☐ **Does not apply.** The current parenting/custody order does **not** require that parent to complete any evaluations, treatment, or classes.

☐ **Yes.** That parent has completed all court-ordered evaluations, treatment, or classes required by the current parenting/custody order.

List completed evaluations, treatment, or classes here: _____

_____

_____

4. Major change

☐ Does not apply. No one requested a major change.

☐ **Denied** – The court denies the request for a major change because *(check all that apply):*

☐ the requested major change is not in the children's best interest.

☐ there has been no substantial change to the situation of the child/ren or the parent/custodian who did not file the *Petition*.

☐ the reasons (factual basis) for the requested major change do not qualify under the law.

☐ other reasons *(specify):*_____

_____

☐ **Approved** – The court approves a major change to the parenting/custody order. The court signed the new *Parenting Plan* on *(date):* _____. The major change is approved because:

- The requested change is in the children's best interest, and
- There has been a substantial change in the children's situation or in the situation of the parent/custodian who did not request the major change. *(Describe how the situation has changed, or describe a situation that the court did not know about when it made its order):*

_____

_____

_____

_____

_____

_____

_____

_____

_____

Check reason/s for this change:

☐ The parents agree to the requested changes.

☐ The children are living in one parent's home with the other parent's/custodian's permission. This is very different than what was ordered in the previous parenting/custody order.

☐ The children's current living situation is harmful to their physical, mental, or emotional health. It would be better for the children to change the parenting/custody order.

☐ The other parent/custodian has not followed the court's parenting/custody order. A court found him/her in contempt for disobeying the parenting schedule more than once in three years, or guilty of custodial interference in the first or second degree.

Limitations on one parent's parenting time and decision-making

☐ Does not apply.

☐ **Limit** – To protect the children, the court will limit the parenting time and participation of the parent who already has less than half of the parenting time with the children. The reasons for this limitation are listed in the new *Parenting Plan* signed by the court on *(date):* _____. This *Parenting Plan* is approved.

☐ **Adjust** – The parent who did not file the *Petition* was allowed some parenting time by the current parenting/custody order. But that parent has chosen not to spend any time with the children for at least one year. The court will adjust the parenting time for that parent as listed in the new *Parenting Plan* signed by the court on *(date):* _____. This *Parenting Plan* is approved.

☐ Other findings: _____

_____

_____

5. Other Changes

☐ **Does not apply.**

☐ Because of a substantial change in one parent's/child's situation, the court approves changes to the following parts of the *Parenting Plan* that are in the children's best interest *(check all that apply):*

- ☐ dispute resolution
- ☐ decision-making
- ☐ transportation arrangements
- ☐ other *(specify):* _____

_____

6. Child Support

☐ Does not apply. No one asked to change child support.

☐ **Denied** – The request to change child support is denied because:

- ☐ the request to change the parenting/custody order is denied.
- ☐ the approved change to the parenting/custody order *(check all that apply):*
  - ☐ does not change the parent the children live with most of the time.
  - ☐ does not change the amount of time the children spend with each parent so much that a child support deviation should be approved or changed.
- ☐ other: _____

☐ **Approved** – The court signed the new *Child Support Order* and *Worksheets* filed separately today or on *(date):* _____.

The changes to the parenting/custody order affect child support by *(check one):*

- ☐ changing the parent the children live with most of the time.
- ☐ changing the amount of time the children spend with each parent so much that a child support deviation should be approved or changed.
- ☐ other: _____

☐ Other findings: _____

_____

7. Protection Order

☐ Does not apply. No one requested an *Order for Protection* in this case.

☐ **Approved** – The request for an *Order for Protection* is approved. The *Order for Protection* is filed separately.

☐ **Denied** – The request for an *Order for Protection* is denied. The *Denial Order* is filed separately.

☐ **Combined** – The court consolidates (combines) the **existing** *Order for Protection* between the parties signed by the court in case number _____ with this case. *(If you check this box, also check the "Clerk's action required" box in the caption on page 1.)*

☐ **Renewed/Changed** – The existing *Order for Protection* filed in or combined with this case is renewed or changed as described in the following order, filed separately *(check one):*

- ☐ *Order on Renewal of Order for Protection*
- ☐ *Order Modifying/Terminating Order for Protection*

☐ Other findings: _____

8. Restraining Order

☐ Does not apply. No one requested a *Restraining Order* in this case.

☐ **Approved** – The request for a *Restraining Order* is approved. The *Restraining Order* is filed separately.

☐ **Denied** – The request for a *Restraining Order* is denied.

☐ Other findings: _____

9. Other Findings (if any)

_____

_____

➢ *Court Orders*

10. Decision *(check all that apply):*

☐ **Denied** – The court denies the *Petition to Change a Parenting Plan, Residential Schedule or Custody Order.* All temporary orders are ended.

☐ **Approved** – The court approves the *Petition.* All temporary orders are ended. The parents/custodians must obey the following orders signed by the court:

- ☐ *Parenting Plan/Residential Schedule*
- ☐ *Child Support Order*
- ☐ *Restraining Order*
- ☐ *Order for Protection* (Domestic Violence)
- ☐ *Order for Protection – Harassment*
- ☐ Other orders: _____

☐ *Check this box if the court previously signed a temporary Restraining Order and is* ***not*** *signing a final Restraining Order in this case.*

Name of law enforcement agency where the Protected Person lived when the *Restraining Order* was issued: _____

So ordered.

▶ _____ _____

Judge *Date*

Petitioner and Respondent or their lawyers fill out below.

This document *(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

_____

Print Name *Date*

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

▶ _____

Respondent signs here

_____

Print Name *Date*