Round Valley Tribal Court

In re the Custody of: Child(ren), Petitioner(s), and Respondent(s).	**No**. **Nonparental Custody Petition (PTCUS)**

I. Basis

1.1 Identification of Petitioner(s)

Name (first/last) _____ Birth date_____

Last known residence (county and state only) _____.

Relationship to children _____.

Name (first/last) _____ Birth date_____

Last known residence (county and state only) _____ .

Relationship to children _____.

1.2 Identification of Respondent(s)

(List each parent, any alleged biological parent, guardian, custodian, and any other person with court ordered time with the children. Do not list any parent whose rights have been terminated by court order.)

Name (first/last) _____ Birth date_____

Last known residence (county and state only) _____.

Relationship to children _____.

Name (first/last) _____ Birth date_____

Last known residence (county and state only)_____.

Relationship to children _____.

Name (first/last) _____ Birth date_____

Last known residence (county and state only) _____ .

Relationship to children _____.

1.3 Children for Whom Custody is Sought

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

1.4 Identification of all Adults Living in Petitioner(s)' Household

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

1.5 TRIBAL MEMBERSHIP STATUS

Child's Indian status:

[ ] Round Valley Tribal Members

[ ] Eligible for Membership in the Round Valley Tribe

[ ] Other Indian

[ ] Non-Indian

Jurisdiction:

[ ] The child(ren) are domiciled or residing within the boundaries of the Round Valley Indian reservation; and no Tribal or State Court has continuing jurisdiction over the children; this court has jurisdiction.

[ ] The child(ren) are Round Valley Tribal members or eligible for membership, not domiciled or residing within the boundaries of the Round Valley Indian reservation and [ ] the children's parent(s) has/have consented to the Round Valley Tribe's concurrent jurisdiction.

1.6 Jurisdiction

(Check all that apply.)

[ ] The following respondents reside on the Round Valley Reservation (list the respondents):
_____
_____.

[ ] The following respondents were personally served with summons (list the respondents):
_____
_____.

[ ] The following respondents submitted to the jurisdiction of this Court by consent as evidenced by joinder or consent to jurisdiction signed by respondent (list the respondents):
_____
_____.

[ ] The following respondents resided with the child on this reservation within the last ninety days (list the respondents):
_____
_____.

[ ] The child resides on this reservation as a result of the acts or directives of the following respondents (list the respondents):
_____
_____.

[ ] Other:

1.7 Jurisdiction Over the Child

This court has jurisdiction over this proceeding for the reasons 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 under Tribal Law.

[ ] This/these child(ren) resides on this reservation the children because:

- [ ] the children lived on the reservation with a parent or a person acting as a parent for at least three consecutive months immediately preceding the commencement of this proceeding.
- [ ] the children are less than three months old and have lived on the reservation with a parent or a person acting as parent since birth.
- [ ] any absences from the reservation have been only temporary.
- [ ] The Round Valley Reservation was the home state of the children within six months before the commencement of this proceeding and the children are absent from the state but a parent or person acting as a parent continues to live in this state.

[ ] The children and the parents or the children and at least one parent or a person acting as a parent have significant connection with the reservation other than mere physical presence, and substantial evidence is available in this reservation concerning the children's care, protection, training and personal relationships, and

- [ ] The children have no home elsewhere.
- [ ] No other state or Tribal Court has exercised jurisdiction on the ground that this Court is the more appropriate forum.

[ ] All other courts have declined to exercise jurisdiction on the ground that this Court is the more appropriate forum to determine the custody of the children.

[ ] No other Court 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.

[ ] Other:

1.8 Uniform Child Custody Jurisdiction and Enforcement Act Information

Name of Child	Parent's Name	Parent's Name

The children permanently reside(s) in this county or can be found in this county.

During the last five years, the children have lived:

[ ] in no place other than the state of California 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 California, 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):

1.9 Visitation

Respondent (name) _____: Visitation should be [ ] as set forth in the attached proposed Residential Schedule which is incorporated by reference as part of this Petition; or [ ] as follows:

[ ] Parental visitation should be limited because (name) _____ has engaged in the conduct which follows:

[ ] Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions.
[ ] Physical, sexual or a pattern of emotional abuse of a child.
[ ] A history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

Respondent (name) _____: Visitation should be [ ] as set forth in the attached proposed Residential Schedule which is incorporated by reference as part of this Petition; or [ ] as follows:

[ ] Parental visitation should be limited because (name) _____ has engaged in the conduct which follows:

[ ] Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions.
[ ] Physical, sexual or a pattern of emotional abuse of a child.
[ ] A history of acts of domestic violence as defined in Tribal law or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

[ ] Other:

1.10 Child Support

Support for the dependent children should be set.

1.11 Health Insurance Coverage

[ ] Either or both parents should be required to maintain or provide health insurance coverage.

1.12 Continuing Restraining Order

[ ] Does not apply.
[ ] (Name) _____ should be restrained or enjoined from disturbing the peace of the other party or of any child.
[ ] (Name) _____ should be restrained or enjoined 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 named children: _____ _____.
[ ] (Name) _____ should be restrained or enjoined from knowingly coming within or knowingly remaining within (distance) _____ of the home, work place or school of the other party or the day care of school of these children: _____
[ ] A continuing restraining order should be entered which restrains or enjoins (name) _____ from molesting, assaulting, harassing, or stalking (name) _____.
[ ] (Name) _____ should be restrained or enjoined from removing any of the children from the Round Valley Indian Reservation.
[ ] (Name) _____ should be required to surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of this proceeding, to his or her lawyer or to a person designated by the court. Clear and convincing reasons for this request are set forth in paragraph 1.12 below.

[ ] Other:

1.13 Adequate Cause

I have valid reasons to ask for custody of these children:
(*Check at least one box*)

[ ] The children are not living with either parent. The children have been living with (name/s): _____ since (date): _____.

[ ] Neither parent is a suitable custodian.

And: (*Check at least one box for each parent*)

[ ] Parent/s *(*name/s*):* _____ is/are **unfit**.

[ ] The children will suffer actual detriment (harm) to their growth and development if they live with *(*parent/s name/s*):* _____.

Give facts that support the statements you checked above:

1.14 Best Interest of the Children

The requests made in this petition are in the best interests of the children because:

1.15 Other

II. Relief Requested

The petitioner ***requests*** that the court enter an order finding that there is adequate cause for hearing this petition and giving petitioner custody of the children listed in paragraph 1.3 of this petition. The petitioner also ***requests*** the relief described below.

[ ] Determine support for the dependent children.
[ ] Approve my proposed Residential Schedule, or order visitation pursuant to paragraph 1.9.
[ ] Award the tax exemptions for the dependent children as follows:

[ ] Enter a continuing restraining order.
[ ] Enter a [ ] domestic violence [ ] antiharassment protection order protecting (name) _____ from (name) _____ . If you check this box, contact the clerk/court for Domestic Violence forms or for Antiharassment forms.
[ ] Order payment of day care expenses for the children.
[ ] Order payment of attorney fees, other professional fees and costs.
[ ] Other:

_____	_____	_____
Date	Signature Petitioner	Print or Type 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 or Type Name

[ ] Joinder

[ ] I, _____, 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.

_____	_____	_____

Date Signature of Respondent Print or Type Name