

INFORMATION – CHILD CUSTODY / VISITATION PROCEEDINGS

More information is located in Title 11.04 of the Lummi Code of Laws.

These instructions apply when a parent is requesting custody and/or a visitation schedule for a child. If a person other than a parent is requesting custody, use the forms for “Non-Parental Custody.”

A. “ACCESS TO THE COURT - Instructions for Civil Cases”

Pick up a copy of this information sheet and review it for the general procedures to follow in civil cases.

B. Type of Proceeding

A request to the court to obtain custody of a child can be filed independently, or can be part of a petition for dissolution of marriage, legal separation, or declaration of invalidity of a marriage.

C. Jurisdiction of Court

The Court only has jurisdiction over a child custody proceeding if the child is: 1) a permanent resident on the Lummi Nation Reservation; 2) found on the Lummi Nation Reservation; or 3) enrolled as a member of the Lummi Nation.

D. Factors in Granting Custody

LCL 11.04.020 states the following factor, among other relevant factors, that the Court shall use in determining custody in accordance with the best interests of the child.

- (a) The wishes of the child’s parent or parents as to his custody and visitation privileges.
- (b) The wishes of the child as to his custody and as to visitation privileges.
- (c) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child’s best interests, including, but not limited to, the child’s extended family.
- (d) The child’s adjustment to his home, school, and community.
- (e) Availability of extended family to assist in the care and custody.
- (f) The mental and physical health of all individuals involved.
- (g) Tribal affiliation of the parties and the child.
- (h) The extent of the participation of the parties in tribal cultural activities.

The court shall not consider conduct of a proposed guardian that does not affect the welfare of the child.

E. Forms Packet – Initiating Child Custody Proceeding

The forms packet (CC – P1) contains the following documents:

- Petition for Child Custody
- Declaration in Support of Parenting Plan
- Parenting Plan
- Contact Information Form
- Summons – Child Custody / Visitation Petition
- Ex Parte Motion for Emergency Order for Child Custody (to use if requesting)

F. Emergency Requests for Custody

The following forms are used for requests to the court to grant an immediate order granting custody:

- CC –04 Ex Parte Motion for Temporary Child Custody Order; Order
- ZZ – 11 Ex Parte Application for Hearing on Shortened Time; Order

If you fear for your safety, or the safety of the child(ren), you should also file for an Emergency Domestic Violence Order. The Lummi Victims of Crime Office can be contacted for assistance. Court forms are also available for your use.

G. Motion to Bar Removal of Child

If you have a concern that the other parent will attempt to remove the child from the area, the following form is available to file. This must be filed in a proceeding that is being initiated, or has already been initiated.

- CC – 08 Ex Parte Motion Barring Removal of Child; Order

H. Visitation

If a parent wishes an order granting visitation rights, but does not wish to seek a change of custody, the following forms are available:

- CC – 02 Summons – Child Custody / Visitation Petition
- CC – 09 Petition for Residential / Visitation Schedule
- CC – 05 Declaration in Support of Parenting Plan
- CC – 06 Parenting Plan

I. Modification of Custody/Parenting Plan Order

Information on modifying a parenting plan / custody order is contained in Court Form CC – P3. Forms are available for that purpose.

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**IN THE TRIBAL COURT
FOR THE LUMMI NATION, WASHINGTON**

IN RE: THE WELFARE OF:

Case No.: _____ CVCC _____

_____ Child's Name	_____ DOB
_____ Petitioner,	
and	
_____ Respondent.	

PETITION FOR CHILD CUSTODY

Proposed by ____ Mother
 ____ Father
 ____ Jointly

Pursuant to Chapter 11.04 of the Lummi Code of Laws, the Petitioner asks the Court to enter an order granting custody; setting a residential schedule and visitation; granting decision-making power; and establishing any restrictions on contact, as stated in the Parenting Plan submitted with this Petition. In support of this petition, the Petitioner states as follows:

I. IDENTIFICATION OF PETITIONER

Name: _____
 First Middle Last

Date of Birth: ____ / ____ / ____

The Petitioner lives on off the Lummi Nation Reservation.

Petitioner's tribal affiliation: _____

II. IDENTIFICATION OF RESPONDENT

Name: _____
 First Middle Last

Date of Birth: ____ / ____ / ____

The Respondent lives on off the Lummi Nation Reservation.

Respondent's tribal affiliation: _____

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2 III. OTHER PROCEEDINGS OR CLAIMS REGARDING THE CHILD(REN)

3 1. Other Legal Proceedings.

4 The petitioner has not participated in, and is not aware of, any other legal proceedings concerning the child(ren), including any paternity, dependency, or custody proceedings.

5 The petitioner has participated in, or is aware of, the following legal proceedings concerning the child(ren), including any paternity, dependency, or custody proceedings:

6

Type of Proceeding	Court	Case Number
7		

8 2. Claims to the Child(ren).

9 The petitioner is not aware of any other person, other than the parties to this proceeding, who have rights of, or claim the rights to, physical custody or visitation.

10 Other than the parties to this proceeding, the following persons have rights of, or claim the rights to, physical custody or visitation: _____.

12 IV. JURISDICTION OF THE COURT

13 Check as many as are applicable.: This court has jurisdiction over this matter under LCL 11.04.010(a)(1) because

14 The child(ren) is a permanent resident on the reservation (includes a child who is temporarily absent from the reservation, if with a caretaker who intends to return the child to the reservation)

15 The child(ren) is now present on the reservation

16 The child(ren) is enrolled as a Lummi Tribal member

17 This court has continuing jurisdiction because this court has previously made a child custody or parenting plan determination in this matter and no other court has assumed jurisdiction.

19 20 V. IDENTIFICATION OF CHILD(REN) WHO IS THE SUBJECT OF THIS PETITION:

21 *Add another sheet if needed for additional children*

22

First Name:	Middle Name:	Last Name:
23 DOB:	Child currently lives with:	
24 Tribal Member: Y/N	Tribe Name:	

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1	First Name:	Middle Name:	Last Name:
2	DOB:	Child currently lives with:	
3	Tribal Member: Y/N	Tribe Name:	

4	First Name:	Middle Name:	Last Name:
5	DOB:	Child currently lives with:	
6	Tribal Member: Y/N	Tribe Name:	

7	First Name:	Middle Name:	Last Name:
8	DOB:	Child currently lives with:	
9	Tribal Member: Y/N	Tribe Name:	

10	First Name:	Middle Name:	Last Name:
11	DOB:	Child currently lives with:	
12	Tribal Member: Y/N	Tribe Name:	

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14 **VI. FACTUAL ALLEGATIONS**

15 I have attached a Parenting Plan, and a Declaration Support of Parenting Plan. In the
 16 Declaration, I have included the factual statements in support of my request for entry of the
 17 Parenting Plan.

18 **VII. RELIEF REQUESTED**

19 Based on those facts, I am requesting:

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- 23 1. That the court enter an order granting custody; setting a residential schedule and
 24 visitation; granting decision-making power; and establishing any restrictions on contact, as
 25 stated in the Parenting Plan submitted with this Petition.
2. That the issue of child support be reserved and not addressed by the Court at this

1 time addressed by the Court and ordered in compliance with the Title 11.06 of the
2 Lummi Code of Laws (attach Financial Declaration).

3 3. That the Court grant such other relief as the Court may deem just and proper.

4 **DECLARATION**

5 I declare under penalty of perjury of all applicable civil and criminal laws that 1) I have read this
6 Petition or it has been read to me; and 2) I understand the contents of the Petition and believe the
7 contents to be true and correct to the best of my knowledge, information, and belief, formed after
8 reasonable inquiry. Below is the address at which I can receive all legal documents, and I
9 understand I have the duty to update this address with the court if it changes.

10 Dated: _____

Signature of Petitioner

Print or Type Name

Address

City, State, Zip Code

Telephone Number

14 **JOINDER (if applicable)**

15 The respondent joins in the petition. By joining in the petition, the respondent agrees to the entry
16 of the Parenting Plan which is attached to this Petition as an Order of the Court without further
17 notice. The respondent has separately signed agreement to the Parenting Plan.

18 I declare under penalty of perjury under all applicable civil and criminal laws that the statements
19 made in this Petition are true and correct.

20 Dated: _____

Signature of Respondent

Print or Type Name

Address

City, State, Zip Code

Telephone Number

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IN THE TRIBAL COURT
FOR THE LUMMI NATION, WASHINGTON

IN RE: THE WELFARE OF:

Case No.: _____ CVCC _____

Child's Name DOB

**DECLARATION IN SUPPORT OF
PARENTING PLAN**

Petitioner,

Submitted by ___ Mother
 ___ Father

and

Respondent.

I submit the following declaration in support of the parenting plan I am submitting to the Court
(add more pages if needed):

1. _____ [name of child(ren)]
has resided with the following persons in the past twelve months:

Name of Caretaker	Location	Length of Time

2. MOTHER

a. During the past twelve months, the mother has performed the following parenting
functions related to the daily needs of the child(ren):

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b. The mother's current work schedule and availability to care for the children is as follows:

3. FATHER

a. During the past twelve months, the father has performed the following parenting functions related to the daily needs of the child(ren):

b. The father's current work schedule and availability to care for the children is as follows:

3. CHILD

The child(ren)'s schedule including child care, school, and other activities:

4. RISK TO CHILD(REN)

If I have requested restrictions under Part III of the Parenting Plan, or restrictions in Decision-Making in Part IV of the Parenting Plan, the following information shows the basis for the requested restrictions:

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6. OTHER INFORMATION

I request the Court to consider the following further information in support of the Parenting Plan I have submitted.

Factors to address might include:

- *The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests, including, but not limited to, the child's extended family;*
- The child's adjustment to his home, school, and community*
- Availability of extended family to assist in the care and custody.*
- The mental and physical health of all individuals involved.*
- The extent of the participation of the parties in tribal cultural activities.*

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DECLARATION

I declare under penalty of perjury of all applicable civil and criminal laws that I have read the contents of this declaration and believe the contents to be true and correct.

Dated: _____

Declarant's Signature

Print or Type Name

IN THE TRIBAL COURT
FOR THE LUMMI NATION, WASHINGTON

Case No.: _____

Petitioner,

and

Respondent.

PARENTING PLAN

Final Order

Temporary

Proposed by _____ Mother

_____ Father

_____ Jointly

I. GENERAL INFORMATION

1.1 This parenting plan is:

the final parenting plan signed by the court.

the final parenting plan signed by the court modifying a previous parenting plan or custody decree.

a temporary parenting plan signed by the court.

a plan proposed by _____ [name].

1.2 This parenting plan applies to the following children:

Name	DOB	Tribal Affiliation

PARENTING PLAN

Page 1

Court Form CC - 06 7/11/11

Lummi Tribal Court
2665 Kwina Road
Bellingham, WA 98226
Tel: 360-312-2239

1 II. RESIDENTIAL SCHEDULE

2 2.1 DESIGNATION OF CUSTODIAN

3 The designated custodian for the children named in this parenting plan is the Mother
4 Father. This named person is designated the custodian of the child(ren) solely for purposes of all
5 other tribal codes, and state and federal statutes which require a designation or determination of
6 custody. This designation shall not affect either parent's rights and responsibilities under this
7 parenting plan.

8 The following provisions set forth where the child(ren) shall reside each day of the year and what
9 contact the child(ren) shall have with each parent.

10 2.2 SCHEDULE FOR CHILDREN UNDER SCHOOL AGE

11 There are no children under school age.

12 Prior to enrollment in school, the child(ren) shall reside with the Mother
13 Father, except for the following days and times when the child(ren) will reside
14 with or be with the other parent:

15 from _____ [day and time] to _____ [day and time]

16 every week every other week the first and third week of the month

17 the second and fourth week of the month Other:

18 2.3 SCHOOL SCHEDULE.

19 Upon their enrollment in school, the child(ren) shall reside with the Mother
20 Father, except as mutually agreed by the parents.

21 Upon their enrollment in school, the child(ren) shall reside with the Mother
22 Father, except for the following days and times when the child(ren) will reside
23 with or be with the other parent:

24 from _____ [day and time] to _____ [day and time]

25 every week every other week the first and third week of the month

the second and fourth week of the month Other:

26 2.4 SCHEDULE FOR VACATIONS

27 WINTER VACATION

28 The child(ren) shall reside with the Mother Father during winter vacation, except
29 for the following days and times when the child(ren) will visit with the other parent:
30 _____
31 _____

1 SPRING VACATION

2 The child(ren) shall reside with the Mother Father during spring vacation, except
3 for the following days and times when the child(ren) will visit with the other parent:

4 SUMMER SCHEDULE.

5 The child(ren) shall reside with the Mother Father during summer vacation, except
6 for the following days and times when the child(ren) will visit with the other parent:

- 7 No change from schedule in 2.2 and 2.3.
8 Other: _____

9 2.5 SCHEDULE FOR HOLIDAYS.

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

- 11 Does not apply.
12 Schedule is as follows:

	With Mother (Specify Year <u>Odd/Even/Every</u>)	With Father (Specify Year <u>Odd/Even/Every</u>)
14 New Year's Day	_____	_____
15 Treaty Day	_____	_____
16 Presidents Day	_____	_____
17 Memorial Day	_____	_____
18 July 4th	_____	_____
19 Labor Day	_____	_____
20 Veterans Day	_____	_____
21 Thanksgiving Day	_____	_____
22 Christmas Eve	_____	_____
23 Christmas Day	_____	_____

- 24 For purposes of this parenting plan, a holiday shall begin and end as follows (set
25 forth times): _____
 Holidays which fall on a Friday or a Monday shall include Saturday and Sunday
 Thanksgiving Holiday shall include: _____
 Other: _____

1 2.6 SCHEDULE FOR SPECIAL OCCASIONS.

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

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
4 <u>Mother's Day</u>	_____	_____
5 <u>Father's Day</u>	_____	_____
6 _____	_____	_____
7 _____	_____	_____

7 2.7 PRIORITIES UNDER THE RESIDENTIAL SCHEDULE.

8 Does not apply.

9 If the residential schedule results in a conflict where the children are scheduled to
10 be with both parents at the same time, the conflict shall be resolved by priority
11 being given as follows:

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

- | | |
|--------------------------------------|-------------------------------|
| 13 _____ regular schedule (2.2, 2.3) | _____ summer schedule (2.4) |
| 14 _____ winter vacation (2.4) | _____ holidays (2.5) |
| 15 _____ spring vacation (2.4) | _____ special occasions (2.9) |

16 Other:

17 2.8 TRANSPORTATION ARRANGEMENTS.

18 Transportation arrangements for the child(re), between parents are as follows:

19 _____

20 _____

21 _____

22 2.9 OTHER:

23 III. RESTRICTIONS

24 3.1 RESTRICTIONS.

25 There are no restrictions on the parents' residential time with the child(ren).

The Mother's Father's residential time with the children shall be limited and
following restrictions shall apply when the children spend time with this parent:

3.2 PARENTAL CONDUCT.

Does not apply.

1 The Mother's Father's residential time with the child(ren) shall be limited or
2 restrained completely, and mutual decision-making and designation of a dispute
3 resolution process other than court action shall not be required, because this
4 parent a person residing with this parent has engaged in the conduct contrary to
5 the best interests of the child(ren) as follows.

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

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

10 A history of acts of domestic violence as defined in Lummi Nation Code
11 of Laws or an assault or sexual assault which causes grievous bodily harm
12 or the fear of such harm.

13 3.3 OTHER FACTORS.

14 Does not apply.

15 The Mother's Father's involvement or conduct may have an adverse effect
16 on the child(ren)'s best interests because of the existence of the factors which
17 follow.

18 Neglect or substantial nonperformance of parenting functions.

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

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

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

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

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

29 Other:

30 IV. DECISION MAKING

31 4.1 DAY-TO-DAY DECISIONS.

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

36 4.2 MAJOR DECISIONS.

37 Major decisions regarding each child shall be made as follows:

1 Education decisions [] mother [] father [] joint
2 Non-emergency health care [] mother [] father [] joint
3 Religious upbringing [] mother [] father [] joint
4 _____ [] mother [] father [] joint
5 _____ [] mother [] father [] joint

4.3 RESTRICTIONS IN DECISION MAKING.

5 [] Does not apply
6 [] Sole decision making shall be ordered to the
7 [] Mother
8 [] Father

for the following reasons:

- 9 [] Both parents are opposed to mutual decision making.
10 [] One parent is opposed to mutual decision making, and such opposition is
11 reasonably based on the following criteria:
12 (a) The existence of a limitations in section III hereto;
13 (b) The history of participation of each parent in decision making;
14 (c) Whether the parents have demonstrated ability and desire to
15 cooperate with one another in decision making; and
16 (d) The parents' geographic proximity to one another, to the extent
17 that it affects their ability to make timely mutual decisions.

V. DISPUTE RESOLUTION

15 [] Disputes may be resolved through court action without a requirement that the parties first
16 submit disputes to the dispute resolution process.

17 [] Disputes between the parties, other than child support disputes, shall be submitted first to
18 (list person or agency):

19 [] _____, or
20 [] _____.

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

- 21 [] _____% Mother _____% Father.
22 [] based on each party's proportional share of income based on child support
23 worksheets.
24 [] as determined in the dispute resolution process.

The dispute resolution process shall be commenced by notifying the other party by
25 written request sent certified mail or some other method of service that provides a proof
of service.

In the dispute resolution process:

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

12 VI. OTHER PROVISIONS

- 13 There are no other provisions.
 14 There are other provisions that are attached to this parenting plan and incorporated
 15 herein.

16 VII. DECLARATION FOR PROPOSED PARENTING PLAN

- 17 Does not apply.
 18 (Only sign if you are proposing or agreeing to this parenting plan.) I declare under penalty of
 19 perjury this plan has been proposed in good faith and that the statements herein are true and
 20 correct.

21 _____
 22 Mother Date

23 _____
 24 Father Date

25 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 Lummi Nation Code of 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, Lummi Tribal Court

**LUMMI TRIBAL COURT
CONTACT INFORMATION SHEET**

CASE NO. (Must be completed if one has been assigned): _____

YOUR INFORMATION : For the case that is pending in court, the court needs to have contact information for you, and enough identifying information so that your name is not confused with someone else's.

Name: _____
 First Middle Last Suffix (e.g. Jr., Sr.)

DOB: ____ / ____ / ____

Address: _____
 Street address

 City State Zip code

Mailing address if different: _____

Phone Nos. _____
 Home Work Cell

Message phone, if needed: _____

OPPOSING PARTY'S INFORMATION: To the extent that you have the information, the court needs to have contact information for the opposing party, and enough identifying information so that person is not confused with someone else

Name: _____
 First Middle Last Suffix (e.g. Jr., Sr.)

DOB: ____ / ____ / ____

Address: _____
 Street address

 City State Zip code

Mailing address if different: _____

Phone Nos. _____
 Home Work Cell

Message phone, if needed: _____

DATED

SIGNATURE

IT IS YOUR RESPONSIBILITY TO NOTIFY THE COURT OF ANY CHANGES IN YOUR ADDRESS OR CONTACT PHONE NUMBERS. IF YOU DO NOT, AND A DOCUMENT OR NOTICE IS SENT TO THE WRONG PLACE AS A RESULT, AN ACTION COULD BE TAKEN IN THE CASE WITHOUT YOUR KNOWLEDGE OR ABILITY TO OBJECT

CONTACT INFORMATION FORM

Court Form AA - 02 6/23/11

Lummi Tribal Court
2665 Kwina Road
Bellingham, WA 98226
(360) 321-2239

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**IN THE TRIBAL COURT
FOR THE LUMMI NATION, WASHINGTON**

IN RE: THE WELFARE OF:

Case No.: _____ CVCC _____

Child's Name DOB

**SUMMONS – CHILD CUSTODY /
VISITATION**

Petitioner,

and

Respondent.

TO: OTHER PARENT CUSTODIAN

YOU ARE HEREBY GIVEN NOTICE that a petition has been filed in the above-named court regarding the custody and/or visitation for a child(ren). A copy is attached to this summons.

In order to defend against this action, you must respond to the petition by (1) filing a written response with the court, and serving the petitioner as shown; or (2) contacting the Clerk of Court and stating that you will appear in court to respond orally on the record. The Court prefers that you make a written response. Your written response must state whether you oppose the petition and your reasons. If you do not take either action within **21 days** after the date this summons was served on you, the court may enter an order of default against you and, without further notice to you, grant the request made in the petition.

For your convenience, an Answer Form is available at the Courthouse. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response, if any, may be made by the deadline.

This summons is issued pursuant to Lummi Code of Laws 3.03.030 – 3.03.070.

Dated: _____

[PETITIONER'S SIGNATURE]

[PRINTED NAME]

FILE ORIGINAL OF YOUR RESPONSE
WITH THE CLERK OF THE COURT AT:

SERVE A COPY OF YOUR RESPONSE TO:

Lummi Nation Tribal Court
2665 Kwina Road
Bellingham, WA 98226

Petitioner:

Address

City, State, Zip Code

CIVIL SUMMONS – CHILD CUSTODY / VISITATION

Court Form CC - 02 7/11/11

Lummi Tribal Court
2665 Kwina Road
Bellingham, WA 98226
(360) 312-2239

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3 **IN THE TRIBAL COURT**
4 **FOR THE LUMMI NATION, WASHINGTON**

5 IN RE: THE WELFARE OF:

Case No.: _____ CVCC _____

6 _____
Child's Name _____ DOB _____

7 EX PARTE MOTION FOR TEMPORARY
8 CHILD CUSTODY ORDER BY A PARENT

9 _____
Petitioner,

10 and

11 _____
Respondent.

12
13 **MOTION**

14 I request the court to issue temporary order, without first requiring that the opposing party be given
15 notice and an opportunity to be heard, granting me temporary care, custody, and control of the
above-named children, including the ability to authorize medical care. In support of this motion, I
state as follows:

16 1. I am the Mother Father of the child(ren).

17 2. A Petition for Custody has been filed with the court simultaneously with this motion on:
18 _____ / _____ / _____.

19 1. An immediate order is required because an immediate and irreparable damage, loss, or injury is
threatened to the child(ren) or is substantially certain to occur unless the court issues an immediate
order, as shown by the facts stated in the Petition for Custody and the additional facts: *(Add additional*
20 *pages if needed.)* _____
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2. I have made the following efforts, if any, to provide the opposing party with notice of the request for a temporary order and the following reasons exist why actual notice should not be required:

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II. AFFIDAVIT

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

I have read the contents of this document and I swear under penalty of perjury under all applicable civil and criminal laws that the statements in this Motion and any attachments to this Motion, and the Petition for Custody filed in this matter, are true and correct to the best of my knowledge, information and belief, formed after reasonable inquiry.

Date

Signature

Print or Type Name

SUBSCRIBED AND SWORN to before
me this _____ day of _____, 20__.

Notary Public
My Commission Expires:

1 evidence or failure of the requesting party to appear at the hearing will result in the court dissolving
2 the temporary order. Failure of the responding party to appear, after proper proof of service, may
3 result in a default order being entered granting the relief requested by the requesting party.

4 4. This temporary order may be modified, vacated, or set aside by motion of either party upon notice
5 and opportunity for a hearing.

6 5. Other:
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14 Dated this _____ day of _____, 20__

15 _____
16 Judge
17 Lummi Tribal Court
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ORDER GRANTING TEMPORARY CUSTODY

Court Form CC - 04 7/11/11

Lummi Tribal Court
2665 Kwina Road
Bellingham, WA 98226
(360) 312-2239