

**LUMMI TRIBAL COURT  
LUMMI NATION, WASHINGTON**

<p>_____</p> <p style="text-align: center;">Petitioner,</p> <p>and</p> <p>_____</p> <p style="text-align: center;">Respondent.</p>	<p>Case No.: _____CVCC_____</p> <p style="text-align: center;">MOTION FOR MODIFICATION OF CUSTODY DECREE AND PARENTING PLAN</p>
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*Use this form when requesting to make changes to a current child Custody Decree and Parenting Plan. Applicable Lummi laws are LCL 11.04.050 and LCL 11.04.070. Procedures are on Page 3.*

**MOTION**

1. I am the  Petitioner  Respondent.
2. I am the child(ren)'s  Mother  Father.
3. I request modification of a Custody Decree and Parenting Plan.
  - a. Issued by the Lummi Tribal Court.
  - b. Date Custody Decree and Parenting Plan issued: \_\_\_\_\_ 20\_\_\_\_\_.
4. Facts have arisen since the prior decree: **(Check One)**
  - a.  A change has occurred in the circumstances of the child.
  - b.  A change has occurred in the circumstances of the child's current custodian.
  - c. Moving Party will prove that modification is necessary to serve the best interests of the child.
5. A change is requested based on the following: **(Check One)**
  - The custodian agreed to the modification.
  - The child(ren) has been integrated into the family of the petitioner with the consent of the custodian.
  - The child(ren)'s present environment is detrimental to his/her physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child(ren).



AFFIRMATION

I am the moving party and have read, or had read to me, the contents of this motion and affidavit and understand the contents of the motion and affidavit, believe those contents to be true and correct, and 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:

Procedures

A party seeking a temporary custody order or modification of a custody decree shall submit together with his motion, an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit to other parties to the proceedings, who may file opposing affidavits. The Court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted. LCL 11.04.070.

If the Court finds that a motion to modify a prior custody order has been brought in bad faith, the Court shall assess the attorney’s fees and court costs of the custodian against the petitioner. LCL 11.04.050(b).