INFORMATION -PROCEEDINGS FOR DISSOLUTION OF MARRIAGE / LEGAL SEPARATION NO CHILDREN

More information is located in Chapter 11.02 of the Lummi Code of Laws

These instructions apply when the husband and wife are not both the legal parents of a child <u>and</u> the wife is not pregnant. "Legal parentage" includes adoption, and also includes a child born during the marriage whether or not the husband is the biological father. Paternity can only be disestablished through application to the state division of vital statistics (accompanied with acknowledgement of paternity by birth father) or through court action.

Note re: Legal Separation or Declaration of Invalidity of Marriage. Use the same procedures and forms that are used for Dissolution of Marriage. There are boxes on the petition to indicate what type of relief you are seeking.

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. Jurisdiction of Court

The Court only has jurisdiction over a dissolution proceeding if one or both parties to the marriage is a Lummi Tribal member or presently living on the Lummi Indian Reservation.

C. Forms Packet - Initiating Dissolution Proceeding

Court Forms packet (DM – P1) contains the following documents:

Petition for Dissolution of Marriage (No children)

Summons - Dissolution

Contact Information Sheet (if there are reasons to keep contact information confidential based on allegations of domestic violence, use form AA - 03 to preserve confidentiality)

Decree for Dissolution of Marriage (No children)

Certificate of Dissolution (state form) (for use when dissolution is final)

D. Domestic Violence

If you fear for your safety, you should file for an Emergency Domestic Violence Order. The Lummi Victims of Crime Office (384-2285) can be contacted for assistance. Court forms are also available for your use. If you are doing so, be sure to check that box in the caption of the Petition for Dissolution form.

E. Temporary Orders

Either party can seek certain temporary orders pending the final decree of dissolution. Court Form DM - 09 is available for this purpose. Examples of temporary orders are:

- 1. Restraining Order to restrain the other party from activities such as:
- transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business, or for the necessities of life, and, if so restrained or enjoined requiring that party to notify the other party of any proposed extraordinary expenditures made after the order is issued
- molesting or disturbing peace the other party, and of any child of either party.
- entering the family home or the other party's home

Note: if domestic violence is an issue, you should also file for an Emergency Domestic Violence Order

2. Ordering the other party to pay temporary monthly maintenance.

F. Answering a Petition for Dissolution

Use Court Forms Packet AB – P3 to file an answer to a Petition for Dissolution.

Information - Dissolution Proceedings - No Children

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

Court Form DM - 01 7/18/11

4	IN THE TRIB. FOR THE LUMMI NAT	
5		
6	IN RE THE MARRIAGE OF:	Case No.: CVDM
7	Petitioner,	[] PETITION FOR DISSOLUTION OF MARRIAGE
8	and	[] PETITION FOR LEGAL SEPARATION
10	Respondent,	[] PETITION FOR DECLARATION THAT MARRIAGE IS INVALID
11		(No Dependent Children)
12		Brought by Husband Wife
13		Jointly
14 15		Check box if a Motion for a Temporary Restraining Order has also been filed
16		
17	The petitioner request that this court issue an order support of this petition, the Petitioner states as follower section:	granting such relief as requested herein. In ows (attach separate sheet if necessary for any
18	I. I	BASIS
19	1. IDENTIFICATION OF PETITIONER	
20	Name: Middle	
21	Date of Birth:/	Last
22	The Petitioner lives on off the Lummi Na	ution Reservation.
	Petitioner's tribal affiliation:	
23		
24		
25		
	PETITION FOR DISSOLUTION OF MARRIAGE (NO CHI Page 1	2665 Kwina Road
	Court Form DM - 04 7/18/11	Bellingham, WA 98226 (360) 312-2239

1	2. IDENTIFICATION OF RESPONDENT
2	Name:
3	Date of Birth:/
4	The Respondent lives on off the Lummi Nation Reservation.
5	Respondent's tribal affiliation:
6	3. CHILDREN
7	3. 1 There are no dependant children born of the parties, or during the marriage. 3.2 Pregnancy:
8	The wife is not believed to be pregnant.
9	The wife is pregnant. If this is true, use instead the form for Petition for
10	Dissolution (With Minor Children) Note: Under Lummi Tribal Code and Washington State law, the husband is the presumed father.
11	4. ALLEGATION REGARDING MARRIAGE.
12	The Petitioner seeks a dissolution of marriage, which is irretrievably broken.
13	Petitioner seeks a legal separation
14	Pursuant to LCL 11.02.040, the Petitioner alleges that the marriage was invalid for the following reason:
15	5. DATED AND PLACE OF MARRIAGE.
16	The parties were married on/ at
17	6. SEPARATION.
18	The parties separated on / / are not separated.
19	7. JURISDICTION.
20	The Court has jurisdiction under LCL 11.02.030 because one or both parties to the marriage is:
21	an enrolled Lummi Tribal member as follows: Husband Wife
22	is presently living on the Lummi Indian Reservation as follows: Husband Wife
23	8. PROPERTY.
24	There is community or separate property owned by the parties. The court should make a fair and equitable division of all the property.
25	The division of property should be determined by the court at a later date.
	PETITION FOR DISSOLUTION OF MARRIAGE (NO CHILDREN) Page 2 Lummi Tribal Court 2665 Kwina Road
	Court Form DM - 04 7/18/11 Bellingham, WA 98226 (360) 312-2239

1	The petitioner's recommendation for the division of property is set forth below (List real estate, furniture, vehicles, pensions, insurance, bank accounts, etc Attach separate sheet if necessary).
2	1. The petitioner should be awarded the following property, or percentage of property:
3	
4	
5	
6	
7	
8	
9	
10	2. The regrandent should be assembled to 11.
11	2. The respondent should be awarded the following property, or percentage of property:
12	
13	
14	
15	
16	
17	
18	
19	3. Other:
20	9. DEBTS AND LIABILITIES.
21	The parties have no debts and liabilities.
22	The parties have debts and liabilities. The court should make a fair and equitable division of all debts and liabilities.
23	Each party should pay their own debts incurred since separation.
24	The division of debts and liabilities should be determined by the court at a later date. The petitioner's recommendation for the division of debts and liabilities is not forth
25	The petitioner's recommendation for the division of debts and liabilities is set forth below (attach separate sheet if necessary):
	PETITION FOR DISSOLUTION OF MARRIAGE (NO CHILDREN) Lummi Tribal Court 2665 K wing Road
	Court Form DM - 04 7/18/11 2665 Kwina Road Bellingham, WA 98226

(360) 312-2239

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1	
2	I declare under penalty of perjury of the laws of the Lummi Nation that 1) I have read this Petition or it has been read to me; and 2) I understand the contents of the Petition and believe the
3	contents to be true and correct to the best of my knowledge, information, and belief, formed after reasonable inquiry. Below is the address at which I can receive all legal documents, and I
4	understand I have the duty to update this address with the court if it changes.
5	Dated:
6	Plaintiff / Petitioner
7	Print or Type Name
8	Address
9	
10	City, State, Zip Code
11	Telephone Number
12	JOINDER (if applicable)
13	The respondent joins in the petition. By joining in the petition, the respondent agrees to the entry
14	of the a decree, in accordance with the petition, without further notice. I declare under penalty of perjury under the laws of the Lummi Nation that the statements made in
15	this Petition are true and correct.
16	Dated:
17	Signature of Respondent
18	Print or Type Name
19	Address
20	City, State, Zip Code
21	Telephone Number
22	Totophone rumber
23	
24	
- 1	

PETITION FOR DISSOLUTION OF MARRIAGE (NO CHILDREN) Page 5

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

Lummi Tribal Court

Court Form DM - 04 7/18/11

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	IN THE TRI	BAL COURT	idir. Arri	
FO	R THE LUMMI NA	TION, WASH	INGTON	
	ai sai sa	Case No :	CVD	M
Plaintiff / Pe	etitioner,			
				TANDING DEBT
VS.		AND ASS	SETS	
		Submitted	by:	
Defendant /	Respondent	Wife	100	
		Husbar	nd	
For each debt, provide the f	following information	accurate informati and attach any e current amour	nt owed.	n of the original
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II. ALL PROPERTY OWNED

For each item of property, provide a description and the estimated value. Describe each item separately, and do not combine items together. If there is an account or other type of identification number, state the number. Attach any documentation showing purchase price, and any other document that would indicate present value. If an item of property is claimed as separate property, state who claims ownership.

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and/or										
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and/or										
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stand, etc.)	.:			1.4						
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(stamps,										
coins, etc.)										
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(stereo,										
TV, etc.)							We want to be a second and the secon		2 22 22	

WORKSHEET – ASSETS AND LIABILITIES

CONFIDENTIAL – FOR REVIEW BY PARTIES AND COURT ONLY
Page 2

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

and sacred property								
Children's clothing, etc.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1							
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1 2 3 IN THE TRIBAL COURT FOR THE LUMMI NATION, WASHINGTON 4 IN RE THE MARRIAGE OF: 5 Case No.: _____ CVDM _____ 6 Petitioner, and SUMMONS - DISSOLUTION OF 7 MARRIAGE Respondent. 8 9 TO THE RESPONDENT: 10 YOU ARE HEREBY GIVEN NOTICE that a petition has been filed in the above-named court to dissolve the marriage. A copy is attached to this summons. 11 12 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 13 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 14 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 15 request made in the petition. 16 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 17 made by the deadline. This summons is issued pursuant to Lummi Code of Laws 3.03.030 – 3.03.070. 18 19 Dated: [PETITIONER'S SIGNATURE] 20 [PRINTED NAME] 21 FILE ORIGINAL OF YOUR RESPONSE WITH THE CLERK OF THE COURT AT: SERVE A COPY OF YOUR RESPONSE TO: 22 Lummi Nation Tribal Court Petitioner: 2616 Kwina Road 23 Bellingham, WA 98226 Address 24 City, State, Zip Code

CIVIL SUMMONS – DISSOLUTION OF MARRIAGE

Court Form DM - 03 7/18/11

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

LUMMI TRIBAL COURT CONTACT INFORMATION SHEET

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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) 312-2239

IN THE TRIBAL COURT

4 FOR THE LUMINI N	ATION, WASHINGTON
5 IN RE THE MARRIAGE OF:	Case No.: CVDM
6	[] DECREE OF DISSOLUTION
7 Petitioner,	[] DECREE OF LEGAL SEPARATION
8 and 9	[] DECLARATION CONCERNING VALIDITY OF MARRIAGE
Respondent	(No Dependent Children)
1	
2	RDER SUMMARIES
Restraining Order	
Does not apply Restraining Orde	er is set forth in Attachment B.
Real Property Judgment:	
Does not apply Real Property Jud	agment is set forth in Attachment A.
Money Judgment:	
B Does not apply Money Judgment	t is set forth in Attachment A.
FINDINGS OF FACT AND	O CONCLUSIONS OF LAW.
)	D CONCLUSIONS OF LAW.
1. BASIS FOR FINDINGS	
The findings are based on: agreement.	
an order of default signed by the court of a hearing before the court. The following	on this date or dated/ ing persons attended:
Petitioner. Respondent.	
DECREE OF DISSOLLUTION – No Children Page 1	Lummi Tribal Court
Court Form DM - 05 7/18/11	2665 Kwina Road Bellingham, WA 98226 Tel: 360-312-2239

1	Other:
2	2. IDENTIFICATION OF PETITIONER
3	Name: First Middle Last
4	Date of Birth:/
5	3. IDENTIFICATION OF RESPONDENT
6	Name: First Middle Last
7	Date of Birth:/
8	4. JURISDICTION.
9	The Court has jurisdiction under LCL 11.02.030 because one or both parties to the marriage is:
10	an enrolled Lummi Tribal member as follows: Husband Wife is presently living on the Lummi Indian Reservation as follows: Husband Wife
11	5. DATE AND PLACE OF MARRIAGE.
12	The parties were married on/ at (city / state)
13	6. SEPARATION. The parties separated on // / are not separated.
14	7. STATUS OF THE MARRIAGE.
15	The marriage is irretrievably broken. The petitioner wishes to be legally separated.
16	Pursuant to LCL 11.02.040, the petitioner is petitioning for a declaration that the
17	marriage is invalid. The court finds the following facts concerning the validity of the marriage:
18	
19	8. CHILDREN OF MARRIAGE There are no dependent children by an a City of the ci
20	There are no dependant children born of the parties, or during the marriage. The wife is not believed to be pregnant.
21	DECREE
22	IT IS THEREFORE DECREED that:
23	1. STATUS OF THE MARRIAGE.
24	The marriage of the parties is hereby dissolved. The husband and wife are hereby legally separated.
25	The marriage of the parties is invalid under LCL 11.01.020 and/or 11.02.040.
	DECREE OF DISSOLLUTION – No Children Page 2 Lummi Tribal Court 2665 Kwina Road
	Court Form DM - 05 7/18/11 Bellingham, WA 98226 Tel: 360-312-2239

1	2. AWARD OF PROPERTY.
2	Does not apply. The community and separate property is awarded as set out in Attachment A to this property.
3	Decree.
4	The award of property is held in abeyance pending further order of this Court. A hearing on that issue will be held on// at The issues to be determined at that time are:
5	
6	3. PAYMENT OF LIABILITIES.
7	Unless otherwise provided herein, each party shall pay all liabilities incurred by that party since the date of separation. The division of liabilities of the parties incurred prior to that time is as follows:
8	Does not apply.
9	The community and separate liabilities of the parties are divided as set out in Attachmen A to this Decree.
10	Other:
11	4. HOLD HARMLESS PROVISION.
12	Does not apply.
13	For each separate or community liability that has been assigned in this decree to be paid by one party, that party shall hold the other party harmless from any collection action
14	relating to that liability, including reasonable attorney's fees and costs incurred in defending against any attempts to collect an obligation from the other party.
15	5. ATTORNEY'S FEES, OTHER PROFESSIONAL FEES AND COSTS.
16	Does not apply.
17	Attorney's fees, other professional fees and costs shall be paid as follows:
18	6. NAME CHANGES.
	Does not apply.
19	The wife's name shall be changed to
20	The husband's name shall be changed to
21	7. OTHER:
22	
23	Dated:
24	Judge Lummi Tribal Court
25	DECREE OF DIGGOLLYTEXON AND ONLY
	DECREE OF DISSOLLUTION – No Children Page 3 Lummi Tribal Court 2665 Kwina Road
	Court Form DM - 05 7/18/11 Bellingham, WA 98226 Tel: 360-312-2239

ATTACHMENT A – DIVISION OF PROPERTY AND LIABILITIES

2	THE TREMINENT A - DIVISION OF PROPERTY AND LIABILITIES
2	1 DEAL PROPERTY
3	1. REAL PROPERTY
4	The parties do not own real property. The parties own the following real property, described as follows (separately describe in the parties).
5	more than one property):
6	Assessor's property tax parcel or account number:
7	Or T. 11 Or
8	Legal description of the property awarded (including lot, block, plat, or section, township, range, county and state) is attached.
9	or
10	Address and description:
11	
12	The real property is awarded as follows:
13	
14	2. PERSONAL PROPERTY TO BE AWARDED THE HUSBAND
15	Does not apply.
16	The husband is awarded the following property, or percentage of property:
17	
18	
19	
20	
21	
22	
23	
24	
25	
23	DECREE OF DISSOLUTION – Attachment A Lummi Tribal Court

Court Form DM - 05 7/18/11

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

3. PER	SONAL PROPERTY TO BE AWARDED TO THE Does not apply.	
	The wife is awarded the following property, or perc	entage of property:
-		
		
	BILITIES TO BE PAID BY THE HUSBAND. Does not apply. The husband shall pay the following community or se	parate liabilities:
	Creditor	Amount

Court Form DM - 05 7/18/11

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

1	6. LIABILITIES TO BE PAID BY THE WIFE.					
2	☐ Does not apply. ☐ The wife shall pay the following community or separate liabilities:					
4	Creditor	Amount				
5						
6						
7						
8						
9						
10						
11						
12	7. MONEY JUDGMENT					
	Does not apply. Judgment is entered as follows:					
13	A. Judgment creditor					
14	B. Judgment debtor					
15	C. Principal judgment amount \$					
16	D. Interest to date of judgment \$					
1.7	E. Attorney fees \$	-				
17	F. Costs \$	-				
18	G. Other recovery amount \$					
19	H. Principal judgment shall bear interest at % per annum					
	I. Attorney fees, costs and other recovery amounts shall bear interest at	% per annum				
20	J. Attorney for judgment creditor:					
21	K. Attorney for judgment debtor:					
22	L. Other					
23	8. OTHER:					
24						
25						
	DECREE OF DISSOLUTION Attachment A	Lummi Tribal Court				
	Court Form DM - 05 7/18/11	2665 Kwina Road Bellingham, WA 98226 Tel: 360-312-2239				

1	CONTINUING RESTRAINING ORDER.						
2	Does not apply.						
3	A continuing restraining order is entered as follows:						
4		The husband wife is restrained and enjoined from disturbing to other party.	the peace of the				
5							
6 7		The husband wife is restrained and enjoined from going onto entering the home work place school of the other party.	the grounds of or				
8							
9		The husband wife is restrained and enjoined from knowingly knowingly remaining within (distance) of the	coming within or home work				
10		place school of the other party.					
11							
12							
13							
14	VIOLATION OF A RESTRAINING ORDER HEREIN WITH ACTUAL KNOWLEDGE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER LUMMI CODE OF LAWS 5.07.070 AND WILL						
15	SUBJECT THE VIOLATOR TO MANDATORY ARREST. LCL 5A. 02.070.						
16							
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	DECREE OF D		ımmi Tribal Court				
	Court Form DM - 0	05 7/18/11 Bell	665 Kwina Road ingham, WA 98226 el: 360-312-2239				



Certificate of Dissolution Declaration of Invalidity of Marriage or Legal Separation

Please Type or Print in Permanent Black Ink Court File Number **CVDM State File Number** I certify the marriage of the persons named below was ordered as a... 1. Legal Separation ☐ Dissolution of Marriage 2. Date of Decree (Month/Day/4 Digit Year) 3. County of Decree 30. Husband's Social Security Number ☐ Declaration of Invalidity **Lummi Tribal Court** 4. Signature of Lummi Tribal Court Clerk To be Completed by Petitioner's Attorney or PRO SE Husband 5.Name 6. Date of Birth 7. Birth State (if not USA give Country) 8. Current Residence (Number and Street) 9. City/Town/Location 10. Inside City Limits 11. County 12. State ☐ Yes ☐ No 13. Name 14. Maiden Name 15. Date of Birth 16. Birth State (if not USA give Country) 29. Wife's Social Security Number 17. Current Residence (Number and Street) 18. City/Town/Location 19. Inside City Limits 20. County 21. State ☐ Yes ☐ No 22. Place of this Marriage - County 23. State (if not USA give Country) 24. Date of this Marriage 25. Number of Children Born alive of this Marriage. 26. Petitioner
Husband 27. Name of Petitioner's Attorney or PRO SE ☐ Wife Both Other (specify) 28. Petitioner's Address

Petitioner or Petitioner's Attorney – please complete sections 1 - 30.