

KALISPEL TRIBAL COURT

In re:

Petitioner/s (see * below):

And Respondent/s (other party/parties):

No. _____

**Petition to Change a Parenting Plan or
Other Custody Order**
(PTMD)

Petition to Change a Parenting Plan or Other Custody Order

**If you're filing this Petition in:*

- the **same** case number as the current parenting/custody order, the person who is listed as the Petitioner in the current order will stay Petitioner, even if s/he is not the person asking for the change now.
- a **different** case number from where the current parenting/custody order was issued, the person asking for the change may be the Petitioner.

1. Who is asking to change the parenting/custody order?

(Name): _____

I live in (county): _____ (state): _____

2. Who is the other parent involved in this case?

(Name): _____

who lives in (county): _____ (state): _____

3. Who are the children involved in this case?

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	
5.		6.	

4. Describe the parenting/custody order you have now:

My current parenting/custody order is a (check one):

Parenting Plan

Residential Schedule

Final Parentage Order

Other (*title of order*): _____

signed by a court on _____ in _____
date county and state

Important! Attach or file a certified copy of the current parenting/custody order that you want to change if it was issued in a different court.

5. Explain why you are filing your request for change with this court:

I ask the court to make the changes requested in sections **6** through **12** below, and to approve my proposed *Parenting Plan* or *Residential Schedule* that is filed with this *Petition*. This *Petition* shows that I have valid reasons to ask for these changes. The changes are in the children’s best interest.

I am filing this *Petition* in this court because (*check all that apply*):

- I live on Kalispel Reservation Lands.
- I live in this county.
- the children live in this county.
- the other parent lives in this county.
- the parenting/custody order that I want to change is from this court.

Note – If you need more space to explain in any of the sections below, you may add more pages to this *Petition*. Number, date, and sign each page that you add.

6. Request for major change

- No request.
- I ask the court to make a major change in the parenting schedule or to change the person the child lives with most of the time. The situation of the children or the *other* parent has changed substantially.

Reason for major change (*check all that apply*):

Note – Your reasons must be based on information that you learned about **after** the current parenting/custody order was issued, or if the order was uncontested (*issued by default or agreement*), your reasons may be based on information that was unknown to the court when the order was issued.

- the other parent and I agree with the changes asked for in my proposed *Parenting Plan* or *Residential Schedule*.
- the children are living in my home now with the other parent’s permission. This is very different than what was ordered in the current order.

Explain: _____

- the children's current living situation is harmful to their physical, mental, or emotional health. It would be better for the children if the order is changed.

Explain: _____

- the other parent has not followed the court's order. A court found they are in contempt for disobeying the parenting schedule more than once in 3 years, or they are guilty of custodial interference in the first or second degree.

Explain: _____

7. Request for minor change

- No request.
- I ask the court to adjust the parenting schedule, but **not** change the person the child lives with most of the time. The situation of the children or a parent has changed substantially.

Reason for minor change (check all that apply):

*Note – Your reasons must be based on information that you learned about **after** the current parenting/custody order was issued, or if the order was uncontested (issued by default or agreement), your reasons may be based on information that was unknown to the court when the order was issued.*

- 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 their choice.
- the requested change will affect 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 and it's 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 would be 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. I ask the court to allow that parent more parenting time with the children because the problems that caused the limitations have changed substantially.

Explain: _____

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.

List completed evaluations, treatment, or classes here: _____

8. Request for restrictions on the parent with less parenting time

- No request.
- Limit** – The children already live with me the majority of the time. To protect the children, I ask the court to limit the other parent's parenting time and participation. The reasons for limitation are listed in my proposed *Parenting Plan* or *Residential Schedule*.
- Adjust** – The other parent is allowed some parenting time in the current parenting/custody order. But that parent has chosen not to spend any of their parenting time with the children for at least 1 year. I ask the court to adjust the parenting time for the other parent as shown in my proposed *Parenting Plan* or *Residential Schedule*.

9. Request for other changes

- No request.
- Because of a substantial change in one parent's/child's situation, I ask the court to adjust the following (*check all that apply*):
- dispute resolution
 - decision-making
 - transportation arrangements
 - other (*specify*): _____

Explain: _____

10. Child Support

No request. I am not asking the court to adjust or change child support.

My request to change the parenting schedule affects child support because:

- I'm asking to change the parent the children live with most of the time, or
- I'm asking for a substantial change in the amount of time the children spend with the parent who pays child support.

If the court makes my requested changes, I also ask the court to set or change child support. I will file a *Financial Declaration* and proposed *Child Support Worksheets*.

Warning! If the court does not change the parenting/custody order, your request to change child support may be denied. If you have other reasons to change child support, you may file separate forms to make that request.

11. Protection Order

Do you want the court to issue a Protection Order as part of the final orders in this case?

No. I do not want a *Protection Order*.

Yes. (*You must file a Petition for Protection Order. You may file your Petition for Protection Order using the same case number assigned to this case.*)

Important! If you need protection **now**, ask the court clerk about getting a *Temporary Protection Order*.

There already is a Protection Order between (name): _____
_____ **and me.**

Court that issued the order: _____

Case number: _____

Expiration date: _____

12. Restraining Order

Do you want the court to issue a Restraining Order as part of the final orders in this case?

No. (*Skip to 13.*)

Yes. *Check the type of orders you want:*

Do not disturb – Order (*name/s*) _____
not to disturb my peace or the peace of any child listed in **3**.

Stay away – Order (*name/s*) _____ not
to go onto the grounds of or enter my home, workplace, vehicle or school, and
the daycare or school of any child listed in **3**.

Also, not knowingly to go or stay within ____ feet of my home, workplace,
vehicle, or school, or the daycare or school of any child listed in **3**.

Do not hurt or threaten – Order (*name/s*) _____:

- Not to assault, harass, stalk or molest me or any child listed in **3**; and

- Not to use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.

Warning! If the court makes this order, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

- Prohibit weapons and order surrender** – Order (*name/s*) _____:
- Not to access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses until the Order ends, and
 - To immediately surrender any firearms, other dangerous weapons, and any concealed pistol licenses that they possess to (*check one*): the police chief or sheriff. their lawyer. other person (*name*): _____.
- Other restraining orders:** _____

Important! If you want a restraining order **now**, you must file a Motion for Temporary Family Law Order and Restraining Order or a Motion for Immediate Restraining Order (*Ex Parte*).

13. Children’s Home/s

During the past 5 years have any of the children lived:

- on an Indian reservation,
- outside Washington state,
- in a foreign country, or
- with anyone who is not a party to this case?

No. (*Skip to 14.*)

Yes. (*Fill out below to show where each child has lived during the last 5 years.*)

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (<i>Name/s</i>):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (<i>name</i>):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (<i>Name/s</i>):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (<i>name</i>):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (<i>Name/s</i>):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (<i>name</i>):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (<i>Name/s</i>):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (<i>name</i>):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (<i>Name/s</i>):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (<i>name</i>):	

14. Other people with a legal right to spend time with a child

Do you know of anyone besides the Petitioner and Respondent who has or claims to have a legal right to spend time with a child?

(Check one): No. (Skip to **15.**) Yes. (Fill out below.)

Name of person	Children this person may have the right to spend time with
	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

15. Other court cases involving a child

Do you know of any court cases involving any of the children?

(Check one): Yes. (Fill out below.) No. (Skip to **16.**)

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year	Children
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

16. Jurisdiction over children

The court can change a parenting/custody order for the children because (check all that apply; if a box applies to all of the children, you may write "the children" instead of listing names):

Kalispel Tribal Court order/exclusive, continuing jurisdiction – The parenting plan/custody order I want to change was made by Kalispel Tribal court, and the court still has authority to make orders for (children's names): _____

Other court's order – The parenting/custody order I want to change was not made by a Washington state court **AND** (check one):

A court in the state (or tribe) that made the parenting/custody order has made another order saying that it no longer has jurisdiction **or** that it is better to have this case decided in Washington;

No child, parent, or person acting as a parent still lives in the state (or tribal reservation) that made the order;

AND (check one):

- Home state/reservation jurisdiction** – Kalispel Tribe reservation is the children’s home reservation because (*check all that apply*):
- (*Children’s names*): _____ lived within the exterior boundaries of Kalispel Tribe reservation lands 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 are less than 6 months old, they have lived within the exterior boundaries of Kalispel Tribe reservation lands with a parent or someone acting as a parent since birth.
 - There were times the children were not living within the exterior boundaries of Kalispel Tribe reservation lands in the 6 months just before this case was filed (or since birth if they are less than 6 months old), but those were temporary absences.
 - (*Children’s names*): _____ do not live within the exterior boundaries of Kalispel Tribe reservation lands now, but Kalispel reservation lands were the children’s home reservation sometime in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives within the exterior boundaries of Kalispel Tribe reservation lands.
 - (*Children’s names*): _____ do not have another home reservation or state.
- No home reservation/state or home reservation/state declined** – No court of any other state (or tribe) has the jurisdiction to make decisions for (*children’s names*) _____ **or** a court in the children’s home state (or tribe) decided it is better to have this case in Kalispel Tribal court, **and**:
- The children and a parent or someone acting as a parent have ties to Kalispel reservation lands beyond just living here (significant connection); **and**
 - There is a lot of information (substantial evidence) about the children’s care, protection, education, and relationships in this reservation/state.
- Temporary emergency jurisdiction** – The parenting/custody order I want to change was **not** made by Kalispel Tribal court. Kalispel Tribal court can make decisions for (*children’s names*): _____ because the children are on the reservation now **and** were abandoned here **or** need emergency protection because the children (or the children’s parent, brother, or sister) were abused or threatened with abuse. Kalispel Tribe should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the state (or tribe) that made the original parenting/custody order.
- Other reason (*specify*): _____

17. Summary of requests

I ask the court to find that I have valid reasons for my *Petition* (adequate cause), and to approve the following orders (*check all that apply*):

- my proposed *Parenting Plan* or *Residential Schedule*
- my proposed *Child Support Order* setting or changing child support according to my proposed plan or schedule
- Protection Order* or *Restraining Order*
- other (*specify*): _____

Person filing this *Petition* fills out below:

I declare under penalty of perjury under the laws of the Kalispel Indian Reservation that the facts I have provided on this form (including any attachments) are true. I have attached (#): _____ pages.

Signed at (*city and state*): _____ Date: _____



Person filing Petition signs here *Print name*

Lawyer (if any) for person filing this *Petition* fills out below:



Lawyer signs here *Print name and WSBA No.* *Date*

The other parent fills out below if they agree to join this *Petition*:

I, (*name*): _____, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* including the proposed *Parenting Plan* unless I file and serve a *Response* before the court signs final orders. (*Check one*):

- I do not need to be notified about the court's hearings or decisions in this case.
- The person who filed this *Petition* must notify me about any hearings in this case. (*List an address where you agree to accept legal documents. This may be a lawyer's address or any other address.*)

Street Number or P.O. Box *City* *State* *Zip*

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



Person joining Petition signs here *Print name* *Date*

Email: _____