



IN THE HOOPA VALLEY TRIBAL COURT  
HOOPA VALLEY INDIAN RESERVATION  
HOOPA, CALIFORNIA

In re the Marriage of

**Petitioner:**

\_\_\_\_\_

and

**Respondent:**

\_\_\_\_\_

Case No. \_\_\_\_\_

**PETITION FOR DISSOLUTION OF  
MARRIAGE**

**(WITH CHILDREN)**

**CONTESTED**

**UNCONTESTED** (if Respondent joins this  
Petition by signing the Joinder on last page)

*Use this petition to ask the court to dissolve your marriage (for a divorce from your spouse) only if you and your spouse have dependent children together. At least one of the spouses in the marriage must be an enrolled member in the Hoopa Valley Tribe to request the Court to dissolve your marriage. (If you need more space to complete any of the following sections, you may add additional pages to this Petition. Number, date, and sign each page that you add).*

**1. JURISDICTION.**

This action is brought pursuant to Hoopa Valley Tribes Domestic Relations Code § 14.A.3. The Hoopa Valley Tribal Court has personal jurisdiction (authority to make decisions) over the parties involved in this case because *(check all that apply)*:

- Petitioner is an enrolled member of the Hoopa Valley Tribe.
- Respondent is an enrolled member of the Hoopa Valley Tribe.

The dependent children involved in this case *(check all that apply)*:

- are enrolled members or are eligible for enrollment as members of the Hoopa Valley Tribe.
- are Indian children who reside or are domiciled on the Hoopa Valley Reservation.
- have been placed in temporary care of Hoopa Valley Reservation or in a care facility licensed by Hoopa Valley Tribe for placement of Indian children.

**2. INFORMATION ABOUT THE PARTIES.**

Petitioner's name is: \_\_\_\_\_

Petitioner lives in (county): \_\_\_\_\_ (state): \_\_\_\_\_

Respondent's name is: \_\_\_\_\_

Respondent lives in (county): \_\_\_\_\_ (state): \_\_\_\_\_

**3. INFORMATION ABOUT THE MARRIAGE.**

The marriage took place on *(month/day/year)*: \_\_\_\_\_

The marriage took place at *(city, county, state)*: \_\_\_\_\_

*(check all that apply)*:

- We currently live in the same household.
- We began living in separate households on *(date)*: \_\_\_\_\_

**4. REASON FOR DISSOLUTION.**

This marriage is irretrievably broken. I ask the court to dissolve our marriage and find that our marital community ended on *(check one)*:

- the date this Petition is filed.
- (date)*: \_\_\_\_\_, which is when *(check all that apply)*:
  - one of use moved to a separate household.
  - we separated our assets and debts.
  - we agreed the marital community ended.
  - other *(specify)*: \_\_\_\_\_

**5. CHILDREN OF THE MARRIAGE.**

*Is either spouse pregnant?*  No.  Yes. *If yes, who is pregnant?*  Petitioner.  Respondent.

My spouse and I have the following children together who are still dependent *(only list children you and your spouse have together, not children from other relationships.)*:

	<b>Child's Name</b>	<b>Date of Birth</b>	<b>Current Residence</b>	<b>Enrollment <i>(if applicable)</i></b>
1.			Resides with / Resides at:	Indian Tribe Name / Enrollment #:
2.			Resides with / Resides at:	Indian Tribe Name / Enrollment #:
3.			Resides with / Resides at:	Indian Tribe Name / Enrollment #:
4.			Resides with / Resides at:	Indian Tribe Name / Enrollment #:
5.			Resides with / Resides at:	Indian Tribe Name / Enrollment #:

**6. CLAIMS TO CHILD CUSTODY OR VISITATION.**

*(check the box that applies)*:

- I do not know of any person other than a named party who has physical custody of the children or claim to have custody or visitation rights to the children. *(skip to Section 7)*
- The following persons have physical custody of the children or claim to have custody or visitation rights to the children *(list each child's name and the name of such person below)*:

	Child's Name	Name of Person
1.		
2.		
3.		

**7. INVOLVEMENT IN ANY OTHER PROCEEDING CONCERNING THE CHILDREN.**

*(check the box that applies):*

- I have **not** been involved in any other proceeding regarding the children. *(skip to Section 8)*
- I have been involved in the following proceedings regarding the children *(list the Court, the case number, and the date of the judgment or order):*

Child's Name	Court	Case #	Date

**8. OTHER LEGAL PROCEEDINGS CONCERNING THE CHILDREN.**

*(check the box that applies):*

- I do not know of any other legal proceedings concerning the children. *(skip to Section 9)*
- I know of the following legal proceedings which concern the children *(list the child concerned, the Court, case number and type of proceeding):*

Child's Name	Court	Case #	Proceeding Type

**9. CHILDREN'S RESIDENTIAL PLACEMENT.**

*(check the box that applies):*

- I ask the Court to approve my proposed *Parenting Plan*, which is **attached** to this *Petition*. This schedule may include reasons for reducing or restricting one parent's contact with the children.
- I ask the Court to reduce or restrict contact between the children and Respondent because *(check at least one reason):*
  - Willful Abandonment** – *(Parent's name):* \_\_\_\_\_ willfully abandoned the children listed in Section 2 for an extended time or has substantially refused to perform his/her parenting functions of the children listed in Section 2.
  - Child Abuse** – *(Parent's name):* \_\_\_\_\_ (or someone living in that parent's home) abused a child. The abuse was *(check all that apply):*
    - physical  sexual  a pattern of emotional abuse.

- Domestic Violence or Assault** – (Parent’s name): \_\_\_\_\_ (or someone living in that parent’s home) has a history of acts of domestic violence or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

**10. CHILD SUPPORT, INSURANCE, AND TAXES.**

**Support** – I ask the Court to order the Respondent, (name): \_\_\_\_\_ to (check all that apply):

- Pay child support according to the Hoopa Valley Tribe’s Child Support Guidelines and Schedule. A copy of my completed *Hoopa Valley Tribe’s’ Child Support Schedule Worksheet* is **attached**. (Check “Clerk action required” box in the header on the first page of this Petition if you are asking the court for a Child Support Order.)
- Provide and keep health insurance for the children.
- Pay the children’s day care, uninsured medical, or other expenses.
- No request made for support of children.
- Other (specify): \_\_\_\_\_

**Tax Exemptions** – I ask the Court to order:

- Petitioner may claim the children as dependents on tax forms.
- Other (specify): \_\_\_\_\_

**11. REIMBURSEMENT.**

(check all that apply):

- Does **not** apply. (skip to Section 12)
- (name): \_\_\_\_\_ is entitled to reimbursement for:
  - Support or Assistance provided to the children
  - Expenses incurred on behalf of the children.
- Child Support Arrears** (If this box is checked, check only one of the boxes below.)
  - An additional 20% of current order should be ordered to be applied toward the liquidation of any overdue support.
  - If there is not a current child support order, up to 10% of the NCP’s gross income can be ordered to back pay arrears for custodial parent, Tribal, or State Dept.

**12. PER-CAPITA AND BONUS FUNDS OF CHILDREN.**

(check the box that applies):

- Does **not** apply. No children receive per-capita/bonus funds. (skip to Section 13)
- Children receiving per-capita/bonus funds are listed below:

	Child’s Name	Date of Birth
1.		
2.		

	Child's Name	Date of Birth
3.		
4.		
5.		

I ask that the Parent/Guardian to receive:

- Per-capita for the children listed above is (name): \_\_\_\_\_
- Bonus funds for the children listed above is (name): \_\_\_\_\_
- Other (specify): \_\_\_\_\_

**13. CHILDREN FROM OTHER RELATIONSHIPS.**

(check all that apply):

- Neither spouse has children from other relationships who are still dependent. (skip to Section 14)
- I have the following dependent children who are not from this relationship (list name/s and age/):

\_\_\_\_\_

\_\_\_\_\_

- My spouse has the following dependent children who are not from this relationship (list name/s and age/):

\_\_\_\_\_

**14. WRITTEN AGREEMENT.**

Have you and your spouse signed a prenuptial agreement, separation contract, or community property agreement? (check one):  No. (skip to Section 15)  Yes. (fill out below)

Type of written agreement: \_\_\_\_\_

Date of written agreement: \_\_\_\_\_

Should the court enforce this agreement?  Yes.  No. (if No, explain why not): \_\_\_\_\_

\_\_\_\_\_

**15. REAL PROPERTY. (land or home)**

(check one):

- Neither spouse owns any real property. (skip to Section 16):
- I ask the court to divide the real property according to the written agreement described in Section 14 above.
- I ask the court to divide the real property fairly (equitably) as the court decides.
- I ask the court to divide the real property fairly (equitably), as explained below:

Real Property Address	Tax Parcel Number	Present Value	Who should own this property?
			<input type="checkbox"/> Me <input type="checkbox"/> My spouse

Real Property Address	Tax Parcel Number	Present Value	Who should own this property?
			<input type="checkbox"/> Me <input type="checkbox"/> My spouse
			<input type="checkbox"/> Me <input type="checkbox"/> My spouse
			<input type="checkbox"/> Me <input type="checkbox"/> My spouse

- The court does not have jurisdiction to divide the real property.  
 Other (specify): \_\_\_\_\_

**16. PERSONAL PROPERTY.** (*possessions, assets, or business interests of any kind*)  
(*check one*):

- We have already divided the property fairly. I ask the court to order that each spouse will keep any personal property that s/he now has or controls.  
 I ask the court to divide the personal property according to the written agreement described in *Section 14* above.  
 I ask the court to divide the personal property fairly (equitably) as the court decides.  
 I ask the court to divide the personal property fairly (equitably), as described below:

List property ( <i>includes vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last four digits of any account number</i> ):	Present Value	Who should own this property?
		<input type="checkbox"/> Me <input type="checkbox"/> My spouse
		<input type="checkbox"/> Me <input type="checkbox"/> My spouse
		<input type="checkbox"/> Me <input type="checkbox"/> My spouse
		<input type="checkbox"/> Me <input type="checkbox"/> My spouse
		<input type="checkbox"/> Me <input type="checkbox"/> My spouse
		<input type="checkbox"/> Me <input type="checkbox"/> My spouse
		<input type="checkbox"/> Me <input type="checkbox"/> My spouse
		<input type="checkbox"/> Me <input type="checkbox"/> My spouse

- The court does not have jurisdiction to divide the personal property.  
 Other (specify): \_\_\_\_\_

**17. DEBTS.**

(*check all that apply*):

- I am not aware of any debts. (*skip to Section 18*)

- I ask the court to order each spouse to be responsible for debts s/he incurred (made) after the date of separation.
- I ask the court to divide the debts according to the written agreement described in *Section 14* above.
- I ask the court to make the following orders about debts. (*check all that apply*):
  - Each spouse is responsible for the debts that are now only in his/her own name.
  - Divide the debts fairly (equitably) as the court decides.
  - Divide the debts fairly (equitably), as explained below:

Debt <i>(describe who is owed, debt amount, and payment schedule)</i>	Who should pay this debt?
1.	<input type="checkbox"/> Me <input type="checkbox"/> My spouse
2.	<input type="checkbox"/> Me <input type="checkbox"/> My spouse
3.	<input type="checkbox"/> Me <input type="checkbox"/> My spouse
4.	<input type="checkbox"/> Me <input type="checkbox"/> My spouse
5.	<input type="checkbox"/> Me <input type="checkbox"/> My spouse
6.	<input type="checkbox"/> Me <input type="checkbox"/> My spouse

- The court does not have jurisdiction to divide the debts.
- Other (*specify*): \_\_\_\_\_

**18. SPOUSAL MAINTENANCE.**

*(check one):*

- I am **not** requesting spousal maintenance. (*skip to Section 19*)
- I ask the court to order my spouse to pay spousal maintenance to me as determined by the court because I am entitled to spousal maintenance under Hoopa Valley Tribe's Domestic Relations Code, Chapter 14A.3.120.
- Other (*specify*): \_\_\_\_\_

**19. NAME CHANGE.**

- No request. (*skip to Section 20*)
- Change the Petitioner's name to: \_\_\_\_\_  

*first*
*middle*
*last*

**20. FEES AND COSTS.**

*(check one):*

- Does **not** apply. (*skip to Section 21*)
- I ask the Court to order who should pay lawyer fees, guardian ad litem fees, court costs, and other reasonable fees.

**21. OTHER REQUESTS.**

*(check one):*

Does **not** apply.

I ask the court to order *(specify)*: \_\_\_\_\_  
\_\_\_\_\_

**Petitioner fills out below:**

**DECLARATION**

I declare under penalty of perjury under the laws of the Hoopa Valley Tribe that I am the Petitioner in this action, that I have made the allegations contained in this petition based upon my first-hand knowledge, and therefore, believe that they are true.

➤ \_\_\_\_\_  
*Signature of Petitioner* *Print Name* *Date*

**I agree to accept legal papers for this case at *(check one)*:**

My lawyer’s address, listed below.

The following address *(this does not have to be your home address)*:

\_\_\_\_\_ *street address or PO box* *city* *state* *zip code*

email address *(optional)*: \_\_\_\_\_

*If this address changes before the case ends, you must notify all parties and the Court Clerk in writing. Important! You must fill out and file a Confidential Information form with the Court Clerk.*

**Petitioner’s lawyer (if any) fills out below:**

➤ \_\_\_\_\_  
*Petitioner’s lawyer signs here* *Print Name and Hoopa Tribal Bar No.* *Date*

\_\_\_\_\_ *Lawyer’s street address or PO box* *city* *state* *zip code*

\_\_\_\_\_ *Lawyer’s email address (if applicable)*

**Respondent fills out below if s/he agrees to join this Petition: *(This means that the Respondent does not contest dissolution of the marriage and agrees with the Petitioner’s requests to the court.)***



**AGREEMENT TO JOIN PETITION (JOINDER)**

1. My name is: \_\_\_\_\_ . I am the Respondent.
2. I have read, and I agree to join, the *Petition* filed by the other side:  
(*title of Petition*): \_\_\_\_\_ .

I understand that if I fill out and sign below, the court may approve the requests listed in the *Petition* 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.
- I ask the other side to 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 address or PO box*                      *city*                      *state*                      *zip code*

➤ \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_

*Signature of Joining Party*                      *Print Name*                      *Date*