



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

In re parenting and support of:

Children:

Petitioner:

and

Respondent:

Case No.

PARENTING PLAN

PROPOSED

TEMPORARY

FINAL

1. THIS PARENTING PLAN IS A:

(check the box that applies):

- Proposal** by *(name)*: _____ . It is not a signed court order.
- Court Order** signed by a Judge of the Hoopa Tribal Court. This is a *(check one)*:
 - Temporary Parenting Plan.*
 - Final Parenting Plan.*
 - This Final Parenting Plan changes a previous Parenting Plan or custody decree.*

2. CHILDREN.

This *Parenting Plan* is for the following children:

	Child's Name	Date of Birth	Current Residence	Enrollment (if applicable)
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 #:



3. BASIS FOR RESTRICTIONS ON A PARENT.

(Under certain circumstances, as outlined below, the Court may reduce or restrict a parent's contact with the children and that parent's right to make decisions for the children. See TTC 4.20.350)

- Does **not** apply.
- 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.

4. RESTRICTIONS ON A PARENT.

(Check all that apply):

- Does **not** apply. There are no reasons for limitations checked in *Section 3 Basis for Restrictions on a Parent* above.
- No limitations despite reasons** *(explain why there are no limitations on a parent even though there are reasons for limitations checked in Section 3 Basis for Restrictions on a Parent above)*

- The following limits or conditions apply to** *(parent's name):* _____
(check all that apply):

- No contact with the children.
- Limited contact as shown in the *Residential Schedule (Sections 10 – 15)* below.
- Limited contact as follows *(specify schedule, list all contact here instead of in a Residential Schedule, skip Sections 10 – 15):* _____

- Supervised contact.** All parenting time shall be supervised. Any costs of supervision must be paid by *(name):* _____

The supervisor shall be:

- a professional supervisor *(name):* _____
- a non-professional supervisor *(name):* _____

The dates and times of supervised contact will be:

- as shown in the *Residential Schedule (Sections 10 – 15)* below.
- as follows *(specify):* _____



 (Specific rules for supervision, if any): _____

Other limitations or conditions during parenting time (specify): _____

5. DECISION-MAKING.

A. Day-to-Day Decisions

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

B. Major Decisions

Major decisions regarding each child shall be made as follows:

Type of Major Decision	Joint <i>(parents make these decisions together)</i>	Limited <i>(only the parent named below has authority to make these decisions)</i>
School / Educational	<input type="checkbox"/>	<input type="checkbox"/> (name):
Non-emergency health care	<input type="checkbox"/>	<input type="checkbox"/> (name):
Religious upbringing	<input type="checkbox"/>	<input type="checkbox"/> (name):
Other:	<input type="checkbox"/>	<input type="checkbox"/> (name):
Other:	<input type="checkbox"/>	<input type="checkbox"/> (name):
Other:	<input type="checkbox"/>	<input type="checkbox"/> (name):
Other:	<input type="checkbox"/>	<input type="checkbox"/> (name):

C. Restrictions in Major Decision-making (if any):

- There are no reasons to limit major decision-making.
- Major decision-making **must** be limited because one of the parents has problems as described in *Section 3 Basis for Restrictions on a Parent* above.
- Major decision-making **should** be limited because (check all that apply):
 - Both parents are against mutual decision-making.
 - One of the parents is against mutual decision-making, and this is reasonable because of (check all that apply):
 - problems as described in *Section 3 Basis for Restrictions on a Parent* above.
 - the history of each parent's participation in decision-making.



- the parents' ability and desire to cooperate with each other in decision-making.
- the distance between the parents' homes makes it hard to make timely decisions together.
- other (specify): _____

6. DISPUTE RESOLUTION.

(The purpose of this dispute resolution process is to resolve disagreements about carrying out this Parenting Plan, including disagreements about shared decisions and interpreting what parts of this Parenting Plan mean. To solve disagreements about this Parenting Plan, the parents will go to a dispute resolution provider or court. The court may only require a dispute resolution provider if there are no limitations in Section 3 Basis for Restrictions on a Parent above.)

A. The parents will go to (check one):

- The dispute resolution provider below (before they may go to court):
 - Mediation (mediator or agency name): _____
 - Arbitration (arbitrator or agency name): _____
 - Counseling (counselor or agency name): _____

If a dispute resolution provider is not named above, or if the named provider is no longer available, the parents may agree on a provider or ask the court to name one.

Important! Unless there is an emergency, the parents must participate in the dispute resolution process listed above in good faith, before going to court. This section does not apply to disagreements about money or support.

- Court (without having to go to mediation, arbitration, or counseling).

B. If mediation, arbitration, or counseling is required, one parent must notify the other parent by (check one): written request certified mail other (specify): _____

The parents will pay for the mediation, arbitration, or counseling services as follows (check one):

- (name): _____ will pay _____ %.
- (name): _____ will pay _____ %.
- as decided through the dispute resolution process.
- other (specify): _____

In the dispute resolution process:

- Preference shall be given to carrying out this Parenting Plan.
- If you reach an agreement, it must be put into writing, signed, and both parents must get a copy.
- If the Court finds that a parent has used or frustrated the dispute resolution process without good reason, the Court shall award attorney's fees and financial sanctions to the other parent.



- The parties have the right of review from the dispute resolution process to the Hoopa Tribal Court of Appeals.

7. DESIGNATION OF CUSTODIAN.

The custodian is (name): _____ solely for the purpose of all Hoopa Valley Tribal, state, and federal statutes that require a designation or determination of custody. Even though one parent is called the custodian, this does not change the parenting rights and responsibilities described in this *Parenting Plan*.

8. CHILDREN'S PER-CAPITA AND BONUS FUNDS.

- Does **not** apply. No children receive Per-capita/Bonus funds. (*skip to Section 9*)
- Children receiving Per-capita/ Bonus funds are listed below:

	Child's Name	Date of Birth
1.		
2.		
3.		
4.		
5.		

(check one):

- Parent/Guardian to receive:
 - Per-capita for the children listed above is (name): _____
 - Bonus funds for the children listed above is (name): _____
- Enrollment shall hold per-capita of the following children until further order:

	Child's Name	Date of Birth
1.		
2.		
3.		
4.		
5.		

9. PARENTAL RELOCATION (MOVING WITH THE CHILDREN).

A. Notice Requirement



If the person with whom the children are scheduled to reside a majority of their time plans to move, that person **shall give notice** to every person who has Court-ordered time with the children. If information is protected under a Court order, it may be withheld from the notice. A relocating person may ask the Court to waive any notice requirements that may put the health and safety of a person or child at risk. Failure to give the required notice may be grounds for sanctions, including contempt.

The notice of an intended relocation of the children must be given by personal service or any form of mail requiring a return receipt:

- (1) no less than 60 days before the date of the intended relocation of the child; or
- (2) no more than five days after the date that the person knows the information required to be in the notice (described below) if the person did not know and could not reasonably have known the information in sufficient time to provide the 60 days' notice, and it is not reasonable to delay the relocation.

The notice of intended relocation of the children **must** include:

- An address at which service of process may be accomplished during the period for objection;
- A brief statement of the specific reasons for the intended relocation of the child; and
- A notice to the nonrelocating person that an objection may be filed. The notice shall contain the following statement:

The relocation of the child will be permitted and the proposed revised residential schedule may be confirmed unless, within 30 days, you file a petition and motion with the court to block the relocation or object to the proposed revised residential schedule and serve the petition and motion on the person proposing relocation and all other persons entitled by court order to residential time or visitation with the children.

The notice of intended relocation of the children shall also include the following, if available:

- The specific street address of the intended new residence, if known, or as much of the intended address as is known, such as city and state;
- The new mailing address, if different from the intended new residence address;
- The new home telephone number;
- The name and address of the child's new school and day care facility, if applicable;
- The date of the intended relocation of the child; and
- A proposal in the form of a proposed parenting plan for a revised schedule of residential time or visitation with the children, if any.

A person required to give notice of an intended relocation of the children has a continuing duty to promptly update the information required with the notice as that new information becomes known.



Warning! If you do not notify...

The Court may grant a temporary order restraining relocation of the children (or ordering return of the children if the children's relocation has occurred) if the Court finds:

- The required notice of an intended relocation of the child was not provided in a timely manner and the nonrelocating party was substantially prejudiced;
- The relocation of the child has occurred without agreement of the parties, court order, or the notice required; or
- After examining evidence presented at a hearing for temporary orders in which the parties had adequate opportunity to prepare and be heard, there is a likelihood that on final hearing the Court will not approve the intended relocation of the child or no circumstances exist sufficient to warrant a relocation of the child prior to a final determination at trial.

B. Right to Object

A person entitled to time with the children under a Court order can file an objection to the children's relocation whether or not he or she received proper notice. The objection must be served on all persons entitled to time with the children. The relocating person shall not move the children during the time for objection unless: (a) the delayed notice provisions apply; or (b) a Court order allows the move.

Except for good cause shown, if a person entitled to object to the relocation of the child does not file an objection with the Court within 30 days after receipt of the relocation notice, then the relocation of the children may be permitted. A nonobjecting person may be entitled to the residential time or visitation with the children specified in the proposed residential schedule included with the relocation notice. Any person entitled to residential time or visitation with a child under a court order retains his or her right to move for modification.

C. Move within Same School District

When the intended relocation of the children is within the school district in which the children currently reside the majority of the time, the person intending to relocate the children may provide actual notice by any reasonable means to every other person entitled to residential time or visitation with the children under a court order.

A person who is entitled to residential time or visitation with the children under a court order may not object to the intended relocation of the children within the school district in which the children currently reside the majority of the time, but he or she retains the right to move for modification.

(This is a summary of the law regarding relocation. The complete law is in TTC 4.20.430.)



RESIDENTIAL SCHEDULE

(The Residential Schedule (Sections 10-15) must set forth where the children shall reside each day of the year (including provisions for holidays, birthdays of family members, vacations, and other special occasion) and what contact the children shall have with each parent. Parents are encouraged to create a Residential Schedule that meets the developmental needs of the children and individual needs of their family.)

(Check one):

- One parent has **no contact** with the children other than what is described in *Section 4. (skip to Section 16)*
- Neither parent is subject to reduced or restricted contact with the children as described in *Section and Section 4. (Complete the Residential Schedule in Sections 10-15.)*

10. SCHOOL SCHEDULE.

A. Children under School Age

(Check the box that applies for the School Schedule of children under school age):

- Does **not** apply. There are no children under school age.
- The schedule for children under school-age is the same as for school-age children.
- Prior to enrollment in school, children under school-age are scheduled to live with *(name):* _____ except when they are scheduled to live with or be with *(name):* _____ on *(check all that apply):*

WEEKENDS: Every week Every other week Other *(specify):* _____
from *(day)* _____ at *(time)* _____ to *(day)* _____ at *(time)* _____.
from *(day)* _____ at *(time)* _____ to *(day)* _____ at *(time)* _____.

WEEKDAYS: Every week Every other week Other *(specify):* _____
from *(day)* _____ at *(time)* _____ to *(day)* _____ at *(time)* _____.
from *(day)* _____ at *(time)* _____ to *(day)* _____ at *(time)* _____.

OTHER *(specify):* _____

Other *(specify):* _____

B. School-Age Children

(Check the box that applies for the School Schedule of school-age children):



- Upon enrollment in school, the children shall reside with (name): _____
except for the following days and times when they are scheduled to live with or be with
(name): _____ on (check all that apply):
- WEEKENDS:** Every week Every other week Other (specify): _____
from (day) _____ at (time) _____ to (day) _____ at (time) _____.
from (day) _____ at (time) _____ to (day) _____ at (time) _____.
- WEEKDAYS:** Every week Every other week Other (specify): _____
from (day) _____ at (time) _____ to (day) _____ at (time) _____.
from (day) _____ at (time) _____ to (day) _____ at (time) _____.
- OTHER (specify):** _____

- Other (specify): _____

11. SUMMER SCHEDULE.

Summer begins and ends (check one): according to the school calendar as follows (specify):

(Check the box that applies for the Summer Schedule):

- The Summer Schedule is the **same** as the School Schedule. (skip to Section 12)
- The Summer Schedule is the **same** as the School Schedule **except** that each parent shall spend
_____ weeks of uninterrupted vacation time with the children each summer. The parents shall
confirm their vacation schedules in writing by (time): _____ of (date): _____ each year.
- The Summer Schedule is different than the School Schedule. During the summer, the children
shall reside with (name): _____ except for the following days and times
when they are scheduled to live with or be with (name): _____ on (check all
that apply):
- WEEKENDS:** Every week Every other week Other (specify): _____
from (day) _____ at (time) _____ to (day) _____ at (time) _____.
from (day) _____ at (time) _____ to (day) _____ at (time) _____.
- WEEKDAYS:** Every week Every other week Other (specify): _____
from (day) _____ at (time) _____ to (day) _____ at (time) _____.
from (day) _____ at (time) _____ to (day) _____ at (time) _____.



OTHER (specify): _____

12. HOLIDAY SCHEDULE (INCLUDING SCHOOL VACATIONS).

(check the box that applies for the Holiday Schedule):

- The Holiday Schedule is the same as the School and Summer Schedules above for all holiday and school breaks. (skip to Section 13)
- The Holiday Schedule for the children for the holidays listed below is as follows:

Holiday	Children with (name): (specify year: odd/ even/ every)	Children with (name): (specify year: odd/ even/ every)
Martin Luther King Jr. Day		
Presidents' Day		
Spring Vacation		
Mother's Day		
Memorial Day		
Father's Day		
Fourth of July		
Labor Day		
Veteran's Day		
Thanksgiving Day / Break		
Winter Vacation		
Christmas Eve		
Christmas Day		
Soveriegn Day		
Children's Birthdays		
Mother's Birthday		



Holiday	Children with (name): <i>(specify year: odd/ even/ every)</i>	Children with (name): <i>(specify year: odd/ even/ every)</i>
Father's Birthday		
All three-day weekends not listed elsewhere		
Other special occasion:		
Other special occasion:		

(check all that apply):

For the purposes of this *Parenting Plan*, a holiday shall begin and end as follows *(set forth times)*:

Holidays which fall on a Friday or a Monday shall include Saturday and Sunday of the attached weekend.

Other: _____

13. VACATIONS WITH PARENTS.

(check the box that applies to vacations with parents):

Does not apply.

The schedule for vacation with parents is as follows: _____

14. CONFLICTS IN SCHEDULING.

(check the box that applies):

Does **not** apply.

If there are conflicts within the *Residential Schedule* such that the children are scheduled to be with both parents at the same time, the conflict shall be resolved by priority as follows *(check one)*:



- The Holiday Schedule must be observed over all other schedules. If there are conflicts within the Holiday Schedule (*check all that apply*):
 - Named holidays shall be followed before school breaks.
 - Children's birthdays shall be followed before named holiday and school breaks.
 - Other (*specify*): _____
- Other (*specify*): _____

15. TRANSPORTATION ARRANGEMENTS.

(*check the box that applies*):

- Transportation costs are included in the *Order of Child Support* entered on (*date*): _____ and **should not** be included here.
- Transportation arrangements for the children shall be as follows: _____

16. OTHER PROVISIONS.

(*check the box that applies*):

- Does **not** apply.
- The following are other provisions: _____

DECLARATION FOR PROPOSED PARENTING PLAN

- Does **not** apply. This is a court order.
- This is a **Proposed Parenting Plan** (*The parent/s requesting this plan must read and sign below.*)

I declare under penalty of perjury under the laws of the **Hoopa Valley Tribe** that this Parenting Plan has been proposed in good faith and that the statements in *Section 3 Basis for Restrictions on a Parent* of this Plan are true and correct.

➤ _____
Signature of Parent Requesting Plan *Print Name* *Date and Place of Signature*

➤ _____
Signature of Other Parent (if agreed) *Print Name* *Date and Place of Signature*



ORDER BY THE COURT

- Does **not** apply. This is a proposal.
- This is a court order (if signed by judge below).

Findings of Fact – Based on the pleadings and any other evidence considered, the Court adopts the statements in *Section 3 Basis for Restrictions on a Parent* as its findings.

The Court makes additional findings which are:

- Contained in an order or finding of fact entered at the same time as this *Parenting Plan*.
- Attached as Exhibit A as part of this *Parenting Plan*.
- Other: _____

Conclusions of Law – This *Parenting Plan* is in the best interest of the children.

- Other: _____

Order – The parties must follow this Parenting Plan.

Dated this _____ day of _____, 20_____.

LEONA COLEGROVE, CHIEF JUDGE