



IN THE TRIBAL COURT FOR THE HOOPA VALLEY TRIBE

PETITION TO DETERMINE THE EXISTENCE OR NONEXISTENCE OF A PARENT CHILD RELATIONSHIP

CASE NO.

Court Address P.O. Box 1389 Hoopa, CA 95546

Court telephone no. (530) 625-4305

IN THE MATTER OF:

Three horizontal lines for case name

Minor Child(ren)

Petitioner:

Two horizontal lines for petitioner name

and

Respondent:

Two horizontal lines for respondent name

I, \_\_\_\_\_, petition the court for the establishment of a parental relationship between  myself  Respondent and the above named minor child(ren)

The petition is based on the following allegations:

I. Jurisdiction

A. Personal 1 HVTC § 1.1.04(b)

1. Petitioner

The Court has jurisdiction over the Petitioner because the Petitioner has voluntarily submitted to the Court's jurisdiction by filing this Petition. Additionally, the Court has jurisdiction because:

- Three checkbox options for jurisdiction: 1. Petitioner resides within the exterior boundaries of the Hoopa Valley Reservation; 2. The Petitioner is a member of, or eligible for enrollment in, the Hoopa Valley Tribe; 3. The Petitioner had sexual intercourse within the exterior boundaries of the Hoopa Valley Reservation with a person who is a member or is eligible for membership to become a member HVTC14A.5.70(B)

2. Respondent (Check all that apply):

The Court has jurisdiction over the respondent because

- One checkbox option for jurisdiction: Respondent resides within the exterior boundaries of the Hoopa Valley Reservation

- The respondent is a member of, or eligible for enrollment in, the Hoopa Valley Tribe.
- had sexual intercourse within the exterior boundaries of the Hoopa Valley Reservation with a person who is a member or is eligible for membership to become a member HVTC14A.5.70(B)
- Other (specify):

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**3. Child** (Check all that apply):

The Court has jurisdiction over the child(ren) because

- the child(ren) reside(s) within the exterior boundaries of the Hoopa Valley Reservation
- The child(ren) is/are member(s) of, or eligible for enrollment in, the Hoopa Valley Tribe.

**B. Subject Matter 1 HVTC § 1.1.04(c)**

This case is brought under Hoopa Valley Tribal Code Title 14A, Chapter 5  
Parent and Child

**C. Other Cases**

- There are no other cases in which parentage, custody or child support for these children has been requested, or was ordered.
- Parentage of, custody of, or support for these children has been requested, or was ordered in the following case(s) (*List name of court case is pending in/was heard in, date of case filing, and case number*):

Court Name	Filing Date	Case No.

**II. Parties' Information**

**A. Petitioner**

1. Petitioner is HVTC14A.5.60(A):

- the child(ren)'s Mother
- the child(ren)'s presumed Father
- the child(ren)'s alleged Father
- the child(ren) or child(ren)'s personal representative
- the Hoopa Valley Tribe
- other interested party (name): \_\_\_\_\_

Explain your relationship to the child(ren): \_\_\_\_\_

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2. Petitioner's mailing address and phone number are:

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B. Respondent is:

1. Respondent is:

- the child(ren)'s Mother
- the child(ren)'s presumed Father
- the child(ren)'s alleged Father

2. Respondent's last known address and phone number are: \_\_\_\_\_

C. Child(ren)

The child(ren) are:

1. a.

Child's Name	Date of Birth	Age	Sex	Eligible or HVT member	Receiving Public Assistance

b.  a child who is not yet born

2. Child(ren)'s address and phone number are: \_\_\_\_\_

D. Child(ren)'s Representative

1.  The name, address and phone number for the children's guardian is (if there is more than one child, and the children have different guardians, list the identifying and contact info for each guardian and include the name of the child s/he is representing):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2.  The Court must appoint a guardian ad litem for the child under *HVTC 14A.5.80(A)*.

**III. Allegations**

Petitioner claims:

- A.  Petitioner       Respondent is the father of the child(ren) in question.
- B.  Petitioner       Respondent is not the father of the child(ren) in question.
- C.  Petitioner       Respondent is not certain whether he is the father of the child(ren) in question.

**IV. Presumptions HVTC §14A.5.40(A)**

- A.  Petitioner       Respondent is the presumed father because:
  - 1.  he and the mother were or are married, and the child was born during the marriage; *or*
  - 2.  he and the mother were married, and the child was born within 300 days of the termination of the marriage; *or*

3.  he has received the child into his home and openly held the child out as his child. (*Explain*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ; or

4.  he acknowledged the parent child relationship in a writing filed with the State of California

5.  he acknowledged the parent child relationship in a writing filed with the Hoopa Valley Tribal Enrollment Office

6.  after the child's birth he and the mother have married or attempted to marry *and*:

a.  with his consent he is named as the child's father on the birth certificate; *or*

b.  he is obligated to support the child under a written voluntary promise of by court order.

7.  Other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

B.  The above presumption can be rebutted by the following clear, cogent, and convincing evidence:

1.  the results of a court ordered paternity test

2.  Other (*describe*) :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### **V. Relief Sought**

Based on the above information, I am asking the Court for the following orders:

A.  A determination of the existence of a parental relationship between the child(ren) listed in II(C)(1)(a) and the  Petitioner  Respondent.

B.  A determination of the nonexistence of a parental relationship between the child(ren) listed in II(C)(1)(a) and the  Petitioner  Respondent.

C.  The establishment of a Parenting Plan for myself and Respondent in regards to the child(ren) listed in II(C)(1)(a) and have attached a Petition for Parenting Plan and supporting paperwork

E.  Child Support for the child(ren). I have attached a petition for child support.

F.  An award to me of the reasonable expenses of pregnancy and child birth be paid by Respondent

G.  The child(ren)'s last name be changed to:

H.  The child(ren)'s birth certificate be amended to reflect the parentage order of this Court.

I.  Myself, the child(ren) and Respondent must submit to a DNA test, to be paid for by:

myself, with an order for reimbursement if the test confirms my claim regarding the paternity

- both parties
- Respondent, with the understanding that respondent may seek reimbursement from me if the test refutes my claim regarding paternity
- J.  An award of my reasonable spokespersons fees and costs. *HVTC § 14A.5.150*

**I declare under penalty of perjury of the laws of the Hoopa Valley Tribe that the above is true and correct to the best of my knowledge.**

**Dated:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_