

IN THE TRIBAL COURT OF THE QUINAULT INDIAN NATION

In re the marriage of:

Petitioner (*person who started this case*):

And Respondent (*other spouse*):

No. _____

Petition for Annulment

Petition for Annulment

1. Information about the parties

Petitioner lives in (*county*): _____ (*state*): _____

Respondent lives in (*county*): _____ (*state*): _____

2. Information about the marriage (*check all that apply*):

☐ We were married on (*date*): _____ at (*city and state*): _____

☐ Our domestic partnership was registered with the State of _____ on (*date*): _____, and:

☐ we were married on (*date*): _____ at (*city and state*): _____

☐ We currently live in the same household.

☐ We began living in separate households on (*date*): _____

3. Jurisdiction over the spouses

The court has personal jurisdiction over the marriage because:

☐ The court **has** jurisdiction over the Respondent because (*check all that apply*):

☐ The parties are members of the Quinault Indian Nation

- ☐ One of the parties is a member of the Quinault Indian Nation or any other Indian Tribe and that party or another party resides on the Quinault Indian Reservation.
- ☐ One of the parties or the child is a member of the Quinault Indian Nation and resides within the boundaries of the State of Washington.
- ☐ Other (*specify*): _____
- ☐ The court does **not** have personal jurisdiction over the Respondent. (*This may limit the court's ability to divide property and debts, award money, set child support, spousal support, or approve a restraining order or protection order.*)

4. Request to invalidate

I ask the court to invalidate (annul) our marriage because (*check all that apply*):

- ☐ We are close relatives who are not allowed to marry under the law.
- ☐ One or both of us was not old enough to get married legally. We did not have legal permission from a court or parent. We did not voluntarily live together as a couple (cohabit) after we were both old enough to legally marry.
- ☐ One or both of us was legally married to or the registered domestic partner of another person at the time we married each other.
- ☐ At the time we married, one or both of us was unable to understand what it meant (lacked capacity to consent).
- ☐ One of us married because of pressure, force, or fraud.
- ☐ The parties have not ratified their marriage by voluntarily cohabitating after attaining the age of consent, or after attaining capacity to consent, or after cessation of the force or duress or discovery of the fraud.

4a. Divorce or legal separation, if valid

If the court finds that my marriage is valid (denies my request to invalidate), then (*check one*)

- ☐ I am **not** asking for a divorce or legal separation.
- ☐ I ask the court for a **divorce** – to dissolve our marriage and any domestic partnerships or civil unions. This marriage is irretrievably broken. Our marital community ended on (check one):
 - ☐ the date this *Petition* is filed.
 - ☐ (*date*): _____, which is when (*check all that apply*):
 - ☐ one of us moved to a separate household.
 - ☐ we separated our assets and debts.
 - ☐ we agreed the marital community ended.
 - ☐ Other (*specify*): _____
- ☐ I ask the court for a **legal separation**. Our marital community ended on (check one):
 - ☐ the date this *Petition* is filed.
 - ☐ (*date*): _____, which is when (*check all that apply*):
 - ☐ one of us moved to a separate household.

☐ we separated our assets and debts.

☐ we agreed the marital community ended.

☐ Other (specify): _____

5. Name Change

☐ No request.

☐ Change the Petitioner's name to: _____
First Middle Last

☐ Change the Respondent's name to: _____
First Middle Last

Important! The Respondent must agree to their name change.

6. Written Agreements

Have you and your spouse signed a prenuptial agreement, separation contract, or community property agreement? (Check one):

☐ No (Skip to 7.) ☐ Yes (Fill out below.)

Type of written agreement: _____

Date of written agreement: _____

Should the court enforce this agreement? (Check one):

☐ Yes ☐ No

If No, why not? _____

7. Real Property (land or home)

☐ Neither spouse owns any real property.

☐ I ask the court to divide the real property according to the written agreement described in 6 above.

☐ I ask the court to divide the real property fairly (equitably), as explained below:

Real Property Address	Tax Parcel Number	Who should own this property?
		☐ Petitioner ☐ Respondent
		☐ Petitioner ☐ Respondent
		☐ Petitioner ☐ Respondent

☐ I ask the court to divide the real property fairly (equitably) as the court decides.

☐ The court does not have jurisdiction to divide the real property.

☐ Other (specify): _____

8. Personal Property (possessions, assets, or business interests of any kind)

- ☐ We have already divided the property fairly. I ask the court to order that each spouse will keep any personal property that they now have or control.
- ☐ I ask the court to divide the personal property according to the written agreement described in 6 above.
- ☐ I ask the court to divide the personal property fairly (equitably), as explained below:

List property (include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last 4 digits of any account number.):	Who should own this property?
	☐ Petitioner ☐ Respondent
	☐ Petitioner ☐ Respondent
	☐ Petitioner ☐ Respondent
	☐ Petitioner ☐ Respondent
	☐ Petitioner ☐ Respondent
	☐ Petitioner ☐ Respondent
	☐ Petitioner ☐ Respondent
	☐ Petitioner ☐ Respondent

- ☐ I ask the court to divide the personal property fairly (equitably) as the court decides.
- ☐ The court does not have jurisdiction to divide the personal property.
- ☐ Other: _____

9. Debts (mortgages, loans, credit cards, other money owed)

- ☐ I am not aware of any debts.
- ☐ I ask the court to order each spouse to be responsible for debts they incurred (made) after the date of separation.
- ☐ I ask the court to divide the debts according to the written agreement described in 6 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 their own name.
- ☐ Divide the debts fairly (equitably), as explained below:

Debt Amount	Creditor (person or company owed this debt)	Account Number (last 4 digits only)	Who should pay this debt?
\$			☐ Petitioner ☐ Respondent
\$			☐ Petitioner ☐ Respondent
\$			☐ Petitioner ☐ Respondent
\$			☐ Petitioner ☐ Respondent
\$			☐ Petitioner ☐ Respondent
\$			☐ Petitioner ☐ Respondent
\$			☐ Petitioner ☐ Respondent
\$			☐ Petitioner ☐ Respondent

☐ Divide the debts fairly (equitably) as the court decides.

☐ The court does not have jurisdiction to divide the debts.

☐ Other: _____

10. Spousal Support (maintenance/alimony)

☐ Spousal support is **not** needed.

☐ Spousal support **is** needed. The ☐ Petitioner ☐ Respondent has the ability to pay and should pay support:

☐ as decided by the court.

☐ \$_____ every month until (date or event): _____

☐ according to the written agreement described in **6** above.

☐ Other: _____

11. Fees and Costs

☐ No request.

☐ Order my spouse to pay my lawyer's fees, other professional fees, and costs for this case.

12. 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*, form P 001. 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 my spouse and me.**

Court that issued the order: _____

Case number: _____

Expiration date: _____

13. Restraining Order

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

- ☐ **No** (Skip to 14.)
- ☐ **Yes** (Check the type of orders you want):

- ☐ **Do not disturb** – Order the Respondent not to disturb my peace or the peace of any child listed in 15.

- ☐ **Stay away** – Order the Respondent 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 15.

☐ Also, not knowingly to go or stay within _____ feet of my home, workplace, vehicle, school, or the daycare or school of any child listed in 15.

- ☐ **Do not hurt or threaten** – Order the Respondent:

- Not to assault, harass, stalk, or molest me or any child listed in 15; 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 the Respondent:

- 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 possesses to (check one): ☐ the police chief or sheriff ☐ their lawyer ☐ other person (name): _____

- ☐ **Other restraining orders:** _____

14. Is one of the spouses pregnant? (Check one):

☐ Yes ☐ No

If Yes, who is pregnant? The ☐ Petitioner ☐ Respondent

15. Children of the marriage

- ☐ My spouse and I have **no** children together who are still dependent. *(Skip to 16.)*
- ☐ 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):*

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

a. Children's home/s

At any time 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 b.)*

☐ 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:	☐ All children ☐ (Name/s):	☐ Petitioner ☐ Respondent ☐ Other (name):	
From: To:	☐ All children ☐ (Name/s):	☐ Petitioner ☐ Respondent ☐ Other (name):	
From: To:	☐ All children ☐ (Name/s):	☐ Petitioner ☐ Respondent ☐ Other (name):	
From: To:	☐ All children ☐ (Name/s):	☐ Petitioner ☐ Respondent ☐ Other (name):	
From: To:	☐ All children ☐ (Name/s):	☐ Petitioner ☐ Respondent ☐ Other (name):	

b. Other people with a legal right to spend time with the children

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

☐ No.

☐ Yes. (Name/s) _____ has or claims to have a legal right to spend time with the children because: _____

c. Other court cases involving a child

Do you know of any court cases involving any of the children? (Check one):

☐ No. (Skip to 16.)

☐ Yes. (Fill out below.)

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year	Children
			☐ All children ☐ (Name/s):
			☐ All children ☐ (Name/s):
			☐ All children ☐ (Name/s):
			☐ All children ☐ (Name/s):

16. Jurisdiction over the children

☐ Does not apply. My spouse and I have **no** children together who are still dependent.

☐ The court **can** approve a *Parenting Plan* for the children my spouse and I have together because (check all that apply; if a box applies to all of the children, you may write "the children" instead of listing names):

☐ **Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for (children's names): _____

☐ **Home state jurisdiction** – Washington is the children's home state because (check all that apply):

☐ (Children's names): _____
lived in Washington 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 in Washington with a parent or someone acting as a parent since birth.

☐ There were times the children were not in Washington 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 in Washington right now, but Washington was the children's home

state 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 in Washington.

☐ *(Children's names):* _____
do not have another home state.

☐ **No home state or home 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 Washington **and:**

- The children and a parent or someone acting as a parent have ties to Washington beyond just living here; **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education, and relationships in this state.

☐ **Other state declined** – The courts in other states (or tribes) that might be *(children's names):* _____'s home state have refused to take this case because it is better to have this case in Washington.

☐ **Temporary emergency jurisdiction** – The court can make decisions for *(children's names):* _____ because the children are in this state 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. (*Check one*):

☐ A custody case involving the children was filed in the children's home state *(name of state or tribe):* _____. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children's home state (or tribe).

☐ There is **no** valid custody order or open custody case in the children's home state *(name of state or tribe):* _____.
If no case is filed in the children's home state *(or tribe)* by the time the children have been in Washington for 6 months, *(date):* _____, Washington should have final jurisdiction over the children.

☐ Other reason *(specify):* _____

☐ The court **cannot** approve a *Parenting Plan* because the court does not have jurisdiction over the children.

17. Parenting Plan

☐ My spouse and I have **no** children together who are under 18 years old.

☐ I ask the court to order a *Parenting Plan* for the children my spouse and I have together. I will file and serve my proposed *Parenting Plan* (form FL All Family 140) (*check one*):

☐ at the same time as this *Petition*.

☐ before this case is finished.

☐ The court **cannot** approve a *Parenting Plan* because the court does not have jurisdiction over the children.

18. Child Support

- ☐ My spouse and I have **no** children together who are still dependent.
- ☐ **Court Order** – I ask the court to order child support (including medical support) according to state law for the children my spouse and I have together. *(You may ask for a court order of child support even if there is already an administrative order. The court order will replace the administrative order to the extent the court order is different.)*
- ☐ I ask the court to order my spouse to pay their proportionate share of *(check all that apply)*:
- ☐ daycare expenses
 - ☐ long-distance transportation expenses
 - ☐ education expenses
 - ☐ post-secondary (college or vocational school) support
 - ☐ other child-related expenses *(specify)*: _____
- ☐ I ask the court to order that we have the right to claim the children as dependents for purposes of personal tax exemptions and associated tax credits on our tax forms as follows *(describe)*: _____

19. Children from other relationships

- ☐ Neither spouse has children from other relationships who are still dependent.
- ☐ I have the following dependent children who are not from this relationship *(list name/s and age/s)*: _____.
- ☐ My spouse has the following dependent children who are not from this relationship *(list name/s and age/s)*: _____.

20. Other requests, if any

Petitioner fills out below:

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form are true.

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

▶ _____
Petitioner signs here

Print name

Petitioner's lawyer (if any) fills out below:

▶ _____
Petitioner's lawyer signs here

Print name and WSBA No.

Date

[] Respondent fills out below if they agrees 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* 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 Petitioner 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.)

Address

City

State

Zip

E-mail: _____

▶ _____
Respondent signs here

Print name

Date