

IN THE TRIBAL COURT OF THE QUINULT INDIAN NATION

In re parentage:

Petitioner *(person who started this case)*:

No. _____

And Respondents:
(parent / presumed parent / alleged parents)

Petition to Decide Parentage

Children over age 2:

Petition to Decide Parentage

Do **not** use this form if:

- A judge has already decided who the legal parents are, or
- The parents signed a Paternity Acknowledgment that was filed with the appropriate state or Tribal agency.
(The Acknowledgment is usually signed by the parents at the hospital.)

1. This Petition asks the court to decide who are the legal parent/s of:

Child's name <i>(first, middle, last)</i>	Born <i>(month/day/year)</i>	Lives in <i>(county and state)</i>	Tribal Affiliation

Important! Don't list more than one child unless they have all the same parents or possible parents. If they have or may have different parents, fill out a separate Petition for each child.

2. Parties to this case

	The Petitioner (name): _____ is the	The Respondent (name): _____ is the	The Respondent (name): _____ is the
Enrolled Quinault	☐	☐	☐
Birth mother	☐	☐	☐
Alleged parent (person who may be a genetic parent)	☐	☐	☐
Presumed parent (see section 5 below)	☐	☐	☐
Adoptive parent	☐	☐	☐
Parent by assisted reproduction	☐	☐	☐
Parent according to a surrogacy contract	☐	☐	☐

☐ Other Respondents (name and describe): _____

Important! If any of the children are age 2 or older and have a presumed parent, they must be parties to this case.

3. Guardian ad Litem

☐ I ask the court to appoint a Guardian ad Litem (GAL) for the following children: _____

☐ I ask the court to appoint a GAL for the children to investigate and make recommendations to the court about whether genetic testing should be done.

4. Sexual assault

☐ Does not apply.

☐ Petitioner alleges that (children's names): _____ were born as a result of a sexual assault by (name): _____

5. Is there a presumed parent?

(A presumed parent is the legal parent of a child unless a court decides otherwise.)

☐ **No**, there is **no presumed parent** because the birth mother was not married or in a registered domestic partnership when (children's names): _____ were born, or within the 300 days before these children were born.

☐ **Yes**, there is a **presumed parent**. (Name): _____ is the presumed parent of (children's names): _____ because (check all that apply): _____

☐ This person and the birth mother were married or in a registered domestic partnership when these children were born, or within the 300 days before these children were born.

☐ After these children were born, this person and the birth mother married or became registered domestic partners (or believed their marriage or partnership was valid, even if it was or could have been invalidated). This person willingly said s/he was these children's parent and (*check at least one*):

☐ agreed to be and is listed as the parent on these children's birth certificates.

☐ filed a statement claiming s/he was these children's parent with the Enrollment Office or the Registrar of Vital Statistics.

☐ Check here if there is *another* presumed parent. Give that person's name, and identify which of the reasons listed above applies to that person:

(Name): _____

(Reason): _____

6. Should the presumed parent continue to be a legal parent?

☐ Does not apply. There is no presumed parent.

☐ No, the presumed parent (name): _____ should not be a legal parent of (children's names): _____ if **genetic testing** shows that someone else is the biological parent.

☐ Yes, the presumed parent (name): _____ should be confirmed as a legal parent of (children's names): _____.

☐ Other (specify): _____

7. Children's name change

☐ No request.

☐ I ask the court to change the children's names to: _____

8. Personal Jurisdiction

Does the Quinault Tribal Court have personal jurisdiction (authority to make decisions) over (**Respondent's name**): _____?

☐ Yes, because s/he (*check all that apply*):

- ☐ will be personally served in this state with a *Summons* and *Petition* for this case.
- ☐ is a member of or eligible to be a member of the Quinault Indian Nation.
- ☐ resides on the Quinault Indian Reservation
- ☐ lives in this state now.
- ☐ lived in this state with the children.
- ☐ lived in this state and paid for pregnancy costs or support for the children.
- ☐ did or said something that caused the children to live in this state.
- ☐ had sex in this state, which may have produced the children.
- ☐ signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.
- ☐ other (*specify*): _____

☐ **No.** (None of the reasons listed above apply.)

Does the Quinault Tribal Court have personal jurisdiction (authority to make decisions) over (**Other Respondent's name**): _____?

☐ **Yes**, because s/he (*check all that apply*):

- ☐ will be personally served in this state with a *Summons* and *Petition* for this case.
- ☐ lives in this state now.
- ☐ lived in this state with the children.
- ☐ lived in this state and paid for pregnancy costs or support for the children.
- ☐ did or said something that caused the children to live in this state.
- ☐ had sex in this state, which may have produced the children.
- ☐ signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.
- ☐ other (*specify*): _____

☐ **No.** (None of the reasons listed above apply.)

☐ Check here if there are **more Respondents**. Give those people's names, say whether or not the court has personal jurisdiction over each person, and why:

9. Jurisdiction over the children

- ☐ The court **can** decide a *Parenting Plan* or *Residential Schedule* for the children and decide who the children should live with most of the time 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** – The Quinault Tribal 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)*:

☐ Jurisdiction Under QTC 19.03.010- The Quinault tribal Court has jurisdiction under QTC 19.03.010 because:
(list reasons)

☐ The court **cannot** decide a *Parenting Plan* or *Residential Schedule* for the children or decide who the children should live with most of the time because the court does not have jurisdiction over the children.

10. Parenting Plan or Residential Schedule

It is in the children's best interests for the court to decide with whom the children will live, if the court has jurisdiction over the children.

The children currently live with *(name/s)*:

☐ I will file and serve my proposed *Parenting Plan* or *Residential Schedule* with this *Petition* or in the future.

☐ The court should approve a *Parenting Plan* or *Residential Schedule* as proposed by the parents or as the court finds to be in the children's best interests.

☐ I am not asking the court for a *Parenting Plan* or *Residential Schedule*.

Warning! If the court has jurisdiction over the children, the court will decide who the children's custodian will be even if neither parent asks for a *Parenting Plan* or *Residential Schedule*. The decision about custodian will affect both parents' rights.

11. Child Support

The children have a right to child support (including medical support) from the legal parents according to state law.

12. Past support and repayment of specific expenses

☐ No request.

☐ Past Support – The Quinault Indian Nation or *(name)*:
has provided support to the children and has the right to receive up to five years of past child support.

- ☐ Specific Expenses – The Quinault Indian Nation or (name): _____
has incurred expenses for the mother's pregnancy and childbirth or provided other
services to the children and has the right to be repaid (check one):
☐ (amount): \$ _____. ☐ an amount to be proven later.

13. Protection Order

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

- ☐ No. I do not want an Order for Protection.
☐ Yes.

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

- ☐ There already is an Order for Protection between (name): _____
and me. (Describe):

Court that issued the order: _____

Case number: _____

Expiration date: _____

14. Restraining Order

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

- ☐ No. (Skip to **15**.)
☐ 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 **1**.

☐ Stay away – Order (name/s) _____ not to go
onto the grounds of or enter my home, workplace, or school, and the daycare or
school of any child listed in **1**.

☐ Also, not knowingly to go or stay within _____ feet of my home, workplace,
or school, or the daycare or school of any child listed in **1**.

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

- Not to assault, harass, stalk or molest me or any child listed in **1**; 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 possess or obtain any firearms, other dangerous weapons, or concealed
pistol license until the Order ends, and

- 7
- 1 ▪ To surrender any firearms, other dangerous weapons, and any concealed
2 pistol license that he/she possesses to (*check one*): ☐ the police chief or
3 sheriff. ☐ his/her lawyer. ☐ other person (*name*): _____.

4 ☐ Other restraining orders: _____

5 **15. Other (if any)**

6 _____

7 _____

8 _____

9 **16. Summary of requests**

10 I ask the court to (*check all that apply*):

11 **Parentage**

- 12 ☐ Order genetic testing of all possible genetic parents listed in this *Petition* and
13 decide who the legal parents are based on the results.
- 14 ☐ Order that (*name*): _____ is the legal
15 parent of (*children's names*): _____.
- 16 ☐ Order that (*name*): _____ is **not** the legal
17 parent of (*children's names*): _____.

18 Change the children's birth certificates to list the parents as requested above and to
19 change the children's names if requested above.

20 **Sexual Assault**

- 21 ☐ The Court should address the sexual assault allegation.

22 **Parenting Plan / Residential Schedule**

- 23 ☐ Approve my proposed *Parenting Plan* or *Residential Schedule*
- 24 ☐ If no one proposes a *Parenting Plan* or *Residential Schedule*, order that the
25 children will continue to live with the parent they live with now.

26 **Child Support**

- 27 ☐ Approve a *Child Support Order*
- 28 ☐ Order (*name*): _____ to pay past child support,
29 medical support, and other expenses for the children.

30 **Protection / Restraining Order**

- 31 ☐ Approve an *Order for Protection*
- 32 ☐ Approve a *Restraining Order*

33 **Fees and costs**

- 34 ☐ Order who should pay for court costs, genetic testing, guardian ad litem, lawyer
35 fees, and other reasonable fees.

36 **Other**

- 37 ☐ Other (*specify*): _____

Petitioner fills out below:

I declare under penalty of perjury under the laws of the Quinault Indian Nation 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 s/he 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*

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

▶ _____
Respondent signs here *Print name* *Date*

☐ **Other Respondent fills out below if s/he 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*

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

▶ _____
Other Respondent signs here *Print name* *Date*

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7
8 **IN THE TRIBAL COURT OF THE QUINULT INDIAN NATION**

9 In re parentage:

10 Petitioner (person who started this case):

11 No. _____

12 And Respondents:
13 (parent / presumed parent / alleged parents)

Declaration about Parentage

14
15 Children over age 2:
16 _____

17
18 **Declaration about Parentage**

19 (Fill out a separate Declaration for each child in this case.)

20 **I declare:**

21 My name is _____

22 This declaration is about the parentage of (child): _____
23 who was born on: _____
24 month / day / year

25 **1. My relationship to this child (check all that apply):**

26 ☐ **I am this child's parent because:**

27 ☐ I am the birth mother.

28 ☐ I signed a *Paternity Acknowledgment*.

29 ☐ I legally adopted this child.

30 ☐ I had this child using assisted reproduction. The physician's certificate and my statement that I used assisted reproduction to have this child were filed with the Washington State Registrar of Vital Statistics within ten days of this child's birth.

- ☐ I agreed that my spouse or domestic partner could use assisted reproduction to have this child.
- ☐ A valid surrogate parentage contract says I am the intended parent of this child.
- ☐ **I am presumed by law to be this child's parent because:**
- ☐ I was married to or registered domestic partners with the birth mother (name): _____ when the child was born, or within the 300 days before the child was born.
- ☐ I believed I was in a valid marriage or registered domestic partnership with the birth mother (name): _____ when the child was born, or within the 300 days before the child was born, even though the marriage or partnership was or could have been invalidated by a court.
- ☐ After the child was born, I married or became registered domestic partners with the birth mother (name): _____ (or believed my marriage or partnership was valid, even if it was or could have been invalidated). I willingly said I was the child's parent and I (check at least one):
- ☐ agreed to be and am listed as the parent on the child's birth certificate.
- ☐ filed a statement claiming I was the child's parent with the Enrollment Office or the Registrar of Vital Statistics.

☐ I am not presumed by law to be this child's parent because none of the reasons listed above apply.

☐ I may be this child's parent because I had sex with the child's birth mother (name): _____ between (starting and ending dates): _____ when the child was likely conceived.

- ☐ I agree I am this child's parent and should be legally declared a parent.
- ☐ I don't know if I am this child's parent.

☐ I am not this child's parent because:

- ☐ I did not have sex with the child's birth mother (name): _____ between (starting and ending dates): _____ when the child was likely conceived.
- ☐ I donated sperm for assisted reproduction with no intent to become a parent.
- ☐ I was excluded as a parent through genetic testing.

2. Sexual assault

- ☐ Does not apply.
- ☐ This child was born as a result of a sexual assault by (name): _____.
If you checked this box, ask the Clerk about filling out a further form.

1 **3. Other parties' relationship to this child**

2 *For each other party, write his/her name in the category below that applies. If you don't*
3 *know the status of another party, leave him/her out.*

4 ☐ **Parent** (someone who is already a legal parent)

5 (Name) _____ is a parent because
6 (check all that apply):

- 7 ☐ she is the birth mother.
8 ☐ s/he signed a *Paternity Acknowledgment*.
9 ☐ s/he legally adopted the child.
10 ☐ s/he had this child using assisted reproduction, and a physician's certificate and a
11 statement that s/he used assisted reproduction to have this child were filed with the
12 Washington State Registrar of Vital Statistics within ten days of this child's birth.
13 ☐ s/he agreed to use assisted reproduction for us to become parents.
14 ☐ s/he signed a valid surrogate parentage contract saying s/he is the intended parent of
15 this child.

16 ☐ **Alleged Parent/s** (someone who may or may not be a genetic parent)

17 (Name/s) _____
18 may be a parent because the birth mother had sex with this person (or these people)
19 between (starting and ending dates): _____
20 when this child was likely conceived.

21 ☐ **Presumed Parent** (someone who is presumed by law to be a legal parent)

22 (Name) _____ is a presumed
23 parent because (check all that apply):

- 24 ☐ this person and the birth mother were married or in a registered domestic partnership
25 when this child was born, or within the 300 days before this child was born.
26 ☐ this person and the birth mother *believed* they were in a *valid* marriage or registered
27 domestic partnership when this child was born or within the 300 days before this child
28 was born, even though the marriage or partnership was (or could have been)
29 invalidated by a court.
30 ☐ *after* this child was born, this person and the birth mother married or became
registered domestic partners (or believed their marriage or partnership was valid, even
if it was or could have been invalidated). This person willingly said s/he is this child's
parent and (check all that apply):

- ☐ Agreed to be and is listed as the parent on this child's birth certificate.
☐ Filed a statement claiming s/he was this child's parent with the Registrar of
Vital Statistics.

1 **4. Should the presumed parent continue to be a legal parent?**

2 ☐ Does not apply. There is no presumed parent.

3 ☐ Yes, the presumed parent should be confirmed as a legal parent.

4 ☐ No, (*Presumed parent's name*): _____ should not
5 be this child's legal parent because s/he is not a biological parent and (*check all that*
6 *apply*):

7 ☐ did not live with and did not have sex with the birth mother when this child was
8 likely conceived, and did not openly hold out this child as his/her own child.

9 ☐ I don't know if the presumed parent should continue to be a legal parent.

10 **5. Was this child conceived in Washington state?**

11 ☐ Yes. During this time period (*starting and ending dates*): _____
12 _____, I had sex in Washington state with
13 (*name/s*): _____,
14 which may have produced this child.

15 ☐ No.

16 ☐ I don't know.

17 **6. Was this child conceived through assisted reproduction?**

18 ☐ Yes.

19 ☐ No.

20 ☐ I don't know.

21 **7. Child's Home/s**

22 During the past 5 years has the child lived:

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

27 ☐ No. (*Skip to 8.*)

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

Dates	Child lived with	In which state, Indian reservation, or foreign country
From: To:	☐ Petitioner ☐ Resp. (name/s): ☐ Other (name):	
From: To:	☐ Petitioner ☐ Resp. (name/s): ☐ Other (name):	
From: To:	☐ Petitioner ☐ Resp. (name/s): ☐ Other (name):	
From: To:	☐ Petitioner ☐ Resp. (name/s): ☐ Other (name):	
From: To:	☐ Petitioner ☐ Resp. (name/s): ☐ Other (name):	

8. Do you know of anyone besides the parties to this case who has or claims to have a legal right to spend time with this child? (Check one):

☐ No.

☐ Yes. (Name/s) _____ has or claims to have a legal right to spend time with this child.

9. Do you know of any court cases involving this child? (Check one):

☐ No. (Skip to 10.) ☐ Yes. (Fill out below.)

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year

