

**SAINT REGIS MOHAWK TRIBAL COURTS
IN AND FOR THE SAINT REGIS MOHAWK TRIBE**

In re parenting and support of:

Children:

Petitioner:

and

Respondent:

Case No. _____

**PETITION FOR CHILD CUSTODY,
VISITATION SCHEDULE/PARENTING
PLAN, AND/OR CHILD SUPPORT**

CONTESTED

UNCONTESTED

1. CAUSE OF ACTION.

This action is brought pursuant to the Saint Regis Mohawk Tribe Marriage, Divorce, and Custody Code by *(name)*: _____.

I ask the Court to approve a *(check all that apply)*:

- Parenting Plan or Visitation Schedule*
- Child Support Order*

2. JURISDICTION OVER PARENTS.

The Saint Regis Mohawk Tribal Court has personal jurisdiction (authority to make decisions) over the parents because *(check all that apply)*:

The Petitioner:

- is an enrolled member of the Saint Regis Mohawk Tribe.
- resides within the territory of Akwesasne.

The Respondent:

- is an enrolled member of the Saint Regis Mohawk Tribe.
- resides within the territory of Akwesasne.

The children involved in this case:

- are enrolled members or are eligible to be enrolled members of the Saint Regis Mohawk Tribe.
- are Indian children who reside or are domiciled on the territory of Akwesasne.
- have been placed in temporary care of the Saint Regis Mohawk Tribe or in a care facility licensed by the Tribe for placement of Indian children.
- have a parent who is an enrolled member of the Saint Regis Mohawk Tribe.

3. CHILDREN.

Respondent, (name): _____, and I are parents of the following children:

| | Child's Name | Date of Birth | Current Residence | Enrollment (if applicable) |
|----|---------------------|----------------------|--------------------------|-----------------------------------|
| 1. | | | Resides with/Resides at: | Enrollment #: |
| 2. | | | Resides with/Resides at: | Enrollment #: |
| 3. | | | Resides with/Resides at: | Enrollment #: |
| 4. | | | Resides with/Resides at: | Enrollment #: |
| 5. | | | Resides with/Resides at: | Enrollment #: |

4. PARENTAGE.

(Repeat this section for each child as needed.)

Regarding the children listed in Section 3 above:

The **Petitioner** in this action, (name): _____, is:

- Mother
- Father
- the children's Acknowledged Father, who signed an *Acknowledgement of Paternity* and filed it with:
 - Saint Regis Mohawk Tribal Court on (date): _____ and/or
 - Other agency: _____ on (date): _____
 - A copy of the *Acknowledgement of Paternity* is **attached**.
- the children's Adjudicated Father, as determined by court order entered on (date): _____.
- A copy of the *Order on Petition for Establishment of Paternity* is **attached**.

The **Respondent** in this action, (name): _____, is:

- Mother
- Father
- the children's Acknowledged Father, who signed an *Acknowledgement of Paternity* and filed it with:
 - Saint Regis Mohawk Tribal Court on (date): _____ and/or
 - Other agency: _____ on (date): _____
 - A copy of the *Acknowledgement of Paternity* is **attached**.
- the children's Adjudicated Father, as determined by court order entered on (date): _____.
- A copy of the *Order on Petition for Establishment of Paternity* is **attached**.

5. CHILDREN’S HOME(S).

During the last five (5) years, the children have lived (*check the box that applies*):

- in no place other than the territory of Akwesasne and with no person other than the Petitioner(s) or Respondent(s)
- in the following places with the following persons (*list each place the child lived, including the territory of Akwesasne, the dates the child lived there, and the names of the person with whom the child lived. Use additional pages if necessary*):

| | Child’s Name | Place | Dates | Name of Person |
|----|---------------------|--------------|--------------|-----------------------|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |

6. RESIDENTIAL PLACEMENT.

(*check the box that applies*)

- Does **not** apply. (*skip to Section 7*)
- I ask the Court to approve my proposed *Parenting Plan*. This schedule may include reasons for limiting one or both parents’ visitation. My proposed *Parenting Plan* is **attached**.
- I ask the Court to give no visitation to Respondent because the following reasons for limiting visitation apply and are severe enough to justify no visitation (*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.

7. CLAIMS TO 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 of the children.
- 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. Use additional pages if necessary*):

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

8. INVOLVEMENT IN ANY OTHER PROCEEDING INVOLVING THE CHILDREN.

(check the box that applies):

- I have **not** been involved in any other proceeding regarding the children.
- I have been involved in the following proceedings involving the children *(list the Court, the case number, and the date of the judgement or order. Use additional pages if necessary):*

| Child's Name | Court | Case # | Date |
|--------------|-------|--------|------|
| | | | |
| | | | |
| | | | |

9. OTHER LEGAL PROCEEDINGS CONCERNING THE CHILDREN.

(check the box that applies):

- I do not know of any other legal proceedings regarding the children.
- 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 |
|--------------|-------|--------|-----------------|
| | | | |
| | | | |
| | | | |

10. CHILD SUPPORT, INSURANCE, AND TAXES.

Support. I ask the Court to order the Respondent, _____, to
(check all that apply)

- Pay child support according to the Family Support Act. My completed SRMT Child Support Enforcement Unit Obligation 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.

Tax Exemptions – I ask the Court to order:

- Petitioners may claim the children as dependents on tax forms.
- Other *(please specify):* _____

