

TITLE 9. FAMILY LAW

Chapter 9.8

CHILD CUSTODY AND CO-PARENTING

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9.8.1. Jurisdiction. Jurisdiction of custody of co-parenting proceedings extends as set forth in Chapter 3.2 of the Suquamish Tribal Code. Such jurisdiction will include co-parenting proceedings involving an Indian child who resides or is domiciled on the Port Madison Reservation, any child who is a member of, or eligible for membership in, the Suquamish Tribe, regardless of the child's residence or domicile, or any child whose parent is an enrolled member of the Suquamish Tribe. The Court has exclusive continuing jurisdiction over any co-parenting proceeding for which it has issued a judgment.

9.8.2. Best Interest of the Child. (a) This Code takes a child-centric approach that places the best interest of the child as the central focus for decision-making in co-parenting proceedings. Best interest determinations are generally made by considering a number of factors related to the child's unique circumstances and the parent's

circumstances and capacity to parent, with the child's ultimate safety and well-being being the paramount concern. Whenever a "best interests" determination is required, the following factors shall be considered in the context of the child's age and developmental needs and recognition that every family and child is unique:

- (1) The physical safety and welfare of the child, including food, shelter, medical, dental and mental health, and education;
- (2) Security from exposure to conflict and violence;
- (3) The child's sense of attachments, including: where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel love, attachment, and a sense of being valued);
- (4) The child's need for permanence and stability;
- (5) The willingness and ability of each of the parties to facilitate and encourage close and continuing family relationships between the child, their sibling(s), relatives and individuals with significant familial relationships, as well as ongoing community and cultural ties with the Tribe;
- (6) The child's background and community ties, including familial, cultural, friend, school, and religion;
- (7) The parents' ability to identify potential dangers and to protect a child;
- (8) Continuity of existing parent-child attachments;
- (9) Meaningful contact between the child and each parent; and
- (10) Expeditious, predictable decision making and the avoidance of prolonged uncertainty respecting arrangements for the child's care and control.

(b) In placing the best interests of the child as the central focus for proceedings under this Chapter, the Suquamish Tribal Court will provide a fair and efficient dispute resolution process for issues the parents cannot resolve on their own by:

- (1) Prioritizing the stability and long-term health and welfare for a child by encouraging the parents to develop and enter a co-parenting plan;
- (2) Providing the parents with an expeditious, thoughtful, and fair process to resolve disputes on issues regarding a child's upbringing on issues where the parents cannot enter an agreement; and
- (3) Providing children with physical and emotional security and protection from exposure to conflict or violence.

9.8.3 Petition for Co-parenting Plan. (a) A petition for legal decision-making authority and parenting time may be in any form (unless the Court adopts a mandatory form) so long as it contains:

(1) The name, age, address, tribal affiliation and tribal enrollment number, if any, and of every dependent child subject to the proceedings;

(2) The domestic status of the parents:

(i) Whether the parents of the child were married and the date of marriage, separation and divorce, if any;

(ii) Whether the parents are listed on the child's birth certificate;

(iii) Whether paternity has been established; and

(iv) Where the child resides the majority of the time;

(3) A proposed co-parenting plan on a form approved by the Court that details the allocation of legal decision-making and parenting time between the parents;

(4) Whether the following proceedings have occurred involving the parents or the child:

(i) Co-parenting plan;

(ii) Child support proceedings;

(ii) Protection, restraining, no-contact or anti-harassment;

(iv) Youth guardianship; and/or

(v) Youth in need of care or other child welfare equivalent.

(5) A copy of the child's birth certificate must be attached to the petition or provided to the Court 10 days before the first hearing;

(6) The parent must supply the dates of birth, place of birth, and social security numbers if known on a confidential information form maintained by the Court.

(b) A co-parenting plan petition must be supported by an affidavit containing, to the extent known, all of the following:

(1) The name, address, tribal affiliation, and length of co-residence of any individuals with whom the child has lived for one year or more, or in the case of a child less than one year old, any individuals with whom the child has lived for any significant period of time since birth;

- (2) A description of the past allocation of caretaking and other parenting functions performed by both parents, including at a minimum during the 24 months preceding the filing of an action;
- (3) A description of the employment and child-care schedules of any individual seeking an allocation of custodial responsibility, and any expected changes to these schedules in the future;
- (4) A schedule of the child's school and extracurricular activities;
- (5) A description of any of the limiting factors that are present in the case, including any restraining orders to prevent child abuse or domestic violence, with case number and issuing court;
- (6) Financial information required to be disclosed under STC 9.2;
- (7) A description of the known areas of agreement and disagreement with any other parenting plan submitted in the case.

9.8.4 Initial Hearing. (a) The Court Clerk will set an initial co-parenting plan hearing no later than 90 days unless continued for good cause after a parent files a proof of service of the petition and summons under STC 4.2.3.

(b) The Court Clerk will generate a notice of hearing and deliver copies to the parents by first class mail at their last known address.

(c) Parents may present an agreed co-parenting plan to the Court at an ex parte calendar if either parent attends the hearing and the judge hearing the ex parte calendar can make a best interest of the child determination based on the materials presented. If the judge hearing the ex parte calendar cannot make a best interest of the child determination, then the judge will set the case for an initial hearing as if it is a contested co-parenting proceeding and may enter temporary orders.

9.8.5 Initial Contested Proceeding. At the initial hearing, the Court will:

(a) Determine whether each parent has attended a co-parenting seminar;

(b) Determine whether temporary orders are needed especially related to the protection of the child and family;

(c) Determine whether the parents have attempted to reach agreements on all or any of the issues;

(e) Determine any issues the parents may agree upon;

(f) Determine any issues the parents are not in agreement on;

(g) Determine whether the respondent parent is in default; and

(h) Schedule further proceedings as appropriate. Such proceedings will depend on whether the Court believes parents can use alternative dispute resolution proceedings on the issues they cannot agree on or set a pretrial conference so the parents can work towards trial.

(i) The Court may enter temporary orders.

(j) If any parent is a member of the military, then the Court may conduct the proceeding in a way to be consistent with the Servicemembers Civil Relief Act.

9.8.6. Default on Petition.

If a parent fails to respond or provide a defense at the initial hearing for a contested co-parenting plan, then the Court may find that parent in default and enter the co-parenting plan presented by the petitioning parent. A default order for a co-parenting plan may be set aside if a parent shows good cause to do so. The Court will schedule future proceedings if it sets aside a default co-parenting plan.

9.8.7. Co-parenting Seminar. (a) The parents must attend a court-approved co-parenting seminar. The parents are not required to attend the same seminar together.

(b) The Court may waive the co-parenting seminar requirement if:

(1) A case does not require mutual decision-making as a matter of law, such as in the case of a default or a parent's parenting time and responsibility or legal decision-making has been restricted under a court order;

(2) A parent attended an alternative parenting seminar;

(3) A parent demonstrates good cause; or

(4) The Court is considering a motion to modify an existing order.

(c) If a parent unjustifiably delays, refuses, or defaults in completing the co-parenting seminar, then the Court may postpone proceedings, may refuse to consider motions from such parent, may find a parent in contempt of court resulting in sanctions including fines, a finding of default, or striking pleadings.

(d) A parent must prove they attended a co-parenting seminar by filing a certificate of completion or other proof of completion with the Court.

9.8.8. Alternative Dispute Resolution Proceedings. (a) At the initial hearing, unless deferred to a subsequent hearing by the Court, the parents and the Court must actively

consider if alternative dispute resolution is appropriate to facilitate an agreeable resolution for both parties and avoid high conflict litigation. After consultation with the parents, the Court must make a finding on the advisability of engaging in alternative dispute resolution proceedings. If the Court finds that alternative dispute resolution proceedings are not advisable, then the Court must set the case for a pretrial conference so the parties may resolve the dispute at trial.

(b) Alternative dispute resolution processes may include: mediation, arbitration, judicial settlement conferences, or any other process the Court deems appropriate.

(c) If a judge participates in an alternative dispute resolution process, then such judge must be recused upon the motion of a parent.

(d) If the parents resolved all issues in an alternative dispute resolution process, then they must file an agreed co-parenting plan and file a motion and order for the Court to enter a final order. The Court may enter the agreed co-parenting plan as a final order if the agreed co-parenting plan is in the best interest of the child.

(e) If the parents resolved some of the issues, then they must file a statement about what issues the parents agreed upon and what issues remain for the Court to decide. The parents, or the Court, must set the case for a pretrial conference or trial.

(f) The Court may not order alternative dispute resolution proceedings if:

(1) One of the parents' legal decision-making or parenting time and responsibility have been denied or restricted based on abuse or neglect unless the alternative dispute resolution proceeding is requested by the victim of such abuse or neglect and the alternative dispute resolution proceeding is conducted in a manner that ensures the safety of the victim and is conducted by a mediator that is certified ~~in~~ or ~~training~~ ed in domestic violence issues; or

(2) The Court has a reasonable basis to suspect abuse or neglect of a child or parent, then the Court must adjudicate the issue or issues under STC 9.8.

9.8.9. Pretrial Conferences. (a) A pretrial conference may be ordered at any time following the initial co-parenting plan hearing either upon a motion filed from one of the parents or within the discretion of the Court.

(b) The objectives of pretrial conferences include:

(1) Expedite the disposition of the litigation;

(2) Establish early and continuing case structure and management;

(3) Discourage wasteful pretrial activities;

(4) Improve the quality of trials by clarifying or narrowing the scope of the disputed issues;

(5) Facilitate the settlement of cases by including alternative dispute resolution procedures as appropriate.

(c) At any pretrial conference, the Court may:

(1) Formulate or simplify the issues including eliminating frivolous claims or defenses;

(2) Obtain admissions of facts, stipulations regarding authenticity of documents, and advanced rulings on the admissibility of evidence;

(3) Consider the appropriateness and timing of summary adjudication;

(4) Schedule discovery, including orders requiring disclosures;

(5) Identify witnesses and documents;

(6) Identify and dispose of pending motions;

(7) The need for adopting special procedures for managing difficult or protracted actions that involve complex issues, multiple parents, difficult legal questions, or unusual proof problems;

(8) Consideration of other matters that may facilitate the just, speedy, and inexpensive disposition of the disputed issues.

(d) The Court may order alternative dispute resolution proceedings.

(e) Any final pretrial conference will be held as close as practicable to the trial. The parents or their attorneys will formulate a plan for trial to include the facilitation of the admission of evidence, identification of exhibits, witnesses, or other matters pertaining to the trial.

(f) If a parent or a parent's attorney fails to appear, or is substantially unprepared to participate in the conference, then the Court may find the parent or parent's attorney in contempt.

9.8.10. Legal Decision Making Authority. (a) To the extent that the parents cannot agree on issues regarding joint decision-making, the Court may order:

(1) Joint legal decision-making authority to both parents;

(2) Joint legal decision-making authority to one parent if the parents are unable to agree and it is in the best interest of the child for only one parent to have such authority;

(3) Joint legal decision-making authority allocated issue by issue to one or both of the parents.

(b) If the Court orders joint legal decision-making without allocating final decision-making authority, then neither parent, without agreement of the other parent or order of the Court, may unilaterally change the child's:

(1) Educational arrangements;

(2) Religion;

(3) Health care or health care professionals; or

(4) Day care.

(c) The Court must specifically indicate which parent will receive benefits such as membership distributions that the child may receive as a member of the Suquamish Tribe, and which parent is responsible for filing income tax returns in the child's name if required by law. The Court may allocate or apportion between both parents.

(d) Both parents, absent a court order to the contrary, must have equal access to the child's educational, medical, or other records and neither parent may unreasonably withhold consent to provide access to the other parent.

9.8.11. Standards and Factors for Parenting Time and Responsibility. (a) If the parents cannot agree to issues relating to the parenting time and responsibility of a child, then the Court must determine such issues relating to parenting time and responsibility according to the best interests of the child. The Court must consider the factors:

(1) The abilities of each of the parents to meet the day to day needs of the child, which may include:

(i) Ensuring physical safety of the child;

(ii) Food;

(iii) Shelter;

(iv) Clothing;

(v) Medical, dental, and mental health; and

(vi) Education;

(2) The abilities of each of the parents to meet the child's developmental needs

which may include:

- (i) The child's sense of attachments, including where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel love, attachment, and a sense of being valued);
 - (ii) Socialization;
 - (iii) Culture;
 - (iv) Religion; and
 - (v) The child's need for permanence and stability;
- (3) The ability of each parent to:
- (i) Consider and act upon the needs of the child, as opposed to the needs or desires of the parent;
 - (ii) Protect the child from the adverse effects of the conflict between the parents;
and
 - (iii) Support relationships with the other parent, sibling, relatives, and other persons with a significant familial relationship;
- (4) The parents' ability to identify potential dangers and to protect a child;
- (5) Any evidence or exposure of the child to physical, emotional, or sexual abuse, or neglect;
- (6) The age and gender of each child;
- (7) Military deployment of a parent;
- (8) The child's adjustment to their home, school, and community compared to the plans of the parents to mitigate the inherent change to the child's home, school, and community with regards to a visitation plan;
- (9) Availability of extended family to assist in parenting time and responsibility tasks;
- (10) The mental and physical health of all persons involved;
- (11) Tribal affiliation of the parents and the child in so far as to promote the cultural connection between the child's tribe and the child including the child's tribes' way of life;

(12) Access to and the opportunity of the child to participate in Tribal cultural activities and the Tribal way of life;

(13) The Court may not consider a parent's employment status unless the Court finds that a parent's employment status creates a detriment to the child's physical, developmental or emotional needs; and

(14) The child's preference given the child's age, susceptibility of the child to manipulation. The Court may take testimony of the child in chambers or in a hearing under the procedures listed in STC 8.1.34.

(c) In deciding the allocation of parenting time and responsibility for a child between the parents, the Court may consider the following factors:

(1) Evidence of prior court orders or agreements between the parents, including agreements concerning the child's custodial arrangements or parental responsibilities of the child.

(2) The parental responsibilities and the particular parenting tasks customarily performed by each parent including:

(i) Tasks and responsibilities performed before the initiation of litigation;

(ii) Task and responsibilities performed during the pending litigation;

(iii) Tasks and responsibilities performed subsequent to previous orders of the Court;

(iv) The extent to which the parents' tasks will be performed by third parties; and

(v) The parties' proposals about how these tasks will be performed under a court order changing the parenting time or legal decision-making.

(3) The proximity of the parents' homes as it relates to their ability to coordinate parenting time, school, and activities.

(4) The relationship of the parents such as the ability of the parent to communicate with the other and the ability of the parent to co-parent the child without disruption to the child's social and school life.

(5) The extent to which either parent has initiated or engaged in frivolous or vexatious litigation.

(6) Other relevant factors in determining the best interest of the child in regards to their physical, developmental, and emotional needs.

(d) The Court must issue an order detailing its finding of fact and conclusions of law including its consideration of the factors it considered.

9.8.12. Restrictions on Decision Making or Parenting Time. (a) If the Court has reasonable grounds to believe a child has been abused or neglected by a parent in any proceeding that requires the Court to determine parenting time and responsibility or legal decision-making authority, then the Court must conduct additional proceedings to adjudicate abuse or neglect. The Court must stay the co-parenting proceedings during the pendency of such adjudication. The Court may utilize a guardian ad litem to assist the Court to investigate such claims.

(b) Precedence of Proceedings in Case of a Concurrent Domestic Violence Protective Order Case. If a parent seeks a protective order against the other parent under Chapter 5.12 STC, Domestic Violence Protection, then the Court must stay the co-parenting proceedings until after the protective order proceeding until final orders are issued in such matter. Temporary orders as to legal decision-making or parenting time may be issued in the other proceeding and will be binding until such times the matter results in final orders.

(c) If the Court finds on the preponderance of the evidence that abuse or neglect occurred, then the Court must presumably deny legal decision-making and/or parenting time of the offending parent unless the offending parent can rebut such presumption.

(d) A parent may overcome a presumption of a denial of legal decision-making and/or parenting time if that parent demonstrates clear and convincing evidence that such abuse or neglect is unlikely to occur or that a parent demonstrates clear and convincing evidence that supervised visitation arrangements will assure the safety and physiological, psychological, and emotional well-being of the child.

(e) A parent may never rebut a presumption of a denial of legal decision-making and/or parenting time if the parent's parental rights have been terminated under a final order under STC 8.3.8 or the Court finds clear and convincing evidence that the parent:

(1) Subjected the child to aggravated circumstances including but not limited to torture, chronic abuse, severe neglect or sexual assault;

(2) Committed, aided, abetted, attempted, conspired, or solicited deliberate or mitigated deliberate murder or manslaughter of a child or the sibling or parent of the child;

(3) Committed a felony violation of any provision of STC 7.5 against a child;

(4) Committed neglect of a child that resulted in serious bodily injury or death; or

(5) Had another child placed in permanent out-of-home placement and the parent

has failed to effect significant change in the interim so as to care for another child.

(f) The Court may make its findings based on the evidence presented by the parents, which may include testimony, documentary evidence, findings of a court of competent jurisdiction, or findings of a child protective agency.

(g). In adjudicating claims of abuse or neglect, the Court must consider evidence of abuse by a parent against the other parent of such parent's child, the parent's spouse, or any member of the parent's household subject to the parenting time and responsibility or legal decision-making authority of such parent.

(h) A parent with whom the child does not reside a majority of the time and whose parenting time and responsibility with the child is subject to limitations under this section may not seek expansion of parenting time and responsibility unless the Court finds clear and convincing evidence of a substantial change in circumstances such as completion of treatment, therapy, seminars, rehabilitation, or other services specifically related to the basis for the limitation.

(1) If a parent abandons the family, the abandoned spouse is entitled to sole legal decision-making and parenting time and responsibility over all children under the age of eight unless a court of competent jurisdiction shall otherwise direct.

9.8.13. Order Regarding Parenting Time or Responsibilities. (a) The following types of orders regarding legal decision-making and/or parenting time are:

(1) An automatic order issued at the commencement of a case that will inform the parents of the mandatory seminar and detail the rights and responsibilities of the parents while the co-parenting proceedings are pending.

(2) An Emergency Order. An emergency order may be issued immediately without notice and lasts until a hearing can be conducted.

(3) A Temporary Order. A temporary order may be issued after notice and a hearing is held and may last until the final order. A temporary order may follow an emergency order and address the same issues. A temporary order may also follow a motion to modify.

(4) A Final Order or Final Orders.

(b) A final order or orders may be issued by the Court in one order or in multiple individual orders so long as the cumulative parts cover all the elements of the co-parenting plan and any required findings of fact and conclusions of law.

(c) If the parents agree on a co-parenting plan, then the Court may enter the co-parenting plan as a final order. The findings of fact and issues of law may be limited to the jurisdictional statement, that the Court accepts the co-parenting plan as attached

and as incorporated by reference, and a statement that the Court will have continuing, exclusive jurisdiction over the case.

(d) If the parents cannot agree on an issue or issues, then the final order may be issued after the Court has adjudicated such contested issues. The final order or final orders must include the co-parenting plan and the Court's findings of fact and conclusions of law covering the relevant factors required by STC 9.8.10 and 9.8.11.

9.8.14. Emergency Temporary Legal Decision-Making and/or Parenting Time Order Without a Hearing. (a) The Court may enter an emergency temporary order as to legal decision-making and/or parenting time without a prior hearing only if a parent files a petition or motion supported by an affidavit that alleges immediate and irreparable injury, loss, or damage will result in harm to the parent or the child if the Court does not grant the emergency temporary order as to legal decision-making and/or parenting time.

(b) Such orders will be entered if the Court finds that an immediate and irreparable injury, loss, or damage will result in harm to the parent or the child if the court does not grant the emergency temporary order as to legal decision-making and/or parenting time that will last for 14 judicial days unless continued for good cause.

(c) The Court will schedule a hearing prior to the expiration of the emergency temporary order as to why the emergency temporary order should not be continued for longer than 14 judicial days after entry of such emergency temporary order. The Court may grant a temporary order if the responding party does not respond or if the Court finds that immediate and irreparable injury, loss, or damage will result in harm to the parent or the child if the Court does not grant temporary orders.

9.8.15. Temporary Orders for Decision Making or Parenting Time. (a) The Court may enter a temporary order as to legal decision-making and/or parenting time following the initial co-parenting plan hearing based on the evidence presented by the parents, or if a parent does not object or fails to appear, then the Court may issue it solely on the basis of the evidence presented by the petitioning parent.

(b) The Court may take judicial notice of the findings of fact and conclusions of law in other orders duly entered in other proceedings in the Suquamish Tribal Court.

(c) A temporary order may also be obtained through a protection order pursuant to STC Chapter 5.12.

9.8.16. Procedure to Modify or Enforce Orders. (a) To modify or enforce any type of order concerning legal decision-making or parenting time, a parent must file a motion requesting such modification or enforcement action. The relief sought in such motion must be supported by detailed facts sworn under the penalty of perjury that support the requested modification or enforcement. The parent must serve the other parent with a copy of the motion and any documents filed to support the motion.

(b) The Court must deny any motion to modify or enforce unless it finds adequate cause

to modify or enforce is established by the filed motion. If the Court finds the motion establishes adequate cause, then the Court must set a hearing on why the requested modification should not be granted. The Court Clerk will set the adequate cause hearing and send a notice of hearing to the parents at their last known address.

(c) The parent responding to the motion to modify or enforce may file his or her own motion supported by detailed facts as to why the Court should not grant the requested modification or enforcement action. The responding parent may file such responsive motion prior to the hearing or may present his or her evidence at the adequate cause hearing.

(d) If the Court, after the adequate cause hearing, finds adequate cause exists to modify or enforce a legal decision-making or parenting time order, then the Court will set the matter for an expedited trial to determine whether the grounds for granting a modification of a legal decision-making or parenting time order is met. However, the Court may grant a motion to modify or enforce a legal decision-making or parenting time order by default if the responding party, given notice, fails to defend at the adequate cause hearing.

(e) The Court may issue emergency temporary orders prior to a hearing if a motion to modify or enforce demonstrates an immediate or irreparable harm or injury of a child under STC 9.8.14 or pursuant to a protective order.

(f) The Court may sanction a parent seeking a modification or enforcement if the Court finds that such action is vexatious and constitutes harassment of the responding party.

(g) The parents may agree to modify the terms of a legal decision-making or parenting time order. If the parents file an agreed modification, then the Court may enter the terms into the record and issue a modified legal decision-making or parenting time order if the modified terms are in the best interest of the child. In making the best interest of the child determination, the Court may set a hearing.

(h) If the parents jointly present an agreed motion to modify with the terms to be modified at an ex parte docket, then the ex parte judge may enter such agreement into the record and issue a modified legal decision-making or parenting time order if the modification is in the best interest of the child. If the judge on the ex parte docket cannot make the best interest of the child determination, then the ex parte docket judge may set the case for a hearing].

9.8.17. Grounds for Granting a Modification of Orders. (a) The Court may modify an order on legal decision-making or parenting time if the moving party can prove that it is more likely than not that there is a substantial change in circumstances and that modification is in the best interest of the child.

(b) If a parent's legal decision-making or parenting time was restricted on a finding of abuse or neglect, then the Court may not expand legal decision-making or parenting

time unless the parent can demonstrate by clear and convincing evidence that the circumstances justifying such restriction have been satisfied. If the parent was required by a court order to complete evaluations, treatment, parenting classes, or other classes, then the parent must demonstrate completion of such court ordered requirements.

(c) A party may not file a motion to modify sooner than 180 days after an order regarding legal decision-making or parenting time order is entered absent extraordinary circumstances.

(d) "Extraordinary circumstances" means death, incapacitation, incarceration, or other sudden absence that renders one parent unable to perform parenting responsibilities, or the child's present environment may endanger the child's physical, mental, moral, or emotional health, or that domestic violence, abuse or neglect occurred since the entry of the legal decision-making or parenting time order.

9.8.18 Grounds for Granting Enforcement of an Order. (a) The Court may issue an order that enforces the terms of a legal decision-making or parenting time order if the moving party demonstrates that it is more likely than not that the other parent is not complying with provisions of the order.

(b) If the Court finds that a parent non-intentionally failed to comply with a legal decision-making or parenting time order, then the Court may assist the parent to become in compliance with the order. The Court's assistance may include explaining the order, modifying terms of a legal decision-making or parenting time order that are impractical or vague, or other actions as appropriate in the Court's discretion including a permanent modification of legal decision-making or parenting time order.

(c) If the Court finds that a parent intentionally failed to comply with the order, then the Court may find that the parent is in contempt of Court. The Court may use any sanction available under law or equity following a finding of contempt of Court as long as such sanction is in the best interest of the child.

9.8.19. Relocation. (a) When entering or modifying a court order, the Court has the authority to allow or not allow a person to relocate the child.

(b) If the person with whom the child resides a majority of the time plans to relocate, that person shall give notice to every person entitled to court-ordered time with the child. 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 a child at risk. Failure to give the required notice may be grounds for sanctions, including contempt.

(c) A person entitled to time with a child under a court order can file an objection to the child's relocation whether or not they received proper notice. The objection must be served on all persons entitled to time with the child. The relocating person shall not move the child during the time for objection unless: (1) the delayed notice provisions

apply; or (2) a court order allows the move.

(d) The notice of an intended relocation of the child must be given by personal service or any form of mail requiring a return receipt and:

(e) No less than 90 days before the date of the intended relocation of the child; or

(f) No more than five days after the date that the person knows the information required to be furnished under subsection (6) of this section, if the person did not know and could not reasonably have known the information in sufficient time to provide the 90 days' notice, and it is not reasonable to delay the relocation.

(g) The notice of intended relocation of the child must include:

(1) An address at which service of process may be accomplished during the period for objection;

(2) A brief statement of the specific reasons for the intended relocation of the child; and

(3) 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 co-parenting plan regarding parenting time and responsibility 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.

(h) The following information shall also be included in every notice of intended relocation of the child, if available:

(1) 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;

(2) The new mailing address, if different from the intended new residence address;

(3) The new home telephone number;

(4) The name and address of the child's new school and day care facility, if applicable;

(5) The date of the intended relocation of the child; and

(6) A proposal in the form of a proposed co-parenting plan for a revised parenting time and responsibility schedule or visitation with the child, if any.

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

(j) When the intended relocation of the child is within the school district in which the child currently resides the majority of the time, the person intending to relocate the child, in lieu of notice prescribed in subsections (4) and (5) of this section, may provide actual notice by any reasonable means to every other person entitled to residential time or visitation with the child under a court order. A person who is entitled to residential time or visitation with the child under a court order may not object to the intended relocation of the child within the school district in which the child currently resides the majority of the time, but they retain the right to move for modification.

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

(1) The required notice of an intended relocation of the child was not provided in a timely manner and the nonrelocating party was substantially prejudiced;

(2) The relocation of the child has occurred without agreement of the parties, court order, or the notice required by this section; or

(3) 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.

(l) The Court may grant a temporary order authorizing the intended relocation of the child pending final hearing if the Court finds:

(1) The required notice of an intended relocation of the child was provided in a timely manner or that the circumstances otherwise warrant issuance of a temporary order in the absence of compliance with the notice requirements and issues an order for a revised schedule for residential time with the child; and

(2) After examining the 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 approve the intended relocation of the child.

(m) 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 child may be permitted. A nonobjecting person may be entitled to the residential time or visitation with the child 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 their right to move for modification pursuant to this chapter.

(n) In determining whether to permit or restrain the relocation of the child, the Court shall make its decision in accordance with the best interests of the child. The Court shall consider all relevant factors including, but not limited to:

(1) The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life;

(2) Prior agreements of the parties;

(3) Whether disrupting the contact between the child and the person with whom the child resides a majority of the time would be more detrimental to the child than disrupting contact between the child and the person objecting to the relocation;

(4) Whether either parent or a person entitled to residential time with the child is subject to restrictions under this chapter;

(5) The reasons of each person for seeking or opposing the relocation and the good faith of each of the parties in requesting or opposing the relocation;

(6) The age, developmental stage, and needs of the child, and the likely impact the relocation or its prevention will have on the child's physical, educational, cultural, and emotional development, taking into consideration any special needs of the child;

(7) The quality of life, resources, and opportunities available to the child and to the relocating party in the current and proposed geographic locations;

(8) The parent's plan for promoting and continuing the cultural relationship between the child and the Tribe;

(9) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent;

(10) The alternatives to relocation and whether it is feasible and desirable for the other party to relocate also; and

(11) The financial impact and logistics of the relocation or its prevention.

(o) In determining whether to permit or restrain the relocation of the child, the Court may not admit evidence on the issue of whether the person seeking to relocate the child will

forgo their own relocation if the child's relocation is not permitted or whether the person opposing relocation will also relocate if the child's relocation is permitted. The Court may admit and consider such evidence after it makes the decision to allow or restrain relocation of the child and other issues of parenting time and responsibility or legal decision-making remain before the Court, such as what, if any, modifications to the parenting plan are appropriate and who the child will reside with the majority of the time if the Court has denied relocation of the child and the person is relocating without the child.

(p) A court may not restrict the right of a parent to relocate the child when the sole objection to the relocation is from a third party, unless that third party is entitled to residential time or visitation under a court order.

(q) The Court may sanction a party if it finds that a proposal to relocate the child or an objection to an intended relocation or proposed revised residential schedule was made to harass a person, to interfere in bad faith with the relationship between the child and another person entitled to residential time or visitation with the child, or to unnecessarily delay or needlessly increase the cost of litigation.

9.8.20. Military Service. (a) If the parent with whom the child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the military that involve moving a substantial distance away from the parent's residence or otherwise would have a material effect on the parent's ability to exercise parenting functions and primary placement responsibilities, then:

(1) Any temporary order as to parenting time and responsibility or legal decision-making for the child during the parent's absence shall end no later than 10 days after the returning parent provides notice to the temporary custodian, but shall not impair the discretion of the Court to conduct an expedited or emergency hearing for resolution of the child's residential placement upon return of the parent and within 10 days of the filing of a motion alleging an immediate danger of irreparable harm to the child. If a motion alleging immediate danger has not been filed, the motion for an order restoring the previous residential schedule shall be granted; and

(2) The temporary duty, activation, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer residential placement from the parent who is a military service member.

(b) If a parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the Court may delegate the military parent's residential time or visitation rights, or a portion thereof, to a child's family member, including a stepparent, or another person other than a parent, with a close and substantial relationship to the minor child for the duration of the military

parent's absence, if delegating residential time or visitation rights is in the child's best interest. The Court may not permit the delegation of residential time or visitation rights to a person who would be subject to limitations on residential time under STC 9.8.11 or STC 9.8.12. The parties shall attempt to resolve disputes regarding delegation of residential time or visitation rights through the dispute resolution process specified in their parenting plan, unless excused by the Court for good cause shown. Such a court-ordered temporary delegation of a military parent's residential time or visitation rights does not create separate rights to residential time or visitation for a person other than a parent.

9.8.21. Third Party Visitation Rights. (a) Any relative or person with a significant familial relationship to the child may petition the Court for visitation rights at any time including, but not limited to, co-parenting plan proceedings.

(b) Any relative or person with a significant familial relationship to the child may be granted reasonable visitation rights unless the Court finds, after a hearing, that visitation would endanger the child's physical, mental, or emotional health or that it otherwise would not be in the best interest of the child. The Court may order visitation rights for any person with a significant familial relationship when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(c) The Court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child but the Court will not restrict a parent's, guardian's, sibling's, or grandparent's visitation rights unless it finds that the visitation would endanger the child's physical, mental, or emotional health.

9.8.22 Child Support. (a) The Court may order temporary child support in a co-parenting plan proceeding. The Court may order a final child support order if such order is based on a Suquamish Child Support Program recommendation consistent with the Suquamish Tribe Paternity and Child Support Codes.

9.8.23. Court-Appointed Attorney to Represent Interests of Child. (a) The Court may appoint an attorney to represent the interests of a minor or dependent child with respect to the child's custody, support, and visitation.

(b) The Court will enter an order for costs, fees, and disbursements in favor of the child's attorney. The order must be made against either or both parents, except that, if both parents are indigent, the costs, fees, and disbursements may be borne by the Tribe, provided sufficient funds are available.

9.8.24 Payment of Costs and Attorney's Fees. (a) The Court from time to time after considering the financial resources of both parties may order a party to pay a reasonable amount for the cost to the other party for maintaining or defending any proceeding under this code and for reasonable counsel or attorney's fees or other professional fees in connection therewith, including sums for legal services rendered and costs

