

Enforcing Your Parenting Plan

Waiver: These instructions and forms are just information. They are not legal advice.

Legal advice depends on the specific circumstances of each situation. The information contained in this document is not guaranteed to be up to date. The information cannot replace the advice of an attorney licensed to practice law.

What forms will I need to enforce my parenting plan?

You will need to fill out and file the following forms:

- Motion for Show Cause Hearing; and
- Supporting Affidavit

The **Motion for Show Cause Hearing** asks the court to set a show cause hearing for the other parent to appear and explain to the court why he or she has failed to follow the court-ordered parenting plan.

The **Supporting Affidavit** tells the court why you need help enforcing your parenting plan. It explains how the other parent has failed to follow your final parenting plan.

What words do I need to know?

Petitioner- A Petitioner is someone who files an action in court. The parent that filed the first action for divorce or parenting plan is the Petitioner.

Respondent- A Respondent is someone who has been filed against in court. The parent that was filed against in the first action for divorce or parenting plan is the Respondent.

Moving Party- The Moving Party is the parent who wants to enforce the current parenting plan. You are the Moving Party.

Non-moving Party- The Non-moving Party is the parent who does not file forms to enforce the current parenting plan. The other parent is the Non-moving Party.

What do I do with the forms?

- 1 Fill out the forms.
 - Fill out all the blanks on the Motion for Show Cause Hearing and Supporting Affidavit.
 - Sign and date your Motion. Your Supporting Affidavit must be signed and dated in front of a Notary Public.
- 2 Make copies.
 - Make at least two copies of each of your forms once you have them filled out.
- 3 File forms at the Tribal Court.
 - Go to the Clerk of Tribal Court's office. File your original Motion and Supporting Affidavit with the Clerk.
 - If you cannot afford the filing fees, ask the Clerk for a fee waiver application.
 - Give your copies to the Clerk and ask her to stamp them as "Filed." Keep the copies in a safe place.
- 4 Mail a copy to the other parent.
 - Send a copy of your completed Motion and Supporting Affidavit to the other parent by U.S. mail, postage prepaid. You do not have to send the forms by certified mail.
- 5 Wait for the Order Setting Show Cause Hearing.
 - The Court will likely set a hearing date and issue an Order Setting Show Cause Hearing. The Clerk will mail you a copy.
- 6 Go to your hearing.
 - Bring your stamped copies of the papers you filed with the Court.
 - Arrive at Court at least 15 minutes before your scheduled hearing and check in with the Clerk. Dress like you were going to an important job interview.
 - Be prepared to explain how the other parent has failed to follow the parenting plan and answer any questions the judge might have.

Where can I get more information?

The Laws of the Confederated Salish and Kootenai Tribes contain the law on filing civil cases. The laws concerning jurisdiction over children can be found in Title III, Chapter 2. CSKT Laws Codified can be found online at www.cskt.org/gov/court-triballawcode.htm

Your Name

Your Mailing Address

City State Zip

Your Telephone Number

Petitioner/ Respondent

**IN THE TRIBAL COURT OF THE CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION, PABLO, MONTANA**

IN RE THE CUSTODY OF)

_____,)

_____,)

Minor Child(ren),)

_____,)

Petitioner,)

and)

_____,)

Respondent.)

Cause No. _____

**MOTION FOR SHOW CAUSE
HEARING**

I am asking this Court to order a show cause hearing for the other parent to appear and explain why he or she has failed to follow the parenting plan ordered by this Court on

_____ (Date your Parenting Plan was ordered.)

1. Parties

Petitioner (The parent who originally filed the action is the Petitioner):

1. Your Name: _____
2. Date of Birth: _____
3. Address: _____

Respondent (*The parent who did not file the original action is the Respondent*):

1. Name: _____
2. Date of Birth: _____
3. Address: _____

Child(ren)

We have _____ (# of children) children under the age of 18.

1. Name(s): _____
2. Date(s) of Birth: _____

2. Prior Parenting Plan

This Court ordered a Final Parenting Plan for our children on _____
(*mm/dd/yyyy*).

3. Other Parent's Notice of Parenting Plan

The other parent knows about the Final Parenting Plan ordered by this Court because:

(*Choose all that apply.*)

- The other parent was in Court when the Order was made.
- The other parent was given a copy of the Order.
- The other parent followed the Order in the past. This shows that the other parent knew about the Order.
- The other parent knew about the Order because:

_____.

4. Failure to Follow Plan

The other parent has failed to follow our Parenting Plan. I explain the other parent's failure to follow our Parenting Plan in my Supporting Affidavit, which I am filing with this Motion.

I respectfully ask this Court to:

1. Schedule a Show Cause Hearing and order the other parent to appear and explain why he or she has failed to follow our Parenting Plan and why he or she should not be held in contempt of Court for this failure; and
2. For such other and further relief as the Court may deem just and proper.

DATED this _____ day of _____, 20_____.

Signed: _____
 Petitioner/ Respondent

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I sent a true and correct copy of the foregoing Motion by U.S. Mail, postage prepaid, to the following parties:

(Other Parent's Address): _____

 Petitioner/ Respondent

Your Name

Your Mailing Address

City State Zip

Your Telephone Number

Petitioner/ Respondent

**IN THE TRIBAL COURT OF THE CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION, PABLO, MONTANA**

IN RE THE CUSTODY OF)

_____,)

_____,)

Minor Child(ren),)

_____,)

Petitioner,)

and)

_____,)

Respondent.)

Cause No. _____

SUPPORTING AFFIDAVIT

I, _____, do hereby swear and declare that

the following is true and correct to the best of my knowledge, information and belief:

1. This Affidavit is in support of my Motion for Show Cause Hearing.
2. The other parent has failed to follow our Parenting Plan in the following ways:

