

## KALISPEL TRIBAL COURT

In re the Marriage of:

and

Petitioner,

Respondent.

No.

**Findings of Fact and  
Conclusions of Law  
(Marriage)  
(FNFCL)**

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### I. Basis for Findings

The findings are based on:

- agreement.
- an order of default signed by the court on this date or dated \_\_\_\_\_.
- trial. The following people attended:
  - Petitioner.
  - Petitioner's Lawyer.
  - Respondent.
  - Respondent's Lawyer.
  - Other:

### II. Findings of Fact

Upon the basis of the court records, the court ***Finds:***

#### 2.1 Residency of Petitioner

The Petitioner

- is a resident of the state of Washington.
- is not a resident of the state of Washington.
- is a member of the armed forces and has been stationed in this state for at least 90 days.

**2.2 Notice to the Respondent**

The respondent

- appeared, responded or joined in the petition.
- was served in the following manner:

**2.3 Basis of Personal Jurisdiction Over the Respondent**

- There are no facts to establish personal jurisdiction over the respondent.
- The facts below establish personal jurisdiction over the respondent.
  - The respondent is currently residing in Washington.
  - The parties lived in Washington during their marriage and the petitioner continues to reside, or be a member of the armed forces stationed, in this state.
  - The parties may have conceived a child while within Washington.
  - Other:

**2.4 Date and Place of Marriage**

The parties were married on (date) \_\_\_\_\_ at  
(city and state only) \_\_\_\_\_.

**2.5 Status of the Parties**

Husband and wife separated on (date) \_\_\_\_\_.

**2.6 Status of Marriage**

- The marriage is irretrievably broken and at least 90 days have elapsed since the date the petition was filed and since the date the summons was served or the respondent joined.
- The petitioner wishes to be legally separated.
- The petitioner is petitioning for a declaration concerning the invalidity of the marriage. The court **finds** the following facts concerning the validity of the marriage:

**2.7 Separation Contract or Prenuptial Agreement**

- There is no written separation contract or prenuptial agreement.
- A written separation contract or prenuptial agreement was executed on (date) \_\_\_\_\_ and is incorporated herein.
- The separation contract or prenuptial agreement should be approved.
- The separation contract or prenuptial agreement should not be approved because:
  
- Other:

**2.8 Community Property**

- The parties do not have real or personal community property.
- The parties have real or personal community property as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The parties have real or personal community property as set forth in the separation contract or prenuptial agreement referenced above.
- The parties have the following real or personal community property:
  
- Other:

**2.9 Separate Property**

- The husband has no real or personal separate property.
- The wife has no real or personal separate property.
- The parties have separate property as set forth in the separation contract or prenuptial agreement referenced above.
- The husband has real or personal separate property as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The wife has real or personal separate property as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.
  
- The husband has the following real or personal separate property:

The wife has the following real or personal separate property:

Other:

## 2.10 Community Liabilities

- There are no known community liabilities.
- The parties have incurred community liabilities as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The parties have community liabilities as set forth in the separation contract or prenuptial agreement referenced above.
- The parties have incurred the following community liabilities:

<u>Creditor</u>	<u>Amount</u>
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Other:

## 2.11 Separate Liabilities

- The husband has no known separate liabilities.
- The wife has no known separate liabilities.
- The husband has incurred separate liabilities as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The parties have separate liabilities as set forth in the separation contract or prenuptial agreement referenced above.

The wife has incurred separate liabilities as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.

The husband has incurred the following separate liabilities:

<u>Creditor</u>	<u>Amount</u>
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The wife has incurred the following separate liabilities:

<u>Creditor</u>	<u>Amount</u>
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Other:

## **2.12 Maintenance**

Maintenance was not requested.

Maintenance shall be paid as set forth in the separation contract or prenuptial agreement referenced above.

Maintenance should not be ordered because:

Maintenance should be ordered because:

Other:

## **2.13 Continuing Restraining Order**

Does not apply.

A continuing restraining order against the  husband  wife  both parties is necessary because:

Other:

## 2.14 Protection Order

Does not apply.

The  domestic violence  antiharassment Order for Protection signed by the court on this date or dated \_\_\_\_\_, is approved and incorporated as part of these findings.

## 2.15 Fees and Costs

There is no award of fees or costs.

Attorney fees, other professional fees and costs shall be paid as set forth in the separation contract or prenuptial agreement referenced above.

The  husband  wife has the need for the payment of fees and costs and the other spouse has the ability to pay these fees and costs. The  husband  wife has incurred reasonable attorney fees and costs in the amount of \$\_\_\_\_\_.

Other:

## 2.16 Pregnancy

The wife is not pregnant.

The wife is pregnant. **Note: Under KLOC 8 and RCW 26.26.116, the husband is the presumed father. If husband or wife believes the husband is not the father, this presumption may be challenged up to two years after the birth of the child or as otherwise provided in RCW 26.26.500 through 26.26.625.**

Other:

## 2.17 Dependent Children

The parties have no dependent children of this marriage.

The children listed below are dependent upon either or both spouses.

<u>Name of Child</u>	<u>Age</u>	<u>Mother's Name</u>	<u>Father's Name</u>
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Other:

## 2.18 Jurisdiction Over the Children

- Does not apply because there are no dependent children.
- This court does not have jurisdiction over the children.
- This court has jurisdiction over the children for the reasons set forth below.
  - This court has exclusive continuing jurisdiction. The court has previously made a child custody, parenting plan, residential schedule or visitation determination in this matter and retains jurisdiction under KLOC 8 and RCW 26.27.211.
  - This state is the home state of the children because:
    - the children lived in Washington with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of this proceeding.
    - the children are less than six months old and have lived in Washington with a parent or a person acting as parent since birth.
    - any absences from Washington have been only temporary.
    - Washington was the home state of the children within six months before the commencement of this proceeding and the children are absent from the state but a parent or person acting as a parent continued to live in this state.
  - The children and the parents or the children and at least one parent or person acting as a parent, have significant connection with the state other than mere physical presence; and substantial evidence is available in this state concerning the children's care, protection, training and personal relationships; and
    - the children have no home state elsewhere.
    - the children's home state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under KLOC 8 and RCW 6.27.261 or .271.
  - All courts in the children's home state have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the children under KLOC 8 and RCW 26.27.261 or .271.
  - No other state has jurisdiction.
  - This court has temporary emergency jurisdiction over this proceeding because the children are present in this state and the children have been abandoned or it is necessary in an emergency to protect the children because the children, or a sibling or parent of the children is subjected to or threatened with abuse. KLOC 8 and RCW 26.27.231.
    - There is a previous custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state having jurisdiction under KLOC 8 and RCW 26.27.201 through 26.27.221. The requirements of KLOC 8 and RCW

26.27.231(3) apply to this matter. This state's jurisdiction over the children shall last until (date) \_\_\_\_\_.

There is no previous custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under KLOC 8 and RCW 26.27.201 through 26.27.221. If an action is not filed in (potential home state) \_\_\_\_\_ by the time the child has been in Washington for six months, (date) \_\_\_\_\_, then Washington's jurisdiction will be final and continuing.

Other:

## 2.19 Parenting Plan

Does not apply.

The parenting plan signed by the court on this date or dated \_\_\_\_\_, is approved and incorporated as part of these findings.

This parenting plan is the result of an agreement of the parties.

Other:

## 2.20 Child Support

Does not apply.

There are children in need of support and child support should be set pursuant to the Washington State Child Support Schedule. The Order of Child Support signed by the court on this date or dated \_\_\_\_\_, and the child support worksheet, which has been approved by the court, are incorporated by reference in these findings.

Other:

## 2.21 Other



### III. Conclusions of Law

The court makes the following conclusions of law from the foregoing findings of fact:

#### 3.1 Jurisdiction

- The court has jurisdiction to enter a decree in this matter.
- Other:

#### 3.2 Granting a Decree

- The parties should be granted a decree.
- Other:

#### 3.3 Pregnancy

- Does not apply.
- The wife is pregnant. Any challenge to the husband's presumed paternity shall be initiated by: 1) signing and filing a valid denial of paternity and a valid acknowledgement of paternity under KLOC 8 and RCW 26.26.300 through 26.26.375; or, 2) a proceeding to determine the parentage of the unborn child under KLOC 8 and RCW 26.26.500 through 26.26.625.

#### 3.4 Disposition

The court should determine the marital status of the parties, make provision for a parenting plan for any minor children of the marriage, make provision for the support of any minor child of the marriage entitled to support, consider or approve provision for maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders, and make provision for the change of name of any party. The distribution of property and liabilities as set forth in the decree is fair and equitable.

#### 3.5 Continuing Restraining Order

- Does not apply.
- A continuing restraining order should be entered.

#### 3.6 Protection Order

- Does not apply.
- A  domestic violence  antiharassment Order for Protection should be entered.

