



Family Law Forms

Custody & Parenting Time

Initiate a Custody and Parenting Time Case

Step 1: Start Your Case

To begin a custody case, complete the following forms. Make sure all forms are filled out completely and accurately.

1. **CU-100 – Petition to Establish Custody and Parenting Time**
 - This is the main form to request custody and visitation.
 - Include details about each child, their tribal affiliation, and where they've lived.
2. **CU-101 – Declaration re: Address History of Additional Children**
 - Use this if you have more than one child.
3. **CU-102 – Proposed Parenting Plan**
 - Fill out this form to describe your preferred custody and visitation schedule.
 - This plan helps the court understand what you believe is best for your children.
4. **FL-150 – Family Law Summons**
 - Fill out this form to officially notify the other parent that a custody case has been filed.

Step 2: File Your Forms

1. Make 2 copies of each completed form:
 - One copy is for your records.
 - One copy must be served on the other parent.
 - The original will be filed with the Court.
2. Submit to the Yurok Tribal Court. Bring the original forms and both copies to the Court Clerk for filing.
3. Pay the filing fee or request a fee waiver (if eligible).

Step 3: Serve the Other Parent

1. A person 18 or older who is not a part of the case must personally serve or deliver the forms to the other parent.
2. Include blank copies of:
 - **CU-105 – Response to Petition**
 - **CU-102 – Proposed Parenting Plan**
3. File the Proof of Service with the Court.

Step 4: Attend the Hearing

1. The court will schedule a hearing after the forms are filed, served, and a proof of service has been filed with the Court.
2. Bring copies of all filed forms and any evidence you may want the judge to consider to your hearing.
3. At the hearing, the judge may
 - o Issue a **CU-120 – Final Custody Order**
 - Attachments may include:
 - **CU-125 – Custody & Parenting Time Plan**
 - o Order both parties to attend mediation to try and resolve some or part of the issues outside of court.
 - o Set the case for trial if more time is needed to present evidence or bring witnesses.

Request for Temporary Emergency Orders (if needed)

If urgent custody decisions are needed before a full hearing, such as in cases of immediate risk or emergency, follow these steps:

1. Filing requirements based on custody status.
 - o If no custody case exists you must submit a **CU-100 Petition** along with your request for emergency orders.
 - o If a Custody case has already been established complete. Complete and file the following forms:
 - **CU-310 – Request for Emergency Orders**
 - **CU-109 – Temporary Emergency Custody Order** (complete section 1 only)
2. Court Review
 - o A Judge will review your request.
 - o If approved, the judge will issue a **Temporary Emergency Order** that remains in effect until the full hearing.
 - o If denied, the judge may still schedule a hearing to review the matter.
3. Serve the Other Parent:
 - o Whether the order is granted or denied, you must:
 - Serve the **CU-310 Request** and the **CU-109 Order** on the other parent along with a blank **CU-315 Response**.
 - File the **Proof of Service** with the Clerk's Office before the hearing.
 - o Failure to properly serve documents may result in the hearing being postponed or the case being dismissed.
4. Response from the Other Parent:
 - o The other parent may respond using:

- **CU-315 – Response to Emergency Orders**
 - They must also serve their response and file a **Proof of Service**.
- 5. Attend the Hearing
 - Be prepared to present your case and any supporting evidence at your hearing.
- 6. After the Hearing:
 - The judge may:
 - Issue new custody orders.
 - Keep the temporary orders in place
 - Schedule a trial if either party requests more time to prepare evidence or bring witnesses.

Request for Supervised Visitation (if needed)

Upon request from either parent the Court may issue a **Supervised Parenting Time Order**. This Order is typically attached to:

- **CU-109 Temporary Custody Order**
- **CU-125 Custody Order**
- **CU-320 Order After Hearing Regarding Modification**

To Request Supervised Visitation

1. Submit a blank **CU-130 Order for Supervised Parenting Time**
2. This request can accompany:
 - a. **CU-310 Temporary Custody Request**
 - b. **CU-100 Petition to Establish Custody**
 - c. **CU-300 Modification of Custody**

Requesting Child Support

If you are requesting child support as part of your custody case, please note:

- **Child Support is a separate legal case from Child Custody**
- You can request child support either:
 - As part of your initial **Petition**, or
 - Separately, at any time after your custody case has been started.

If requesting child support in the **Petition**:

- On Item #9 of the Petition, select: “No, I am asking the court to establish child support”

To initiate a Child Support case, you must submit:

1. **An Application for Yurok Child Support Services**
2. **Form FL-150 Income and Expense Declaration**

These forms are required to begin the child support process.

Agreement Between Parties

If both parties agree:

1. Complete **CU-100 Petition** unless a custody case has already been initiated.
2. Both parents will need to complete and sign the
 - o **CU-108 – Stipulation to Establish Custody & Parenting Time**
3. Attach a blank **CU-110 – Order re Stipulation**. The Court will fill out and sign the rest.
This can be done without having to go to hearing.

A Mediator can assist you with these forms and drafting your agreement.

Modify an Existing Order

If you need to change your current custody or parenting time plan, you'll need to show the court that something significant has changed in your situation or your child's life. The court will only approve a modification if this change affects your child's well-being and the new plan is in their best interest.

Examples of changes include relocation, health or safety concerns, or a history of domestic violence. If both parents agree to a change, the court must still review and approve it.

1. Complete the following form:
 - o **CU-300 – Request for Modification**
2. Serve the Other Parent
 - o Have someone 18 or older (not involved in the case) serve the **CU-300** along with a blank **CU-305 – Response to Request for Modification** on the other parent.
 - o After serving, file the completed CU-300 and the Proof of Service with the court.
3. Receive Notice of Hearing:
 - o Once filed, the Court Clerk will issue a **Notice of Hearing** with the date and time of your court appearance.
4. Response from the Other Parent:
 - o The other party should complete **CU-305 – Response to Request for Modification**.
 - o They should serve their response and file it with the court along with their proof of service before the hearing.
5. Court Decision
 - o After the hearing, the court may issue
 - **CU-320 – Order After Hearing Re: Modification**

Third-Party Visitation (e.g., grandparents):

If someone other than a parent, such as a grandparent, stepparent, or extended family member, wants visitations rights, they must show that the visitation is in the child's best interest and consistent with Yurok community standards.

To request visitation:

- The custody case must already be filed in Yurok Tribal Court, and
- There must not be an active custody case in another jurisdiction (such as a state or another tribal court).

Steps to Request Visitation:

1. Complete and file the Petition
 - Fill out **CU-400 – Petition for Visitation of a Minor Child**
 - File the completed petition with the Clerk's Office at Yurok Tribal Court.
2. Serve the Parents:
 - Have the petition **personally served** on both parents by someone 18 or older who is not involved in the case.
 - After serving, file the **Proof of Service** with the Clerk's Office.
3. Parent's Response:
 - Each parent may respond using:
 - **CU-405 – Response to Petition**
4. Court Review and Hearing:
 - The court will review the petition and response(s).
 - A hearing will be scheduled where all parties can present their positions.
5. Court Decision
 - After the hearing, the judge may issue
 - **CU-420 Order After Hearing Re: Visitation**