



**IN THE FAMILY COURT FOR  
SMITH RIVER RANCHERIA**

**INSTRUCTIONS FOR  
DISSOLUTION  
PACKET- PETITIONER**

Rev 02/09

Court Address  
P.O. Box 992, Smith River, CA 95567-9525

Court telephone no.  
(707) 487-6425

If you are **FILING** for Dissolution (Divorce):

1. You are the **PETITIONER**. Your spouse is the **RESPONDENT**.
2. You **MUST** complete the following form: Petition for Dissolution
3. If you have minor children together, you will need to get the instructions and forms found in the **CHILD CUSTODY PACKET** (Including Petition for Parenting Plan; Declaration; Proposed Parenting Plan)
4. You may request that your physical address and phone number be withheld from the other side if you feel that you can prove you are in danger of harm from the other party should s/he know this information. You must still provide a mailing address so that the court and the other party can mail you necessary documents. You must complete a Motion for Restriction in Parenting Plan.
5. It costs \$75.00 to file for dissolution in the Smith River Rancheria Tribal Court. **THERE ARE NO FILING FEE WAIVERS.**
6. **YOU MUST MAKE A COPY OF ALL OF THE PAPERWORK THAT YOU COMPLETE.** If you do not have copies of your paperwork made when you come to file, the court clerk will charge you 20¢ a page to make a copy of your paperwork. The clerk will review your paperwork, file them if they are proper, and issue a **SUMMONS**.
7. You will need to serve your spouse with the Summons and a copy of everything you file with the court clerk. This means a person over 18 who is not a party to the case must personally hand the documents to your spouse, then must file a **PROOF OF SERVICE** (included in this packet) with the court within 60 days of issuance of the Summons. Failure to serve the Respondent and file a Proof of Service within this time frame will result in **DISMISSAL** of your case.
8. Your spouse will have the opportunity to respond to your Petition. A blank **RESPONSE** form and **INSTRUCTIONS FOR RESPONDENT** are in this packet, to be served on your spouse with the other paperwork.
9. The Smith River Rancheria Tribal Court applies Smith River Rancheria Tribal law in dissolution cases. **CALIFORNIA LAW DOES NOT APPLY IN TRIBAL COURT.** You can find the Smith River Rancheria Tribal dissolution provisions in the Domestic Relations Ordinance. You can review this code in any of the following ways:
  - a. Ask the court clerk if you can look at the code; or
  - b. Have the court clerk make a copy of the code, at the cost of 20¢ a page; or
  - c. Look on the Smith River Rancheria website: <http://www.tolowa-nsn.gov/>.
10. If you have children, the court's decision will be based on what is in the **best interests of the child**. In order for the court to order the terms requested in your parenting plan, you must be able to explain why your proposed plan is in your child(ren)'s best interest(s).
11. There is a 90-day waiting period before you may obtain your final Decree of Dissolution.