

KETCHIKAN INDIAN CORPORATION

ORDINANCE 3: DOMESTIC RELATIONS

PASSED BY MEMBERSHIP IN A REFERENDUM VOTE-JANUARY, 1994

SECTION 1: JURISDICTION

This code shall be applied in manner not inconsistent with the Constitution of the Ketchikan Indian Corporation (hereinafter: Tribe).

SECTION 2: PRIOR MARRIAGE AND POLICY

All marriages consummated before the effective date of this code, whether according to Tribal or other law or custom, are declared valid and binding. It is the declared policy of the Tribe to uphold the validity of marriages, where possible, when their validity is called into question.

SECTION 3: VALID MARRIAGES

03.1 RECOGNIZED MARRIAGES: A valid marriage recognized and given full faith and credit by the Tribal Court shall be constituted by any of the following:

- 03.01.1 Any marriage which is valid in the state where it was performed; or
- 03.01.2 any marriage which is performed in Indian Country and valid under that tribe's laws or customs; or
- 03.01.3 any marriage performed outside of the United States and valid under the Jaws or customs of the jurisdiction where it was performed; or
- 03.01.4 any marriage performed by judge of the Tribal Court pursuant to the procedures of this code outlined below.

SECTION 4: JURISDICTION AND LIMITATIONS

The Tribal Council shall have the power to perform marriages and divorces involving a Tribal Member or others within the Court's jurisdiction. However, it shall have the power to issue orders dividing property and awarding custody of children only where both parties to a divorce action file a signed agreement with the Court specifying property or child custody, related details of visitation rights, etc.

SECTION 5: VALID TRIBAL MARRIAGES

05.1 VALIDITY: For a marriage performed in Tribal Court to be valid, the following is required:

- 05.01.1 Both parties must be at least eighteen (18) years of age or have the written consent of their parents or guardian;
- 05.01.2 a filing fee of twenty-five dollars (\$25.00) must be paid to the court clerk;
- 05.01.3 each party must attest that he or she is not currently married;
- 05.01.4 the parties to be married cannot be ancestors and descendants of any degree, or stepfather and stepdaughter, or stepmother and stepson, or brother and sister, or aunt and nephew, or uncle and niece, or first cousins whether the relationship is of the half or whole blood, or of the same sex.
- 05.01.5 The court clerk shall issue a marriage license following the ceremony. Such license should issue within ten (10) days but the failure to do so within this time frame shall not affect the validity of the marriage.
- 05.01.6 The marriage must not violate tribal custom.

SECTION 6: ANNULMENT

- 6.1 WHEN APPLICABLE: Any marriage performed in Tribal Court may be annulled upon the application of either party for any of the following reasons:
 - 6.1.1 The marriage was the result of fraud or duress; or
 - 6.1.2 one of the parties was of unsound mind at the marriage was performed; or
 - 6.1.3 the marriage violated any of the requirements set forth in Section 5.
- 6.2 EFFECTS OF ANNULMENT ON CHILDREN: The legitimacy of children conceived or born prior to a judgement of annulment shall not be affected by the judgement. The judgement shall be conclusive only as against the parties to the action and those claiming under them.

SECTION 8: DIVORCE

- 08.1 REASON: A marriage may be dissolved by divorce in the Tribal Court for incompatibility of the parties for whatever reason.
- 08.2 PROCEDURES: Action brought under this code shall follow applicable rules in the Code of Civil Procedure. Where that code does not specify a mode of proceeding for actions brought under this code, any mode of proceeding may be followed which conforms to tribal law and practice.
- 08.3 CHANGE OF NAME: The court shall have the authority to enter an order changing the name of any person upon the petition of such person or upon the petition of the parents of a minor.

SECTION 9: SEVERABILITY

If any part of this Ordinance is held to be invalid, the remainder shall continue to be in full force and effect.

SECTION 10: REFERENDUM

Upon adoption of this Ordinance by the Ketchikan Indian Corporation Tribal Membership, this document may not be added to or in any way changed, except by the Tribal Members in a Referendum vote at the Annual Election.