

**WHITE EARTH BAND OF OJIBWE
TITLE VI
FAMILY RELATIONS CODE**

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CHAPTER 1: GENERAL PROVISIONS

§1.01 Short Title

This Title shall be entitled “The Family Relations Code.”

§1.02 Purpose

1. The Family Relations Code shall be liberally interpreted and construed to fulfill the following expressed purposes:
 - a. To regulate the civil contract of marriage.
 - b. To promote the rights and fair treatment of the parties and their child(ren) under the provisions of this code.
 - c. To regulate the division of property owned by the parties during the marriage.

§1.03 General Definitions

1. The following definitions shall be used for words within this entire Title.
 - a. Adult: A person eighteen (18) years old, or otherwise emancipated by order of a court of competent jurisdiction.
 - b. Child: A person who is less than eighteen (18) years of age.
 - c. Civil: Relating to the rights of private individuals and to legal proceedings involving these rights as distinguished from criminal, military, or international courts, proceedings, or rules.
 - d. Indian: Any person who is a member or is eligible to become a member of a federally recognized Indian tribe, band or community, or Alaska Natives.
 - e. Moving Party: Any party who motions the Tribal Court to change an existing order.
 - f. Petitioner: The party who initially files a petition with the Tribal Court.
 - g. Reservation: The land reserved to the White Earth Band of Ojibwe as recognized under the 1867 Treaty of Washington between the Mississippi Band of Chippewa Indians and the United States, 16 Stat. 719, including all lands which are now or in the future located within the exterior boundaries of the aforementioned treaty; any and all land held in trust for the Tribe by the United States; and all other land considered “Indian Country,” as defined by 18 U.S.C. §1151, that is associated with the Tribe.
 - h. Respondent: The party against whom the initial petition is filed.
 - i. Reservation Business Council/Tribal Council: The governing body of the White Earth Band of Ojibwe.
 - j. Tribal Court: The Tribal Court of the White Earth Band of Ojibwe.

§1.04 Repeal and Replace

1. Approval of this Code by the White Earth Reservation Business Council shall repeal and replace Title 6 “The Marriage Code” and Title 6A “The Family Relations Code” signed into law on September 6, 2001.
2. Custody petitions shall be filed under this code, and not under “The Child/Family Protection Code.”
3. Enactment of this Code does not void any prior Court Order made under the former codes.

CHAPTER 2: MARRIAGE

§2.01 Definitions

1. The following definitions shall be used for the following words within this chapter:
 - a. Contract: A writing or document containing a legally enforceable agreement between two or more parties.
 - b. Holy person: A person who is recognized and acknowledged by the tribal community as a spiritual person and/or organized religion.
 - c. Marriage Certificate: A written document providing proof of the marriage.
 - d. Marriage License: A document that is obtained before the ceremony that authorizes the marriage.
 - e. Solemnize: To perform with formal ceremonies or rites.

§2.02 Jurisdiction

1. The Tribal Court shall have jurisdiction to conduct or certify a marriage in any of the following circumstances:
 - a. A party to the marriage is an enrolled member of the White Earth Band of Ojibwe,
 - b. A party to the marriage lives within the exterior boundaries of the White Earth Reservation, or
 - c. Two parties agree to subject themselves to the jurisdiction of the Tribal Court for the purpose of entering into a marriage contract.
2. This section is to be construed liberally to exercise maximum jurisdiction consistent with applicable tribal, state, and federal law.

§2.03 Valid Marriages

1. Marriage Contract:
 - a. A valid marriage is a civil contract between two persons, to which the consent of the parties, capable in law of contracting, is essential.
 - b. Marriage may be contracted only after a license has been obtained, and only after the marriage is contracted in the presence of two (2) witnesses and solemnized by

one who is authorized, or by one who either party or both parties in good faith believes to be authorized.

2. Common Law Marriage:
 - a. The White Earth Band of Ojibwe does recognize common law marriages.
 - b. A common law marriage is one in which two persons who are capable of contracting have:
 - i. Cohabitated together for at least seven (7) years.
 - ii. Have held themselves out as married and have otherwise behaved as if they were married.
3. Persons Capable of Contracting:
 - a. Every person who has attained the full age of eighteen (18) years is capable of contracting marriage, if otherwise competent.
2. *Persons Who May Perform Marriages*: Marriages can be solemnized by:
 - a. Any judge of court record of the White Earth Band of Ojibwe Tribal Court;
 - b. A licensed or ordained minister of any religious denomination; or
 - c. A holy person chosen by the parties to the marriage.

§2.04 Prohibited Marriages

1. The following marriages are prohibited and will not be recognized by the White Earth Band of Ojibwe:
 - a. A marriage entered into before the dissolution of an earlier marriage becomes final.
 - b. A marriage between an ancestor and descendant who are closer than second cousins, regardless of whether the relationship is by half or whole blood.
 - c. A marriage entered into by persons who have been found legally incompetent or incapable of contracting in a marriage.

§2.05 License

1. A license shall be obtained from the Tribal Court before the marriage ceremony is performed by an authorized person.
2. *Application for License*: An application for marriage shall contain the following information:
 - a. The full names and the sex of each party;
 - b. The current mailing address of each party;
 - c. The parties' dates of birth;
 - d. If either party has been previously married, the party's married name and the date, place, and court in which the marriage was dissolved or annulled or proof of death of former spouse;

- e. If either party is a minor, the name and address of the minor's parents or guardian; and their written consent.
 - f. The address of the parties after the marriage to which the Tribal Court shall send a certified copy of the marriage certificate; and
 - g. The tribal membership status of the parties with the White Earth Band of Ojibwe or any other federally recognized tribe, if any.
3. Term of License and Fee:
- a. After the Tribal Court has examined the marriage application and no legal impediments were found; the Tribal Court shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with Tribal Court seal attached, and make a record of the date of issuance.
 - b. The license is valid for six (6) months.
 - c. If the license is not used within the six (6) months due to illness or other extenuating circumstances, it may be surrendered to the Tribal Court and a new license will be issued at no additional cost.
 - d. The Clerk of Court shall collect an application fee for the issuing, recording, and filing of all papers required.

§2.06 Marriage Certificate

- 1. The person solemnizing a marriage shall prepare and sign three (3) certificates containing the full names before and after the marriage, the county and state of residence of both parties, and the date and place of marriage.
- 2. Each certificate shall contain the signatures of at least two (2) witnesses who are at least eighteen (18) years of age.
- 3. The person solemnizing the marriage shall give one copy to the Tribal Court administrator and a copy to each party.
- 4. Every person who solemnizes a marriage and neglects to deliver the certificate to the Tribal Court recorder within five (5) days of the ceremony may be brought before the Tribal Court to show cause.

CHAPTER 3: DISSOLUTION OF MARRIAGE

§3.01 Definitions

- 1. The following definitions shall be used for the following words within this chapter:
 - a. Alimony: Support or maintenance that one spouse pays another after they have been separated or divorced.
 - a. Annulment: A declaration that a marriage never existed.
 - b. Dissolution: The act or process of terminating a marriage between a husband and wife through annulment or divorce.

- c. Divorce: The termination of a marital relationship by a court judgment or decree. A divorce decree completely terminates the marital status of both parties.
- d. Custody: Responsibility for the well-being and general welfare of the child(ren).
- e. Imputed Income: The estimated earning ability of a parent based on the parents' prior earnings history, education, and job skills, and on the availability for an individual with the parent's qualifications.
- f. Income: Any form of periodic payment to an individual including, but not limited to: wages, salaries, payments to an independent contractor, commissions and pension payments.
- g. Legal Separation: A court determination of the rights and responsibilities of a husband and wife arising out of the marital relationship. A decree of legal separation does not terminate the marital status of the parties.
- h. Nullity: An act or decree having no legal effect.
- i. Parent: Includes natural or adoptive parent but does not include persons whose parental rights have been suspended or terminated, nor does it include the unwed father whose paternity has not been acknowledged or established.
- j. Residence: The place in which one lives and maintains a permanent home.

§3.02 Jurisdiction

1. The Tribal Court shall have jurisdiction to dissolve a marriage in any of the following circumstances:
 - a. A party to the marriage is an enrolled member of the White Earth Band of Ojibwe and lives within the exterior boundaries of the Reservation;
 - b. A party of the marriage lives within the exterior boundaries of the White Earth Reservation; or
 - c. Two parties who agree to subject themselves to the jurisdiction of the Tribal Court for the purpose of dissolving a marriage, who would not otherwise be subject to the Tribe's jurisdiction.
2. This section is to be construed narrowly. The Tribal Court may declare *forum non conveniens* when:
 - a. Neither party is a member or eligible for membership with the White Earth Band of Ojibwe;
 - b. The majority of the property to be disposed of is outside the exterior borders of the Reservation;
 - c. The child(ren) resulting from the marriage reside outside the exterior borders of the Reservation; or
 - d. Other good cause shown in conformance with the White Earth Judicial Code.

§3.03 Service of Petition

1. The petitioner shall be responsible for serving the petition to the respondent. Service of the summons and complaint may be accomplished by certified mail or personal service.
 - a. Service by certified mail may be accomplished by mailing a copy of the summons and complaint to the person to be served. The petitioner shall file an affidavit of service by certified mail with a signed receipt of certified mail with the Tribal Court.
 - b. Personal service may be made by requesting the White Earth Police Department or other police force of proper jurisdiction to deliver a copy of the summons and petition personally, or by leaving a copy at the person's residence with someone of suitable age who is residing there. The petitioner shall file an affidavit of personal service signed by law enforcement with the Tribal Court.
 - i. If a party has an attorney of record in ongoing proceedings under this Title, service of an amended or additional petition to the office of the party's attorney shall constitute a perfection of service in cases of default.
 - c. Or other means consistent with the White Earth Rules of Civil Procedure, R. 6 & R. 7.
2. If the White Earth Tribal Court finds that service by certified mail and personal service cannot be perfected, then service may be accomplished by publication through the tribal, local, or other comparable newspaper printed within the Reservation or County, reasonably chosen to alert the party being served.
 - a. An affidavit of service by publication shall be filed with the Tribal Court.
 - b. Service by publication shall continue to be perfected until the party appears in Court or is found in default.
 - c. In cases arising under this Title, the Tribal Court must be satisfied that the respondent's intentions have not been willfully disregarded to find that other good cause has been shown to permit service by publication pursuant to the White Earth Rules of Civil Procedure.
3. A party who motions the Tribal Court to amend an existing order shall be responsible for serving their motion to the non-moving party in a manner authorized by §3.03(1).

§3.04 Legal Separation

1. *Grounds for Legal Separation:* A decree of legal separation shall be granted when the Tribal Court finds that one or both parties need a legal separation.
2. *Agreement over Separation:* If one or both parties petition for a decree of legal separation and neither party contests the granting of the decree, the Tribal Court shall grant a decree of legal separation.
3. A legal separation may be granted on its own or at the same time as a decree of divorce or annulment.

§3.05 Separation Agreement

1. *Purpose:* To promote the friendly settlement of disputes between parties to a marriage, the parties may enter into a written separation agreement containing provisions for the disposition of any property owned by either of them, maintenance of either of them, and custody, visitation, and support of their child(ren).
2. *Proceedings:* In a proceeding for legal separation, the terms of the separation agreement, except those providing for the custody, visitation, and support of child(ren), are binding upon the Tribal Court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties, on their own motion or on request by the Tribal Court, that the separation agreement is unfair.
3. *Standard of Review:*
 - a. If the Tribal Court finds the separation agreement unfair as to disposition of property or maintenance, it may request the parties submit a revised separation agreement or make the Order for the disposition of property or maintenance.
 - b. If the Tribal Court finds that the separation agreement is fair as to disposition of property or maintenance, and that it is reasonable as to support, custody and visitation of the child(ren), the separation agreement shall be set forth or incorporated by reference in the decree of dissolution or legal separation and the parties shall be ordered to perform them.
4. *Incorporation by Reference:* The Tribal Court may in its decree identify the separation agreement as incorporated by reference and state that the Tribal Court has found the terms as to property disposition and maintenance not unfair and the terms as to support, custody, and visitation of child(ren) are reasonable.
5. *Enforcement:* Terms of the agreement set forth or incorporated by reference in the decree are enforceable by all remedies available for enforcement of a judgment, including contempt.

§3.06 Divorce

1. *Grounds for Divorce:* A divorce shall be granted by the Tribal Court when it finds that there has been an irretrievable breakdown of the marriage relationship.
2. *Default:* If the respondent does not appear after service has been duly made and proved, the Tribal Court may hear and determine the proceeding as a default matter.
3. *Dispute over irretrievable breakdown:* If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the Tribal Court shall consider all relevant factors, including the circumstances that gave rise to the commencement of the proceeding and the prospect of reconciliation, and shall make a finding whether the marriage is irretrievably broken.
 - a. A finding of irretrievable breakdown under this section is a determination that there is no reasonable prospect of reconciliation. The finding must be supported by evidence that:

- i. The parties have lived separate and apart for a period of not less than 180 days immediately preceding the commencement of the proceeding, or
 - ii. There is serious marital discord adversely affecting the attitude of one or both of the parties toward the marriage.
- 4. *Agreement over irretrievable breakdown:* If both parties by petition or otherwise have stated under oath or affirmation that the marriage is irretrievably broken, or one of the parties has so stated and the other has not denied it, the Tribal Court may make a finding that the marriage is irretrievably broken. The Tribal Court may, in its discretion, hold a hearing.
- 5. *Marriage Counseling:* The Tribal Court may, at its discretion, require marriage counseling before a declaration of irretrievable breakdown is made.
- 6. *Mediation:* The Tribal Court may require the parties to go through mediation, which is a process where a neutral third person assists and encourages parties in conflict to reach a settlement of the dispute that is satisfactory to both parties, unless domestic abuse is prevalent in the marital relationship.
- 7. *Exception:* If the Tribal Court determines that there is probable cause that one of the parties, or a child of a party, has been physically or sexually abused by the other party, the court shall not require or refer the parties to mediation or any other process that requires parties to meet and confer without counsel, if any, present.

§3.07 Annulment

- 1. *Grounds for Annulment:* When the validity of a marriage is disputed as a void or voidable marriage, either party to the marriage may begin an action under §3.08 of this title and the White Earth Rules of Civil Procedure to annul the marriage.
 - a. *Void Marriage:* A marriage that was void from its inception; a marriage that is invalid whether or not a court declares its invalidity. Marriages are void:
 - i. On account of prohibition by law due to consanguinity, meaning of close relation, or
 - ii. On account of either or both parties being under the age established for marriage, or
 - iii. On account of either party having a husband or wife still living, if solemnized, without any decree of divorce or other legal proceeding. The marriage is void, but if any person whose husband or wife has been absent for five (5) successive years, without being known to such person to be living during that time, marries during the lifetime of such absent husband or wife, the marriage shall be void only from the time that its nullity is duly adjudged.
 - b. *Voidable Marriage:* A marriage that can be annulled because of its invalidity but which remains valid until a court declares it invalid. A marriage shall be declared voidable when there was no subsequent voluntary cohabitation of the parties and:
 - i. A party lacked capacity to consent to the marriage at the time the marriage was solemnized due to:

1. A mental incapacity and the other party did not know of the incapacity;
 2. Being under the influence of alcohol, drugs, or other incapacitating substances; or
 3. The consent of either party was obtained by duress, force, or fraud.
- ii. A party lacked the physical capacity to consummate the marriage and the other party at the time of the marriage did not know of the incapacity.
 - iii. A party was under the age for marriage established by §2.02.
2. Insufficient Grounds for Annulment:
 - a. No marriage shall be adjudged a nullity on the ground that one of the parties was under the age of legal consent if both parties meet the requirements of common law marriage or satisfy the conditions of marriage under this code.
 - b. The marriage of any person who lacked capacity to consent to the marriage at the time the marriage was solemnized shall not be adjudged void after restoration to capacity if it appears that the parties freely cohabited together as husband and wife after such restoration.

§3.08 Action for Dissolution of Marriage

1. Commencement of Action for Dissolution of Marriage:
 - a. The plaintiff or moving party shall file with the Tribal Court and serve on the respondent, in accordance with §3.03, a verified complaint concisely stating a cause of action including:
 - i. The parties' names;
 - ii. The name and address of the plaintiff's attorney or—if unrepresented—of the plaintiff;
 - iii. The time within which the defendant must appear and defend; and
 - iv. Notice that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint.
 - b. The clerk shall issue a summons in the name of the White Earth Tribal Court to the parties.
 - c. An action for a dissolution of marriage is commenced upon filing a complaint and paying the filing fees established by the Tribal Court. The respondent upon filing a cross-complaint or answer, shall pay the established fee. The Tribal Court has the discretion to waive all or a portion of the filing fee if indigence is proven, keeping in mind that no person shall be barred from the Tribal Court because of lack of funds.
2. Contents of a Complaint
 - a. The name and address of the plaintiff, and whether child support or spousal maintenance is involved, the plaintiff's social security number, and any other prior names.

- b. The name and, if known, the address of the respondent, and whether child support or spousal maintenance is involved, the respondent's social security number, and any other prior names;
- c. The place, including county, and date of the parties' marriage.
- d. Whether or not a separate proceeding for dissolution is pending in a court other than the White Earth Tribal Court.
- e. A statement providing the grounds on which the Tribal Court may dissolve the marriage.
- f. Whether an order for protection is in effect and, if so, the jurisdiction in which it was entered.
- g. Any temporary or permanent maintenance, child support, custody, disposition of property, attorney fees, costs, and disbursements applied for, without setting forth amounts.
- h. In proceedings where child support or spousal maintenance issues will be addressed, the petition must include:
 - i. The name, social security number, age and date of birth of each living minor or dependent child(ren) of the parties born before the marriage or born or adopted after the marriage, and a reference to the expected date of the birth of the child(ren) of the parties conceived during the marriage but not yet born.
 - ii. If either party has a retirement or pension account, the name and address of the agent along with the amount of each account.
- i. A statement explaining the Tribal Court's jurisdiction which includes the enrollment status of the parties, if any.

§3.09 Temporary Hearings

- 1. If temporary relief is desired, but no agreement between the parties can be reached, either party may request by motion, and the Tribal Court may grant, pending the final disposition, a temporary order for:
 - a. For the temporary custody of and visitation rights to the minor child(ren) of the parties of the marriage under Subchapter 4A of this Title;
 - b. For the temporary maintenance of either spouse under §3.12 of this Title;
 - c. For temporary child support of the child(ren) of the parties Chapter 10C of the Child Support Code under this Title;
 - d. To award the temporary use and possession, exclusive or otherwise, of the family home, furniture, household goods, automobiles, and other property of the parties under §3.11 of this Title;
 - e. To restrain one or both parties from transferring, encumbering, concealing, or disposing of property, except in the usual course of business or for the necessities of life, and to account to the Tribal Court for all such transfers, encumbrances,

dispositions, and expenditures made after the temporary order has been served or communicated in an open court.

- f. To exclude a party from the family home of the parties or from the home of the other party;
- g. To require one party or both parties to perform or not to perform such additional acts as will facilitate the just and speedy disposition of the proceedings or protect the parties or their child(ren) from physical or emotional harm.

§3.10 Judgment and Decree of Divorce or Annulment:

1. Whenever the marriage shall be declared void or dissolved, the White Earth Tribal Court shall have the power to impose further judgment as follows:
 - a. For the future care and custody of the minor child(ren) of the marriage under Subchapter 4A of this Title. No preference in custody will be given to either parent based on gender;
 - b. For the recovery from the party not granted the care and custody of the child(ren), such amount of money, to contribute to future care, medical expenses, and education, under Chapter 10C of this Title;
 - c. For future spousal maintenance for a reasonable amount of time deemed just and proper, under §3.12 f this Title;
 - d. For the approval of any property settlement between the parties or recovery and delivery to each of the parties any of their personal property in the possession or control of the other at the time of the judgment, under §3.04 of this Title;
 - e. For the division or other disposition between the parties of the real and personal property under §3.11 of this Title;
 - f. The Tribal Court shall have authority to change the name of any persons upon the petition of such persons or upon the petition of the parents of the minor, under Chapter 5 of this Title.

§3.11 Disposition of Property

1. Upon a dissolution of marriage, the Tribal Court may make such disposition of the property of the parties acquired during the marriage as shall appear just and equitable, having regard to the nature and determination of the issues in the case, the amount of alimony or support money, if any, awarded in the judgment, the manner by which said property was acquired and the persons paying or supplying the consideration therefore, the charges or liens imposed to secure payment of alimony or support money, and all the facts and circumstances of the case.
2. The Tribal Court shall order the parties to promptly execute all documents necessary to effectuate the terms of its Judgment and Decree, if any. If either party fails to do so within a Court specified period, the Judgment and Decree shall be sufficient to transfer title or otherwise effectuate the exchange.
3. *Household Goods, Furniture, and Other Property:* the Tribal Court may award to either spouse the household goods and furniture of the parties acquired during the

marriage, and may also order and decree to either spouse such part of the real and personal estate of the other not acquired during the marriage, not exceeding in present value, one-half thereof, as it deems just and reasonable, having regard to the amount of property decreed under §3.01 the amount of alimony and support money awarded, if any, the character and situation of the parties, the nature and determination of the issues, and all other circumstances of the case.

4. *Homestead*: The Tribal Court, upon a final decree of divorce or annulment, may award the homestead to either party for such a period of time that may be determined by the Tribal Court.
5. *Pension Plans*: The division of marital property that represents pension plan benefits or rights in the form of future pension plan payments:
 - a. Is payable only to the extent of the amount of the pension plan benefit payable under the terms of the plan;
 - b. Is not payable for a period that exceeds the time that pension plan benefits are payable to the pension plan benefit recipient;
 - c. Is not payable in a lump sum amount from pension plan assets attributable in any fashion to a spouse with the status of an active member, deferred retiree, or recipient of a pension plan;
 - d. If the former spouse to whom the payments are to be made dies prior to the end of the specified payment period with the right to any remaining payments accruing to an estate or to more than one survivor, is payable only to a trustee on behalf of the estate or the group of survivors for subsequent apportionment by the trustee; and
 - e. In the case of public pension plan, benefits or rights, may not commence until the public plan member submits a valid application for a public pension plan benefit and the benefit becomes payable.
 - f. The individual retirement account plans may provide in its plan document, if published and made generally available, for an alternative marital property division or distribution of individual retirement account plan assets. If an alternative division or distribution procedure is provided, it applies in place of this section.

§3.12 Spousal Support

1. Necessary Findings. In a proceeding for dissolution of marriage, legal separation, or a declaration of invalidity, the Tribal Court may grant a maintenance order for either party only if it finds that the party seeking support:
 - a. Lacks sufficient property, including property apportioned to him or her, to provide for his or her reasonable needs; or
 - b. Is unable to support himself or herself through appropriate employment or is the custodian of the child(ren) whose age or condition is such that the custodian should not be required to seek employment outside the home.

- c. The Tribal Court may not take into account marital misconduct, but may consider all relevant factors, including but not limited to:
 - i. The financial resources of the spouse seeking maintenance, including marital property and child support.
 - ii. How long it will take the spouse to get education or training necessary to become self-supporting, and the likelihood, given the spouse's age and skills, that the spouse will become self-supporting.
 - iii. The standard of living the couple established during the marriage.
 - iv. How long the marriage lasted.
 - v. How long a spouse who is a homemaker has been out of the work world, and the extent to which that absence has diminished earning capacity.
 - vi. Any loss of earnings, seniority, retirement benefits, and other employment opportunities forgone by the spouse seeking maintenance.
 - vii. The age and physical and emotional condition of the spouse seeking maintenance.
 - viii. The ability of the spouse from whom maintenance is sought to meet needs while meeting those of the spouse seeking maintenance.
 - ix. Each spouse's contribution to the acquisition or increase in value of marital property, and the contribution of a spouse who was a homemaker or helped the other's employment or business.
2. *Determination of Amount:* The support order shall be in such amounts and for such periods of time as the Tribal Court deems just, without regard to marital misconduct, and after considering all relevant factors, including:
 - a. The financial resources of the party seeking support, including marital property apportioned to him or her and their ability to meet their reasonable needs independently;
 - b. The time necessary to acquire sufficient education or training to enable the party seeking support to find appropriate employment;
 - c. The standard of living established during the marriage;
 - d. The education of one party during the marriage;
 - e. The duration of the marriage;
 - f. The age and physical and emotional condition of the party seeking support;
 - g. The ability of the party from whom support is sought to meet his or her needs while meeting those of the spouse seeking support; and
 - h. Excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.
3. *Modification or Termination:* The provisions of any decree respecting spousal support may be modified only as to installments accruing subsequent to the motion

for modification, unless the party failed to honestly disclose their actual unmet needs, and only upon a showing of changed circumstances that are substantial and continuing. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future spousal support is terminated upon the death of either party or the remarriage of the party receiving support.

§3.13 Setting Aside or Modifying Judgment

At any time before a divorce judgment becomes final, the Tribal Court or judge, upon complaint of either party, shall have the power to set aside, alter, or modify so much of the judgment as may provide for the appointment of a trustee or trustees for the care and custody of minor child(ren), or the support or education and for the maintenance of either party to the action; provided, however, that said judgment shall be a final judgment as to any installment or payments of money or payments of property provided for therein which have accrued up to the time either party shall file an action with the Tribal Court to set the Judgment aside, alter or modify the same.

CHAPTER 4: CUSTODIAL PETITIONS

§4.01 Definitions

1. The following definitions shall be used for the following words within this chapter:
 - a. Custody: Responsibility for the well-being and general welfare of the child(ren).
 - b. Custody determination: A court decision and court orders and instructions providing for the custody of the child(ren).
 - c. Custody proceeding: A proceeding in which a custody determination is one of several issues, such as an action for dissolution, divorce, or separation, and includes domestic abuse, and paternity. Does not include proceedings involving child(ren) who are in need of protection or services.
 - d. Custodial parent: The person, also known as the custodian, who has the physical custody of his or her biological or legal child(ren) at any particular time.
 - e. Designator: the person who has physical and/or legal custody of named child(ren) in a petition to establish a Stand-By Custodian.
 - f. Extended Family: those who are considered extended family by virtue of their relationship to any party to an action pursuant to this Code or the laws and the tradition of the White Earth Band of Ojibwe.
 - g. Guardian: A person assigned by a court of law, other than a parent, having the duty and authority to provide care and control of the child(ren).
 - h. Joint physical custody: Both parents have equal rights and responsibilities regarding the residence and daily care of their child(ren).
 - i. Joint legal custody: Both parents have equal rights and responsibilities, including the right to participate in major decisions regarding the child(ren)'s upbringing, including education, health care, and religious training.

- j. Non-custodial parent: the child(ren)'s parent who does not have primary physical custody, or any person who otherwise has a legal obligation to provide support for the child(ren).
- k. Parent: includes natural or adoptive parent but does not include persons whose parental rights have been suspended or terminated, nor does it include the unwed father whose paternity has not been acknowledged or established.
- l. Primary physical custody: the routine daily care, control, and residence of the child(ren).
- m. Third-party petitioner: a nonparent who has established a relationship with and/or resided with the child(ren) has a rebuttable presumption of standing to petition the Tribal Court for custody or visitation.
- n. Sole physical custody: one parent having the rights and responsibilities regarding the residence and daily care of their child(ren).
- o. Sole legal custody: one parent having the right and responsibility, including the right to make major decisions regarding the child(ren)'s upbringing, including education, health care, and religious training.
- p. Stand-by Custodian: A person(s) named by a custodian or designator as temporary custodian of the child(ren).

§4.02 Jurisdiction

- 1. The White Earth Tribal Court shall have authority to determine the custody of any child(ren) where the Tribal Court has personal and subject matter jurisdiction of the parties and child(ren) subject to the action.
- 2. *Construction:* The Tribal Court shall construe this section liberally to exercise maximum jurisdiction consistent with applicable tribal, state, and federal law.
- 3. *Personal Jurisdiction:*
 - a. In a proceeding under this Code to determine custody, the White Earth Tribal Court may exercise personal jurisdiction over a resident individual, or the individual's guardian or conservator.
 - b. The Tribal Court may exercise personal jurisdiction over a nonresident individual, or the individual's guardian or conservator, if any of the following applies:
 - i. The individual is personally served with notice within the White Earth Reservation;
 - ii. The individual submits to the jurisdiction of the White Earth Tribal Court by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any objection to personal jurisdiction;
 - iii. The individual resided with the child(ren) on the Reservation;
 - iv. The individual resided on the White Earth Reservation and provided prenatal expenses or support for the child(ren);

- v. The child(ren) resides on the White Earth Reservation as a result of the acts or directives of the individual; or
 - vi. There is any other basis consistent with the Constitution of the United States, the law of the Minnesota Chippewa Tribe, and the White Earth Band of Ojibwe for the exercise of personal jurisdiction.
4. *Simultaneous Proceedings in Another Jurisdiction:* The Tribal Court may exercise jurisdiction to establish a custody order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another court only if all of the following apply:
- a. The petition in Tribal Court is filed before the expiration of the time allowed in the other court for filing a responsive pleading challenging the exercise of jurisdiction by the other state or tribe.
 - b. The contesting party timely challenges the exercise of jurisdiction in the other court.
 - c. The contesting parties agree to a voluntary transfer.
5. *Continuing Exclusive Jurisdiction:*
- a. The Tribal Court has continuing, exclusive jurisdiction over a child support order it has issued for as long as the child(ren) is an enrolled member of the Tribe, or for as long as the Reservation remains the residence of the obligor, the individual obligee, or the child(ren) for whose benefit the support order is issued, or until each individual party has filed written consent with the Tribal Court for a court of another state or tribe to modify the Order and assume continuing, exclusive jurisdiction.
 - b. The Tribal Court shall recognize the continuing, exclusive jurisdiction of a court of another state or tribe that has issued a child support order consistent with foreign child support orders. This requires recognition that the Orders be consistent with our approach etc.
 - c. A temporary support order issued *ex-parte* or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

§4.03 Service of Petition

1. The petitioner shall be responsible for serving the petition to the respondent. Service of the summons and complaint may be accomplished by certified mail or personal service.
 - a. Service by certified mail may be accomplished by mailing a copy of the summons and complaint to the person to be served. The petitioner shall file an affidavit of service by certified mail with a signed receipt of certified mail with the Tribal Court.
 - b. Personal service may be made by requesting the White Earth Police Department or other police force of proper jurisdiction to deliver a copy of the summons and petition personally, or by leaving a copy at the person's residence with someone

of suitable age who is residing there. The petitioner shall file an affidavit of personal service signed by law enforcement with the Tribal Court.

- i. If a party has an attorney of record in ongoing proceedings under this Title, service of an amended or additional petition to the office of the party's attorney shall constitute a perfection of service in cases of default.
 - c. Or other means consistent with the White Earth Rules of Civil Procedure, R. 6 & R. 7.
2. If the White Earth Tribal Court finds that service by certified mail and personal service cannot be perfected, then service may be accomplished by publication through the tribal, local, or other comparable newspaper printed within the Reservation or County, reasonably chosen to alert the party being served.
 - a. An affidavit of service by publication shall be filed with the Tribal Court.
 - b. Service by publication shall continue to be perfected until the party appears in Court or is found in default.
 - c. In cases arising under this Title, the Tribal Court must be satisfied that the respondent's intentions have not been willfully disregarded to find that other good cause has been shown to permit service by publication pursuant to the White Earth Rules of Civil Procedure.
 3. A party who motions the Tribal Court to amend an existing order shall be responsible for serving their motion to the non-moving party in a manner authorized by §3.03(1).

§4.04 Best Interests of the Child

1. In any proceeding between parents under the Family Relations Code, the best interests of the child(ren) shall be the standard by which the White Earth Tribal Court determines and allocates parental responsibilities.
2. Parents have the responsibility to make decisions and perform other parental functions necessary for the care and growth of their minor child(ren).
3. The Tribe recognizes the fundamental importance of the parent-child relationship and that the relationship between the child(ren) and each parent should be fostered unless inconsistent with the best interests of the child(ren).
4. The interests of the child(ren) are served by a parenting arrangement that best maintains the child(ren)'s emotional growth, tribal and cultural ties, health and stability, educational needs, and physical care.
5. The best interests of the child(ren) are ordinarily served when the existing pattern of interaction between a parent and child(ren) is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child(ren) from physical, educational, mental or emotional harm.
6. The child(ren) over the age of twelve (12), hold(s) the rebuttable presumption to be able to determine their own best interests regarding custody and visitation decisions.
7. A determination of the best interests of the child(ren) should include consideration of the rights of the child(ren) as a member of the White Earth Band of Ojibwe and the

interest of the Tribe in retaining its child(ren) in its society; political membership in the Tribe and the attendant benefits such as hunting and fishing rights; the child(ren)'s cultural heritage; and the opportunity to participate in the ongoing customary life of the Tribe. This consideration shall not automatically deny grants of custody to non-member parents or third-party petitioners.

§4.05 Stand-by Custodian Action

1. *Creation*: a designator may create a stand-by custodianship, by executing a designation document and filing it with the Tribal Court within fourteen (14) days of signing. The designation document shall specify:
 - a. The designator's name, the child(ren)'s name, date of birth and social security number;
 - b. The other parent's name, address, date of death or date of termination of parental rights, if applicable;
 - c. The "triggering event" of the custodianship, such as "my death" or such other triggering event;
 - d. Two (2) witnesses' signatures and their addresses;
 - e. The stand-by custodian's signed and dated written acceptance the nomination as stand-by custodian; and
 - f. Optionally, the name of an alternate stand-by custodian to assume temporary custody. Including, the alternate's signed and dated written acceptance of their nomination if the named custodian is unable to fulfill their duties.
2. The other parent shall be notified of the designation or petition of a stand-by custodian. If unable to locate the other parent, the petitioner may publish notice in a local newspaper.
3. *Approval Hearing*: A hearing is required if there is a parent other than the designator whose parental rights have not been terminated and who has not consented to the designation. The Tribal Court shall apply the factors in §4.04 and make specific findings in determining whether to confirm the designation of the stand-by or temporary custodian, to appoint a different custodian, or to grant custody to the other parent. A court that finds the appointment of the stand-by or temporary custodian to be in the best interest of the child(ren) shall enter an order confirming the designation.
4. *Ex-Parte Approval*: The Tribal Court may approve the designation without a hearing if:
 - a. Exigent circumstances warrant it, e.g. imminent death of the designator (within 48 hours);
 - b. The designator is the sole surviving parent,
 - c. The parental rights of the other parent have been terminated, or
 - d. Both parents consent to confirmation of the standby or temporary custodian.

5. The stand-by custodian is granted authority to act for sixty (60) days following the occurrence of the triggering event as co-custodian with the designator or in the event of his/her death, as custodian of his/her child(ren).
6. The stand-by custodian must file a petition with the Tribal Court for continued custody within sixty (60) days of the triggering event

§4.06 Delegation of Parental Authority (DOPA) Action

1. A parent, legal custodian, or guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding one (1) year, any powers regarding care, custody, or property of the minor or ward, except the power to consent to marriage or adoption of a minor ward.
2. A parent who executes a delegation of powers under this section must mail or give a copy of the document to any other parent within thirty (30) days of its execution unless:
 - a. The other parent does not have parenting time or has supervised parenting time; or
 - b. There is an existing order for protection or a similar law of another state in effect against the other parent to protect the parent, legal custodian, or guardian executing the delegation of powers or the child(ren).
3. A parent, legal custodian, or guardian of a minor child(ren) may also delegate those powers by designating a standby or temporary custodian under §4.05.

SUBCHAPTER 4A: CUSTODY

§4A.01 Custody Action

1. Chapter 4’s Definitions (§4.01), Jurisdiction statement (§4.02), and Service Requirements (§4.03) apply to the following Custody Action Proceedings.
2. *Petition*: Either parent, or a third-party petitioner may petition the Tribal Court for resolution of a custody dispute. The Petition shall provide a brief statement explaining the cause of action, including;
 - a. The name of the petitioner(s) and the child(ren), their dates of birth, and social security numbers; and
 - b. The name, address, date of death or date of termination of parental rights, if applicable, of all parent(s), legal custodian(s) or guardian(s) of the child(ren).
3. *Actions for Custody*:
 - a. May be joined with actions for divorce, dissolution, declaration of invalidity, legal separation, or child support.
 - b. May not proceed if the child(ren) is in the custody of a social service agency or the subject of a Child(ren)in Need of Protection and/or Services petition in a court of competent jurisdiction.
4. *Guardian Ad Litem*: At any stage of the proceedings conducted under this code, the Tribal Court may appoint separate counsel or a spokesperson for the child(ren)

without affecting the right to counsel of the parents, guardians, or other legal custodians, to act as guardian ad litem representing the child(ren)'s best interests.

5. Resolution Custody Dispute:

- a. The Tribal Court shall resolve custody disputes by allocating decision-making and custodial responsibility between the parents and any intervening family members on the basis of the best interests of the child(ren) with due consideration of tribal custom.
- b. In determining the best interests of the child(ren), the Tribal Court shall consider all relevant factors including those factors enumerated in §4.04.

6. Equal Access to Minor Children:

- a. It is the policy of the White Earth Band of Ojibwe to ensure that minor child(ren) have frequent and continuing contact with parents who have shown the ability to act in the best interests of their child(ren) and to encourage parents to share in the rights and responsibilities of rearing their child(ren) after the parents have filed a custody petition.
- b. To effectuate this policy, the Tribal Court shall, if requested by a parent, provide substantially equal access to minor child(ren) to both parents unless it finds that shared parenting would be contrary to the best interests of the child(ren).
- c. A parent requesting sole custody shall have the burden to prove that shared parenting would be contrary to the best interests of the child(ren), and if the Tribal Court makes such a determination, it shall be documented in the Tribal Court record.

7. *Petition to Modify Custody*: Shall only be granted when the moving party demonstrates that a substantial change of circumstances has occurred since the last final order from a court of proper jurisdiction and that the proposed change is in the best interests of the child(ren).

§4A.02 Emergency Custody Order

1. A party may request, and the Tribal Court may make an emergency *ex-parte* custody order.
2. An emergency *ex-parte* order shall only be granted if the Tribal Court finds that;
 - a. The child(ren) face immediate danger of physical or emotional harm;
 - b. The child(ren) have been abandoned to a third party who would not be otherwise authorized to access and sign for all medical, dental, educational, and/or psychological and other services and records as needed by this child(ren); and/or
 - c. The relief requested is otherwise in the best interests of the child(ren).
3. The Tribal Court may issue an emergency *ex-parte* order which;
 - a. Excludes either party from the family home of the parties;
 - b. Denies parenting time to either party;
 - c. Grant custody of the minor child(ren) to either party

§4A.03 Temporary Hearings

1. If temporary relief is desired, but no agreement between the parties can be reached, either party may request by motion, and the Tribal Court may grant, pending the final disposition, a temporary order:
 - a. For the temporary custody and visitation rights of the minor child(ren) of the parties;
 - b. To exclude a party from the family home of the parties or from the home of the other party;
 - c. To require one party or both parties to perform or not to perform such additional acts as will facilitate the just and speedy disposition of the proceedings or protect the parties or their child(ren) from physical or emotional harm.

§4A.04 Domestic Violence

When Evidence of Abuse, Neglect or Domestic Violence is Offered: The Tribal Court may hold a hearing to consider such evidence in accordance with the White Earth Order for Protection Code Title 18 §3.09. The ensuing notice, hearing, standard of review and Order shall be carried out under the White Earth Order for Protection Code Title 18 §§3.04-3.15.

§4A.05 Third Party Petitions

1. The Tribal Court may grant visitation rights or the care, custody, and control of the child(ren) to a third-party petitioner who has established a relationship with and/or resided with the child(ren) and in the best interests of the child(ren).
2. Sole legal or physical custody of the child(ren) shall not be granted to a third-party petitioner to the exclusion of a natural or adoptive parent absent a determination that continuation in the home of the parent would be contrary to the best interests of the child(ren).
3. A third-party petitioner may petition the Tribal Court for visitation rights or intervene in a proceeding under this Chapter at any time prior to the scheduled contested trial date in accordance with White Earth Rules of Civil Procedure.
4. The Tribal Court may modify an order granting or denying visitation rights or custody in accordance with §4.08, Modification of Parenting Plan or Visitation.

§4A.06 Visitation

1. A party may petition to establish visitation or modify an existing visitation. Such petitions may be granted if the Tribal Court determines that it is in the best interests of the child(ren).
 - a. In cases for the modification of visitation or parenting time the moving party must demonstrate that a substantial change in circumstances requires the modification and that the modification is in the best interests of the child(ren).
2. If a parent opposes a petition for the establishment or modification of the parenting plan or visitation with the child(ren) and the petition is granted, the Tribal Court shall enter into the record the reasons for granting the petition.

3. In a proceeding involving the modification of visitation with the child(ren) alleging domestic violence occurred, the Tribal Court must find by clear and convincing evidence that a crime involving domestic violence has occurred since the last parenting plan or visitation determination. Such a finding would constitute a substantial change in circumstances.

§4A.07 Evidentiary Submissions by Tribal Entities

1. At any point prior to an evidentiary hearing on a custody petition, the Tribal Court may request a tribal entity to submit evidence to the Court. Such evidence may include: a statement that a child protection matter does not currently exist, notes from a health care provider, or other relevant information.
2. Evidentiary submissions from a tribal entity will be considered as assertions of fact, not legal conclusions, which the Court will take into account when rendering its decision.
3. The tribal entity must either provide the evidence requested within a reasonable time or show good cause for why they are unable to provide that evidence.

CHAPTER 5: NAME CHANGE

§5.01 Jurisdiction

1. The Tribal Court shall have jurisdiction to hear a petition for name change in any of the following circumstances:
 - a. The person is an enrolled member of the White Earth Band of Ojibwe.
 - b. The person lives within the exterior boundaries of the White Earth Reservation.
 - c. The person agrees to subject themselves to the jurisdiction of the Tribal Court for the purposes of changing their name.
2. This section is to be construed liberally to exercise maximum jurisdiction constituent with applicable tribal, state, and federal law.
3. The person may apply for themselves and any unemancipated minor over which the person has custody.

§5.02 Petition for Name Change of an Adult or Emancipated Minor

1. The petition for a name change of an adult or emancipated minor shall include the following:
 - a. Present name,
 - b. Address;
 - c. Date and place of birth;
 - d. Proposed new name;
 - e. Reason for the change of name;
 - f. Claim of any interest or lien on lands;
 - g. Criminal History Check Release Form; and

- h. Seal of a public notary.
- 2. *Petition in Other Family Court Proceedings*: The request for a name change may be filed within a proceeding where a name change would be appropriate, such as divorce or adoption.
- 3. *Notice and Service for Felons*: A person with a felony conviction under Minnesota law or the law of another state or federal jurisdiction shall serve a notice of application for a name change on the prosecuting authority that obtained the conviction against the person.
 - a. Service under this subsection is required when seeking a name change through one of the following procedures:
 - i. An application for a name change alone;
 - ii. A request for a name change as part of an application for a marriage license under §2.05; or
 - iii. A request for a name change in conjunction with a marriage dissolution under §3.08.
 - b. If the conviction is from another state or federal jurisdiction, notice of application must also be served on the attorney general.
- 4. A convicted felon's name change request may not be granted, until satisfaction of the requirements in paragraph (5) or (6) of this section are met. Nothing in this section shall delay the granting of a marriage license under §2.05, which may be granted without the name change.
- 5. The prosecuting authority or the attorney general, upon whom notice was served under §5.02(3) shall have thirty (30) days from the date of service to file a receipt of service with the Tribal Court and/or objection to the application for a name change.
 - a. *Perfection of Service*: The Tribal Court shall not grant the name change of a convicted felon unless it receives a returned letter from the prosecuting authority or the attorney general stating they have received notice of the name change petition. If service is not perfected within thirty (30) days of the date of service, the Tribal Court shall dismiss the petition. If the Tribal Court receives a perfection of service within ten (10) days after it has dismissed the petition, it shall inform the petitioner.
 - b. *Objection by prosecuting authority*: The objection may be made on the basis that the request aims to defraud or mislead, is not made in good faith, will cause injury to a person, or will compromise public safety. If an objection to the application for a name change is filed within this time period, the Tribal Court may not grant the name change request, and the Tribe may not allow the name change as part of a marriage license.
- 6. *Motion to grant name change request*: A person who seeks a name change may contest the prosecuting authority's or attorney general's objection by filing a motion with the Tribal Court for an order permitting the requested name change. Except as provided in subdivision 4, no name change shall be granted unless the person

requesting it proves by clear and convincing evidence that the request is not based upon an intent to defraud or mislead, is made in good faith, will not cause injury to a person, and will not compromise public safety.

§5.03 Application by Emancipated Minor

When an emancipated minor applies for a name change, the Tribal Court may, on its own motion, confer with the minor and may exclude from the conference the parents and other persons if the Tribal Court finds such action would be in the best interests of the child(ren).

§5.04 Petition for the Name Change of an Unemancipated Minor

1. *Petition*: A person under the Tribal Court's jurisdiction may petition the Tribal Court to change the names of minor child(ren) over which they have custody or guardianship. The petition shall include:
 - a. The petitioner's name, the child(ren)'s names, and their dates of birth.
 - b. The other parent's name, address, date of death, if applicable or date of suspension or termination of parental rights.
 - c. Proof of service to the other parent regarding the proposed name change.
 - d. Seal of a public notary.
2. *Service*: No minor child's name may be changed without both parents having notice of the pending application for change of name, unless their parental rights have been terminated or suspended by a court of proper jurisdiction.
3. The petitioner shall be responsible for serving the petition to the respondent. Service of the summons and complaint may be accomplished by certified mail or personal service.
 - a. Service by certified mail may be accomplished by mailing a copy of the summons and complaint to the person to be served. The petitioner shall file an affidavit of service by certified mail with a signed receipt of certified mail with the Tribal Court.
 - b. Personal service may be made by requesting the White Earth Police Department or other police force of proper jurisdiction to deliver a copy of the summons and petition personally, or by leaving a copy at the person's residence with someone of suitable age who is residing there. The petitioner shall file an affidavit of personal service signed by law enforcement with the Tribal Court.
 - i. If a party has an attorney of record in ongoing proceedings under this Title, service of an amended or additional petition to the office of the party's attorney shall constitute a perfection of service in cases of default.
 - c. Or other means consistent with the White Earth Rules of Civil Procedure, R. 6 & R. 7.
 - d. If the White Earth Tribal Court finds that service by certified mail and personal service cannot be perfected, then the Tribal Court may waive the service

requirement upon finding that the respondent's intentions have not been willfully disregarded.

4. The Tribal Court may approve the name change if it finds that it is in the best interests of the child(ren), there is no intent to defraud or mislead, and one of the following applies:
 - a. If the petitioner is the sole surviving parent,
 - b. The parental rights of the other parent have been suspended or terminated,
 - c. Both parents consent in writing to the name change, or
 - d. After a period of thirty (30) days from perfection of service, the non-petitioning parent has failed to file an objection to the name change with the Tribal Court.
5. A petitioning parent who is the sole custodian of the child(ren) holds the rebuttable presumption that the proposed name change is in the child(ren)'s best interest.

§5.05 Approval of a Name Change

1. The petitioner shall appear personally before the Tribal Court and prove their identity.
2. The Tribal Court shall grant the application unless:
 - a. It finds that there is an intent to defraud or mislead;
 - b. §5.02 (3-6) prohibits granting the name change; or
 - c. In the case of the change of the minor child(ren)'s name, the Tribal Court finds that such name change is not in the best interests of the child(ren).
3. In cases where petition occurs following a grant of marriage dissolution, the Tribal Court shall accept the Order dissolving the marriage conclusive evidence of the facts recited in the Order.
4. The Tribal Court shall set forth in the Order the name and age of the applicant's spouse and each child of the applicant, if any, and shall state a description of the lands, if any, in which the applicant and the spouse and child(ren), if any, claim to have an interest.
5. The order granting a name change shall be kept as a permanent record, and a copy of such order shall be filed with the Clerk of Court.

**WHITE EARTH RESERVATION BUSINESS COMMITTEE
WHITE EARTH BAND OF THE MINNESOTA CHIPPEWA TRIBE**
Resolution No. 001-23-037

WHEREAS, the White Earth Reservation Business Committee is the duly elected governing body of the White Earth Reservation pursuant to Article VI, Section 1, of the revised constitution of the Minnesota Chippewa Tribe, as amended, and organized under Section 16, of the Act of June 18, 1934 (48 Stat. 984), and

WHEREAS, the White Earth Reservation Business Committee is the duly authorized governing body of the White Earth Band, and

WHEREAS, the White Earth Reservation Business Committee established the Domestic Relations Code to regulate domestic relations within the White Earth Reservation, and

WHEREAS, the White Earth Reservation Business Committee authorized amendments to the Domestic Relations Code, included opening marriages between persons of the same sex, and for the proposed amendments to be put out for public comment, and

WHEREAS, the White Earth Legal Department received several responses to the public comment period and evaluated the comments for consideration for incorporation into the amended Domestic Relations Code, and

WHEREAS, the White Earth Legal Department revised the proposed amended Domestic Relations Code to incorporate several issues raised in the comments received, now

THEREFORE, BE IT RESOLVED, that the White Earth Reservation Business Committee hereby authorizes the proposed amendments, including those adopted from the public comment period, to the Domestic Relations Code effective upon approval.

BE IT FURTHER RESOLVED, that the White Earth Reservation Business Committee hereby authorizes the Chairman, Secretary-Treasurer, or Executive Director to sign any and all necessary documents pending legal review for the above-stated purpose.

We do hereby certify that the foregoing resolution was adopted by a vote of 3 for, 0 against, 0 silent, a quorum being present at a special meeting of the White Earth Reservation Business Committee held on June 30, 2023 in White Earth, Minnesota.



Michael A. Fairbanks, Chairman



Michael LaRoque, Secretary/Treasurer