

TITLE 4 – DOMESTIC RELATIONS

CHAPTER 4-7 MARRIAGE

4-7-1 Findings and Declarations

The Tribal Council finds and declares that:

- (a) Pursuant to Tribal and federal law, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribes) possesses jurisdiction to regulate Domestic Relations within Tribal territory.
- (b) Pursuant to the Tribes' Constitution (Article XI, Section 2), the Tribal Chief of the Tribes shall conduct all Tribal ceremonies.
- (c) The Tribes wish to provide additional services to Tribal members, and those who consent to the jurisdiction of the Tribes to marry and to grant to Judges of the Tribal Court, the authority to perform marriages.

4-7-2 Definitions

For the purpose of this Code, the following words shall have the following meanings:

- (a) "Tribal Council" means the Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.
- (b) "Territory of the Tribes" shall extend to the fullest extent permitted by law over all lands, waters, property, airspace, minerals, wildlife and other resources, and any interest therein, located within the exterior boundaries of the Tribal reservation, over any Tribal land or land held by individual members in trust status, and over any "Indian Country" of the Tribes as defined by Federal law (Article I, Section 2)
- (c) "Reservation" shall mean all lands held in trust for the Tribes or its members by the United States.
- (d) "Tribal Court" or "Court" shall mean the Tribal Court of the Tribes.
- (e) "Tribes" shall mean the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

4-7-3 Jurisdiction

- (a) The Tribes' Tribal Court shall have jurisdiction over marriage of members of the Tribes and all other individuals who consent to the jurisdiction of the Tribes.

(b) The procedures set forth herein shall be concurrent with the procedures established by the laws of the State of Oregon as to any marriage performed within tribal territory. The completion of an application for marriage license under this chapter constitutes consent to the Tribes' jurisdiction to grant such a license.

4-7-4 Marriage

Marriage is a personal relationship arising out of a civil contract between two individuals, to which consent of the parties capable of making that contract is necessary. Consent alone does not constitute marriage. Consent must be followed by the issuance of a license and solemnization as authorized by this Chapter.

4-7-5 Capacity to Consent

Any unmarried person, who has reached the age of eighteen (18), who is an enrolled member of the Tribes and who consents to the jurisdiction of the Tribal Court, or any other individual who consents to the jurisdiction of the Tribal Court, may consent to marry.

4-7-6 Who May Not Contract; Invalid or Prohibited Marriages

(a) No marriage shall be contracted while either of the parties is lawfully married to another person. Persons closer in relationship than second cousins may not marry. Any marriage attempted between persons closer in relationship than second cousins is prohibited and void.

(b) A marriage may not be contracted if either party lacks the capacity to enter into valid marriage.

(c) No marriage shall be contracted between parties of the same gender.

4-7-7 Marriage Licenses

(a) All persons wishing to be married by a duly authorized tribal official shall obtain a license from the Tribal Court Clerk at the Tribal Court office.

(b) The license shall contain the following information for each person:

- (1) full legal name;
- (2) place of residence,
- (3) age;
- (4) gender;

- (5) Tribal affiliation (if any);
- (6) date of birth;
- (7) whether previously married and, if so, how marriage ended (i.e. dissolution, death, annulment, etc.).

No marriage license may be issued unless the parties are capable of consenting to the marriage as provided herein.

(c) For purposes of obtaining all facts needed or required, the Court Clerk at the time of application, may question the applicants under oath. The information received shall be reduced to writing and sworn to by each applicant under penalty of perjury, if necessary. The Clerk may request any additional documentation as needed for verification of facts.

(d) The Judge shall prescribe the application forms for the license and the marriage certificate as required by this Code within thirty (30) days from the date of adoption by the Tribal Council.

4-7-8 Expiration of License

The marriage license shall not be valid for twenty-four (24) hours after it has been issued and expires ninety (90) days after it is issued, if not solemnized within ninety (90) days of issuance, as provided in this chapter. The day and time of issuance and date of expiration shall be clearly noted on the face of the license.

4-7-9 Health Information

No medical examination or laboratory tests shall be required.

4-7-10 Fees

The Tribal Council shall establish fees for obtaining a license and for performing ceremonies.

4-7-11 Ceremony and Solemnization of Marriage Contract

(a) The ceremony need not take any particular form, but the parties must declare, in the presence of the duly authorized official solemnizing the marriage, and in the presence of one or more witnesses, that they take each other as spouse.

(b) The following persons are duly authorized to solemnize a marriage.

- (1) A judge of the Tribal Court;

- (2) The Chief of the Tribes;

4-7-12 Completion and Recording of License and Certificate of Marriage

(a) After the ceremony, the duly authorized official shall sign and endorse the marriage license with a statement that shall include the following information:

- (1) date, time and place of the ceremony;
- (2) names and place of residence of one or more witnesses;
- (3) name, address, and title of the official who solemnized the marriage.

(b) The official shall return the marriage license to the Tribal Court Clerk within fifteen (15) days after the ceremony.

(c) The Tribal Court Clerk will then issue a Certificate of Marriage, affixed with the Official Seal of the Tribes.

(d) The Tribal Court Clerk will file the Certificate of Marriage and a copy of the marriage license with the Tribes' Tribal Court.

(e) The Tribal Court Clerk will record a copy of the Certificate of Marriage and a copy of the Marriage license with the County Recorder of the County of residence of the spouses within thirty (30) days of the ceremony.

4-7-13 Recognition of Marriage from Other Jurisdictions

A marriage contracted outside the territory of the Tribes that would be valid by the laws of the jurisdiction in which the marriage was contracted is valid within the territory of the Tribes.

4-7-14 Sovereign Immunity Intact

Nothing in this Code is to be construed to create a cause of action for violation of its provisions or to be construed as a waiver of the sovereign immunity of the Tribes.

4-7-15 Severability

If a court of competent jurisdiction holds any provision of this Code invalid, the invalid portion will be severed and the remaining provisions shall continue in full force and effect.

APPENDIX A
LEGISLATIVE HISTORY AND EDITORIAL CHANGES

MARRIAGE

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the "Marriage Ordinance", Resolution No. 05-071, Ordinance No. 069, at a regular Tribal Council meeting on August 14, 2005. Vote was 6 (for), 0 (against) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the Marriage Ordinance, Resolution No. 05-055, Ordinance No. 069, at a Business Council Meeting on June 27, 2005. Vote was 6 (for), 0 (against) and 0 (abstaining).