

## **Title 10 – Family Code**

### **Chapter 2. Marriage**

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#### **Sec. 201. Policy of the Tribes.**

It is the policy of the Tribes to promote legal marriage as described in Sections 205 through 207 because legal marriages contribute to stable family relationships and a positive moral climate on the Reservation.

#### **Sec. 202. Requirements.**

For a man and a woman to be married under this Chapter, each must:

- (a) Be at least sixteen (16) years of age;
- (b) Freely consent to the marriage; and
- (c) If under eighteen (18) years of age, obtain the consent of their custodial parents or legal guardian, if any.

#### **Sec. 203. Prohibited marriages.**

Two (2) persons shall not be married under this chapter who are related by blood to each other in any of the following degrees:

- (a) Parent and child;
- (b) Grandparent and grandchild;
- (c) Brother and sister, or half-brother and half-sister;
- (d) Aunt and nephew, or uncle and niece, whether the relationship is by half or whole blood;
- (e) Cousins in the first degree.

Any attempted marriage between persons so related shall be null and void from the time of the marriage forward.

#### **Sec. 204. Marriage of person having existing spouse.**

A person having an existing spouse shall not be married to another under this Title. A person having an existing spouse is one who has been married under this Title, or under the laws of another Tribe, state, or foreign nation, and whose marriage has not been terminated by:

(1) A divorce or annulment recognized as valid by the Tribe, state, or foreign nation which granted it, and which complies with due process of law;

(2) The death of the spouse; or

(3) The absence and believed death of the spouse for five (5) years or more.

#### **Sec. 205. Blood test.**

Persons wishing to be married must each undergo a blood test. The test shall be administered by a duly licensed physician and shall be a standard serological test or such other examination as may be necessary for the discovery of syphilis. The test shall be given not more than thirty (30) days before the application for a marriage license.

#### **Sec. 206. Marriage license.**

Persons wishing to be married must obtain a marriage license from the Fort Peck Tribal Court. To obtain a license, the persons must attest before the judge of the Tribal Court, or in an affidavit

(1) That they are at least sixteen (16) years of age,

(2) That they freely consent to the marriage,

(3) If they are under eighteen (18) years of age, that their custodial parents or guardians, if any, consent to the marriage (the written consent of the parents or legal guardians, if any, of any person under eighteen (18) years of age shall also be presented to the judge),

(4) That they are not related to each other in a manner prohibited by Section 203 of this Title and

(5) That they have no existing spouse as defined in Section 204 of this Title. Where necessary, the judge may require the testimony or affidavit or any person necessary to substantiate such information. Each applicant must also file with

the Court a certificate signed by a duly licensed physician stating that the applicant has been given a blood test as provided in Section 205 of this Title, and that in the opinion of a physician the applicant is not infected with syphilis in communicable form. If a judge is satisfied that the above requirements are met, the judge shall issue a marriage license to the applicants. The marriage license shall be valid for thirty (30) days and shall be in substantially the following form:

#### Fort Peck Marriage License

To any person authorized to perform the marriage ceremony:

You are hereby authorized to join in marriage

\_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, within thirty (30) days of the date specified below.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

#### Fort Peck Tribal Court Judge

The Court shall give one (1) copy of the marriage license to the applicants and shall retain one (1) copy for its records.

#### **Sec. 207. Marriage ceremony.**

A marriage ceremony may be performed by a judge of the Fort Peck Tribal Court, or by an ordained or recognized minister, priest, or other leader of any religious faith, who shall issue a marriage certificate in substantially the following form:

#### Fort Peck Marriage Certificate

I hereby certify that \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_, having obtained a valid marriage license, appeared before me on the \_\_\_\_\_ day of \_\_\_\_\_, and were joined in marriage.

Signed:

\_\_\_\_\_  
Witnesses:

\_\_\_\_\_  
The marriage certificate shall be signed by two (2) witnesses other than the persons being married and the person performing the marriage ceremony. Marriage certificates shall be returned to the Fort Peck Tribal Court which shall retain the original and deliver a copy to the persons married.

#### **Sec. 208. Jurisdiction.**

Under this Title, marriage licenses may be issued and marriage ceremonies performed where at least one (1) party is an Indian, and at least one party has been a bona fide resident within the boundaries of the Fort Peck Reservation for a period of six (6) months immediately preceding the application for a license.

#### **Sec. 209. Indian custom marriage.**

Indian custom marriage and divorce among Indians on the Fort Peck Indian Reservation remains abolished.

#### **Sec. 210. Recognition of foreign marriages.**

A marriage duly licensed and performed under the laws of the United States, any Tribe, state, or foreign nation shall be recognized as valid by the Fort Peck Tribal Court for all purposes.