

SILETZ MARRIAGE ORDINANCE

Siletz Tribal Code §

§ ? Title.

This ordinance shall be known as the “Marriage Ordinance of the Confederated Tribes of Siletz Indians.”

§? Purpose and Authority.

- (a) Pursuant to the Constitution of the Confederated Tribes of Siletz Indians and the Siletz Tribal Council Rules of Procedure, §2.108 Ordinances (a), the Tribal Council has legislative authority to establish Tribal Ordinances. In order to protect, preserve and promote the health and welfare of the Tribe and its members, the Tribal Council has established this Marriage Ordinance, which sets out rules to govern the recognition and formation of marriage and marriage equality.
- (b) The Tribal Council finds that marriage is a fundamental human right, and an institution that strengthens family relationships and preserves the integrity, cohesiveness, and continuity of the Siletz Tribe. The formation and recognition of marriage is thus essential to the Tribe’s political integrity, economic security, and health and welfare.
- (c) The Tribal Council further finds that the right to equality without discrimination requires that couples of the same sex and couples of opposite sex have equal access to marriage and to protections, responsibilities, and benefits that result from marriage.
- (d) To reflect our values of respect and equality, it is the policy of the Tribe that the marriages of same-sex couples and the marriages of opposite sex couples be treated equally in all respects under Tribal law.

§? Definitions

- (a) **Address** means a residence, mailing or contact address in the same state or reservation as the person’s home.
- (b) **Marriage** means a formal and express civil contract entered into between two persons, who are at least 18 years of age, who are otherwise capable of entering a Marriage, and at least one of whom is a member of the Confederated Tribes of Siletz Indians.
- (c) **Tribe** means the Confederated Tribes of Siletz Indians
- (d) **Tribal Court** means the Siletz Tribal Court
- (e) **Tribal member** means a person who is an enrolled member of the Confederated Tribes of Siletz Indians
- (f) **Reservation** means those lands held in trust by the Federal government for the benefit of the Tribe for the purposes of this Ordinance.
- (g) **Solemnize** means to mark or celebrate officially or formally with a religious ceremony; to perform the ceremony of (marriage); to hold or perform (ceremonies, rites, etc.) in due manner.

§? Parties to a Marriage

- (a) At least one party to the proposed Marriage is a Tribal member at the time that the license is issued and at the time that the Marriage is solemnized;
- (b) Both parties to the Marriage are at least 18 years of age at the time of the Marriage; and
- (c) The parties to the Marriage are not first cousins or any nearer of kin to each other, whether of the whole or half blood, whether by blood or adoption, computing by the rules of the civil law. However, when the parties are first cousins by adoption only, the Marriage is not prohibited.
- (d) Marriage is the legally recognized union of two persons. A marriage that is otherwise valid shall be valid.
- (e) No Tribal government treatment or legal status, effect, right, benefit, privilege, protection, or responsibility related to marriage, whether deriving from a statute, ordinance, resolution, administrative or court rule, regulation, policy, common law, or any other source of law, shall differ based on whether the parties to the marriage are or have been of the same sex or of opposite sexes.

§? Marriage License; Marriage Certificate; Equal Access

- (a) No person may perform a Marriage under this Ordinance unless the parties have first obtained a Marriage license from the Siletz Tribal Court. Upon receipt of an application, and a fee to be set by the Tribal Court, the Tribal Court shall immediately issue a Marriage license form to any couple that appears to be qualified.
- (b) The Tribal Court may request proof of age and/or Tribal membership prior to issuing a license.
- (c) The Marriage license shall be valid for 60 days regardless of whether the final day ends on a legal or Tribal holiday.
- (d) The form of Marriage license shall contain a Marriage certificate for the person solemnizing the Marriage to complete and return to the Tribal Court, and shall include instructions clearly and prominently stating that the parties shall not be married until the Marriage certificate is complete and returned. These instructions will set forth clear instructions regarding how parties may solemnize a Marriage.
- (e) The Tribal Court must keep an official record of Marriage licenses and certificates issued.
- (f) The Tribal Court must use a Marriage license form that requests statistical data regarding both parties’ age, Tribal membership, place of birth, sex, occupation, residence and previous marital and domestic partnership status. The Tribal Court will develop the license and certificate forms consistent with the requirements of this Ordinance. Any licenses issued by the Tribe shall state: “Neither you nor your spouse is the property of the other. The laws of the Confederated Tribes of Siletz Indians affirm your right to enter into Marriage and to live within the Marriage free from violence and abuse.”
- (g) The license form shall require all applicants for a Marriage to expressly consent to the regulatory jurisdiction of the Confederated Tribes of Siletz Indians to authorize this Marriage and to the adjudicatory jurisdiction of the Siletz Tribal Court for the purpose of any action to obtain a judgment of dissolution or annulment of the Marriage, for legal separation of the spouses or for any other proceeding related to the spouses’ rights and obligations, even if one or both partners cease to reside in, or to maintain a domicile on the Siletz Indian Reservation. The license form shall advise all applicants for a Marriage to seek out the advice of an attorney before signing.
- (h) The license form shall require individuals who wish to form a Marriage to
 - (1) State that the individual is at least 18 years of age and is otherwise capable to enter into a Marriage at the time the individual signs the form;
 - (2) State whether the individual is a Tribal member;
 - (3) Provide a mailing address;
 - (4) Sign the form with a declaration under oath that the representations made on the form are true, correct and contain no material omissions of fact to the best knowledge and belief of the individual;
 - (5) Have a notary public attest to the individual’s statement under oath; and
 - (6) Sign a statement acknowledging the Sovereign Immunity of the Siletz Tribe and its employees, representatives, officers and agents.
- (i) No application for a Marriage license shall be denied on the grounds that the parties are of the same sex.

§? Who May Solemnize Marriages

- (a) A Marriage may be solemnized and performed on the Reservation by the following:
 - (1) The Tribal Council Chairman;
 - (2) A person or clergyman recognized by his or her religion as having authority to marry;
 - (3) The Chief Judge of the Siletz Tribal Court; or
 - (4) Any other person authorized by applicable Law.
- (b) The parties may choose for the Marriage to be solemnized according to the Tribal customs and traditions, provided that the solemnization is consistent with the requirements of this Ordinance.
- (c) No Marriage solemnized by a person professing to have authority to marry will be invalid for lack of authority, if it is both parties’ belief that the person had the authority and that the parties have been lawfully married.
- (d) A person solemnizing a Marriage may charge the couple being married. Such charge shall not exceed \$50.00, plus actual costs for food and lodging as verified by receipts.

See Marriage, continued on next page

STBC has Trading at the River scholarships

Trading at the River (TATR) is taking place May 28-29 at Lewis and Clark College in Portland, Ore. The Siletz Tribal Business Corporation (STBC) is pleased to announce that two available registration scholarships are available on a first-come, first-served basis.

Visit tradingattheriver.com for more information. The scholarship registration includes two meals a day. The scholarship does not include hotel accommodations.

Contact Kimbrali Somes, STBC administrative assistant, at 541-994-2142 or 877-564-7298 if you would like to utilize one of the scholarships.

Additionally, for all Siletz Tribal business owners, should you have marketing materials or products you would like STBC to display at its booth, please provide those materials to STBC no later than May 15 for inclusion.