

§? Duty of Person Solemnizing Marriage

(a) Any person solemnizing a Marriage must review the Marriage license, and must ascertain:

- (1) The parties identities; and
- (2) That the parties are of sufficient age to marry; and
- (3) That, at the time of solemnization, the license remains valid under the time requirements in Section (Insert Section once established).

§? Form of Solemnizing; Witnesses; Procedure

(a) In solemnizing a Marriage no particular practice is required except that the parties will assent or declare in the presence of the person solemnizing and at least two other witnesses that they take each other freely as spouses.

(b) The person solemnizing the Marriage may administer oaths or question the parties and the witnesses to determine that the parties are qualified to be married under this Chapter.

(c) The person solemnizing the Marriage must complete the solemnization portion of the Marriage license form and return it to the Tribal Court before the license expiration date.

§? Recognition of Marriages, Domestic Partnerships and Civil Unions from Other Jurisdictions

(a) For the exclusive purpose of providing Tribal and Tribally-administered benefits, the Tribe shall recognize Marriages, Domestic Partnerships and Civil Unions formed under laws of other federally recognized tribes, U.S. states, (and their duly authorized subdivisions), and those foreign nations, jurisdictions and provinces that the United States Government formally recognizes, provided that:

- (1) At least one member of the Marriage, Domestic Partnership or Civil Union is a Tribal member at the time that the recognition is requested;
- (2) Both parties to the Marriage, Domestic Partnership or Civil Union are at least 18 years of age;
- (3) The parties to the Marriage, Domestic Partnership or Civil Union are not first cousins or any nearer of kin to each other, whether of 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, this prohibition will not apply;
- (4) The provision of any Tribally-administered benefit to the parties to the Marriage, Domestic Partnership or Civil Union does not conflict with the requirements of federal law; and
- (5) The parties to the Marriage, Domestic Partnership or Civil Union provide adequate proof of their Marriage, Domestic Partnership or Civil Union.

(b) Nothing in this Section (Insert Section once established) creates or authorizes a Marriage, Domestic Partnership or Civil Union under Siletz Tribal law.

(c) Nothing in this Ordinance limits the authority of the Siletz Tribal Council to categorically prescribe, reduce or eliminate all or a portion of Tribal benefits

or privileges, if any, to Spouses or Domestic Partners of Tribal members. Nothing in this Ordinance limits the authority of the Siletz Tribal Council to categorically provide greater benefits to Tribal members than to Spouses and Domestic Partners of Tribal members.

§? Jurisdiction

The Tribe has jurisdiction to govern the formation and recognition of a Marriage, Domestic Partnership or Civil Union between its members and between a member and a non-member regardless of the member's place of residence.

§? Surname May Be Retained After Marriage

Upon entering into a Marriage, either person may either retain his or her prior surname or adopt his or her spouse's prior surname or a combination of both. The Marriage license form shall accommodate these requirements.

§? Void Marriages

The following marriages are not recognized by the Tribe, are prohibited, and, if solemnized within the Tribe's jurisdiction, are absolutely void;

- (1) When either party has a spouse or domestic partner living at the time of the marriage, or
- (2) When the parties to the marriage are 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 or void.

§? Voidable Marriages

When the Tribal Court finds that either party to a marriage is incapable of making a marital contract or consenting to the contract for want of legal age or sufficient understanding, or when the consent of either party was obtained by fraud or force, the marriage is void from the time it is so declared by a judgment of a court having jurisdiction of the marriage. However, a marriage void under this subsection does not relieve a party to the marriage from the spousal support and property settlement requirements of tribal law or other applicable law.

§? Legitimacy of Children

When a Marriage is contracted in good faith and in the belief that it is a valid Marriage, the children of the Marriage born or conceived prior to the Marriage's voiding or the Tribal Court's order invalidating the Marriage for any reason are presumed to be the legitimate issue of both parents, unless determined otherwise.

§? Rulemaking Authority

The Tribal Court shall have the authority to prescribe such regulations and procedures as it deems necessary to carry out the purpose of this Ordinance and to facilitate its operation.

§? Prohibited Acts; Penalty

(a) No person may perform a Marriage under this Ordinance unless authorized to do so by Tribal law.

(b) No person may knowingly give false information on an application for a Marriage license.

(c) Any person(s) who intentionally violates subsections (a) or (b) of this section (insert section once established) is punishable as a civil violation pursuant to Civil Offense Ordinance §12.802, in addition to any other penalty conviction or punishment under Tribal or other applicable law.

§? Repeal of Inconsistent Ordinances

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of any conflict with this Ordinance.

§? Severability

If any provision of this Ordinance or the application of any provision of this Ordinance to any person or circumstance is held invalid by a court of competent jurisdiction, that provision shall be severed from the Ordinance and the remainder of this Ordinance shall remain in full force and effect.

§? No Waiver of Sovereign Immunity

Nothing in this Ordinance shall be construed as a waiver of sovereign immunity of the Tribe or any Tribal official, agent or employee.

§? Effective Date

(Insert Code once established) shall not become effective until all of the following have been completed:

- (1) The promulgation of regulations to implement those provisions, including form documents for use by the Siletz Tribal Court,
- (2) The adoption of a Tribal Ordinance to govern the dissolution of Marriages formed under (Insert Code once established).



Courtesy photo

The Siletz Tribal Head Start classroom in Lincoln City has Dental Day with Teacher Sarah (center back) and Teacher Rena (far right), plus (back row, l to r) Savannah Vandaam, Isaac DeAnda III, Sophia Somes and Antonio Salas; and (front row, l to r) Sabryanna Wills, Taylor Morris, Jaylinn Yeaman and Samyra Brinkley.