

**TITLE 11**  
**DOMESTIC RELATIONS**  
**Table of Contents**

<u>11.01</u>	<u>MARRIAGE</u>	
11.01.01	Marriage Ceremonies on the Reservation .....	1
<u>11.02</u>	<u>DISSOLUTION OF MARRIAGE</u>	
11.02.01	Petitions for Dissolution .....	1
<u>11.03</u>	<u>CHILD SUPPORT</u>	
11.03.01	Enforcement of Foreign Child Support Orders.....	2

**TITLE 11  
DOMESTIC RELATIONS**

11.01            MARRIAGE

11.01.01        Marriage Ceremonies on the Reservation

- (a) The following persons are authorized to conduct marriage ceremonies on the Nisqually Indian Reservation when one or both of the persons getting married are members of the Nisqually or other federally recognized Indian tribe:
  - (i) The Chairman or Vice-Chairman of the Nisqually Tribal Council;
  - (ii) A member of the clergy;
  - (iii) A judge of the Nisqually Tribal Court;
  - (iv) A judicial officer of the Nisqually Tribal Court who is specifically authorized by the Tribal Council to conduct marriage ceremonies; and
  - (v) Traditional spiritual leaders specifically authorized by the Tribal Council to conduct marriage ceremonies.
  
- (b) The marriage ceremony may be conducted in any reasonable manner chosen by those persons getting married, provided they verbally agree to be husband and wife.
  
- (c) Persons to be married on the Nisqually Reservation must first obtain, for a ten dollar (\$10.00) fee, an application for a marriage license from the Clerk of the Nisqually Tribal Court.
  
- (d) Upon receipt of a certificate of marriage signed by the official who performed the marriage ceremony, the Clerk of the Nisqually Tribal Court shall issue a marriage license to the applicants on a form approved and signed by the Chairperson of the Tribal Council.

**HISTORICAL AND STATUTORY NOTES**

This section amended by Resolution 50-2009, dated 6/30/09.

This section amended in 1991. Originally created by Resolution 194-1988.

11.02            DISSOLUTION OF MARRIAGE

11.02.01        Petitions for Dissolution

- (a) The Nisqually Tribal Court is authorized to accept and consider petitions for the dissolution of marriages when at least one party is a Nisqually Tribal Member.

- (b) The Nisqually Tribal Court shall establish and follow procedures for reviewing and deciding petitions for the dissolution of marriages.

#### **HISTORICAL AND STATUTORY NOTES**

This section amended by Resolution 50-2009, dated 6/30/09.

This section amended in 1991. Originally created by Resolution 38-1989.

#### **ANNOTATIONS**

Tribal Council Resolution 116-82, dated March 17, 1982, states that Tribe accepts common law marriage “as defined by Webster: 1968, ‘a marriage not solemnized by religious or civil ceremony but effected by agreement to live together as husband and wife.’” Resolution 116-82 also requests that IHS accept common law marriage applicants from the Nisqually Community as eligible for health care services.

### 11.03            CHILD SUPPORT

#### 11.03.01        Enforcement of Foreign Child Support Orders

- (a) The Nisqually Tribal Court shall enforce according to its terms a child support order made consistently with 28 U.S.C. § 1738B, by the court or administrative agency of another Indian Tribe or State which is authorized by law to establish the amount of child support payable or to make a modification of a child support order.
- (b) The Nisqually Tribal Court shall not seek or make a modification of such an order unless:
  - (i) The Nisqually Tribal Court has jurisdiction to make such a child support order and
  - (ii) The court or administrative agency of the other Tribe or State no longer has continuing, exclusive jurisdiction of the child support order because that Tribe or State no longer is the Child’s State or Tribe or the residence of any contestant; or each individual contestant has filed written consent with the Tribe or State of continuing exclusive jurisdiction for a court of another Tribe or State to modify the order and assume continuing, exclusive jurisdiction over the order.
- (c) Any party to an action in which a foreign judgment has been rendered may file in the Tribal Court a certified copy of the foreign judgment together with a certification that such judgment is final, has not been modified, altered, amended, set aside or vacated and that the enforcement of such judgment has not been stayed or suspended, and such certificate shall set forth the full name and last-known address of the other party to such judgment and the name and address of the Court in the foreign jurisdiction which rendered such judgment.
  - (i) Such foreign judgment shall become a judgment of the Tribal Court and shall be enforceable provided that such judgment does not contravene the public policy of the Nisqually Tribe. A foreign judgment so filed shall have the same effect and

may be enforced or satisfied in the same manner as any like judgment of the Tribal Court; provided that in modifying or altering such foreign judgment, the substantive law of the foreign jurisdiction shall be controlling.

- (ii) The Court shall abide by any applicable federal law concerning family and child support, custody and enforcement matters, including, but not limited to, 28 U.S.C. § 1738B, the Full Faith and Credit for Child Support Orders Act.

**HISTORICAL AND STATUTORY NOTES**

Section 11.03.01 added by Resolution 131-2009, dated November 10, 2009.