

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA TRIBAL COURT

DIVORCE BROCHURE PACKET WITHOUT CHILDREN



Enclosed you will find all the information and necessary forms to file for dissolution of marriage without children in Tribal Court. Read the brochure and instructions carefully. If you have any questions, you should contact the **Tribal Court Clerk at (218) 878-7151**.

It is highly recommended that you make copies of the blank forms to assemble the information needed. Once you and your spouse have reached agreement on all issues, prepare the final documents for filing with the Court.

Contents of Packet:

- 1) Divorce Brochure and Instructions
- 2) Forms
 - a. Co-Petition for the Dissolution of Marriage
- 3) Divorce Ordinance

**FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
TRIBAL COURT**

DIVORCE BROCHURE

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NOTICE ABOUT THIS BROCHURE

This brochure is not a complete statement of the law. This brochure provides basic information for uncontested divorce cases in Tribal Court. For legal information, please talk to a lawyer, or visit your local law library. The Tribal Court Clerk cannot give you legal advice or help you fill out the forms. It may be helpful for each person to consult an attorney regarding the dissolution of the marriage. The services of an attorney may be obtained through a lawyer referral service, independent legal services or legal aid organization. Neither party can be represented by an attorney in a Tribal Court divorce proceeding, nor can an attorney be used in preparation of the divorce. However, you may wish to consult an attorney for advice about whether to use this Tribal Court process to obtain your divorce.

I. PURPOSE OF BROCHURE

The purpose of this brochure is to provide you with the necessary forms and instructions to allow you to file for and obtain a divorce where both parties are in agreement on all issues.

This brochure describes a way to end your marriage through a simple divorce proceeding that will be conducted in the Tribal Court of the Fond du Lac Band of Lake Superior Chippewa

The Fond du Lac Band of Lake Superior Chippewa Marriage, Domestic Partnership & Divorce Ordinance provides a shorter and easier way for people to obtain a divorce, but not everyone can use it. This brochure will help you decide whether your divorce can be done through the Tribal Court.

If you wish to use the divorce procedure in Tribal Court, you must verify that you have read and understood this brochure. **It is important for you to read THE WHOLE BROCHURE VERY CAREFULLY.**

II. IS COUNSELING AVAILABLE?

Counseling services are available through the Band's Behavioral Health Department. These counseling visits are held in the strictest confidence. Counseling is not required for the divorce.

III. WHO CAN GET DIVORCED IN TRIBAL COURT?

You can file for a divorce in Tribal Court only if **ALL** of the following statements are true at the time of the filing of the Co-Petition for Dissolution of Marriage. Check this list very carefully. If even one of these statements is not true, the Tribal Court cannot process your divorce.

- _____ 1. Both parties want to end the marriage because of irreconcilable differences.
- _____ 2. You have no children from this marriage, there are no adopted children of the marriage under 18 years of age and neither co-petitioner is now pregnant, **OR** if there are children of this marriage, or co-petitioner is pregnant, you and your spouse have agreed on the issues of child custody, support and visitation.

- _____ 3. Together, the debts incurred by either or both of you after the date of the marriage total \$25,000 or less. You may exclude the balances on mortgages, student loans, and automobile loans when calculating this debt limit amount.
- _____ 4. You and your spouse have agreed about how to divide up all of your property and debts.
- _____ 5. You and your spouse have agreed that neither of you will have to pay the other any money to support the other (i.e., spousal support.)
- _____ 6. At least one spouse is an enrolled member of the Fond du Lac Band and if one spouse is not a Band member, that spouse gives written consent to have the Tribal Court dissolve your marriage.
- _____ 7. You and your spouse have both read this brochure, and you understand it.

IV. WHAT STEPS DO I HAVE TO GO THROUGH TO OBTAIN A DIVORCE IN TRIBAL COURT?

All divorce forms are provided for your convenience. You may modify the forms to meet your needs. Be aware however, that the information you file must allow the Judge to determine whether your petition can be heard in Tribal Court, and whether the agreements you have made are complete and fair.

Divorce forms must be notarized. The notary may require picture identification.

DO NOT SIGN THE DOCUMENTS UNTIL YOU ARE IN THE PRESENCE OF A NOTARY.

Please review each section of the Co-Petition for Dissolution of Marriage with Minor Children carefully and provide all required information.

1. Complete the “Co-Petition for Dissolution of Marriage without Minor Children”

- Sections 1-28 provide the Court with information about the Co-Petitioners and their children. Please complete all sections. Use full names (first, middle, last, prefix/suffix). Based upon the information provided in section 1-28, Co-Petitioners’ will request that the Court issue a final judgment and the relief sought in sections 1-19.

2. Finalize the documents.

- In the presence of a notary, sign the Co-Petition. This document must be signed under penalty of perjury, which is the same as being sworn to testify in Court.
- If requested, the Court Clerk will provide two copies of the Co-Petition and all of the attached agreements at the time you file your Co-Petition.

3. File the Co-Petition with the Tribal Court.

- The Tribal Court is physically located at 28 University Road, Cloquet, Minnesota, 55720. The mailing address for the Court is 1720 Big Lake Road, Cloquet, MN 55720.
- The Co-Petition may be filed in person or may be mailed to the Court at the mailing address listed above.
- The filing fee is \$50.00, which must be paid at the time of filing.
- Upon filing, the Court Clerk will assign a case number to your case.

4. Notice of Revocation.

- The filing of this Notice of Revocation will stop the divorce proceeding in Tribal Court.
- The Notice may be filed by either spouse at any time prior to the entry of the Final Judgment of the Divorce Hearing.
- The Notice of Revocation must be served upon the other spouse and a Certificate of Service must be filed with the Tribal Court as proof of such service.
- Upon filing of the Notice of Revocation, the Co-Petition is revoked and the divorce proceeding is stopped.
- Forms to file the Notice of Revocation may be requested from the Court Clerk.

5. Divorce Hearing; Final Judgment.

- After the filing of the Co-Petition, the **Court Clerk will set the date** for a Court Hearing. The co-petitioners do not set the date.
- Each spouse will receive a Notice of Hearing with a time and date at which the matter will go before the Judge.
- One or both spouses may appear at the hearing; **however it is strongly recommended that both spouses appear at the hearing. If the Court has questions that cannot be answered by one spouse at the hearing, the Court will continue the hearing to a later date. This will delay the dissolution of marriage proceedings.** One spouse may appear at the hearing by telephone, if prior arrangements are made with the Court Clerk.
- At the hearing, the Court will ask the co-petitioner(s) whether they now wish to apply for a final judgment, to determine whether the co-petitioner(s) want the divorce to proceed.
- The Judge will review, with each co-petitioner, the information set forth in the Co-Petition and any attached Agreements.

- At the conclusion of the hearing, if it is determined that all the requirements of the Band's ordinance have been met and the requested judgment decree is complete and fair; the Judge will enter a Final Judgment and Decree of Dissolution of Marriage.

With the entry of the Final Judgment and Decree, all rights and obligations of both parties, including property and spousal support rights, will be permanently ended without right of appeal, except that either Co-Petitioner may petition the Court to set aside the final judgment for fraud, duress, accident, mistake, or other grounds recognized under Tribal law.

- Neither person may remarry until the Final Judgment dissolving the marriage has been Filed and Entered by the Court Clerk.

VI. GENERAL INFORMATION

REMEMBER:

- Until the Court enters a Final Judgment and Decree, either of you can stop the process by filling out a **Notice of Revocation of Co-Petition for Dissolution of Marriage** form. You only need to file this form if you wish to stop the divorce proceedings.
- Don't forget the attachments: Proof of Enrollment, Court Orders, Support Order, Protection or Harassment Order, etc.

**Fond du Lac Band of Lake Superior Chippewa
Tribal Court**

In the Matter of the Marriage of:) **Case No.** _____
)
)
_____,)
Co-Petitioner 1,)
)
and) **CO-PETITION FOR DISSOLUTION**
) **OF MARRIAGE**
_____,) **(WITHOUT CHILDREN)**
Co-Petitioner 2.)
_____)

We, the undersigned, petition the Tribal Court for dissolution of our marriage without full representation of an attorney, and declare the following facts are true on the date that this Co-Petition is filed with the Court.

1. INFORMATION ABOUT CO-PETITIONER 1

Full Name:

First Middle Last

Address where you live:

Street Address Apt. No.

City State Zip Code County

Mailing address where you agree to receive papers for this case: Same as above or:

Street Address Apt. No.

City State Zip Code County

Date of Birth: _____
Month Day Year

List all of Co-Petitioner 1's former or other names or write "None":
(Attach separate page if necessary)

First Middle Last

First Middle Last

Choose one:

I am an enrolled member of the Fond du Lac Band.

My enrollment number is: _____ and **Proof of my enrollment is attached** or,

I am not an enrolled member of the Fond du Lac Band, and I freely consent to the jurisdiction of the Fond du Lac Tribal Court in this matter, waiving the right to contest the jurisdiction of the Fond du Lac Tribal Court to enter a final judgment.

Signature

Print Name

2. INFORMATION ABOUT CO-PETITIONER 2

Full Name:

First

Middle

Last

Address where you live:

Street Address

Apt. No.

City

State

Zip Code

County

Mailing address where you agree to receive papers for this case: Same as above or:

Street Address

Apt. No.

City

State

Zip Code

County

Date of Birth: _____

Month

Day

Year

List all of Co-Petitioner 2's former or other names or write "None":

(Attach separate page if necessary)

First

Middle

Last

First

Middle

Last

Choose one:

I am an enrolled member of the Fond du Lac Band.

My enrollment number is: _____ and **Proof of my enrollment is attached** or,

I am not an enrolled member of the Fond du Lac Band, and I freely consent to the jurisdiction of the Fond du Lac Tribal Court in this matter, waiving the right to contest the jurisdiction of the Fond du Lac Tribal Court to enter a final judgment.

Signature

Print Name

3. OUR MARRIAGE

Petitioner's were married on: (month, day, year) _____,
in the City of _____, County of _____
State of _____, Country of _____.

4. CHILDREN

a. Do Co-Petitioner's have children of this marriage, either born or adopted, under the age of 21? YES NO

b. Is Co-Petitioner 1 pregnant at this time? YES NO

c. Is Co-Petitioner 2 pregnant at this time? YES NO

If you answered **YES** to any of the above, please use the packet for Dissolution of Marriage *with* Children.

5. MARRIAGE CANNOT BE SAVED

Irreconcilable differences have caused the breakdown of our marriage and the marriage should be dissolved.

6. PHYSICAL LIVING SITUATION

Do Co-Petitioner's live together at this time? YES NO

If **NO**, the date we separated was:

Month Day Year

7. **OTHER PROCEEDINGS**

- a. Has a separate court case for marriage dissolution, legal separation, custody, paternity or annulment already been started by Co-Petitioner 1 or Co-Petitioner 2 in Minnesota or elsewhere? YES NO

If, **YES**, the type of court case is: _____, and it was started in _____ County, in the State of _____ and the Court file number is _____, and the status or outcome of the case is:

OPEN CLOSED UNKNOWN

- b. Is there a County Support case involving either Co-Petitioner or their children? YES NO

If **YES**, the case is in _____ County, in the State of _____ and the Court file number is _____.

A copy of the Support Order is attached, or the case is DISMISSED, or PENDING.

- c. Is there any other court case pending in this or any other court that could affect this case?

YES NO

If, **YES**, the type of court case is: _____ and it was started in _____ County, in the State of _____ and the Court file number is _____, and the status or outcome of the case is:

OPEN CLOSED UNKNOWN

8. **PROTECTION OR HARASSMENT ORDER**

- a. Is an *Order for Protection* or a *Harassment/Restraining Order* in effect regarding either Co-Petitioner?

YES NO

If **YES**, the *Order* protects

CO-PETITIONER 1 CO-PETITIONER 2 CHILD(REN)

and the Order was filed on: _____, in the County of _____, in the State of _____, and the Court file number is _____.

A copy of the Order is attached.

- b. Does the Order for Protection include an order to pay child support? YES NO

9. PUBLIC ASSISTANCE / MEDICAL ASSISTANCE

If either party is receiving public assistance from the State of Minnesota or applies for it after this proceeding is started, the Petitioner must give notice of this marriage dissolution action to the Support and Collections office for the county paying the assistance.

- a. Does Co-Petitioner 1 receive public assistance from the State of Minnesota? YES NO

If YES, the assistance is from _____ County. (Check all that apply):

- MFIP in the amount of \$ _____ per month
- Tribal TANF in the amount of \$ _____ per month
- General Assistance in the amount of \$ _____ per month
- Child Care Assistance MinnesotaCare Medical Assistance

- b. Does Co-Petitioner 2 receive public assistance from the State of Minnesota? YES NO

If YES, the assistance is from _____ County. (Check all that apply):

- MFIP in the amount of \$ _____ per month
- Tribal TANF in the amount of \$ _____ per month
- General Assistance in the amount of \$ _____ per month
- Child Care Assistance MinnesotaCare Medical Assistance

10. SUPPLEMENTAL SECURITY INCOME (SSI)

Supplemental Security Income (SSI) is a Federal Income supplemental program. It is available to low-income people if they are over age 65, or blind, or disabled.

- a. Does Co-Petitioner 1 receive Supplemental Security Income (SSI)? YES NO

If YES, in the amount of \$ _____ per month.

- b. Does Co-Petitioner 2 receive Supplemental Security Income (SSI)? YES NO

If YES, in the amount of \$ _____ per month.

11. CO-PETITIONER 1'S EMPLOYMENT

- a. Is Co-Petitioner 1 employed? YES NO
- b. Is Co-Petitioner 1 Self-Employed? YES NO
- c. Is Co-Petitioner 1 working at least 40 hours per week? YES NO

If unemployed or working less than 40 hours/week, answer these questions:

- i. Explain why you are not working or why you work less than 40 hours/week:

ii. What is your past work experience (type of jobs, hours, pay, length of time at the job) and what are your professional qualifications or licenses?

d. Current Employment:

(If Co-Petitioner 1 has more than two jobs at this time, use an attachment for the additional jobs.)

1. _____
 Name of Co-Petitioner 1's Employer (If Self-Employed, list and business address)

 Employer's Street Address

 City State Zip Code

2. _____
 Name of Co-Petitioner 1's Employer (If Self-Employed, list and business address)

 Employer's Street Address

 City State Zip Code

Questions about Current Jobs	Job No. 1	Job No. 2
Are you paid by the hour or do you have a salary?	<input type="checkbox"/> hourly <input type="checkbox"/> salary	<input type="checkbox"/> hourly <input type="checkbox"/> salary
What is the average number of hours you work per week?	_____ hours	_____ hours
How much overtime pay do you receive per week on average?	\$ _____	\$ _____
Do you receive bonuses? <input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, how much did you receive in bonuses last year? \$ _____ How much do you expect to receive in bonuses this year? \$ _____	If YES, how much did you receive in bonuses last year? \$ _____ How much do you expect to receive in bonuses this year? \$ _____

12. CO-PETITIONER 1'S INCOME

If you do not have income in a category, enter zero (0). Do not list public assistance benefits as income (e.g. MFIP, GA, SSI).

Source of Income	Amount Per Month (before deductions/taxes)
Self Employment Income Self Employment income means gross receipts minus cost of goods sold minus ordinary and necessary business expenses. Attach Schedule "C" from last year's tax return to this Petition.	\$ _____ per month
Job with: _____ Your monthly income from a job= $\frac{\text{Hourly wage} \times \text{Hours worked per week}}{4.33}$ (weeks per month)	\$ _____ per month
Second job with: _____	\$ _____ per month
Third job with: _____	\$ _____ per month
Commissions from all jobs Divide the total amount you expect this year by 12 to get a monthly average.	\$ _____ per month
Unemployment Benefits	\$ _____ per month
Social Security Retirement, Survivors or Disability Income (RSDI) Do not include SSI.	\$ _____ per month
Investment and Rental Income	\$ _____ per month
Annuity Payments	\$ _____ per month
Pension or Disability from work or military	\$ _____ per month
Worker's Compensation	\$ _____ per month
Court-ordered spousal maintenance you receive	\$ _____ per month
Tribal Per Capita	\$ _____ per month
Other Income Identify Sources: _____ _____ _____ _____	\$ _____ per month

Add all of the above. **Total Monthly Income** \$ _____ per month

Enter the amount of child support you are court-ordered to pay for any non joint child(ren): \$ _____ per month

Enter the amount of spousal maintenance you are court-ordered to pay to your current or former spouse: \$ _____ per month

Enter the amount of Social Security or Veteran's Benefits provided to a joint child because of your retirement, disability, or other eligibility: \$ _____ per month

If you entered an amount, which parent receives the payment for the child? CO-PETITIONER 1 CO-PETITIONER 2

13. CO-PETITIONER 2'S EMPLOYMENT

- a. Is Co-Petitioner 2 employed? YES NO
- b. Is Co-Petitioner 2 Self-Employed? YES NO
- c. Is Co-Petitioner 2 working at least 40 hours per week? YES NO

If unemployed or working less than 40 hours/week, answer these questions:

- i. Explain why you are not working or why you work less than 40 hours/week.

- ii. What is your past work experience (type of jobs, hours, pay, length of time at the job) and what are your professional qualifications or licenses?

- d. Current Employment:

(If Co-Petitioner 2 has more than two jobs at this time, use an attachment for the additional jobs.)

- 1.

Name of Co-Petitioner 2's Employer (If Self-Employed, list and business address)

Employer's Street Address

City State Zip Code

- 2.

Name of Co-Petitioner 2's Employer (If Self-Employed, list and business address)

Employer's Street Address

City State Zip Code

Questions about Current Jobs	Job No. 1	Job No. 2
Are you paid by the hour or do you have a salary?	<input type="checkbox"/> hourly <input type="checkbox"/> salary	<input type="checkbox"/> hourly <input type="checkbox"/> salary
What is the average number of hours you work per week?	_____ hours	_____ hours
How much overtime pay do you receive per week on average?	\$ _____	\$ _____
Do you receive bonuses? <input type="checkbox"/> YES <input type="checkbox"/> NO	If YES , how much did you receive in bonuses last year? \$ _____ How much do you expect to receive in bonuses this year? \$ _____	If YES , how much did you receive in bonuses last year? \$ _____ How much do you expect to receive in bonuses this year? \$ _____

14. CO-PETITIONER 2'S INCOME

If you do not have income in a category, enter zero (0). Do not list public assistance benefits as income (e.g. MFIP, GA, SSI).

Source of Income

Amount Per Month (before deductions/taxes)

Self Employment Income

\$ _____ per month

Self Employment income means gross receipts minus cost of goods sold minus ordinary and necessary business expenses. Attach Schedule "C" from last year's tax return to this Petition.

Job with

\$ _____ per month

Your monthly income from a job= $\frac{\text{Hourly wage} \times \text{Hours worked per week} \times 4.33}{\text{weeks per month}}$

Second job with

\$ _____ per month

Third job with

\$ _____ per month

Commissions from all jobs

\$ _____ per month

Divide the total amount you expect this year by 12 to get a monthly average.

Unemployment Benefits

\$ _____ per month

Social Security Retirement, Survivors or Disability Income (RSDI)

\$ _____ per month

Do not include SSI.

Investment and Rental Income

\$ _____ per month

Annuity Payments

\$ _____ per month

Pension or Disability from work or military

\$ _____ per month

Worker's Compensation

\$ _____ per month

Court-ordered spousal maintenance you receive

\$ _____ per month

Tribal Per Capita

\$ _____ per month

Other Income

\$ _____ per month

Identify Sources: _____

Add all of the above. **Total Monthly Income** \$ _____ per month

Enter the amount of child support you are court-ordered to pay for any non joint child(ren): \$ _____ per month

Enter the amount of spousal maintenance you are court-ordered to pay to your current or former spouse: \$ _____ per month

Enter the amount of Social Security or Veteran's Benefits provided to a joint child because of your retirement, disability, or other eligibility: \$ _____ per month

If you entered an amount, which parent receives the payment for the child? CO-PETITIONER 1 CO-PETITIONER 2

15. SPOUSAL SUPPORT

Each of us forever waives any right to spousal support from the other.

16. VEHICLES

Vehicles are cars, trucks, boats, motorcycles, snowmobiles, personal watercraft, all terrain vehicles, etc., owned by Co-Petitioners together or separately, including vehicles purchased after separation:

- a. Does Co-Petitioner 1 own a vehicle? YES NO
- b. Does Co-Petitioner 2 own a vehicle? YES NO
- c. List all vehicles owned by Petitioner's together or separately:

Type of Vehicle (car, boat, truck,	Year/Make/Model	Name(s) on Title	Value	Balance Owed	Monthly Payment
			\$	\$	\$
			\$	\$	\$
			\$	\$	\$
			\$	\$	\$

17. MARITAL PROPERTY

Marital property means almost anything that you or your spouse now own that was received or bought during the marriage, even during the times you were separated. Marital Property includes household goods, furniture, jewelry, boats, real estate and other things. Marital property does *not* include a gift or inheritance received by one spouse *alone*.

a. Has the marital property been divided already to the Co-Petitioners' satisfaction?

YES NO

If **NO**, Co-Petitioner 1 requests the following marital property:

If **NO**, Co-Petitioner 2 requests the following marital property:

18. NON-MARITAL PROPERTY

Non-marital property means: (1) anything that you or your spouse owned before the marriage; (2) anything that you or your spouse received as a gift, bequest, devise, or inheritance, *to you or your spouse alone*; (3) anything that you or your spouse got in trade or in exchange for your non-marital property; (4) anything that is an increase in the value of non-marital property; (5) anything you or your spouse received after the valuation date set by the court; or (6) anything defined as non-marital property by a valid ante nuptial contract.

a. Does Co-Petitioner 1 have non-marital property? YES NO

If **YES**, list Co-Petitioner 1's non-marital property:

b. Does Co-Petitioner 2 have non-marital property? YES NO

If **YES**, list Co-Petitioner 2's non-marital property:

19. CASH & ACCOUNTS

(NOT INCLUDING PENSION & EMPLOYER-FUNDED RETIREMENT ACCOUNTS)

a. Does Co-Petitioner 1 have money in banks, savings, cash or investments? YES NO

b. Does Co-Petitioner 2 have money in banks, savings, cash or investments? YES NO

If **YES**, list all accounts owned by you alone, your spouse alone, or owned by both of you jointly including those opened after separation.

Do not include Pension or Employer-Funded Retirement Accounts, which are listed at #32.

Financial Institution	Type of Account (checking, savings, stocks, bonds, etc.)	Account # Last 4 digits only	Amount	Belongs to: (name on account)
		XX	\$	
		XX	\$	
		XX	\$	

c. List cash not listed at a.:

Co-Petitioner 1 has cash in the amount of \$ _____.

Co-Petitioner 2 has cash in the amount of \$ _____.

20. BUSINESS INTEREST

a. Does Co-Petitioner 1 have an interest in a business? YES NO

If **YES**, the name of the business is _____,

the address is _____

and the value is \$ _____.

How did you arrive at this value?

b. Does Co-Petitioner 2 have an interest in a business? YES NO

If **YES**, the name of the business is _____,

the address is _____

and the value is \$ _____.

How did you arrive at this value? _____

21. MANUFACTURED HOME

- a. Does Co-Petitioner 1 own a manufactured home? YES NO
- b. Does Co-Petitioner 2 own a manufactured home? YES NO

If either Petitioner owns a manufactured home, together or separately, complete the following information:

- i. Address of the manufactured home: _____ in the city of _____ state of _____
- ii. What type of home is it? (single, double-wide etc.) _____
- iii. Whose name(s) is on the title? _____
- iv. When was the home purchased? _____
- v. What was the purchase price? \$ _____
- vi. What is the current value of the home? \$ _____
- vii. How did you arrive at that amount as the current value? _____
- viii. How much money is still owed on the home? \$ _____
- ix. If money is owed on the home, who is the money owed to? _____
- x. Do you own the land the home sits on, or do you rent a lot? Rent Own

Note: If you own the lot, you must list the land at Paragraph 22.

22. REAL PROPERTY - LAND, BUILDINGS, CONTRACTS FOR DEED

All real property now owned by Co-Petitioner 1 or Co-Petitioner 2 together or separately must be listed. Include real property acquired before the marriage, during the marriage, and after separation.

- a. Do Co-Petitioner 1 and Co-Petitioner 2 jointly own real property? YES NO
- b. Does Co-Petitioner 1 own real property solely in his/her own name or with someone other than Co-Petitioner 2? YES NO
- c. Does Co-Petitioner 2 own real property solely in his/her own name or with someone other than Co-Petitioner 1? YES NO
- d. How many properties are owned by Petitioners in total?
 None One Two Three

If **YES** to any of the above, complete the following information about the property:

If there is more than one piece of real property, photocopy and complete a Real Property Information page for each piece of property. Staple the additional sheets to this Petition, and label each sheet "Attachment to Co-Petition for Dissolution of Marriage File No.: ____"

REAL PROPERTY INFORMATION

i. Real Estate belongs to: (List full names of all owners) _____

ii. Legal Description is: (The full legal description **must** be included. Copy the legal description from the deed. Do not use the property tax statement legal description. If the legal description is long, you may use an attachment. Type or print neatly.)

iii. Street Address of the real property is: _____

City _____ State _____ Zip Code _____
The property is in _____ County.

iv. Purchase date _____ (month , day, year)

v. Purchase price:\$ _____

vi. Mortgages or loans: (List all mortgages and loans on the property)
 There are no mortgages or loans on this property

1st Mortgage: Amount currently owed \$ _____
Name of lender: _____

2nd Mortgage: Amount currently owed \$ _____
Name of lender: _____

Other mortgages or loans: _____

vii. Current Market Value of this property:\$ _____
How did you arrive at this value? _____

viii. Is this property the homestead?: YES NO

23. TRUST LAND

a. Do Co-Petitioner 1 and Co-Petitioner 2 jointly own a house situated on Tribal or United States trust land? YES NO

b. Does Co-Petitioner 1 own a house situated on Tribal or United States trust land?
 YES NO

c. Does Co-Petitioner 2 own a house situated on Tribal or United States trust land?
 YES NO

If **YES** to any of the above, complete the following information about the land.

i. House belongs to: (List full names of all owners) _____

ii. What is the Legal Description of the land on which the house is located? (The full legal description **must** be included. Copy the legal description from the deed. Do not use the property tax statement legal description. If the legal description is long, you may use an attachment. Type or print neatly.)

iii. Street Address of the house is: _____

City _____ State _____ Zip Code _____

The house is in _____ County.

iv. Purchase date _____ (month , day, year)

v. Purchase price:\$ _____

vi. Mortgages or loans: (List all mortgages and loans on the house)

There are no mortgages or loans on this house

1st Mortgage: Amount currently owed \$ _____

Name of lender: _____

2nd Mortgage: Amount currently owed \$ _____

Name of lender: _____

Other mortgages or loans: _____

vii. Current Market Value of this house: \$ _____

How did you arrive at this value? _____

viii. Is this house the homestead?: YES NO

ix. In whose name is the lease of the land on which the house is located?

x. What is the rent for the land? \$ _____

24. RENTAL PROPERTY AND LEASES

a. Do Co-Petitioner 1 and Co-Petitioner 2 jointly rent or lease a property? YES NO

If **YES**, complete the following information about the property.

i. Rental Agreement or Lease belongs to: _____

ii. Street Address of the property is: _____

City _____ State _____ Zip Code _____.

The property is in _____ County.

iii. The Rental or Lease Agreement began on _____ (month, day, year)

and ends on _____ (month, day, year)

iv. Monthly Payment: \$ _____

b. Does Co-Petitioner 1 rent or lease a property solely in his/her own name or with someone other than Co-Petitioner 2? YES NO

If **YES**, complete the following information about the property.

i. Rental Agreement or Lease belongs to: _____

ii. Street Address of the property is: _____

City _____ State _____ Zip Code _____.

The property is in _____ County.

iii. The Rental or Lease Agreement began on _____ (month, day, year)
and ends on _____ (month, day, year)

iv. Monthly Payment: \$ _____

c. Does Co-Petitioner 2 rent or lease a property solely in his/her own name or with someone other than Co-Petitioner 1? YES NO

If YES, complete the following information about the property.

i. Rental Agreement or Lease belongs to: _____

ii. Street Address of the property is: _____

City _____ State _____ Zip Code _____.

The property is in _____ County.

iii. The Rental or Lease Agreement began on _____ (month, day, year)
and ends on _____ (month, day, year)

iv. Monthly Payment: \$ _____

25. RETIREMENT PLANS

a. Does Co-Petitioner 1 have a retirement account? (IRA, 401(k), 403(b) or other)

YES NO

If YES:

i. The account number is: (last 4 digits only) _____

ii. The name of the bank that has the account is: _____

iii. The current account balance is: \$ _____

- b. Has Co-Petitioner 1, or Co-Petitioner 1's past or present employer, union, or other group, paid money into a pension, profit sharing, or other retirement plan for Co-Petitioner 1?

YES NO

If **YES**:

i. The name of the plan is: _____

ii. The employer, union or group providing the plan is: _____

iii. The date Co-Petitioner 1 began working at the job or joined the union or group plan is:

iv. The type of plan is: (e.g. defined benefit, defined contribution) _____

v. The present value of the pension or plan is: \$ _____

- c. Does Co-Petitioner 2 have a retirement account? (IRA, 401(k), 403(b) or other)

YES NO

If **YES**:

i. The account number is: (last 4 digits only) _____

ii. The name of the bank that has the account is: _____

iii. The current account balance is: \$ _____

- d. Has Co-Petitioner 2, or Co-Petitioner 2's past or present employer, union, or other group, paid money into a pension, profit sharing, or other retirement plan for Co-Petitioner 2?

YES NO

If **YES**:

i. The name of the plan is: _____

ii. The employer, union or group providing the plan is: _____

iii. The date Co-Petitioner 2 began working at the job or joined the union or group plan is:

28. OTHER

Include other facts you think the Court should know.

BASED UPON THE ABOVE INFORMATION, Co-Petitioner’s request that the Court issue a final judgment and decree granting the following relief:

1. DISSOLVING the bonds of matrimony between Co-Petitioner 1 and Co-Petitioner 2 to end the marriage.

2. VEHICLES

Awarding the vehicles as follows and ordering the party receiving the vehicles to pay for any loans or insurance for such vehicle:

Year / Make / Model	Awarded to:

3. MARITAL PROPERTY

Dividing the parties’ marital property, household goods, furniture and furnishings **either:**

As currently divided

OR

As follows (attach additional page if necessary):

To Co-Petitioner 1: _____

To Co-Petitioner 2: _____

4. NON-MARITAL PROPERTY

Dividing the parties non-marital property

As currently divided

OR

As follows (attach additional page if necessary):

To Co-Petitioner 1: _____

To Co-Petitioner 2: _____

5. CASH AND ACCOUNTS

a. Awarding the savings and investments as follows:

<i>Institution</i>	<i>Type of Account</i>	<i>Account #</i> (Last 4 digits only)	<i>Amount</i>	<i>Awarded to</i>
		XX	\$	
		XX	\$	
		XX	\$	
		XX	\$	
		XX	\$	

b. Awarding any cash not included in a. above to the party who currently has the cash

OR

Awarding the cash as follows: _____

6. BUSINESS

None

OR

Awarding the parties' business as follows: _____

7. MANUFACTURED HOME

None

OR

Awarding the manufactured home located at :

(Street Address, City, State, Zip)

To Co-Petitioner 1

To Co-Petitioner 2

a. The debt on the manufactured home owed to: _____
shall be paid by:

Co-Petitioner 1

Co-Petitioner 2

8. REAL PROPERTY

None

OR

Awarding solely to

Co-Petitioner 1

OR

Co-Petitioner 2

a. All right, title, and interest of Co-Petitioner 1 and Co-Petitioner 2 in the real property located at:

Street Address: _____

in the City of _____, County of _____,

State of _____, which has the following legal description: _____

b. With the following mortgages and loans to be paid, after the divorce is final, by

Co-Petitioner 1

OR

Co-Petitioner 2

i. 1st Mortgage: Amount currently owed: \$

_____ and name of lender:

ii. 2nd Mortgage: Amount currently owed: \$

_____ and name of lender:

c. And subject to the following liens or other agreements:

A lien in favor of:

Co-Petitioner 1

OR

Co-Petitioner 2

In the amount of \$ _____

d. Other requests regarding the property (describe the request fully):

9. ADDITIONAL REAL PROPERTY

None

OR

Awarding solely to

Co-Petitioner 1

OR

Co-Petitioner 2

a. All right, title, and interest of Co-Petitioner 1 and Co-Petitioner 2 in the real property located at:

Street Address: _____

in the City of _____, County of _____,

State of _____, which has the following legal description:

b. With the following mortgages and loans to be paid, after the divorce is final, by

Co-Petitioner 1

OR

Co-Petitioner 2

i. 1st Mortgage: Amount currently owed: \$

_____ and name of lender: _____

ii. 2nd Mortgage: Amount currently owed: \$

_____ and name of lender: _____

c. And subject to the following liens or other agreements:

A lien in favor of:

Co-Petitioner 1

OR

Co-Petitioner 2

In the amount of \$ _____

d. Other requests regarding the property (describe the request fully):

10. TRUST LAND

None

OR

Awarding house situated on Tribal or United States trust land solely to

Co-Petitioner 1

OR

Co-Petitioner 2

a. All right, title, and interest of Co-Petitioner 1 and Co-Petitioner 2 in the house located at:

Street Address: _____

in the City of _____, County of _____,

State of _____, which has the following legal description:

b. With the following mortgages and loans to be paid, after the divorce is final, by

Co-Petitioner 1

OR

Co-Petitioner 2

i. 1st Mortgage: Amount currently owed: \$ _____ and name
of lender: _____

ii. 2nd Mortgage: Amount currently owed: \$ _____ and name
of lender: _____

c. And subject to the following liens or other agreements:

A lien in favor of:

Co-Petitioner 1

OR

Co-Petitioner 2

In the amount of \$ _____

d. Other requests regarding the house (describe the request fully):

11. RENTAL PROPERTY AND LEASES

None

OR

Awarding the rental property or lease solely to

Co-Petitioner 1

OR

Co-Petitioner 2

a. all right, title, and interest of Co-Petitioner 1 and Co-Petitioner 2 in the rental property or lease located at:

Street Address: _____

in the City of _____, County of _____,

State of _____, which has the following legal description:

b. with the following mortgages and loans to be paid, after the divorce is final, by

Co-Petitioner 1

OR

Co-Petitioner 2

i. 1st Mortgage: Amount currently owed: \$ _____ and name of lender: _____

ii. 2nd Mortgage: Amount currently owed: \$ _____ and name of lender: _____

c. And subject to the following liens or other agreements:

A lien in favor of:

Co-Petitioner 1

OR

Co-Petitioner 2

In the amount of \$ _____

d. Other requests regarding the rental property or lease (describe the request fully):

12. RETIREMENT FUNDS

a. Awarding Co-Petitioner 1's pension, profit sharing, retirement plan, I.R.A., or 401(k) or other retirement fund as follows:

Co-Petitioner 1 has no retirement funds

OR

100% to Co-Petitioner 1

OR

Dividing Co-Petitioner 1's retirement benefits fairly and equitably between the parties as follows: _____

b. Awarding Co-Petitioner 2's pension, profit sharing, retirement plan, I.R.A., or 401(k) or other retirement fund as follows:

Co-Petitioner 2 has no retirement funds

OR

100% to Co-Petitioner 2

OR

Dividing Co-Petitioner 2's retirement benefits fairly and equitably between the parties as follows: _____

15. OTHER:

16. ORDERING SUCH OTHER RELIEF as the Court deems just and equitable.

17. COSTS AND FEES PAID BY THE PARTIES (CHOOSE ONE)

- Each Co-Petitioner should be responsible for paying half the cost of Court's filing fee.
- Co-Petitioner 1 shall be responsible for total cost of Court fees.
- Co-Petitioner 2 shall be responsible for total cost of Court fees.
- Co-Petitioner 1 shall be responsible for Court fees in the amount of \$ _____
and Co-Petitioner 2 shall be responsible for Court fees in the amount of \$ _____

18. CERTIFICATE OF DOCUMENT PREPARATION

- We selected this document for ourselves and completed it without paid assistance.
- Each of us has read and understands the Tribal Court's Divorce Brochure.

19. READ AND SIGN THE VERIFICATION AND ACKNOWLEDGMENTS:

Verification and Acknowledgments

- a. I have read this document. To the best of my knowledge, information and belief the information contained in this document is well grounded in fact and is warranted by existing law.
- b. I understand that if I am not telling the truth or if I am misleading the Court or if I am filing this document for an improper purpose, the Court can order me to pay money to the other party, including the reasonable expenses incurred by the other party because of the serving or filing this document, Court costs, and reasonable attorney's fees. I understand

that I could also be held in contempt of court and fined if I am not telling the truth in my Petition.

Do not sign this document until you are in the presence of a notary.

Dated this _____ day of _____, 20_____.

Co-Petitioner 1 Signature

Print Name

Address

City, State, Zip Code

Telephone

STATE OF MINNESOTA _____)
)ss
COUNTY OF _____)
(County where Petition is signed)

Signed and sworn to before me this _____ day of _____, 20_____.

Notary Public (seal)

My Commission Expires: _____

Dated this _____ day of _____, 20_____.

Co-Petitioner 2 Signature

Print Name

Address

City, State, Zip Code

Telephone

STATE OF MINNESOTA _____)
)ss
COUNTY OF _____)
(County where Petition is signed)

Signed and sworn to before me this _____ day of _____, 20_____.

Notary Public (seal)

My Commission Expires: _____

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #04/10, AS AMENDED

MARRIAGE, DOMESTIC PARTNERSHIP & DIVORCE

Adopted by Resolution #1109/10 of the Fond du Lac Reservation Business Committee on March 16, 2010.
Amended by Resolution #1147/10 of the Fond du Lac Reservation Business Committee on April 15, 2010.
Amended by Resolution #1221/10 of the Fond du Lac Reservation Business Committee on June 15, 2010.
Amended by Resolution #1312/11 of the Fond du Lac Reservation Business Committee on September 20, 2011.
Amended by Resolution #1118/13 of the Fond du Lac Reservation Business Committee on April 10, 2013.
Amended by Resolution #1263/14 of the Fond du Lac Reservation Business Committee on July 16, 2014.
Amended by Resolution #1070/15 of the Fond du Lac Reservation Business Committee on March 11, 2015.
Amended by Resolution #1126/15 of the Fond du Lac Reservation Business Committee on April 29, 2015.
Amended by Resolution #1210/15 of the Fond du Lac Reservation Business Committee on July 8, 2015.
Amended by Resolution #1015/16 of the Fond du Lac Reservation Business Committee on January 13, 2016.

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FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #04/10, AS AMENDED

MARRIAGE, DOMESTIC PARTNERSHIP, DIVORCE

CHAPTER 1

AUTHORITY, PURPOSE AND SCOPE

Section 101 Authority

This Ordinance is enacted by the Fond du Lac Reservation Business Committee pursuant to the inherent sovereign authority of the Fond du Lac Fond du Lac Band of Lake Superior Chippewa, as reserved under the Treaty of LaPointe, 10 Stat. 1109, and as recognized under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476; Article VI of the Revised Constitution of the Minnesota Chippewa Tribe; Section 106 of the Fond du Lac Civil Code, FDL Ord. #04/02; and under the common law of the United States.

Section 102 Findings and Purposes

The Fond du Lac Reservation Business Committee finds that there is a need to establish laws authorizing and governing marriages, domestic partnerships, and divorces within the Fond du Lac Reservation where at least one of the parties is an enrolled member of the Fond du Lac Band.

Section 103 Reservation of Rights

The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time. There shall be no vested private right of any kind created by this Ordinance. All the rights, privileges, or immunities conferred by this Ordinance or by acts done pursuant thereto shall exist subject to the powers of the Fond du Lac Band. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or a consent to jurisdiction by any government or forum not expressly authorized to exercise jurisdiction under this Ordinance.

CHAPTER 2

DEFINITIONS AND INTERPRETATION

Section 201 Definitions

For the purposes of this Ordinance, the following definitions shall apply:

- (a) "Band" means the Fond du Lac Band of Lake Superior Chippewa.
- (b) "Band lands" means any lands owned in trust or in fee by the Fond du Lac Band over which the Band possesses regulatory authority.
- (c) "Court Clerk" or "Clerk" shall mean the Clerk of the Tribal Court.
- (d) "Defendant" shall mean the person or persons that the Plaintiff has filed suit against.
- (e) "Dissolution or Divorce" shall mean the termination of a marriage.
- (f) "Judge" shall mean the presiding judge of the Fond du Lac Tribal Court.
- (g) "Reservation" means the Fond du Lac Reservation.
- (h) "Reservation Business Committee or "RBC" means the governing body of the Fond du Lac Band of Lake Superior Chippewa.
- (i) "Tribal Court" or "Court" shall mean the Tribal Court of the Fond du Lac Band of Lake Superior Chippewa."

Section 201 Interpretation

The provisions of this Ordinance shall be interpreted in a manner which gives plain effect to its terms and purposes, and to avoid unnecessary conflicts of law.

CHAPTER 3
MARRIAGES

Section 301 Recognition of Marriages Performed in Other Jurisdictions

The Fond du Lac Band of Lake Superior Chippewa shall recognize as valid and binding any marriage between two persons which is formalized or solemnized in compliance with the laws of the place of formalization or solemnization.

Section 302 Issuance of License

The Clerk of the Tribal Court shall be authorized to issue a license to marry any two people, one of whom is a member of the Fond du Lac Band, within the Band's jurisdiction, where both persons are at least 18 years of age or, if either person is 16 or 17 years of age, with the signed and sworn consent of his or her custodial parent(s). The fee for issuance of a marriage license shall be fifty (\$50.00) dollars. The license shall remain valid for 30 days after issuance. The Clerk shall maintain records of the issuance of the marriage licenses and certificates of marriage as permanent records of the Band.

Section 303 Qualifications, Application & Issuance of License

- a. The application for a marriage license from the Fond du Lac Band shall contain the following:
- (1) The names and addresses of the parties to be married;
 - (2) The Band membership status and tribal enrollment number of the parties who are members of the Fond du Lac Band;
 - (3) The name, address, and legal authority of the person who will perform the marriage ceremony; and
 - (4) The full names the parties will have after marriage.

The application must be sworn to by both parties to be married.

The Clerk of Court shall charge an application fee of fifty dollars (\$50.00) for the marriage license.

- b. The marriage may be performed by the Chairperson of the Fond du Lac Band, a judge of a Fond du Lac Tribal Court, an Indian traditional practitioner or spiritual leader or member of the

clergy who is so recognized by the parties making such application.

- c. Subsequent to the performance of a marriage and within ten (10) days thereof, two fully executed and conformed copies of the marriage license, executed by two witnesses to the ceremony and the person who conducted the ceremony, shall be returned to the Clerk of Court. The Clerk of Court shall permanently maintain a record of the marriage.
- d. The Clerk of Court shall, within three days, examine the application for a marriage license and the said license and certification of the person performing the marriage to ensure that the information appearing thereupon is proper and in accordance with the provisions of the license and this Ordinance. Upon a determination that the materials are in proper form and there has been compliance with the terms of the license and the provisions of this Ordinance, the Clerk of Court shall cause a Certificate of Marriage to be issued by the Tribal Court over his or her signature.
- e. The parties to such marriage may obtain a certified copy of the marriage license or a certified copy of the Certificate of Marriage if they should desire, and such documents shall be issued by the Clerk of the Court for a fee of five (\$5.00) dollars.
- f. The Clerk of Court shall permanently maintain records of all marriages licensed under this Chapter.

Section 304 Prohibited Marriages

The following marriages are prohibited:

- a. A marriage entered into before the dissolution of an earlier marriage of one of the parties becomes final;
- b. A marriage between an ancestor and a descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption;
- c. A marriage between an uncle and a niece, between an aunt and a nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures;
or
- d. A marriage involving a party under legal guardianship.

Section 305 Annulments

Any marriage performed under this Chapter may be annulled by consent of the parties if evidenced by mutually executed petition where such petition is filed with the Tribal Court within 20 days of the performance of said marriage. Upon the timely filing of such petition, the Court shall issue a certificate of annulment within 10 calendar days.

Section 306 Name Changes

- a. Upon entering into a marriage, either party to the marriage may request a name change. A party may change his or her first and last name. The new last name need not be the other party's last name or a combination of the parties' last names.
- b. The parties to the marriage shall request any name changes by indicating their new names on their marriage application. A person seeking a name change must affirm that the name change is not being sought with fraudulent intent. The name change shall be granted unless there is reason to believe the name change is being sought with fraudulent intent. The name change shall be effective when the Certificate of Marriage is issued.
- c. If either party to the marriage obtains a name change, the Clerk of Court shall cause notice of the name change to be published in the next edition of the Fond du Lac Band newspaper.
- d. If a Band member changes his or her name upon entering a marriage, the Clerk of Court shall provide notice to the Band Enrollment Office. The Clerk of Court shall submit a certified copy of the marriage license and Certificate of Marriage to the Band Enrollment Office to be placed in the Band member's file. The Enrollment Office shall change the name on the file to the new name of the Band member, and shall also notify the Minnesota Chippewa Tribe Enrollment Officer of such change. New tribal identification cards shall be issued and the Band member shall surrender all old Band or tribal identification cards.

CHAPTER 4
REGISTRATION OF DOMESTIC PARTNERSHIPS

Section 401 Purposes

The Reservation Business Committee recognizes that the concept of familial relationships may extend beyond traditional marital and blood relationships. This expanded concept is intended to accommodate the relationship of two (2) non-married but committed adult partners in order to provide such persons the opportunity to declare themselves as domestic partners, and to enable employers to voluntarily provide equal treatment in employment benefits for such partners and their dependents.

Section 402 Definition of Domestic Partners

Domestic partners are two (2) adults who:

- a. Are not related by blood or adoption closer than permitted under marriage laws of the state;
- b. Have entered into a committed interdependent relationship;
- c. Are competent to enter into a contract;
- d. Have no other domestic partner with whom the household is shared, or with whom the adult person has another domestic partner;
- e. Are jointly responsible to each other for the necessities of life; and
- f. For purposes of this Chapter, and only to the extent of the rights and responsibilities established therein, the term "domestic partnership" shall include two (2) adults who have a currently-registered domestic partnership with a governmental body pursuant to applicable law authorizing such registration. The term "domestic partnership" shall be construed liberally to include unions, regardless of title, in which two (2) adults are committed to one another in the same manner as married persons are traditionally committed, or in a relationship that is legally recognized as a contract of lawful marriage in another local, state, or foreign jurisdiction.

Section 403 Registration of Domestic Partners

- a. The Clerk of Court shall accept an application to register as domestic partners from persons who state in such application that they meet the definition of domestic partners set out in Section 402. Subsequent changes in address shall be promptly reported to the Clerk.
- b. The Clerk of Court shall charge an application fee of fifty dollars (\$50.00) for the registration of a domestic partnership and shall charge a reasonable fee per document for providing certified copies of registrations, amendments or notices of termination. There shall be no charge for filing amendments or notices of termination.
- c. The Clerk of Court shall provide each domestic partner with a registration certificate. The registration certificate shall not be issued prior to the third working day after the date of application.
- d. This application and certificate may be used as evidence of the existence of a domestic partners relationship.
- e. The Clerk of Court shall keep a record of all registrations of domestic partnership, amendments to registrations and notices of termination received by the Clerk. The records shall be maintained so that amendments and notices of termination are filed with the registration of domestic partnership to which they pertain.
- f. The application and amendments thereto, the registration certificate, and termination notices shall constitute confidential data within the meaning of the Data Management & Records Management Policy of the Fond du Lac Band.

Section 404 Amendments

The Clerk of Court may accept amendments for filing from persons who have domestic partnership application on file, except amendments which would change the identity of the partners.

Section 405 Termination of Domestic Partnership

- a. Either person in a domestic partnership may initiate termination of the domestic partnership relationship, by written notification to the Clerk of Court. The Clerk shall promptly notify the other partner at the address of record by certified mail.

- b. A domestic partnership registration terminates when the earlier of the following occurs: (1) One of the partners dies; or (2) Forty-five (45) days after one partner sends the other a written notice of termination that he or she has terminated the partnership by filing a notice of termination with the Clerk of Court; or (3) Forty-five (45) days after the Clerk notified the non-filing partner of the filing of any notice of termination.

- c. If any of the criteria under Section 402 ceases to exist the parties shall be ineligible for any benefits based upon the domestic partnership unless otherwise provided by law or the employer.

CHAPTER 5
DIVORCES

Section 501 Requirements for Dissolution of Marriage

A marriage may be dissolved or terminated by the Fond du Lac Tribal Court only when all the following conditions are met:

- a. One spouse is a member of the Fond du Lac Band;
- b. Irreconcilable differences have caused the breakdown of the marriage and the marriage should be dissolved;
- c. There are no children of the marriage, natural or adopted, and no spouse (to the best of her knowledge) is pregnant; or a written agreement has been filed resolving all issues of child custody, support and visitation;
- d. [RESERVED];
- e. No unpaid obligations totaling \$25,000 have been made or assumed by either or both persons after the date of the marriage, except the unpaid balance of a mortgage, an automobile loan or a student loan;
- f. The parties sign a written agreement regarding the division of personal property, assets acquired during the marriage and debts incurred during the marriage;
- g. Both parties have waived any right to spousal support; and
- h. If a spouse is neither a tribal member nor a resident of the reservation, that spouse has consented to the jurisdiction of the Tribal Court, waiving the right to contest the jurisdiction of the Tribal Court to enter a final judgement.

Section 502 Filing of Joint Petition; Content and Form

The proceeding for the Dissolution of Marriage shall commence by filing a joint petition with the Clerk of Court. The petition shall be signed and verified under oath by both spouses, and shall state that as of the date of its filing each requirement in Section 401 except for (f) (2) has been met. The Petition shall state the mailing address of both spouses, and shall also state whether or not a spouse chooses to have the spouse's maiden or former name restored. If so, the spouse shall state the name to be restored.

Section 503 Counseling

Upon the filing of the petition, the Clerk shall notify both spouses of the availability of marital counseling through the Band's Behavioral Health Department.

Section 504 Revocation of Joint Petition; Termination of Proceeding; Notice; Filing and Copies to Other Spouse

- a. At any time prior to filing an application for entry of final judgment, either spouse may revoke the joint petition and terminate the dissolution.
- b. The revocation shall be completed by filing a Notice of Revocation with the Court.
- c. The revoking spouse shall serve a copy of the Notice of Revocation on the other spouse.

Section 505 Appearance; Entry of Final Judgment; Waiting Period; Notice

Not more than 90 days from the date of filing the Joint Petition for Dissolution of Marriage, one or both spouses may appear in Tribal Court and an application for final judgment shall be entered. The Court shall enter a final judgment, provided, the agreement for property division, and any child support, that appears to be fair. The final judgment shall return both spouses to the status of single, and shall permit either party to marry after the judgment has been entered. The Clerk, after collecting the fee, shall send a Notice of Entry of Final Judgment to each person at their last known address.

Section 506 Final Judgment as Final Decree

When entered, the Final Judgment shall document a final decree of the rights and obligations of both parties regarding property rights and child custody, support, and visitation as agreed, and shall document a waiver of the respective right to spousal support.

Section 507 Petition to Set Aside Final Judgment

- a. A final judgment entered shall not influence nor bar the rights of either party to petition the Court to set aside or

amend the final judgment for fraud, duress, accident, mistake, or other grounds recognized as reasonable under Tribal Law.

- b. The Court shall retain jurisdiction of a case for one (1) year following the entry of final judgment in all matters except the status of the marriage, where proof exists that the parties did not meet all requirements when the petition was filed.

Section 508 No Representation By Legal Counsel

Notwithstanding any provisions of tribal law to the contrary, attorneys are not permitted to represent a party to a divorce in any aspect of a divorce case in Tribal Court. Either party may, however, consult with an attorney regarding their decision to utilize the process available under this Chapter.

Section 509 Brochure Describing Proceedings; Content, Form and Distribution

The Court shall develop and print a brochure describing the requirements, nature and effect of the proceedings. The brochure shall be distributed by the Court and shall state in clear English the following:

- a. That either party may consult an attorney regarding the dissolution of the marriage, and the services of an attorney may be obtained through a lawyer referral service, independent legal services or legal aid organization; however, that an attorney cannot be used in preparation of a divorce or appear in court to represent a party to a divorce;
- b. A short summary of the provisions and procedures established by this Ordinance;
- c. That neither spouse can receive any spousal support from the other;
- d. A statement in **boldface type** that with the entry of a final judgment all rights and obligations of both parties, including property and spousal support rights, will be permanently ended without right of appeal, except that either person may petition the Court to set aside the final judgment for fraud, duress, accident, mistake or other grounds recognized under tribal law;

- e. Neither person may remarry until the final judgment dissolving the marriage has been filed and entered by the Clerk; and
- f. Such other matters as the Judge decides.

Section 510 Fees

The Court shall collect a fifty dollar (\$50.00) fee for the filing of a dissolution, distribution of the brochure and other costs the Court may incur in processing the case.

CHAPTER 6
EFFECTIVE DATE; AMENDMENTS; SEVERABILITY

Section 601 Effective Date

The provisions of this Ordinance shall become effective thirty (30) days from adoption by the Reservation Business Committee.

Section 602 Amendment or Recission

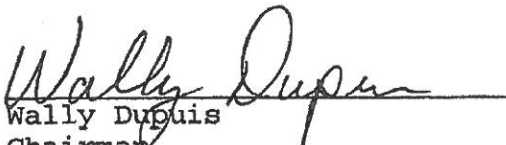
The Reservation Business Committee may amend this Ordinance as it deems necessary to protect the public health, safety and welfare of the Fond du Lac Reservation. The provisions of this Ordinance may be amended by resolution of the Reservation Business Committee.

Section 603 Severability

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #04/10 was duly presented and adopted by Resolution #1109/10 by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on March 16, 2010 on the Fond du Lac Reservation, and subsequently amended by Resolution #1147/10 on April 15, 2010; by Resolution #1221/10 on June 15, 2010; and by Resolution #1312/11 on September 20, 2011; by Resolution #1118/13 on April 10, 2013; by Resolution #1263/14 on July 16, 2014; by Resolution #1070/15 on March 11, 2015; by Resolution #1126/15 on April 29, 2015; by Resolution #1210/15 on July 8, 2015; and by Resolution #1015/16 on January 13, 2016.


Wally Dupuis
Chairman


Ferdinand Martineau, Jr.
Secretary/Treasurer