

Central Council of Tlingit and Haida Indian Tribes of Alaska

Title 5 – Marriage, Divorce and Custody

Subsection 01 – Marriage

05.01.001 Purpose

To govern the process of permitting and conducting marriages, divorce and establishing custody arrangements by the Central Council of Tlingit and Haida Indian Tribes of Alaska.

05.01.002 Jurisdiction

For the purposes of this Title the Tribe retains inherent sovereign authority over the family relations of its citizens.

05.01.003 Definitions

When the words listed in this section appear in this chapter, they shall have the following meaning unless a different meaning is clearly intended.

- A. **Marriage:** is a civil and relational contract between two consenting persons.
- B. **Same clan relative:** if persons are of the same clan or moiety of the same Tribe, such as both are ravens or both are eagles.

05.01.004 Persons Who May Marry

- A. Any person meeting the following qualifications may be married:
 - 1. Must be at least 18 years of age; or
 - 2. Must have attained the age of 16 years of age and can provide written consent filed with the licensing officer issuing the marriage license under 05.02.001 of a parent or guardian having actual care, custody and control.
- B. At least one of the persons to be married must be an enrolled citizen of the Central Council of Tlingit and Haida Indian Tribes of Alaska.

- C. Any person may enter into a marriage with another person, regardless of gender, unless the marriage is otherwise expressly prohibited in this Chapter.

05.01.005 Marriages Not Permitted

Marriage shall not be granted under any of the following conditions:

- A. If the parties to the proposed marriage are close blood relatives; or
- B. If either party to the proposed marriage is incapable of making informed consent due to mental or legal incapacity; or
- C. If either party to the proposed marriage has a living spouse.

05.01.006 Who May Perform Marriages

A marriage may be performed by any of the following:

- A. The CCTHITA President or his or her designee; or
- B. A Judge or Magistrate of the Tribal Court.

05.01.007 Marriage Process

- A. A marriage license may not be issued unless both of the contracting parties are identified to the satisfaction of the licensing officer. If all requirements have been met and there is no legal objection to the contemplated marriage and neither party is under the influence of intoxicating substances or otherwise incapable of understanding the seriousness of the proceeding, the licensing officer shall issue a license.
- B. Public record of all marriage certificates will be maintained by the Tribal Court.

05.01.008 Voidable Marriages

If either party to a marriage is incapable of consenting to it at the time of the marriage for want of marriageable age of consent or sufficient understanding, or if the consent of either party is obtained by force or fraud, or if either party fails to consummate the marriage, the marriage is voidable but only at the suit of the party under the disability or upon whom the force or fraud is imposed.

05.01.009 Recognition of Marriages from Other Jurisdictions

Marriages performed by other jurisdictions will be recognized by the Tribe under the Doctrine of Comity if the marriage is valid in the jurisdiction where the marriage took place.

Subsection 02 – Divorce, Dissolution and Separation

RESERVED

Subsection 03 – Custody

RESERVED Suggest that Chapter 13 of Title 4 be moved to this Title.

ADOPTED this 20th day of February 2015, by the Executive Council of the Central Council of Tlingit and Haida Indian Tribes of Alaska, by a vote of 5 yeas, 0 nays, 0 abstentions and 1 absence.

CERTIFY



President Richard J. Peterson

ATTEST



Tribal Secretary Jolene Edenshaw