



## Walker River Paiute Tribe

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**RESOLUTION OF THE GOVERNING BODY  
OF THE  
WALKER RIVER PAIUTE TRIBE  
RESOLUTION NO. WR-87-2021**

**BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE WALKER RIVER PAIUTE TRIBE THAT:**

**WHEREAS,** the governing body of the Walker River Paiute Tribe ("Tribe") is organized under the provisions of the Indian Reorganization Act of June, 1934, as amended, to exercise certain rights of home rule and to be responsible for the promotion of the economic and social welfare of its members, and

**WHEREAS,** the Tribe's Constitution and By-Laws create the foundation for the governance of the Tribe and the framework for all Tribal operations and authorizes the Walker River Paiute Tribal Council to act on behalf of the Walker River Paiute Tribe and to promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Reservation, and

**WHEREAS:** pursuant to this power, the Tribal Council has created a Law & Order Code and other laws and ordinances to govern the conduct of people within the Tribe's jurisdiction, and

**WHEREAS:** the Tribal Council has recognized the importance of reviewing and updating the Law & Order Code to ensure the Code meets the Tribe's needs and best serves to protect the interests of the Tribe, its members and persons living, visiting and working on Tribal lands, and

**WHEREAS:** to meet this goal, the Tribal Council drafted a new Title 9 of the Law & Order Code titled "Domestic Relations" addressing domestic relationships for adults and children, and

**WHEREAS:** the new proposed Title 9 was posted for at least thirty days to allow for public comment, the Tribal Council considered the comments and is now prepared to take action to approve Title 9, and

**NOW THEREFORE BE IT RESOLVED** by the Walker River Tribal Council, the governing body of the Walker River Paiute Tribe, hereby adopts, approves and promulgates the attached version of Title 9 titled "Domestic Relations" of the Tribe's Law and Order Code, which shall go into effect upon approval of the Bureau of Indian Affairs, and which shall supersede and replace any and all prior versions of Title 9, and

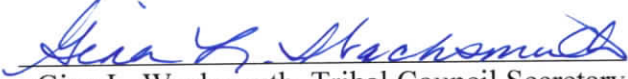
**BE IT FURTHER RESOLVED** that the Walker River Tribal Council hereby directs that the Tribal Court make Title 9 of the Law & Order Code available to those Tribal members and attorneys/advocates who request a copy. The expense for each copy will be at the cost of the requester, and

**BE IT FURTHER RESOLVED**, that the Tribal Chairwoman or her designee is hereby authorized to effectuate any and all administrative actions necessary for the implementation of this resolution and the approved Title 9 of the Law & Order Code, and

**BE IT FINALLY RESOLVED**, that nothing in this resolution shall be construed as a waiver of the sovereign immunity of the Tribe.

**CERTIFICATION**

It is hereby certified that the foregoing Resolution of the Walker River Paiute Tribal Council, composed of seven members, of whom 5, constituting a quorum, were present at a meeting held on the 12<sup>th</sup> day of August, 2021, and that the foregoing resolution was adopted by the affirmative vote of 4-FOR, 0-AGAINST, and 0-ABSTENTIONS, pursuant to the authority contained in Article VI, Section 1(e), of the Constitution and By-Laws of the Walker River Paiute Tribe, approved March 26, 1937.

  
Gina L. Wachsmuth, Tribal Council Secretary  
WALKER RIVER PAIUTE TRIBE



**Walker River Paiute Tribe**  
*Tribal Court*

# **Title 9**

# **Domestic**

# **Relations**

Title 9 Approved by Walker River Tribal Council on August 12, 2021  
Resolution No.: WR-87-2021  
Effective: \_\_\_\_\_, 2021

LAW AND ORDER CODE  
TITLE 9 – DOMESTIC RELATIONS

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LAW AND ORDER CODE

TITLE 9

DOMESTIC RELATIONS

9-10 MARRIAGE --

9-10-010 Scope -- This Chapter 9-10 establishes the requirements for a valid marriage and the procedures that must be followed by all persons wishing to enter into a valid marriage.

9-10-020 Consent -- The consent of both parties is required before there can be a valid marriage. The parties must have the ability to consent.

9-10-030 Ability to Consent -- The following persons are legally incapable of giving a valid consent to the marriage contract, and therefore shall not be issued a license:

- (a) A person under eighteen (18) years of age. However, a parent or guardian may give valid consent for a person under eighteen (18) years of age.
- (b) A person who lacks mental capacity because of mental disease or defect of either a temporary or permanent nature. Absent any other factor, a person suffering from epilepsy shall not be considered as lacking mental capacity.
- (c) A person whose mental capacity is seriously impaired by drugs or alcohol.

9-10-035 Persons Capable of Marriage --

- (a) Except as otherwise provided in Subsection b and Section 9-10-030, two persons, regardless of gender, who are at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, may be joined in marriage.
- (b) Two persons, regardless of gender, who are married to each other may be rejoined in marriage if the record of their marriage has been lost or destroyed or is otherwise unobtainable.

9-10-040 Court Orders --

- (a) Availability of Court Orders -- In the event that a parent or guardian will not consent to the marriage of a person under eighteen (18) years of age, or if there is no parent or guardian, a Tribal Court order permitting the marriage may be obtained by filing a petition with the Tribal Court Clerk.
- (b) Contents of Petition -- The petition shall state the names of the parties who wish to be married, their ages, the name of the parent(s) or guardian(s), the reason the consent of the parent(s) or guardian(s) could not be obtained, and the reason the marriage should be permitted.
- (c) Procedure -- The Court shall give the petition to the Tribal Judge immediately after filing. The Judge may schedule a hearing if more information is required. The hearing shall be held at the next Court date

after the petition is filed and the Judge shall announce his decision within five (5) days from the date of the hearing. The Judge shall order that the marriage be permitted if a sufficient reason is given. Pregnancy, while it is a factor to be considered, is neither determinative nor required.

9-10-050 Marriage Licenses –

- (a) Requirement -- A marriage license is required before a marriage ceremony may be performed within this jurisdiction.
- (b) Procedure – Persons wishing to marry shall request a license from the Tribal Court Clerk. The license shall be on a form approved by the Tribal Council. The Clerk shall issue a license as long as he or she is satisfied as to the parties' ability to consent.
- (c) Contents -- The license shall state the names of the parties, their ages, and their addresses, and the names of a party's parent(s) or guardian(s), when necessary. The license shall be signed and dated by the Tribal Court Clerk.
- (d) Denial of License – If the Tribal Court Clerk refuses to issue a license because he or she is not satisfied as to the parties' ability to consent, the parties may request a hearing before the Tribal Court. Said hearing shall be held by the next Court date. The Tribal Judge shall resolve all disputes as to marriage licenses.
- (e) Certificate of Marriage – The Tribal Court Clerk shall issue a blank certificate of marriage at the same time the license is issued. The certificate shall be on a form approved by the Tribal Council. The certificate shall contain a space to fill in the names of the parties and their ages, the name and title of the person performing the ceremony, and shall contain a statement that the parties consent to the establishment of the marriage relationship between themselves, such statement to be signed by the parties at the time of the ceremony. The certificate shall also include a space for the signature of the person performing the ceremony, and for the date the ceremony was performed, and spaces for the signatures of the two persons who witness the marriage ceremony.
- (f) Time Limit for Validity – A license is valid for thirty (30) days. A ceremony performed with a license issued more than thirty (30) days previously is not valid.

9-10-060 Validity of Licenses Issued Outside this Jurisdiction – Licenses issued outside this jurisdiction shall not be used for ceremonies performed within this jurisdiction.

9-10-070 Marriage Ceremonies –

- (a) No particular form of ceremony is required. However, the parties must express their consent to the establishment of the marriage relationship between themselves.



- (b) Any religious practitioner or any Tribal Judge may perform a marriage ceremony.
- (c) Persons wishing to marry must present their valid license to the person performing the ceremony, whether it's under (a) or (b) above.
- (d) Ceremonies under (a) or (b) above shall be witnessed by two adult persons.

9-10-080 Certificates of Marriage --

- (a) Persons authorized by Section 9-10-070 to perform marriage ceremonies shall request the marriage certificate from the couple and shall see that it is properly filled out and signed.
- (b) The original of the certificate shall be given to the parties and two copies shall be given to the Tribal Court Clerk. The Clerk shall retain one copy in the Court files and shall file another copy with the county recorder of Mineral County.

9-10-090 Marriages Entered into Outside this Jurisdiction – Marriages entered into outside this jurisdiction are valid within this jurisdiction if they are valid in the jurisdiction in which they were entered into.

9-10-100 Marriages Entered Into Prior to the Adoption of this Title 9 – Marriages entered into on this Reservation prior to the adoption of this Title 9, whether by formal ceremony, Indian custom or otherwise, are valid if they were valid when entered into.

9-10-110 Common Law Marriage – Common law marriage is recognized as a valid form of marriage.

- (a) A common law marriage exists if:
  - (1) The individuals both consider themselves married;
  - (2) The individuals have cohabitated for a period of at least three (3) years;
  - (3) Both parties were 18 years of age when their cohabitation began, or the parents of the minor consented to the cohabitation;
  - (4) The individuals treat each other as they are married; and
  - (5) The individuals present themselves in public as if they are married.
- (b) Individuals wishing to have the Tribal Court recognize his or her common law marriage must submit a petition to the Court requesting certification of a Common Law Marriage. The petition must be filed with the Court Clerk during the relationship or within one (1) year after the relationship ends, including if one or both partners have died or the partners have separated. Either partner may file the petition or both partners may file the petition

together. A third party, such as next of kin, may also file the petition. The Petition shall require proof of each requirement in Subsection (a). Proof may include, mortgage deeds, utility records, bank account records, and affidavits from individuals who have known or did know the partners during their common law marriage.

- (c) Property Rights – Persons who have married by a recognized common law marriage shall have the same property rights as persons who are formally married, as set forth in Chapter 9-30 of this Title. Such rights shall be retroactive to the time the couple first began to live together.

9-20 INDIAN CUSTOM MARRIAGE AND DIVORCE –

9-20-010 Scope – This Chapter 9-20 codifies Tribal customs pertaining to marriage and divorce.

9-20-020 Validity of Indian Custom Marriages – Marriages according to Indian Custom are valid.

9-20-030 Certificates of Indian Custom Marriage –

- (a) Requirements – Persons who have lived together as a married couple for one (1) year or more may request a certificate from the Tribal Court or the Tribal Chairperson stating that they are married according to Indian Custom.
- (b) Procedure - The Court or the Chairperson shall require affidavits from three (3) persons who know the couple before issuing a certificate of Indian Custom marriage. The affidavits must state the names of the couple, the name of the individual swearing to the affidavit (affiant), the length of time the affiant has known the couple, and the length of time the affiant has known the couple to be living together as a married couple. If the affidavits establish that the requirements of subsection (a) have been met, the Court or Chairperson shall issue a certificate of Indian Custom marriage to the couple and shall file a copy of the certificate of Indian Custom marriage to the couple and shall file a copy of the certificate with the Western Nevada Agency of the Bureau of Indian Affairs and with the county recorder of Mineral County.

9-20-040 Indian Custom Divorce or Dissolution – Indian Custom divorce or dissolution is not recognized. Persons who have been married according to Indian Custom, who wish to dissolve their marriage, must request a dissolution from the Tribal Court in accordance with the procedures set forth in Chapter 9-60. However, any Indian Custom divorce which occurred prior to the adoption of this Title 9 is valid if it was valid at the time it occurred.

9-20-050 Property Rights – Persons who have married according to Indian Custom shall have the same property rights as persons who are formally married, as set forth in Chapter 9-30 of this Title. Such rights shall be retroactive to the time the couple first began to live together.

9-30 RIGHTS OF EACH SPOUSE

9-30-010 Scope – This Chapter 9-30 establishes the property rights of each party to a marriage.

9-30-020 Community Property --

(a) Defined – All property acquired after the marriage by either spouse, or both, while they are living together as a married couple, is community property, with the exception of the property described in Section 9-30-030.

(b) Rights in Community Property:

(1) Each spouse has a present, existing, and equal interest in all community property.

(2) Each spouse has an equal right to manage community property.

(3) One spouse may give to the other spouse the right to control a particular community asset. This agreement must be in writing and signed by both of the parties.

(4) Neither spouse may make a substantial gift of community property without the written consent of the other spouse, or any other gift of community property without the consent of the other spouse. A gift made without the necessary consent is void.

(c) Joint Agreement of Spouses Required for Certain Transactions – Notwithstanding any other provision of this Section 9-30-020, neither spouse may sell or encumber in any way community household goods, furnishings, appliances, automobiles, or any real property, unless the other spouse jointly executes the agreement involved.

9-30-030 Separate Property –

(a) Defined – All property owned by either spouse before marriage, or acquired afterwards by gift, by will, or through the laws of inheritance of any jurisdiction, together with the rents, interest, or profits therefrom, is the separate property of the owner.

(b) Rights in Separate Property – The owner has exclusive control and management of his or her separate property.

9-30-040 Community Debts –

(a) Defined – Community debts are those debts jointly undertaken by the married couple, debts incurred in the purchase of community property, and debts incurred in the support of the either spouse, both spouses and/or their children, while the married couple is living together.

- (b) Responsibility for Community Debts -- Each spouse is jointly and equally responsible for community debts. In any action in which both spouses are parties the Court may require that the community property, or if there is insufficient community property, the separate property of either spouse and/or both spouses can be used to pay community debts.

9-30-050 Separate Debts --

- (a) Defined -- All debts undertaken by either spouse, individually, except for any debts described in Section 9-30-040 above, are separate debts.
- (b) Responsibility for Separate Debts -- The Court shall not require the separate property of the either spouse to be used to pay the debts of the other spouse, unless the owner of the separate property has previously agreed in writing that his or her separate property may be used to pay for the debts of his or her spouse.

9-30-060 Individual Property Agreements -- Spouses may create their own agreements as to property and alter the provisions in this Chapter 9-30. Such property agreements must be in writing, must be signed by the parties, and must specifically itemize the assets to be affected.

9-30-070 Applicability of this Chapter 9-30 to Indian Trust Land and Money to Tribal Assignments -- The provisions of this Chapter 9-30 are generally not applicable to interests in Indian trust land, to money held in trust for Indian individuals, or to assignments to other interests in Tribal lands. However, if either spouse or both spouses acquire an interest in Indian trust land, an interest in money held in trust for Indian individuals, or an assignment or other interests in Tribal lands, and such acquisition is within the definition of community property as set forth in Section 9-30-020, such interests may be treated as community property, as long as such treatment is not in conflict with federal law or with the Tribe's Constitution.

9-40 VOID MARRIAGES --

9-40-010 Definition -- A void marriage is a marriage which is not valid for any legal purpose. A void marriage does not create any property rights or obligations, other than to support any children that may be born of the marriage.

9-40-020 Marriages That are Void --

- (a) Bigamous and incestuous marriages are void.
- (b) Definitions:
  - (1) A bigamous marriage is one that is entered into by any person who is already married, i.e., the person's prior marriage has not been annulled or dissolved, and the prior spouse is still alive.
  - (2) An incestuous marriage is one between a parent and child, or a brother and sister of the whole or half blood, or an uncle and niece or aunt and nephew of the whole or half blood, or between first cousins.

- (3) For purposes of this Chapter 9-40, an aunt is defined as the sister of the person's parent, an uncle is defined as the brother of the person's parent, and a first cousin is the child of the person's aunt or uncle.

9-40-030 Court Declaration of Voidness -- Either party to a void marriage may file a petition with the Clerk requesting that the marriage be declared void. However, the void marriage is of no legal effect whether or not the parties obtain a Court order declaring it void.

9-40-040 Jurisdiction of the Tribal Court to Declare Marriages Void --

- (a) The Tribal Court has jurisdiction to declare void any marriage described in Section 9-40-020 that was entered into on this Reservation.
- (b) The Tribal Court has jurisdiction to declare void any marriage described in Section 9-40-020 that was not entered into on this Reservation, if either of the parties to the marriage have resided on this Reservation for at least 6 weeks immediately preceding the filing of the petition.

9-40-050 Procedure --

- (a) A petition requesting that a marriage be declared void shall be filed with the Court Clerk. It must conform to the requirements of Section 9-40-060.
- (b) A summons shall be issued and served on the other spouse, in accordance with Title 2, Civil Procedure, unless the other spouse joins in the petition.
- (c) The Tribal Court shall hold a hearing if the matter is contested, but may grant the order without a hearing if the matter is not contested, and evidence as to the bigamous or incestuous character of the marriage is presented with the petition.
- (d) If the matter is contested, the Court shall issue an order declaring the marriage void, if the evidence indicates that it is more likely than not that the marriage is incestuous or bigamous.
- (e) Any order as to property, child support and/or custody, or damages shall be made in accordance with Sections 9-40-070, 9-40-080, and 9-40-090.

9-40-060 Form of Petition --

- (a) Required Contents of Petition -- A petition requesting the Court to declare a marriage void shall state:
- (1) The names, ages, and residences of the parties to the marriage;
- (2) The date and place of the marriage.;
- (3) An allegation as to the Court's jurisdiction; and

- (4) The reason the marriage should be declared void.
- (b) Additional Contents – The petition may include:
  - (1) Requests as to division of property and debts.
  - (2) Requests as to child custody and/or support. and
  - (3) Allegations as to damages.
- (c) Petitions Must Be Signed – The petition must be signed by one or both of the parties to the marriage.

9-40-070 Property and Debts of Void Marriages –

- (a) Community Property Rules Do Not Apply – Because a void marriage is of no legal effect there is no community property. However, the Court shall ordinarily give to each person one-half (1/2) or the equivalent value of one-half (1/2) of what would be community property if the marriage was valid.
- (b) Division of Debts – The Court shall ordinarily divide equally between the party's responsibility for all debts that would be community debts if the marriage was valid.
- (c) Discretionary Equitable Awards – The Court may, in its discretion, award to one party more than one-half (1/2) of what would be community property if the marriage were valid, if this party also assumes more than one-half (1/2) of the debts, or if it would be fair and equitable to do so.

9-40-080 Children of Void Marriages –

- (a) Support Obligations – Parties to a void marriage have the same obligations to support their children as if the marriage were valid.
- (b) Custody – The standards set forth in Chapter 9-70 of this Title should be followed to determine custody and/or support of any children.
- (c) Legitimacy – Children of a void marriage are legitimate for all purposes.

9-40-090 Damages –

- (a) Any person who knowingly contracts a bigamous marriage shall pay damages of five hundred dollars (\$500.00) to the other party to the bigamous marriage if that other party was without knowledge of the bigamous nature of the marriage.
- (b) Any person who knowingly contracts a bigamous marriage shall pay damages of five hundred dollars (\$500.00) to the spouse from the first marriage if that spouse has sued or commences to sue for divorce or annulment.

- (c) Any party to a void marriage who is injured thereby, shall receive such other damages as can be proven, in addition to any damages under (a) and (b) above.

9-40-100 Filing of Order – Orders obtained pursuant to this Chapter 9-40 shall be filed with the Tribal Court Clerk. The Tribal Court Clerk shall file a copy with the county recorder of Mineral County.

9-50 ANNULMENT –

9-50-010 Reasons for Annulment of Marriages – The Court may grant an annulment of a marriage for the following reasons:

- (a) Lack of ability to consent because of age.
- (b) Lack of ability to consent because of mental disease or defect.
- (c) Lack of ability to consent because of serious mental impairment due to the use of drugs or alcohol.
- (d) Force or fraud in obtaining consent to the marriage.

9-50-020 Jurisdiction of the Tribal Court –

- (a) The Tribal Court has jurisdiction to annul any marriage which was entered into on this Reservation.
- (b) The Tribal Court has jurisdiction to annul any marriage which was not entered into on this Reservation if either of the parties to the marriage have resided on this Reservation for at least 6 weeks immediately preceding the filing of the complaint.

9-50-030 Commencement of Annulment Actions – An action to obtain an annulment must be commenced within the following time periods and by the following persons:

- (a) For cause described in Section 9-50-010(a), by the underage party before reaching the age of twenty (20), or by the parent or guardian of the underage party before the party reaches eighteen (18). However, a parent or guardian may not commence an annulment action if a Court order was obtained pursuant to Section 9-10-040, or if he gave his consent to the marriage pursuant to Section 9-10-030(a).
- (b) For cause described in Section 9-50-010(b), by the party lacking capacity within two years of regaining capacity, or by the guardian of the person lacking capacity within two years of the marriage.
- (c) For cause described in Section 9-50-010(c), by the party not freely consenting within two months of the marriage.
- (d) For cause described in Section 9-50-010(d), by the party not freely consenting within two years of the marriage.

9-50-040

Procedure --

- (a) A complaint requesting that a marriage be annulled shall be filed with the Clerk. It must conform to the requirements of Section 9-50-050.
- (b) A summons shall be issued and served in accordance with Title 2, Civil Procedure on any party to the marriage not joining in the complaint.
- (c) The Court shall hold a hearing whether or not the matter is contested.
- (d) If the Court is satisfied that the evidence indicates that it is more likely than not that the allegations in the petition are true and is satisfied as to the Court's jurisdiction, the annulment shall be granted.
- (e) Any orders as to child custody and/or support shall be in compliance with Chapter 9-70 of this Title.
- (f) Any order as to damages shall be in accordance with Section 9-50-080 below.
- (g) Any order as to property and debts shall be in accordance with the standards set forth in Section 9-60-070.
- (h) The Court shall restore either spouse to their former name if requested to do so by the that spouse or that spouse's representative.

9-50-050

Form of Complaint --

- (a) Required Contents of Complaint --
  - (1) The names of the parties to the marriage.
  - (2) The date of the marriage.
  - (3) The place of the marriage.
  - (4) The reason for the requested annulment.
  - (5) An allegation as to the Tribal Court's jurisdiction.
  - (6) If the person filing the complaint is not one of the parties to the marriage, the relationship of that person to the parties.
- (b) Additional Contents -- The complaint may include:
  - (1) A description of any property or debts to be divided by the Court.
  - (2) Any requests as to child custody and/or support.



- (3) Any allegations as to damages.
- (c) Restoration of a Spouse's Former Name – The complaint may include a request that a spouse be restored to his/her former name.
- 9-50-060 Effect of an Order of Annulment –
- (a) After an annulment the parties are restored to the status of single and unmarried persons.
- (b) Children of an annulled marriage are legitimate for all purposes.
- 9-50-070 Alimony Not Awarded – Neither party to an annulled marriage shall be required to pay alimony.
- 9-50-080 Damages – Any person who is damaged because of a marriage that is subsequently annulled, may receive such damages as can be proven.
- 9-50-090 Filing of Annulment Orders – The order of annulment shall be filed in the Tribal Court Clerk's office. The Tribal Court Clerk shall file a copy with the county recorder of Mineral County.
- 9-60 DISSOLUTION OF MARRIAGE –
- 9-60-010 Reasons for Dissolution – A dissolution of marriage may be granted if either party to the marriage considers the marriage a failure.
- 9-60-020 Jurisdiction of the Tribal Court – The Tribal Court shall have jurisdiction to dissolve any marriage described in Section 9-60-010 if:
- (a) Either of the parties to the marriage has resided on this Reservation for at least 6 weeks preceding the filing of the complaint;
- (b) This Reservation was the last place that the parties lived together as a married couple; or
- (c) This Reservation was the place the marriage was entered into.
- 9-60-030 Procedure –
- (a) A complaint requesting a dissolution shall be filed with the Clerk. It must conform to the requirements of Section 9-60-040.
- (b) A summons shall be issued and served in accordance with Title 2, Civil Procedure on the other party to the marriage.
- (c) The Court shall hold a hearing whether or not the matter is contested.
- (d) The dissolution shall be granted if the Court is satisfied that it has jurisdiction, and if the complaint substantially satisfies the requirements of Section 9-60-040.

- (e) Any order as to child support or custody shall be in accordance with Chapter 9-70 of this Title.
- (f) Any order as to property or debts shall be in accordance with Section 9-60-070 below.
- (g) The Court shall restore a spouse to his/her former name if requested to do so by that spouse or that spouse's representative.

9-60-040 Form of Complaint –

- (a) Required Contents – A complaint for dissolution of marriage shall contain:
  - (1) The names of the parties to the marriage.
  - (2) The date of the marriage.
  - (3) The place of the marriage.
  - (4) An allegation of the Court's jurisdiction.
  - (5) An allegation of the failure of the marriage.
- (b) Additional Contents – The complaint may contain:
  - (1) A description of any property or debts to be divided by the Court.
  - (2) Any requests as to child custody and/or support.
  - (3) Any request for alimony.
- (c) Restoration of a Spouse's Former Name – The complaint may include a request that a spouse be restored to his/her former name.

9-60-050 Evidence Considered –

- (a) Fault is irrelevant and no evidence as to fault will be heard by the Court.
- (b) Testimony must be given, by a person who is not a party to the marriage, as to the facts required under Section 9-60-020 above.
- (c) No evidence as to the failure of the marriage need be presented by the party requesting the dissolution.

9-60-060 Alimony –

- (a) Alimony may be awarded to either party as part of the order granting the dissolution.

- (b) Alimony may be awarded for a limited time and in a limited amount and is conditioned on necessity and ability to pay.
- (c) Alimony terminates automatically on the remarriage of the party receiving it, or upon the death of either party. It may be terminated at any time by the Court, if the necessity for it no longer exists, upon motion by the person paying alimony.
- (d) Alimony does not terminate because of the remarriage of the person paying the alimony.

9-60-070 Division of Property and Debts –

- (a) Ordinarily, one-half (1/2) or the equivalent of one-half (1/2) of the community property as defined in this Title 9 shall be given to each party. If the community property includes interests described in Section 9-30-070, the Court may order a party to request a transfer of such interests. However, such transfers must conform to the requirements of federal law and the Tribe's Constitution.
- (b) All separate property remains the property of its owner.
- (c) Ordinarily, community debts shall be divided so that each party is responsible for an equal share.
- (d) All separate debts remain the responsibility of the party who incurred them.
- (e) The Court may, in its discretion, award more than one-half (1/2) of the community property to one party, if that party also assumes more than one-half (1/2) of the community debts, or if it would be fair and equitable to do so.
- (f) In spite of the above provisions, the parties may make their own agreement as to division of property and/or debts, but such agreements are subject to review and approval by the Court.

9-60-080 Effect. -- The effect of an order of dissolution is to restore the parties to the status of single and unmarried persons.

9-60-090 Filing of Orders – The order granting the dissolution shall be filed in the Tribal Court Clerk's office. The Tribal Court Clerk shall file a copy with the county recorder of Mineral County.

9-60-100 Tribal Custom Divorces – Tribal custom divorces or dissolutions occurring after the original date of adoption of this Title are not recognized and have no legal effect.

9-70 CUSTODY AND SUPPORT OF CHILDREN

9-70-010 Nature of Action – A proceeding for custody and/or support of children may be joined with a proceeding under any other Chapter of this Title 9, or may be commenced as a separate proceeding.

9-70-020 Proper Parties to Commence Action –

- (a) The following persons may bring an action for custody and/or support of a child:
  - (1) The child.
  - (2) Either parent.
  - (3) Any person who provides one-half (1/2) of the total support of the child. Support means those items necessary and essential to the child's wellbeing, including such items as food and lodging. However, a social service agency may bring an action only for support, and only to recoup any payments made by the agency on behalf of the child.
- (b) The Tribe is authorized to bring actions for or intervene in actions relating to the custody of Indian children in accordance with the Indian Child Welfare Act (P.L. 95-608).

9-70-030 Procedure –

- (a) A petition concerning child custody and/or support shall be filed with the Clerk. It must conform to the requirements of Section 9-70-040.
- (b) A summons shall be issued and served in accordance with Title 2, Civil Procedure on all interested persons, including but not limited to the child's parents, grandparents, and any other person with whom the child resides.
- (c) A hearing shall be held whether or not the matter is contested.
- (d) At the hearing the Court shall first determine if there is compliance with Sections 9-70-020 and 9-70-030 above, and then shall make its order based on the standards in Section 9-70-050 and/or Section 9-70-070 below.

9-70-040 Form of Petition – The petition shall state the following information, if known:

- (a) The name, age, place of birth and residence of the child.
- (b) The name, age, residence, and relationship to the child of the person having physical custody.
- (c) The name, age residence and relationship to the child of the person seeking custody, if a custody order is sought.

- (d) The name, age residence and relationship to the child of the person to be charged with the support obligation, if a support order is sought.
- (e) The name, age, residence and relationship to the child of the person bringing the petition.
- (f) The reason(s) custody and/or support is sought.

9-70-050 Standards to be Applied and Evidence Considered in Determining Custody –

- (a) The Court shall make its decision based on what will be in the best interests of the child.
- (b) The wishes of the child, though not decisive, will be given a substantial amount of weight.
- (c) No presumptions as to the greater or lesser suitability of one sex or the other as a custodian shall be used.
- (d) No presumptions as to the suitability of persons of particular ages shall be used.
- (e) Reasons for annulments or dissolutions are irrelevant in custody proceedings.
- (f) Custody may be given to a non-parent only if neither parent wants the child and they have both waived their rights in writing, or the child is found to be a dependent child in accordance with Title 10, Juvenile Proceedings.
- (g) If custody is to be given to a non-parent, grandparents or other relatives shall be preferred over non-relatives as custodians of the child.
- (h) The preference shall be to place the child with an Indian custodian or guardian on or off the Reservation.
- (i) The Judge may request a social services report, which will be admissible in evidence, to aid him in his determination of custody. A copy of such report must be given to every interested party at least forty-eight (48) hours before the hearing.

9-70-060 Visitation Rights – The non-custodial parent, and any other interested relative or non-relative, shall be given reasonable rights of visitation upon a showing to the Court of interest in the child.

9-70-070 Support Obligations –

- (a) Nature of Obligation – Both parents of a child have a continuing obligation to support their child until the child is eighteen (18) years of age. This obligation is not affected by the parent's remarriage and is not affected by

any award of custody of the child.

- (b) Determination of Obligation - The Court shall consider the amount of support which is reasonably necessary, and the financial resources of each parent. The Court shall then require each parent to pay a just and reasonable amount for the support of the child.

9-70-080 Modification of Support and Custody Orders - Support and custody orders are modifiable due to changed circumstances upon petition to the Court according to the procedures set out in this Chapter 9-70.

9-70-090 Enforcement of Support Orders -- The Court may use its contempt power to enforce a support order.

9-70-100 Filing and Service of Custody and Support Orders - Custody and support orders shall be filed with the Tribal Court Clerk and served upon all parties whose obligations are affected by them.

9-80 DETERMINATION OF PARENTHOOD -

9-80-010 Purpose and Applicability -

- (a) The purpose of this Chapter 9-80 is to establish the relationship of parent and child.
- (b) An action under this Chapter 9-80 is not available if the child has been legally adopted.
- (c) A proceeding under this Chapter 9-80 may be joined with a proceeding for custody and/or support under Chapter 9-70.

9-80-020 Proper Parties to Bring Action - The following persons may bring an action under this Chapter 9-80:

- (a) The child.
- (b) Either parent.
- (c) Any person who provides one-half (1/2) of the total support of the child. Support means those items necessary and essential to the child's well-being, including such items as food and lodging. A social service agency is a proper party to bring an action under this section.

9-80-030 Procedure -

- (a) A petition alleging parenthood shall be filed with the Clerk. It must conform to the requirements of Section 9-80-040.
- (b) A summons shall be issued and served on any parent who does not join in the petition in accordance with Title 2, Civil Procedure.

- (c) A hearing shall be held whether or not the matter is contested.
- (d) The Court shall issue a decree of parenthood if a preponderance of the evidence indicates that a parental relationship exists.

9-80-040 Form of Petition -- The petition shall contain the following:

- (a) The name, age, place of birth and residence of the child.
- (b) The name, age, place of birth and residence of the alleged parent.
- (c) The name, age, residence and relationship to the child of the person bringing the petition.
- (d) A short statement of the facts on which the allegation of parenthood is based.

9-80-050 Admissible Evidence -- The following types of evidence are admissible in an action to determine parenthood:

- (a) Medical and scientific evidence, if reliable.
- (b) Actions or words on the part of the purported parent that indicate a parental relationship.
- (c) Any other evidence that is helpful to the Court and is admissible in a civil action under Title 6, Evidence.

9-80-060 Effect of Decree -- The effect of a decree of parenthood is to establish the relationship of parent and child with all the attendant rights and responsibilities, including all inheritance rights.

9-80-070 Filing of Decrees -- All decrees of parenthood shall be filed with Tribal Court Clerk and shall be served on all persons affected by them.

#### 9-90 ADOPTION OF MINOR CHILDREN --

9-90-010 Scope -- This Chapter 9-90 sets forth the procedures for establishing the relationship of parent and child, between a child and an adult other than a natural parent of the child.

9-90-020 Procedure --

- (a) A petition requesting an adoption shall be filed with the Clerk. It must comply with the requirements of Section 9-90-030.
- (b) A summons shall be issued and served, in accordance with Title 2, Civil Procedure, on the natural parents, the grandparents, any person with whom the child resides, and any other interested person(s), unless they have signed affidavits of consent.

(c) A hearing shall be held whether or not the matter is contested.

(d) The hearing shall be held in closed Court.

9-90-030 Form of Petition –

(a) The name, age, date and place of birth of the child if known, with documentary proof if possible.

(b) The name(s), age(s) of the person(s) seeking to adopt.

(c) The name(s) and address(es) of the natural parents, if known.

(d) Any affidavits of consent as required by Section 9-90-040.

(e) A statement of any real or personal property owned by the child.

(f) A request that the relationship of parent and child be established.

(g) A statement describing the home environment of the petitioner(s).

9-90-040 Affidavit of Consent –

(a) The consent(s), by affidavit, of the following person(s) is required when applicable:

(1) Of the child if he or she is twelve (12) years of age or over.

(2) Of each of the natural parents unless their parental rights have been judicially terminated.

(3) Of the grandparents, or any other relative who wishes to provide a home for the child, unless the Court makes a determination, based on notice and a hearing, that the grandparents or other relatives are unsuitable as custodians.

(4) Of the spouse of the adopting party unless the spouse joins in the petition.

(b) Any consent obtained prior to the birth of the child or for two weeks thereafter is void.

(c) The consent of the natural parents must be obtained in compliance with the requirements of the Indian Child Welfare Act (P.L. 95-608).

9-90-050 Standards Applied and Evidence Considered –

(a) A petition for adoption shall be granted if the adoption would be in the best interest of the child.



- (b) Single persons of either sex may adopt a child.
- (c) Adopting parents who are married must be at least ten (10) years older than the child.
- (d) Adopting single persons must be at least fifteen (15) years older than the minor child, unless the minor child is the brother, sister, nephew, niece, or first cousin of the adopting single person.
- (e) There is no upper age limit on suitability as an adoptive parent.
- (f) Grandparents and other relatives shall be preferred as adoptive parents over non-relatives.
- (g) The Court may request a social services report on the adoptive parents, which shall be admitted into evidence, to aid in the determination of whether or not the adoption would be in the best interest of the child. A copy of such report must be given to every interested party at least forty-eight (48) hours before the hearing.
- (h) In both temporary and permanent adoption proceedings preference shall be given to the placement of Indian children with Indian adoptive parents.

9-90-060 Temporary Decrees of Adoption -

- (a) If the Court feels that the best interest of the child would be served, it may issue a temporary decree of adoption.
- (b) Such decree is valid for six (6) months, at which time another hearing must be held and a permanent decree granted or denied.

9-90-070 Effect of Entry of Decree -

- (a) Establishment of the Relationship of Parent and Child - A temporary or permanent decree of adoption establishes the relationship of parent and child between the parties.
- (b) Inheritance Rights - After the entry of a permanent decree of adoption, an adopted child inherits from and through the adoptive parent(s), and adoptive parent(s) inherit from and through the adopted child. The adopted child does not inherit from or through the natural parent(s), and the natural parent(s) do not inherit from or through the adopted child.
- (c) Stepparent Adoptions - When a stepparent adopts a child, it does not affect the relationship between the child and the natural parent who is the spouse of the stepparent.

9-90-080 Records of Adoption Proceedings -

- (a) After a permanent adoption decree is granted a new birth certificate shall be obtained in the name of the adoptive parent(s). The certificate shall be filed

in the Tribal Court Clerk's office. The Tribal Court Clerk shall file a copy with the county recorder of Mineral County.

- (b) All records of adoption proceedings are to be sealed and shall be released only upon order of the Court.

9-90-090 Right to Tribal Membership – Adoption shall not affect any rights that a child has to enroll as a Tribal member due to the blood inherited from his natural parents.

9-100 ADOPTION OF ADULTS –

9-100-010 Scope – This Chapter 9-100 sets forth the procedures for establishing the relationship of parent and child, between persons 18 years of age or over.

9-100-020 Consents – No consents are required except that of the adopted person and that of the adopting person(s).

9-100-030 Procedure –

- (a) A petition requesting an adoption shall be filed with the Clerk. It must comply with the requirements of Section 9-100-040.
- (b) Notice shall be given to the natural parents.
- (c) The Court shall hold a hearing and shall issue the decree of adoption, unless it finds that one of the parties does not understand the effect of adoption, or if there is evidence of lack of consent.

9-100-040 Form of Petition – The petition shall state:

- (a) The name, age, and residence of the person to be adopted.
- (b) The name(s), age(s), and residence of the person(s) wishing to adopt.
- (c) A request that the relationship of parent and child be established.

9-100-050 Effect of Entry of Decree –

- (a) Establishment of the Relationship of Parent and Child – A decree of adoption establishes the relationship of parent and child between the parties.
- (b) Inheritance Rights – Adopted adults inherit from and through their adoptive parent(s) and the adoptive parent(s) inherit from and through the adopted adult. Adopted adults do not inherit from or through their natural parent(s) and the natural parent(s) do not inherit from or through the adopted adult.

9-100-060 Filing of Decrees – All decrees obtained pursuant to this Chapter 9-100 shall be filed with the Tribal Court Clerk. The Tribal Court Clerk shall file a copy with the County Recorder of Mineral County.

9-110 GUARDIANSHIP --

9-110-010 Scope -- This chapter 9-110 establishes the procedure for the appointment of guardians for minor persons, or for adults who are unable to manage their property and business affairs and/or physically care for themselves.

9-110-020 Commencement of the Action -- Any person may file a petition for a guardianship, including the person to be placed under the guardianship.

9-110-030 Procedure --

- (a) A petition requesting a guardianship shall be filed with the Clerk. It shall comply with the requirements of Section 9-110-040.
- (b) If the proposed ward is an adult, a summons shall be issued and served in accordance with Title 2, Civil Procedure on all persons who would be intestate heirs of the proposed ward under the provisions of Title 12, Probate.
- (c) If the proposed ward is a child, summons shall be issued and served, in accordance with Title 2, Civil Procedure, on the natural parents, unless they join in the petition.
- (d) The Court shall hold a hearing whether or not the matter is contested.

9-110-040 Form of Petition -- The petition shall state:

- (a) The name, age, and residence of the proposed ward.
- (b) Whether the proposed guardianship is of the property and business affairs and/or of the physical care of the proposed ward and the reasons therefore.
- (c) The name, age, and relationship to the proposed ward of the person filing the petition.
- (d) The name of a proposed guardian, and the relationship of the proposed ward to the proposed guardian.
- (e) A description of the proposed ward's income and property.

9-110-050 Standards Applied --

- (a) The petitioner must show that a guardianship is necessary for the well-being of the person and/or the management of his or her property and business affairs.
- (b) The necessity of the guardianship must be shown by clear and convincing evidence.

9-110-060 Selection and Approval of Guardians –

- (a) The Court shall appoint a guardian only after the hearing required by Section 9-110-030(d). The Court may approve the guardian suggested by the petition, or may appoint any other person, as the best interests of the ward require. Wards twelve (12) years of age or over may suggest their own guardians.
- (b) If the ward's estate is large, a financial institution should be appointed to manage it.
- (c) The duties of a guardian may be split, with one person chosen to care for the individual and another person or an institution chosen to manage the property.

9-110-070 Duties of a Guardian –

- (a) General – The duties of a guardian are set forth below, depending on the age of the ward, the reason for the guardianship, and whether or not the duties of the guardian are split.
- (b) Guardians of the Person – Guardians of a ward's physical person are responsible for providing the necessities of life to the ward, and shall have the authority to enroll a ward in school, to consent to medical treatment, to obtain any state or Indian benefits for the ward, and to exercise similar duties and authority.
- (c) Guardians of the Estate – Guardians of a ward's property or business affairs shall manage the ward's property in the manner in which a prudent person would manage his own property.
- (d) Other Specific Duties – In addition to the duties listed above, the Court may enumerate specific duties for the guardian in its order, if such duties would be in the best interest of the ward.

9-110-080 Costs and Fees – Guardians may request the Court to approve payment for costs and fees arising from the management of property, and reasonable compensation approved by the Court.

9-110-090 Posting of Bond – Guardians may be required by the Court to post a bond, to ensure protection of the ward's property.

9-110-100 Change of Guardian – Persons placed under a guardianship may petition the Court at any time for a change of guardian.

9-110-110 Review of Guardianships – All guardianships shall be reviewed by the Court at least once every twelve (12) months as to continued necessity and as to the suitability of the guardian. The Tribal Court Clerk shall keep a calendar on which the review dates shall be entered. The guardian, ward, and other interested parties shall receive at least two weeks' notice of any review.

9-110-120 Termination of Guardianships –

(a) Guardianships of Minors --

- (1) Upon turning eighteen (18) years of age, a minor may petition the Court and have his or her guardianship terminated, unless there is a reason for the guardianship beyond age 18 years.
  - (2) Parents or guardians may petition the Court at any time to terminate the guardianship of children or wards if the necessity for the guardianship no longer exists.
- (b) Guardianships of Adults – An adult may petition the Court and have his or her guardianship terminated when the ward regains ability to manage his property or business affairs and/or physically care for himself.
- (c) Guardianships of Minors and Adults – The Court may terminate a guardianship on its own motion, in conjunction with any review conducted in accord with Section 9-110-110.

9-110-130 Temporary Guardianships –

- (a) Defined – A temporary guardianship over either the business affairs or the physical care of a person may be granted, on petition, but without notice or hearing, for up to three (3) months. All aspects of a temporary guardianship are the same as for a permanent one, except no petition is required for termination.
- (b) Procedure – The petition must be accompanied by a written consent from the natural parents if the proposed ward is a child, or a written consent from the proposed ward if the proposed ward is an adult.
- (c) Conversion into Permanent Guardianships – A new petition must be filed to change a temporary guardianship into a permanent guardianship, and a full hearing must be held.
- (d) Temporary Guardianships over Minors – Notwithstanding any other provision of Chapter 9-110, a temporary guardianship over the physical care of a minor may be granted by the person having care, custody and control of the minor for a period of up to six (6) months, without a petition to the Court. Such guardianship must be in writing, signed by the person granting it, specify the period for which it is to exist, and state that it is only over the physical care of the minor. If there are two people who have care, custody, and control of the minor, they must both sign the guardianship.

9-110-140 Filing of Guardianships – All Court orders as to guardianships and all guardianships pursuant to Section 9-110-130(d) must be filed with the Tribal Court Clerk and must be served on the guardian, ward, and other interested parties.

CERTIFICATION

As a duly-elected official of the Walker River Paiute Tribe, I do hereby certify that at a meeting duly called, noticed, and convened on the 12<sup>th</sup> day of August 2021, at which time a quorum of 5 was present, the Title 9, Domestic Relations Code was duly amended by a vote of 4-FOR, 0-AGAINST, and 0-ABSTENTIONS, and said Code has not been rescinded or amended in any form.

Amber Jones

Tribal Council Chairperson

8 20 2021

Date

ATTEST:

Gene L. Mackintosh

Tribal Secretary

8/20/21

Date