



PONCA TRIBAL COURT

1800 Syracuse Avenue • Norfolk, NE 68701 • Phone: 402.371.8834 • Fax: 402.371.3238

Re: Domestic Partnership

I would like to thank you for your interest in obtaining a domestic partnership certificate through the Ponca Tribal Court. I have included the portion of the Code which addresses domestic partnerships in the Tribal Court. In order to obtain a domestic partnership certificate from the Ponca Tribal Court you will need to complete the application for a Domestic Partnership, along with the Request for a Domestic Partnership Certificate. You will also be required to pay the filing fee of \$25.00. Please make the check or money order payable to the Ponca Tribal Court.

Once the Tribal Court receives the Application and the Request along with the \$25.00 fee, then the request will be reviewed, and if you meet the requirements in the Code a certificate will be prepared and sent to you.

If you have any questions, please feel free to contact me at 402-371-8834, or via email at ruthaneg@poncatrIBE-ne.org.

Sincerely,

RUTHANNE GALLUP
Tribal Court Administrator

Enc: Portion of Code; Domestic Partnership Application; Request for a domestic partnership certificate

APPLICATION TO REGISTER A DOMESTIC PARTNERSHIP IN THE PONCA TRIBAL COURT

– A separate declaration is needed from both parties.

1. Party 1: Name, First, Middle, Last, Suffix		2. Sex	
3a. County	3b. State	3c. Occupation	
3d. City, Town, or Location	3e. Address	3f. Zip Code	
4. Birthplace, City and State or Foreign Country		5. Date of Birth	
6. Father's Name (First, Middle, Last, Suffix)		6b. Birthplace, City & State	
6c. Address of Father			
7a. Mother's Name – Full Maiden Name, First, Middle, Last, Suffix		7b. Birthplace, City & State	
7c. Address of Mother			
8a. Party 2, Name, First Middle Last Suffix		8b. Maiden Name	9. Sex
10a. County	10b. State	10c. Occupation	
10 d. City, Town or Location	10e. Address	10 f. Zip Code	
11. Birthplace, City and State or Foreign Country		12. Date of Birth	
13a. Father's Name (First, Middle, Last, Suffix)		13b. Birthplace, City & State	
13c. Address of Father			
14a. Mother's Name – Full Maiden Name, First, Middle, Last, Suffix		14b. Birthplace, City & State	
14c. Address of Mother			
CONFIDENTIAL INFORMATION: INFORMATION BELOW WILL NOT APPEAR ON CERTIFIED COPIES OF THIS RECORD			
15a. Social Security Number of Party 1		15b. Social Security Number of Party 2	
16a. Party 1 Are you related to Party 2, if so how?		16b. Party 2 Are you related to Party 1, if so, how?	
17. If both parties share a child in common, please list full legal name and date of birth of each child unless rights have been terminated.			
18a. Party 1 If previously married did marriage end in death: If so, date and place of death of former spouse			
18b. Party 1, If previously married, was the marriage dissolved or declared invalid? If so, state date, place and court			
18a. Party 2 If previously married did marriage end in death: If so, date and place of death of former spouse			
18b. Party 2, If previously married, was the marriage dissolved or declared invalid? If so, state date, place and court			
19a. Race of Party 1		19b. Race of Party 2	
20a. Under penalty of perjury, I affirm that the information is true and correct. Date & signature of party 1		20b. Under penalty of perjury, I affirm that the information is true and correct. Date & signature of party 2	
21a. Name & Title of Court staff verifying Party 1		21b. Name & Title of Court staff verifying Party 2	

IN THE PONCA TRIBAL COURT

STATE OF _____)
) SS **REQUEST FOR A**
) **DOMESTIC PARTNERSHIP**
COUNTY OF _____) **CERTIFICATE**

INFORMATION OF PARTY ONE

I, _____, being first duly sworn,
state I am requesting a domestic partnership certificate.

My full legal name is _____,
My address is _____

My date of birth is _____
My social security number is _____
My phone number is _____

ANSWER EACH OF THE FOLLOWING STATEMENTS "YES" OR "NO"

- _____ I am the age of majority.
- _____ I cohabitate (live with) party two.
- _____ I have chosen to share party two's lives in an intimate and committed relationship of mutual caring.
- _____ I am not legally married to another person
- _____ I am not related to party two

I request the issuance of a domestic partnership certificate to party two. This consent is given voluntarily and I have not been forced or promised anything for giving my consent.

DATED this _____ day of _____, 20__.

Signature

Subscribed in my presence and sworn to or affirmed before me this _____
day of _____, 20__.

(AFFIX SEAL ABOVE)
My Commission expires: _____

Signature of Notary Public

INFORMATION OF PARTY TWO

I, _____, being first duly sworn, state I am requesting a domestic partnership certificate.

My full legal name is _____,
My address is _____

My date of birth is _____
My social security number is _____
My phone number is _____

ANSWER EACH OF THE FOLLOWING STATEMENTS "YES" OR "NO"

- _____ I am the age of majority.
- _____ I cohabit (live with) party one.
- _____ I have chosen to share party one's lives in an intimate and committed relationship of mutual caring.
- _____ I am not legally married to another person.
- _____ I am not related to party one.

I request the issuance of a domestic partnership certificate to party one. This consent is given voluntarily and I have not been forced or promised anything for giving my consent.

DATED this _____ day of _____, 20__.

Signature

Subscribed in my presence and sworn to or affirmed before me this _____ day of _____, 20__.

(AFFIX SEAL ABOVE)
My Commission expires: _____

Signature of Notary Public

Section 4-1-13. Appointment of Guardian Ad Litem.

1. At any stage of a proceeding conducted under this Title, the Court may appoint separate counsel or a spokesperson for a child subject of the proceeding to act as guardian ad litem representing the child's best interests.

2. A guardian ad litem shall be an officer of the Court for the purpose of representing the child's best interests and shall investigate the circumstances of each case where the guardian ad litem is appointed, including contacting family members, school officials, and other individuals having pertinent information regarding the child.

3. The Court may assess the cost of the guardian ad litem against the petitioner or any other party in the proceeding.

Section 4-1-14. Severability. If any chapter, section or provision of this Title or amendment made by this Title is held invalid, the remaining chapters, sections and provisions of this Title and amendments made by this Title shall continue in full force and effect.

Section 4-1-15. Sovereign Immunity. Except where expressly waived by a section of this Title specifically referring to a waiver of sovereign immunity, nothing in this Title shall be construed as limiting, waiving or abrogating the sovereignty or the sovereign immunity of the Tribe or any of its agencies, departments, enterprises, agents, officers, officials or employees.

**CHAPTER 2
MARRIAGE**

Section 4-2-1. Purpose. This Chapter shall be liberally construed and applied to promote its underlying purposes, which are to:

1. Recognize and acknowledge that marriage is a fundamental human right and an institution that strengthens family relationships and preserves the integrity, cohesiveness, and continuity of the Tribe;

2. Ensure that couples of the same sex and couples of opposite sex have equal access to marriage and to the protections, responsibilities, and benefits that result from marriage;

3. Provide adequate procedures for the solemnization and registration of marriage; and

4. Strengthen and preserve the integrity of marriage and safeguard family relationships.

Section 4-2-2. Jurisdiction. The Tribe shall have jurisdiction over all marriages licensed and performed within the territory of the Tribe and shall have the authority to issue marriage licenses to individuals who are residents within the territory of the Tribe.

Section 4-2-3. Nature of Marriage.

1. Marriage is a personal relationship between two persons arising out of a civil contract to which the consent of the parties is essential.

2. A marriage licensed, solemnized, and registered as provided in this Chapter is valid in the territory of the Tribe.

3. Nothing in this Chapter shall be deemed to repeal or render invalid any otherwise valid common law or traditional marriage that complies with Section 4-2-10 of this Chapter.

4. A marriage may be contracted, maintained, invalidated, or dissolved only as provided by law.

Section 4-2-4. Who May Marry. The following persons may marry:

1. Every person, otherwise competent, who has attained the age of majority; and

2. A person of at least the age of seventeen (17) years, with the consent of the person's parents, guardian, custodian, or the Court, as provided in this Chapter.

Section 4-2-5. Prohibited Marriages.

1. The following marriages are prohibited:

a. A marriage entered into prior to the dissolution of an earlier marriage of one of the parties;

b. A marriage entered into where one or both parties are less than seventeen (17) years of age;

c. A marriage between lineal descendants or between siblings, whether the relationship is by the half or the whole blood or by adoption;

d. A marriage between an uncle or aunt and a niece or nephew, whether the relationship is by the half or the whole blood; and

e. A marriage between the children of two siblings or the children of two first cousins, whether the relationship is by the half or the whole blood.

2. Parties to a marriage prohibited under this Section who cohabit after removal of the impediment are lawfully married as of the date of the removal of the impediment.

3. Children born of a prohibited marriage are legitimate.

Section 4-2-6. Marriage License and Certificate.

1. The Court shall prescribe the form for an application for a marriage license, which shall include the following information:

a. Name, sex, occupation, address, social security number, date and place of birth of each party to the proposed marriage;

b. If either party was previously married, his or her name, and the date, place, and court in which the marriage was dissolved or declared invalid or the date and place of death of the former spouse;

c. Name and address of the parents or guardian of each party;

d. Whether the parties are related to each other and, if so, their relationship; and

e. The name and date of birth of any child of which both parties are parents, born before the making of the application, unless their parental rights and the parent-child relationship with respect to the child have been terminated.

2. The Court shall prescribe the forms for the marriage license, the marriage certificate, and the consent to marriage.

Section 4-2-7. License to Marry.

1. When a marriage application has been completed and signed by both parties to a prospective marriage and at least one party has appeared before the Tribal Court Administrator or his or her designee and paid the marriage license fee to be determined by the Court, the Tribal Court Administrator or his or her designee shall issue a license to marry and a marriage certificate form upon being furnished:

a. Satisfactory proof that each party to the marriage will have attained the age of majority at the time the marriage license is effective, or will have attained the age of seventeen (17) years and has either the consent to the marriage of his or her parents, guardian or custodian, or judicial approval; and

b. Satisfactory proof that the marriage is not prohibited.

2. A license to marry becomes effective when issued, unless the Court orders that the license is effective at a different time, and expires 180 days after it becomes effective.

Section 4-2-8. Judicial Approval.

1. The Court, after a reasonable effort has been made to notify the parents or guardian of each underage party, may order the Tribal Court Administrator to issue a marriage license and a marriage certificate form to a party aged at least seventeen (17), but not yet the age of majority, who has no parent capable of consenting to his or her marriage, or whose parent, guardian or custodian has not consented to his or her marriage.

2. A marriage license and a marriage certificate form may be issued under this Section only if the Court finds that the underage party is capable of assuming the responsibilities of marriage and the marriage will serve his or her best interests. Pregnancy alone does not establish that the best interests of the party will be served.

3. The Court shall authorize performance of a marriage by proxy upon the showing required by the provisions on solemnization.

Section 4-2-9. Solemnization and Registration.

1. A marriage may be solemnized by a judge of a court of record, by a public official whose powers include solemnization of marriages, or in accordance with any mode of solemnization recognized by any religious denomination, Indian nation or tribe, or native group. Either the person solemnizing the marriage, or, if no individual acting alone solemnized the marriage, a party to the marriage, shall complete the marriage certificate form and forward it to the Tribal Court Administrator.

2. If a party to a marriage is unable to be present at the solemnization, he or she may authorize in writing, notarized as an acknowledgment verifying the identity and confirmation of the signature of the party, a third person to act as his or her proxy. If the person solemnizing the marriage is satisfied that the absent party is unable to be present and has consented to the marriage, he or she may solemnize the marriage by proxy. If he or she is not satisfied, the parties may petition the Court for an order permitting the marriage to be solemnized by proxy.

3. Upon receipt of the marriage certificate, the Tribal Court Administrator or his or her designee shall register the marriage.

4. A marriage solemnized before a person professing to have authority to perform marriages is valid regardless of such lack of authority if the parties, or either of them, believe that they have been lawfully joined in marriage.

Section 4-2-10. Common Law and Traditional Marriage.

1. Even where there has been no solemnization or ceremony and no certificate of marriage issued, two persons shall be considered married in a common law marriage if:

- a. Each party is at least the age of majority;
- b. Each party consents to the marriage;
- c. The parties cohabit;
- d. The parties declare or hold themselves out to the public as spouses; and

e. The marriage is not prohibited as provided in this Chapter.

2. Even where there has been no solemnization or ceremony and no certificate of marriage issued, two persons shall be considered married in a traditional marriage if:

a. Each party is at least the age of majority;

b. The parties are recognized as married under the customs and traditions of the Tribe; and

c. The marriage is not prohibited as provided in this Chapter.

3. Notwithstanding the provisions of Section 4-2-13, a common law marriage contracted within or outside the territory of the Tribe shall not be recognized as valid if:

a. One or more of the parties is not at least the age of majority; or

b. It is a prohibited marriage under this Chapter.

4. Persons involved in common law or traditional marriages may obtain a marriage certificate upon proof to the Tribal Court Administrator by affidavit or otherwise of the validity of their marriage under this Section and payment of the fee for a marriage license.

Section 4-2-11. Domestic Partnership.

1. Domestic partnership is a personal relationship between two persons arising out of a civil contract to which the consent of the parties is essential. For all purposes under the laws of the Tribe, domestic partners:

a. Shall be considered as and treated the same as married spouses; and

b. Any privilege, immunity, right, benefit, or responsibility granted or imposed by the laws of the Tribe to an individual because the individual is or was a spouse, or because the individual is or was an in-law to another individual, is granted on equal terms, substantive and procedural, to an individual because the individual is or was

in a domestic partnership or is or was, based on a domestic partnership, related to another individual.

2. Without the requirement of any solemnization or ceremony, two persons may enter into a domestic partnership if:

- a. Each party is eligible to marry under this Chapter;
- b. Each party consents to the domestic partnership;
- c. The parties cohabit;
- d. The domestic partnership, if it were a formal marriage, would not be a prohibited marriage under this Chapter.

3. Notwithstanding the provisions of Section 4-2-13, a domestic partnership contracted within or outside the territory of the Tribe shall not be recognized as valid if:

- a. One or more of the parties is not at least the age of majority; or
- b. Were it a formal marriage, it would be a prohibited marriage under this Chapter.

4. Two individuals wishing to become partners in a domestic partnership may obtain a domestic partnership certificate upon completing and filing a registration of domestic partnership with the Tribal Court Administrator and payment of the fee for a marriage license. The Court shall prescribe the form for registration of a domestic partnership, which shall include any information required to obtain a marriage license under this Section along with a declaration that both persons:

- a. Cohabit with one another;
- b. Have chosen to share one another's lives in an intimate and committed relationship of mutual caring; and
- c. Desire of their own free will to enter into a domestic partnership.

5. The provisions governing judicial approval of marriage in this Chapter shall apply to individuals wishing to become domestic partners.

6. Nothing in this Section shall be deemed to repeal or render invalid any otherwise valid domestic partnership.

7. A domestic partnership may only be invalidated or dissolved as provided by law with respect to marriage, provided that a domestic partnership shall automatically terminate if the parties enter into a formal marriage to each other.

Section 4-2-12. Putative Spouse.

1. Any person who has cohabited with another to whom he or she is not legally married in the good faith belief that he or she was married to that person is a putative spouse until knowledge of the fact that he or she is not legally married terminates his or her status and prevents acquisition of further rights.

2. A putative spouse acquires the rights conferred upon a legal spouse, including the right to maintenance following termination of his or her status, whether or not the marriage is prohibited or declared invalid.

3. If there is a legal spouse or other putative spouses, rights acquired by a putative spouse do not supersede the rights of the legal spouse or those acquired by other putative spouses, but the Court shall apportion property, maintenance, and support rights among the claimants as appropriate in the circumstances and in the interests of justice.

Section 4-2-13. Existing Marriages.

1. Except as expressly provided in this Chapter, all marriages which are valid under the laws of the jurisdiction where and when performed shall be recognized and valid within the territory and jurisdiction of the Tribe.

2. All marriages performed or entered into within the territory of the Tribe prior to the effective date of this Chapter, including common law marriages and those perfected according to Tribal custom and tradition, are declared valid for all purposes under this Code. Persons involved in such marriages may obtain a marriage certificate upon proof to the Tribal Court Administrator by affidavit or otherwise of the validity of their marriage, and payment of the fee for a marriage license.

**CHAPTER 3
INVALIDITY OF MARRIAGE**