

ONEIDA INDIAN NATION

MARRIAGE CODE

101 Performance of Marriage

The provisions of this Code shall govern all matters relating to the performance of marriages within the territorial jurisdiction of the Oneida Indian Nation.

102 Definitions

“Clerk” means the Nation Clerk.

“Court” means the Oneida Nation Court.

“Marriage” means a civil contract to which the consent of the parties is essential.

“Minor” means any person under sixteen (16) years of age.

“Nation” means the Oneida Indian Nation.

“Territorial Jurisdiction” means all lands possessed, occupied or held by or for the Nation in its sovereign capacity.

103 Who May Be Married

a. A man and a woman may be joined in marriage within the territorial jurisdiction of the Nation provided that:

1. the marriage ceremony is performed within the territorial jurisdiction of the Nation;
2. both applicants have attained the age of 18 years;
3. both applicants have complied with the license requirements of this Code.

b. Persons under eighteen (18) years of age but who have attained the age of sixteen (16) years at the time of their application for a marriage license may be joined in marriage provided they have the consent of their parents or guardians. Such consent shall be in writing and signed before a Judge of the Court. A Judge of the Court may, in the absence of a parent or guardian, sign a consent upon a showing of good cause. Such consent shall be filed as a part of the license application process pursuant to Section 105 of this Code.

c. Persons under eighteen (18) years of age but who have attained the age of sixteen (16) years and have been validly joined in marriage shall be deemed emancipated.

104 Persons That May Not Be Married

No marriage shall be contracted:

- a. while either of the parties is a minor;
- b. has a husband or wife living and the prior marriage has not been annulled or dissolved by a court of competent jurisdiction;
- c. between a brother and sister of either the whole or half blood;
- d. between an uncle and niece or an aunt and nephew.

105 Requirements For The Issuance Of A Marriage License

a. The Clerk shall issue a marriage license when both applicants have appeared before the Clerk, made application for a license, provided the requisite information as provided in this Ordinance, and paid a fee of \$25.00. The application shall be dated, signed and sworn to, or affirmed by, each applicant. In the event that the applicants make application separately, the last dated application shall be deemed the date of application.

b. The application shall state each applicants' name, age, occupation, address, birth place, marital status (whether divorced or widowed), names and dates of birth of any minor children, and conservatorship or guardianship status, if any; and both applicants shall submit a certified birth certificate. Any person who intentionally provides false information may be subject to civil penalties as provided in Section 109 of this Code.

d. Marriage license applications and copies of the marriage license shall be filed in the Clerk's Office as a part of the official records of the Nation.

e. A marriage license is valid for a period of thirty (30) days from the date of issuance by the Clerk.

106 Authority To Perform Marriages

Marriages may be solemnized by any member of the Men's Council, Judges of the Court, or by any minister, priest or religious leader in regular communion with any religious society, group or organization.

107 Form Of Marriage

No particular form of marriage shall be required in the solemnization of marriages, except that the parties shall solemnly declare in the presence of the Judge, minister, or religious leader officiating that they take each other as husband and wife.

108 Marriage Certificate

The person who joins any persons in marriage shall certify upon the marriage license certificate the fact, time and place of the marriage, and return it to the Court Clerk for filing within ten days of the marriage ceremony.

109 Violation Of Preceding Section

Every person who shall violate any of the sections of this Code shall be fined not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars.

110 Prohibited Marriages Declared Void

All marriages which are prohibited by Section 104 shall be absolutely void without the necessity of any judgment of divorce or other legal proceeding.

111 Recognition Of Marriages Performed In Other Jurisdictions

All marriages celebrated without the territorial jurisdiction of the Oneida Indian Nation shall be deemed valid, provided the marriage was legal in the jurisdiction where celebrated.

112 Common Law Marriage

Common law marriages are prohibited and the marriage of a man and woman may occur within the territorial jurisdiction of the Nation only if the marriage is in compliance with this Code.

113 Recognition of Nation Customary Marriages

Marriages enacted in accordance with the customs and traditions of the Oneida Indian Nation are valid.