

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council has reviewed the Domestic Relations Code derived from Ordinance 96, enacted May 1, 1974, to determine areas in which the Tribal Council believes is in need of amendment; and

WHEREAS, the proposed codification of the Domestic Relations Code has been reviewed this date and the Tribal Council concludes that the following amendments should be made to the Domestic Relation Code and posted for a period of ten (10) days for public comment as required by the Tribal Constitution:

SECTION 1.1 MARRIAGES

The White Mountain Apache Tribal Court may issue marriage licenses to proper persons, both one of whom are is a members member of the Tribe, or a member of a federally recognized tribe, such marriage licenses to be recorded in the County. Any tribal custom marriage not so licenses shall not be recognized as valid. The Tribal Court is hereby authorized and instructed to issue marriage certificates to all these persons known to be living together as man husband and wife previous to August 26, 1938. Marriage certificates issued shall become a matter of record in the Trial Court, copies of which shall be furnished to the Agency- and Tribal Council Secretary.

SECTION 1.4 SOLEMNIZATION OF A MARRIAGE

A marriage may be solemnized by any recognized clergyman or other official authorized to perform the ceremony by the laws of the State of Arizona, or the laws of the White Mountain Apache Tribe, but only after issuance of a license.

SECTION 1.5 MARRIAGE LICENSE

A. Any member resident of the Fort Apache Indian Reservation, eligible by age and otherwise, as hereinafter provided may obtain a marriage license in conformity with State Law or the laws of the White Mountain Apache Tribe from the Court, and such marriages consummated by authority of such license shall be legal in every respect in the

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State of Arizona. A fee ~~of \$2.00 shall be paid to~~ the set by the Tribal Court shall be paid upon the issuance of a marriage license.

SECTION 1.6 PROHIBITED VOID MARRIAGES

Marriages between parents and children, including grandparents and grandchildren of every degree, between brothers and sisters, of the one-half as well as the whole blood, and between uncles and nieces, aunts and nephews, and between first cousins or within the maternal clan are incestuous and void.

SECTION 1.10 DIVORCE

- (2) when one of the parties was declared physically or mentally incompetent by a the-Agency physician at the time of the marriage and the same has continued to the time of the commencement of the action.
- (6) when ~~the-husband~~ either party has neglected to provide the ~~wife~~ other party or family with the common necessities of life, having the ability to provide the same, or failing to do so by reason of his or her idleness, or dissipation.
- (9) irreconcilable incompatibility or differences.

SECTION 1.11 PROCEDURE FOR ANNULMENT OR DIVORCE

A. Any person applying for annulment or divorce shall deposit with the Tribal Court ~~thirty-five-(\$35.00)-Dollars~~ a fee set by the Court at the time of the action. In case the defendant files a cross complaint, the court may require the defendant to pay into the court a fee of like amount. Fees may be waived upon proof of indigency satisfactory to the Court.

B. The complaining party shall file with the court a verified complaint stating concisely his or her cause for action and thereupon the Court shall issue a summons ~~to-run~~ in the name of the Tribal Court, to the defendant apprising him or her of the pendency of action and the summons shall concisely

state the grounds upon which annulment or divorce is asked.

D. In case the service cannot be made upon the reservation, the summons together with a copy of the complaint shall be forwarded to the Superintendent of the reservation or law enforcement officers where the defendant is enrolled or found to be residing and there served; or if outside any reservation by service of process in accordance with the Rules of Civil Procedure.

E. If the service cannot be made personally either under the jurisdiction of the Tribal Court, or on the reservation where the defendant is enrolled or residing or in accordance with Section 1.11 D, a return shall be made to the Court showing said facts; thereupon the Court shall cause to be filed with the Court and at the Agency a copy of the summons and complaint. A copy of the summons and complaint shall be mailed by Certified Mail to the last known post office address, and service shall be deemed complete 30 days after filing said summons and complaint. The defendant shall have 30 days in which to answer the complaint from the time of the completed service. If the defendant fails to appear and answer within the time required, the case may be heard by the Judge of the Court at any time thereafter; but if the defendant answers the summons, then the trial action shall be placed on the calendar by the clerk and tried by the Court.

SECTION 1.13 PERMANENT ALIMONY, CUSTODY OF CHILDREN AND COST

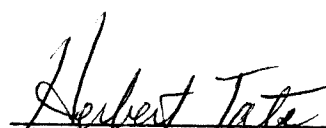
A. In the final decree of divorce the court may in addition to the division of the common property of the parties direct ~~the husband~~ either party to pay the ~~wife~~ other such amounts as may be necessary for the support and maintenance of the ~~wife~~ other party and the minor children of the parties. The custody of the children may be awarded to the wife or husband as may be necessary or proper, and the Court may decree that alimony may be paid in one sum or installments, and in such decree or decree of annulment of the marriage the Court may make such disposition of and provision for their minor children, as shall be most expedient under all circumstances for their present comfort and future well being.

SECTION 1.14 MODIFICATION OF JUDGMENT AFFECTING
ALIMONY AND SUPPORT OF MINOR
CHILDREN

The Court may, from time to time, after the entry of the final decree or on petition of either party, amend, revise and alter such portions of the decree as relate to the payment of money for the support and maintenance of ~~the-wife~~ either party or the support of their children, as may be just, and amend, change, or alter any provision therein respecting the care, custody, or maintenance of the children of the parties as the circumstances of the parents and the welfare of the children may require.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the foregoing amendments to the proposed Domestic Relations Code be posted by the Tribal Council Secretary for a period of ten (10) days for public comment as required by the Tribal Constitution.

The foregoing resolution was on January 15, 1987, duly adopted by a vote of TEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i,q) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


ACTING Chairman of the Tribal Council


Secretary of the Tribal Council