LEECH LAKE BAND OF OJIBWE TITLE 6: FAMILY RELATIONS

TABLE OF CONTENTS

		Page
Chapter 1.	Purpose, Use of Language From Other Laws and Jurisdiction	5
Section A.	Purpose	5
Section B.	Use of Language from Other Laws	5
Section C.	Jurisdiction	5
Chapter 2.	Marriage	6
Section A.	Jurisdiction	6
Section B.	Definition	6
Section C.	Who May Marry	6
	(1) Age Limit	
	(2) Blood Relationship	6
	(3) Competency of Persons Marrying	6
	(4) Persons Already Married	6
	(5) Absent Spouse Provision	6
Section D.	Marriage Requirements	6
	(1) License Requirement	6
	(2) Methods of Contracting Marriage	7
Section E.	Validity of Marriages	7
	(1) Valid Marriages	7
	(2) Voidable Marriages	7
	(3) Void Marriages	7
Section F.	Annulment	7
	(1) Grounds for Annulment	7
	(2) Action to Annul or Declare Marriage Void	7
	(3) Annulment or Declaration-When to Bring	7
	(4) Hearing	8
Chapter 3.	Marital Property	8
Section A.	Definition	8
Section B.	Non-Marital Property	8
Section C.	Termination of Marital Property	8
Chapter 4.	Dissolution	8
Section A.	Definition	8
Section B.	Grounds for Dissolution	8
Section C.	Filing Fee	8
Section D.	Division of Property Upon Dissolution	8
	(1) Marital Property	9
	(2) Non-Marital Property	9
	(3) Untraceable Property	9
	(4) Professional Degrees	9
	(5) Per Capita Payments	9
	(6) Pensions	9
	(7) Modification of Property Award	9

		<u>Page</u>
Section E.	Maintenance	10
	(1) When Awarded	10
	(2) Modification of Maintenance Award	10
	(3) Termination of Maintenance	11
Section F.	Child Support	11
	(1) Calculation of Gross Income	11
	(2) Deduction from Income for Non-Joint Children	12
	(3) Determination of Support Obligation	13
	(4) Basic Support Guideline	13
	(5) Income Cap on Determining Basic Support	18
	(6) Computation of Child Support Obligations	18
	(7) Other Factors to be Considered	19
	(8) Parenting Expense Adjustment	19
	(9) Debt Owed to Private Creditors	21
	(10) Government Debt Obligation	21
	(11) Deviation from the Guidelines	21
	(12) Nature of Guidelines	21
	(13) Modification of Child Support Award	21
	(14) Retroactive Effect of Modification	22
	(15) Termination	22
	(16) Forms	22
Section G.	Medical Support	
	Obligor to Take Necessary Steps	22
Chapter 5.	Child Custody and Parenting Time	23
Section A.	Child Custody Factors	23
Section B.	Evidence of False Allegations of Child Abuse	24
Section C.	Joint Custody Factors	24
Section D.	Custody Order	25
Section E.	Rights of Parties	25
Section F.	Custody Consent Decree	25
Section G.	Parenting Time	26
Section H.	Domestic Abuse: Supervised Parenting Time	27
Section I.	Rights of Children and Parents	27
Section J.	Move to Another State	27
Section K.	Modification of Order for Parenting Time	28
Section L.	Remedies	28
Section M.	Effect of Certain Criminal Convictions	29
	(1) Seeking Custody or Parenting Time	29
	(2) Applicable Crimes	29
Section N.	Modification of Custody Orders	30
Section N.	Stand-By Custodian	30
	(1) (Untitled)	30
	(2) Death of Designator	31
	(3) Involvement of Designator	31
	(4) Effect of Filing	31
	(5) Parental Rights	31
	(6) Modification of Appointment	31
	(7) Restored Capacity	31

		Page
Chapter 6.	Rules of Procedure for Family Relations	31
Section A.	Applicability of Rules	31
Section B.	Commencement	31
	(1) Commencement of Proceedings	32
Section C.	Computation of Time	32
Section D.	Continuances	32
Section E.	Contents of Petition for Dissolution	32
Section F.	Motions: Ex Parte Relief; Orders to Show Cause; Orders and Decrees	33
	(1) Scheduling of Motions	33
	(2) Form of Motion	33
	(3) Requirements of Motions	33
	(4) Failure to Comply	
Section G.	Ex Parte Relief	33
	(1) Motion for Ex Parte Relief	33
	(2) Order to Show Cause	33
Section H.	Orders and Decrees Requiring Child Support or Maintenance	34
Section I.	Scheduling of Cases	34
Section 1.	(1) Purpose	34
	(2) Pre-Hearing Settlement	34
Section J.	Default	34
Section 3.	(1) Default Without Stipulation-No Appearance	34
	(2) Default Without Stipulation-Appearance	34
	(3) Default With Stipulation	34
Section K.	Preparation of Decree	35
Section L.	Final Hearings-Sanction for Failure to Appear	35
Section M.	Final Decree	35
Section W.	(1) Awards of Child Support and/or Maintenance	35
	(2) Public Assistance	35
	(3) Child Support Enforcement	35
	(4) Supervised Custody or Visitation	35
Section M.	Contempt Proceedings	36
Section W.	(1) Moving Papers—Service, Notice	36
	(2) Order to Show Cause	36
	(3) Affidavits	36
	(4) Hearing	36
	(5) Disposition	36
	• • •	36
	(6) Experts	36
	(7) Appeals	30
Chapter 7.	Antenuptial Contracts	36
Section A.	Scope of Antenuptial Contracts	36
	(1) Marital and Separate Property	36
	(2) Death and Divorce of Either Spouse	36
	(3) Children	36
Section B.	Requirements of Valid Antenuptial Contracts	36
	(1) Disclosure	36
	(2) Separate Counsel	37
	(3) Substantive and Procedural Fairness	37

		Page
Section C.	Burden of Proof	37
Chapter 8.	Paternity	37
Section A.	Children Born During Marriage	37
Section B.	Children Born Outside of Marriage	37
Section C.	Application of the Laws of Intestate Succession	37
	(1) A Child Whose Paternity has been Established	
	(2) A Child Whose Paternity has not been Established	
Section D.	Determinations of Paternity	38
Section E.	Procedure to Determine Father and Child Relationship	38
Chapter 9.	Adoption	38
Section A.	Purpose and Policy	38
Section B.	Definitions	38
	(1) Adult	
	(2) Child	
	(3) Guardianship of the Person	
Section C.	Legal Custody	38
Section E.	Parent	38
Section F.	Parent-Child Relationship	38
Section G.	Petition to Adopt	39
	(1) Contents of Petition	
Chapter 10.	Guardianship of a Minor	39
Section A.	Transfer of Custody	39
Section B.	The Leech Lake Child Welfare Department	39
Section C.	Parents Deceased	39
Section D.	Guardian's Responsibilities	40
GT		
-	Leech Lake Parentage Act	41
Section 0.	Title	41
Section 1.	Purpose	41
Section 2.	Definitions 6.1. X 1.1.	41
Section 3.	Authority and Scope of Jurisdiction of the Leech Lake	12
C 4: 4	Band of Ojibwe to Establish Parentage	43
Section 4.	Sovereign Immunity of the Leech Lake Band of Ojibwe	44
Section 5.	Protection of Participants – Hearings and Records; Confidentiality	44 45
Section 6.	Authorized Release of Case Records and Other Information	45 45
Section 7.	Publication of Proceedings	45 45
Section 8.	Sanctions for Unauthorized Use or Disclosure of Information	45
Section 9.	Parent and Child Relationship Defined	46 46
Section 10.	Relationship Not Dependent on Marriage	46 46
Section 11.	How Parent and Child Relationship Established	46 46
Section 12.	Custody and Parenting Time with Children Born Outside of Marriage	46 47
Section 13.	Presumption of Paternity Determination of Fether and Child Palationship: Who May Pring	47
Section 14.	Determination of Father and Child Relationship; Who May Bring Action; When Action May be Brought	48
	· •	

		Page
Section 15.	Limitation of Actions; Exceptions	49
Section 16.	Parties	49
Section 17.	Pretrial Proceedings	50
Section 18.	Genetic Tests	50
Section 19.	Evidence Relating to Paternity	52
Section 20.	Pretrial Orders and Recommendations	52
Section 21.	Civil Action	53
Section 22.	Default Order of Parentage	53
Section 23.	Judgment or Order	54
Section 24.	Enforcement of Judgment or Order	55
Section 25.	Modification of Judgment or Order	55
Section 26.	Right to Counsel; Costs; Free Transcript on Appeal	55
Section 27.	Action to Declare Mother and Child Relationship	56
Section 28.	Promise to Render Support	56
Section 29.	Birth Records	56
Section 30.	Adoption; Termination of Ojibwe Proceedings	57
Section 31.	Recognition of Parentage	57
Chapter 10B.	Establishment of the Leech Lake Band of Ojibwe Child Support	
-	Enforcement Program; Duties	60
Section 0.	Title	60
Section 1.	Definitions	60
Section 2.	Findings	60
Section 3.	Purpose	60
Section 4.	Vision and Mission of the Leech Lake Band of Ojibwe Child	
	Support Program	61
Section 5.	Authority and Responsibility of the LLBO CSEP – Provision of	
	Child Support Enforcement Services; Cooperation with other	
	Child Support Programs	61
Section 6.	Program Participating and Funding	62
Chapter 10C.	Leech Lake Band of Ojibwe Child Support Act	63
Section 0.	Title	63
Section 1.	Definitions	63
Section 2.	Findings and Purpose	67
Section 3.	Repeal – Chapter 10 of the Leech Lake Family Relations Code	68
Section 4.	Authority and Jurisdiction of the Leech Lake Band of Ojibwe	
~ . ~	Child Support Program and Tribal Court	68
Section 5.	Sovereign Immunity of the Leech Lake Band of Ojibwe	69
Section 6.	Protection of Participants – Hearings and Records; Confidentiality	69 5 0
Section 7.	Publication of Proceedings	70
Section 8.	Penalty for Unauthorized Disclosure	71
Section 9.	Rights of the Parties	71
Section 10.	Provision of Legal Services by the LLBO CSEP; Service of Process	71
Section 11.	Notice Meta-LD-trade Separate Children	72 72
Section 12.	Mutual Duty to Support Children	72 72
Section 13.	Minor Child; Support	72 72
Section 14.	Award of Maintenance or Support Money	73

		Page
Section 15.	Providing Income Information	73
Section 16.	Calculation of Gross Income	74
Section 17.	Income from Self-Employment of Operation of a Business	75
Section 18.	Social Security or Veterans' Benefit Payments Received on Behalf	
	Of the Child	76
Section 19.	Potential Income	76
Section 20.	Deduction from Income for Non-joint Children	77
Section 21.	Computation of Child Support Obligations	78
Section 22.	Guideline Schedule Used in Child Support Determinations	79
Section 23.	Non-cash support	84
Section 24.	Parenting Expense Adjustment	84
Section 25.	Deviations from Child Support Guidelines	85
Section 26.	Written Findings by the Tribal Court	87
Section 27.	Modification of Orders or Decrees	87
Section 28.	Child Care Support	90
Section 29.	Medical Support	91
Section 30.	Ability to Pay; Self-Support Adjustment	98
Section 31.	Cost-of-Living Adjustments (COLA) in Maintenance or	
	Child Support Order	98
Section 32.	Notice to the LLBO CSEP – Receipt of Public Assistance	100
Section 33.	Failure of Notice	100
Section 34.	Reserved – Assignment of Rights; Intervention by the LLBO CSEP	100
Section 35.	Reserved – Fees of IV-D Services	100
Section 36.	Locaton Activities of the LLBO CSEP	101
Section 37.	Mandatory Payment of Child Support Obligations to the Leech Lake	
	Child Support Enforcement Payment Center	101
Section 38.	Collections	102
Section 39.	Overpayments	102
Section 40.	Arrears	102
Section 41.	Interest on Arrearages	103
Section 42.	Reserved – Report of Arrears	103
Section 43.	Child Support Debt and Arrearage Management	103
Section 44.	Payment Agreements	103
Section 45.	Income Withholding	103
Section 46.	Notice of Order	110
Section 47.	Administrative Seek Employment Orders	110
Section 48.	Driver's License and Occupational License Suspension;	
g 10	Motor Vehicle Lien	111
Section 49.	Recreational License Suspension	111
Section 50.	Security; Sequestration; Contempt	113
Section 51.	Contempt Proceedings for Nonpayment of Support	113
Section 52.	Employer Contempt	114
Section 53.	Attorney's Fees and Collection Costs Recovery	115
Section 54.	Publication of Names of Delinquent Child Support Obligors	116
Section 55.	Full Faith and Credit of Foreign Child Support Orders	117
Section 56.	Registration of Foreign Order for Enforcement	117
Section 57.	Registration and Modification of Child Support Order	119