

CHAPTER 3.05 DOMESTIC RELATIONS

3.05.100 JURISDICTION

3.05.110 MARRIAGE AND DIVORCE

The Pyramid Lake Tribal Court shall have, as an exercise of its general civil jurisdiction, jurisdiction over the marriages and divorces of the members of the Pyramid Lake Tribe, as hereinafter defined. Indian custom marriages and divorces shall not be hereafter recognized, except as provided for in this chapter.

3.05.120 DETERMINATION OF PATERNITY AND SUPPORT

The Pyramid Lake Tribal Court shall have, in the exercise of its general civil jurisdiction, jurisdiction over all suits brought to determine the paternity of a child and to obtain a judgment for the support of the child. A final judgment of the Court

establishing the identity of the father shall be conclusive of that fact in all subsequent determinations of inheritance.

3.05.200 MARRIAGE

3.05.210 DEFINITION

Marriage is a personal relation arising out of a civil contract to which the consent of parties capable of making it is necessary. Consent alone will not constitute marriage, it must be followed by a solemnization.

3.05.220 SOLEMNIZATION OF MARRIAGE

A marriage may be solemnized by any recognized clergyman or other official duly authorized to perform the ceremony by the laws of the state of Nevada after issuance of state license, or by any recognized clergyman or any judge of the Pyramid Lake Tribal Court after issuance of a tribal license.

3.05.230 MARRIAGE BETWEEN INDIANS CONSUMMATED IN ACCORDANCE WITH TRIBAL CUSTOMS

a) Marriages between Indians heretofore or hereafter consummated in accordance with tribal custom shall be of the same validity as marriages performed in any manner provided for by the laws of the Pyramid Lake Indian Tribe or the state of Nevada, provided that the provisions of this section are satisfied.

b) A certificate of any such marriage shall be signed by (a) the official of the Tribe of which at least one of the parties is a member, or (b) an official of the reservation in or upon which at least one of the parties shall at that time reside, or (c) the superintendent of an Indian Agency legally established by the United States.

c) The certificate may be filed in the office of the recorder of the county where such marriage shall have taken place within thirty (30) days thereafter. Such certificate or a certified copy thereof shall be prima facie evidence of the facts therein recited.

d) The certificate shall give the names of the parties married, their ages, tribe, place and date of the marriage, and shall show the official status of the person signing the certificate.

e) Any certificate, affidavit or other type of proof recognized by the United States or any department thereof as proof of a valid tribal marriage, regardless of when or where the tribal marriage shall have been entered into, shall be proof of the validity of such tribal marriage in the state of Nevada.

3.05.240 MARRIAGE LICENSES

a) Any member of the Pyramid Lake Paiute Tribe eligible by age and otherwise as hereinafter defined, may obtain a marriage license from the Court Clerk, or from a Judge of the Pyramid Lake Tribal Court.

b) Any unmarried male or female of the age of 18 years of age or older and not otherwise disqualified is capable of consenting to and consummating a marriage.

c) Any male or female under 18 years of age to be considered minors, and whenever parents or guardians give consent to the marriage of a minor, the parent or guardians retain the responsibility, in part, to provide for the minor and the children born of the marriage until the minor comes of age. The assumption of this responsibility is to be stated in a written consent as a condition of the grant of a marriage license to a minor.

d) Such license shall not in any case be granted where either party is incompetent so as to render the marriage invalid, nor shall it be granted where either party is a minor without previous consent of the parent or guardian of such minor.

3.05.300 ANNULMENT OF MARRIAGE

3.05.310 CAUSES FOR ANNULMENT

A marriage may be annulled by an action of the Pyramid Lake Tribal Court for any of the following reasons existing at the time of marriage:

a) That the party in whose behalf the annulment is sought was under the age of legal consent and that such marriage was contracted without the consent of his or her parents or guardians, unless after obtaining the age of consent such party ratified the marriage by freely cohabitating with other as husband or wife for any time period.

b) That the former spouse of either party was living in marriage with the former spouse was then enforced.

c) That either party was incompetent by reason of unsound mind, unless such party, after regaining competency ratified the marriage by freely cohabitating with the other as husband or wife.

d) That the consent of either party was obtained by fraud, unless such party, after full knowledge of the facts constituting the fraud, ratified the marriage by freely cohabitating with the other as husband or wife.

e) That the consent of either party was obtained by force, unless such party afterwards, after removal of the threat of force, ratified the marriage by freely cohabitating with the other as husband or wife.

f) That either party was, at the time of marriage, physically incapable of entering into marriage state and such inability continues and appears to be incurable.

3.05.320 LEGITIMACY OF CHILDREN

Where a marriage is annulled on any ground except 3.05.310(f), children begotten of the marriage dissolved by the annulment are legitimate and succeed to the estate of both parents. Provided, that this section shall not be otherwise construed to limit legitimacy.

3.05.400 DIVORCE

3.05.410 JURISDICTION

The Pyramid Lake Tribal Court shall have authority to grant a divorce to any Indian residing on the Pyramid Lake Reservation, provided that residence shall mean a continuous residence of not less than six weeks prior to the divorce action. A \$50.00 filing fee is required at the time of filing with the Clerk of the Court.

3.05.420 MARRIAGES DISSOLVED ONLY BY THE DEATH OF ONE OF THE PARTIES OR BY THE JUDGMENT OF A TRIBAL OR STATE COURT HAVING COMPETENT JURISDICTION

The effect of a judgment decreeing a divorce is to restore the parties to the status of unmarried persons.

3.05.430 CAUSES FOR DIVORCE

Divorces may be granted by the Pyramid Lake Tribal Court for any reason provided by Nevada law in force at the time such action is initiated.

3.05.440 ADULTERY BY HUSBAND - CHILDREN LEGITIMATE

Children conceived or born during the existence of a marriage which is later terminated by divorce shall be legitimate children of both parents notwithstanding evidence in the divorce proceeding of adultery on the part of the husband.

3.05.450 ADULTERY BY WIFE - PRESUMPTION LEGITIMACY

The legitimacy of children conceived or born during the existence of a marriage which is later terminated by divorce where

there is evidence in the divorce preceding of adultery on the part of the wife shall be determined as follows:

a) Children conceived prior to the commission of the adultery by the wife are deemed to be legitimate children of such parents;

b) The legitimacy of the children conceived after the commission of the adultery by the wife shall be determined by the Pyramid Lake Tribal Court, with the presumption that children conceived prior to the commencement of a divorce action are presumed to be legitimate until the contrary is proven.

3.05.500 SEPARATE MAINTENANCE AND ALIMONY

3.05.510 SEPARATE MAINTENANCE

Though judgment of divorce is denied, the Court may provide for the separate maintenance of a party and his or her children or any of them by the other party in an action for divorce.

3.05.520 ALIMONY

While a decision for divorce is pending, the Pyramid Lake Tribal Court may, in its discretion, require a party to pay alimony, or any money necessary for support of the other party and the children of the marriage, or to prosecute or defend the action.

3.05.530 CHILD CUSTODY

In an action for divorce, the Court may, before or after judgment, give such direction for the custody, care and education for the children of the marriage as may be necessary and proper, and at anytime thereafter vacate or modify the same.

3.05.540 CHILD SUPPORT

When a divorce is granted, the Court may compel either party, based on need and ability, to provide for the maintenance of the children of the marriage, and to make a suitable allowance for the other parties support during the parties life, for a shorter period, or for so long as the party may remain unmarried. The Court may modify its orders from time to time.

3.05.550 AWARDS FOR SUPPORT OF MINORS

It shall be the duty of the Court in all divorce actions, to make adequate provisions for the support of the minor children, and it may require either or both parties to make provision for their support. The Decree entered shall provide for the support of said minor children, and when a copy thereof is filed with the superintendent, it becomes a lien on all monies and property of the