MARRIAGE STATUTE DEPARTMENT PROCEDURES
PRO-WOS 2013-003 042413-003

I. Introduction.

The Marriage Statute is to govern the making of marriages under Tribal law. A marriage is a civil contract that includes the issuance of a license, a ceremony solemnizing the marriage, and the issuance of a marriage certificate.

The Enrollment Officer and Enrollment Assistant are authorized as the Marriage Clerk and Deputy Marriage Clerk to fulfill the responsibilities outlined within WOS 2013-003 Marriage Statute.

II. Definitions.

A. **Affidavit for License to Marry Adult aka; “Affidavit”**: is completed by the couple wishing to be married. This is not a marriage license. It is an affidavit for applying for a marriage license. The Affidavit must be notarized.

B. **Affidavit for License to Marry for Minor(s) aka; “Affidavit”**: is completed by the couple wishing to be married. This is an affidavit for applying for a marriage license for a minor not emancipated. The Affidavit must be notarized.

C. **Certified Copy of Marriage License**: A certified copy is a duplicate of an original document that is certified as a true copy by the officer having custody of the original.

D. **LTBB Consent and Authorization Form**: is a form completed by the minor custodial parent or guardian authorizing the minor to marry. This form must be notarized and must accompany the Affidavit for License to Marry for Minor.

E. **Deputy Marriage Clerk**: is the Enrollment Department’s Administrative Assistant.
F. **Guardian**: A person other than a parent assigned by a court of competent jurisdiction to exercise the duty and authority to provide care, and control of a child.

G. **LTBB**: is the Little Traverse Bay Bands of Odawa Indians.

H. **Proof of Emancipation**: An emancipated minor is legally an adult. A minor emancipated must provide a certified copy of their emancipation papers.

I. **Marriage Clerk**: is the Enrollment Officer.

J. **Marriage License**: This permits the marriage to take place and is executed by the person who solemnizes the marriage.

**III. Applicants wishing to be married apply for a marriage license.**

How to apply for a marriage license:

A. The couple must complete the Affidavit for license to Marry for Adult/Emancipated Person(s). The couple must both be present to complete the Affidavit of License to Marry, and pay the Marriage License fee.

B. The couple must provide picture identification such as driver’s license, state identification, school identification, military identification, picture tribal identification card or any picture identification card with signature as indicated above and a social security card.

C. Provide a certified copy of both applicants birth certificates unless on file in the Enrollment Office.

D. If one or both of the applicant(s) have been divorced a photo copy of the divorce decree must be provided.

E. Certified copies of emancipation papers for minors between the ages of 16-17 if applicable.

**IV. Couples requiring Parental Consent to Marry.**

If one or both person(s) applying for a marriage license is between the ages of 16 and 17 the parent(s), must accompany the minor(s).

A. The minor’s(s) parent(s) must complete the consent form in the presence of a Tribal Notary. If completed by legal guardian proof of guardianship
must be provided to the Enrollment Office.

B. The couple must complete the Affidavit for License to Marry for Minor Person(s). The couple must both be present and pay the marriage license fee. The affidavit for license to marry for minor(s) is processed the same as an adult license.

V. The Marriage Licenses.

A. **Timing.** A marriage license is issued by the Marriage Clerk within one (1) business day from the date the couple applies.

B. **Number of Licenses.** The couple will receive a set of three (3) marriage licenses.

C. **Expiration.** The couple has thirty (30) days to pick up the marriage license. If the marriage license is not picked up within the time frame the Affidavit for License to Marry will be VOIDED. The marriage license fee is non-refundable.

VI. Solemnization of Marriage.

A. The marriage must be solemnized within the territory of the Little Traverse Bay Bands of Odawa Indians.

B. The couple must return all three copies of the fully-executed Marriage Licenses to the Enrollment Office within seven (7) days after solemnization for endorsement.

C. The Marriage Clerk/Deputy Clerk examines the Marriage License in its entirety and endorses the Marriage License with an embossed metallic gold seal and signatures. The Marriage License is now considered an Endorsed Marriage License.

D. The couple will receive two (2) of the Endorsed Marriage Licenses from the set and one (1) will be a permanent record of the Tribe.

VII. Internal Department Procedures.

A. How to Process an Affidavit for License to Marry.

1. The Enrollment staff will date stamp the Affidavit for License to Marry and type the date of application on the affidavit.
2. Date of Application - This is the date the affidavit was filed in the Enrollment Office.

   a. Date Certificate Filed – leave blank.

   b. File Number – leave blank.

B. How to Process a Marriage License Template.

1. The Enrollment Staff will type in the Date of Application, Solemnization date, Couple’s information and Date of Affidavit on the Marriage License template. See below for reference.

   a. Date of Application. This is the date the affidavit for marriage was filed in the Enrollment Office.

   b. Date Certification Filed – leave blank.

   c. File Number – leave blank.

   d. Solemnization date. This is the thirty (30) days from the Date of Application in which the marriage must be solemnized.

   e. Data enter the couple’s information using the affidavit for license to marry and birth certificates.

   f. Date of Affidavit. This is located above the Marriage Clerk’s signature and Deputy Clerk’s signature. This is the one (1) day from the Date of Application. This also requires the Marriage Clerk or Deputy Marriage Clerk’s signature.

   g. Certificate of Marriage. The person who solemnizes the marriage certifies the marriage by completing the certificate of marriage. Signatures are required from the couple and two adult (2) witnesses.

   h. The couple will receive three (3) original marriage licenses. The marriage license is valid for thirty (30) days as indicated on the license. The couple has seven (7) days from solemnization to return the fully executed marriage licenses to the Enrollment Office for certification. See
Section VI Solemnization.

i. **Timing.** If the couple fails to return the marriage license within thirty (30) days as indicated on the marriage license the Enrollment Office will VOID the marriage license due to being incomplete. The couple will be notified that the license has been VOIDED and that the marriage license fee is non-refundable.

C. File Folder Contents.

1. Create a file folder label with the couple’s last name, first name, middle name. The LTBB Citizen on the left side of the label and the other party on the right side of the file folder label.

2. LTBB Citizen’s information is stapled on the left side of a green file folder. The information includes a photo copy of birth certificate, a copy of picture identification, and a copy of their social security card.

3. The other party’s information is stapled on the right side of the green file folder which includes a photo copy of their birth certificate, a copy of picture identification, and a copy of their social security card.

4. Place photo copies of picture identification, birth certificates, emancipation papers, and guardianship papers in file, when applicable.

D. Endorsing Returned (Solemnized) Marriage Licenses

1. Enrollment Staff will review the marriage license for completeness by verifying the Certificate of Marriage located on the bottom of the marriage license.

2. Date Certification Filed. This is the date the couple returned the marriage license after solemnization. Type the Date Certification Filed on the marriage license and on the Affidavit for License to Marry.

3. Type the File Number on the marriage license and on the Affidavit for license to Marry. The creation of the file number is as follows:

   a. Numeric order = 01
b. Month of Marriage = 07

c. Year of Marriage = 2007

Note this example: 01-07-2007

4. Couple will receive two (2) endorsed marriage licenses with a Metallic Gold Seal. File one (1) marriage license in the applicant’s file without the metallic gold seal.

VIII. Marriage License Fees. The following fees apply for couples married in accordance to WOS 2013-003, the LTBB Marriage Statute. The Affidavit for License to Marry is determined by Executive Directive. See attached for current Directive.

A. Affidavit for License to Marry = Not to exceed $25.00
B. Certified Copies of Marriage License = $10.00
C. Each additional copy of same record = $5.00
D. Photo copies of Marriage Licenses = $5.00

When requested by mail, you must complete the request form in its entirety and include a check or money order payable to: Little Traverse Bay Bands of Odawa Indians – Enrollment Department, 7500 Odawa Circle, Harbor Springs, MI 49740

CERTIFICATION

As Tribal Administrator and Enrollment Department Director, this certifies that we approve these Enrollment Department Procedures on May 9, 2013 to comply with the LTBB Marriage Statute.

Date: **May 9, 2013**

Tribal Administrator, Al Colby, Jr.

Date: **May 9, 2013**

Enrollment Department Director,
Pauline Boulton