

**5CHAPTER 3 JUDICIAL
ARTICLE IX-- MARRIAGES**

Sec. 3-325. Purpose

The Mohegan Tribe values strong families and considers them to be the heart of the Mohegan community. Ensuring the safety and vitality of families promotes the health, safety, and welfare of the Mohegan community, and is essential to Tribal sovereignty and self-governance. This Ordinance shall govern all matters relating to the performance of marriages on the Mohegan Reservation.

(Res. 2024-13, 12-13-2023)

Sec. 3-326. Authority to Perform Marriages

- a. Qualifications of Officiators. Persons authorized to perform marriages, shall be
 - (1) ordained or licensed and in good standing with their religious affiliation, which affiliation is recognized by a state, tribe or other jurisdiction within the United States; or
 - (2) licensed to perform marriages under the laws of a state, tribe or other jurisdiction within the United States.
- b. Application. Qualified officiators seeking authority to perform marriages on the Mohegan Reservation shall file an application with the Tribal Court Clerk.
- c. Certification Procedure.
 - (1) Upon review and determination that the qualifications have been satisfied and the application is in order, the Tribal Court Clerk shall certify the application and administer the Oath of office to the Officiator.
 - (2) Each Officiator, after taking the Oath, shall furnish their signature to the Tribal Court Clerk upon a certificate prescribed and provided by the Tribal Court Clerk, provided that failure to take the Oath or to furnish a signature to the Tribal Court Clerk shall disqualify such person from performing marriages on the Mohegan Reservation.
 - (3) The Tribal Court Clerk shall keep a record of the names of Officiators having been certified as having the authority to perform marriages pursuant to this Ordinance.
 - (4) The Tribal Court Clerk shall provide a copy of the certificate to the Officiator.
 - (5) The certificate shall be sufficient evidence that the Officiator is duly authorized to perform marriages on the Mohegan Reservation and Officiators shall cause the certificate to be displayed to any person who seeks their service to marry.
 - (6) Such certification shall be valid for a period of three (3) years, at which time the Officiator may renew their certification providing that they remain in good standing with the Tribe and with their religious affiliation or the jurisdiction in which they are

licensed.

- (7) Officiators shall update any changes to their personal information, or information regarding their good standing with their religious affiliation or jurisdiction of licensure with the Tribal Court Clerk within thirty (30) calendar days of the change or five (5) calendar days prior to performing a marriage on the Reservation, whichever occurs sooner.
- d. Authority of Officiators.
- (1) Officiators may perform marriages on the Mohegan Reservation provided that persons being married have obtained a tribal marriage license pursuant to this Ordinance.
 - (2) Officiators may accept a modest gift or remuneration for their services, not to exceed a value five hundred dollars (\$500.00), and shall not perform such services for profit or commercial purposes.

(Res. 2024-13, 12-13-2023)

Sec. 3-327. Marriage License Required

Two persons may be joined in marriage on the Mohegan Reservation provided that:

- a. both applicants have attained the age of 18 years;
- b. both applicants have complied with the license requirements of this Ordinance;
- c. neither applicant is married;
- d. the marriage is performed by an authorized Officiator pursuant to this Ordinance;
- e. the marriage is not between a person and such person's parent, grandparent, child, grandchild, sibling, parent's sibling, sibling's child, stepparent, stepchild, or first cousin; and
- f. neither applicant is under the supervision or control of a conservator or, if under said supervision and control, the conservator provides written consent to such marriage.

(Res. 2024-13, 12-13-2023)

Sec.3-328. Requirements for Issuance of Marriage License

- a. The Tribal Court Clerk shall issue a marriage license when both applicants have appeared before the Tribal Court Clerk, applied for a license, paid the fifty-dollar (\$50.00) license fee, and provided the requisite information as provided in this Ordinance. The license fee shall be waived when one of the applicants is a Mohegan tribal member. The application shall be dated, signed, and sworn to, or affirmed by, each applicant. In the event that the applicants submit applications

separately, the first dated application shall be deemed the date of the application and the license shall be valid for sixty-five (65) calendar days from the date of application.

b. The application shall state each applicant's:

1. full legal name, including last name before first marriage, if previously married;
2. age;
3. tribal affiliation (if any);
4. mailing and street address;
5. place and date of birth;
6. marital status (including whether divorced, annulled or widowed and proof of that status and court in which the marriage was dissolved or declared invalid or the date and place of death of former spouse);
7. conservatorship or guardianship status, if any;
8. whether the parties are related to each other and, if so, their relationship;
9. other information required by the Tribal Court Clerk to complete the application; and
10. both applicants shall submit proof of identification in the form of a passport, tribal identification, driver's license, or other form of identification acceptable to the Tribal Court Clerk.

Both applicants must swear under oath that the information provided is true and accurate. Each applicant must also consent to the Tribe's jurisdiction to grant the license. Any application that contains false information provided knowingly by applicant shall be null and void.

c. Marriage license applications and copies of the marriage license shall be maintained by the Tribal Court Clerk as part of the official records of the Tribe, and a duplicate original marriage license shall be given to the married parties. Marriage Certificates shall also be maintained by the Tribal Court Clerk. Certified copies of a marriage license or Marriage Certificate may be obtained from the Tribal Court Clerk for a fee.

(Res. 2024-13, 12-13-2023)

Sec. 3-329. Marriage Certificate

The Marriage Certificate shall indicate the time and place of marriage, include the signature of two attending witnesses, and be certified by the Officiator. The completed Marriage Certificate shall be returned to the Tribal Court Clerk for filing within ten (10) business days of the marriage ceremony.

(Res. 2024-13, 12-13-2023)

Sec. 3-330. Recognition of Marriages Performed off the Reservation

All marriages performed off of the Mohegan Reservation shall be recognized as valid pursuant to Tribal law, provided the marriage was legal in the jurisdiction where performed.

(Res. 2024-13, 12-13-2023)

Sec. 3-331. Burial Grounds

No marriage ceremonies shall be performed in any Mohegan burial grounds.

(Res. 2024-13, 12-13-2023)

Sec. 3-332-Sec.3-333 – Reserved.