

CHAPTER 56—CIVIL UNION

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CHAPTER 56- CIVIL UNION

56.1 SECTION 1: AUTHORITY AND PURPOSE

56.1.1 This code is enacted by the Red Cliff Tribal Council pursuant to the Red Cliff Constitution, Article VI subsection.

56.1.2 The purpose of this code is to establish procedures for the certification and registration of a civil union and provide persons entering into a civil union with the obligations, responsibilities, protections and benefits afforded or recognized by the Red Cliff Band of Lake Superior Chippewa and the State of Wisconsin.

56.1.3 Where necessary to implement the rights and responsibilities of spouses under this Chapter, gender specific terms such as husband and wife shall be construed to be gender neutral and applicable to spouses of the same sex.

56.2 SECTION 2: DEFINITIONS

55.2.1 Certificate means a document that certifies that the persons named have entered into a civil union in accordance with this chapter.

55.2.2 Civil Union and Marriage is defined as a civil contract between 2 persons of either of either the same or opposite sex who has each attained the age of eighteen years.

55.2.3 Officiant means the person authorized to certify a civil union.

55.2.4 Solemnize shall mean to perform with formal ceremony.

56.3 SECTION 3: OFFICIATING PERSONS

The following are authorized to be officiating persons:

- (a) The Chief Judge of the Red Cliff Tribal Court as appointed by the Tribal Council.
- (b) Any Associate Judge or Magistrate of the Red Cliff Tribal Court as appointed by the Tribal Council.
- (c) Any ordained member of the clergy of any religious denomination or society who continues to be an ordained member of the clergy.

56.4 SECTION 4: AGE REQUIREMENTS

56.4.1 Any person who has attained the age of 18 years may enter into a civil union if otherwise competent.

56.4.2 If a person is between the age of 16 and 18 years, a license may be issued with the written consent of the person's parents, legal guardian, custodian or parent having the actual care, custody and control of the person. Consent must be certified in writing and verified by affidavit or affirmation before a notary public or other official authorized to take affidavits. The written consent shall be filed with the clerk at the time of application for a license.

56.5 **SECTION 5: CIVIL UNIONS PROHIBITED**

56.5.1 No person shall enter into a civil union while either of the parties is lawfully married to another person.

56.5.2 Persons closer in relationship than second cousins may not enter into a civil union except that a civil union may be contracted between first cousins where the female has attained the age of 55 years or where either party, at the time of application for license, submits an affidavit signed by a physician stating that either party is permanently sterile. This section shall not apply to civil unions between persons of the same sex.

56.5.3 It is unlawful for any person, who is or has been a party to an action for divorce in any court in this state, or elsewhere, to marry again until 6 months after judgment of divorce is granted.

56.5.4 A civil union may not be contracted if either party is not capable of understanding what it means to agree to become married.

56.6 **SECTION 6: LICENSE**

56.6.1 A license shall be issued by the Clerk of Court upon receiving a completed application from two competent unmarried persons and in the absence of any showing that the proposed civil union would be invalid under any provisions of this Chapter and all applicable fees are paid.

56.6.2 The license shall become effective of the 6th day after issuance and shall remain effective for 30 days only.

56.6.3 Application fee shall be set by order of the court. The Clerk of Court may issue a license within less than 5 days after application if the applicant pays an additional fee, established by the Court, to cover any increased processing cost incurred by the Court.

56.7 **SECTION 7: LICENSE APPLICATION FORM**

56.7.1 Each applicant for a license shall be required to enter the following information:

- (a) Current Names (first, full middle, current last)
- (b) Birth Surnames
- (c) Dates of Birth (month, day, year)
- (d) Places of Residence (State, County, City, Village or Township)
- (e) State of Birth (if not in the US, name of country)
- (f) Name of Each Parties Father (first, full middle, last)
- (g) Name of Each Parties Mother (first, full middle, last)
- (h) Number of This Marriage (1, 2, etc.)
- (i) How Last Marriage(s) Ended (if applicable)
- (j) Officiant Performing the Ceremony
- (k) Date and Location of Ceremony
- (l) Any aliases

56.7.2 Each applicant shall be required to present satisfactory, documentary proof of the following:

- (a) Proof of Age
- (b) Guardianship (if applicable)
- (c) Proof of Residence
- (d) Blood Relationship (if applicable)
- (e) Date Last Marriage Ended (month, day, year)
- (f) Proof of How Last Marriage Ended (final divorce decree or death certificate)

56.7.3 When a copy of a birth, death or divorce certificate is required, only a certified copy of the document(s) can be used. Document(s) must have a raised seal as issued by an appropriate government office.

56.7.4 Officiant is responsible for completing the Officiant portion of the document and obtaining witness signatures.

56.7.5 Parties must affirm via signature that the information provided is true to the best of their knowledge and belief and that both parties are free to marry in the State of Wisconsin.

56.8 **SECTION 8: CONFIDENTIAL INFORMATION**

56.8.1 The following information shall be entered for statistical purposes only and shall remain confidential:

- (a) Race (Caucasian, African American, American Indian, etc.)
- (b) Education (highest number of years completed)
- (c) Social Security Numbers
- (d) Mailing Address

56.9 **SECTION 9: FILING OF CERTIFICATE AFTER CEREMONY**

56.9.1 Parties entering into a Civil Union in accordance with this ordinance and the State of Wisconsin shall, within 3 days after the ceremony, file the original completed certificate with the Red Cliff Clerk of Court.

56.9.2 The Clerk of Court shall sign the original marriage document as the Tribal Registrar and shall mail the document to the Wisconsin Vital Statistics Department.

56.9.3 The Clerk of Court shall provide a certified stamped copy of the marriage certificate to the couple and shall retain one copy for the Court.

56.9.4 The Clerk of Court shall keep a marriage license docket and shall maintain a complete record of all marriage application and issuance of marriage licenses which shall be available for inspection during regular business hours.

56.10 **SECTION 10: PENALTIES**

56.10.1 Any person who knowingly violates this ordinance may be penalized as follows:

- (a) Any person who swears to a false statement to obtain a license or to help another obtain a license shall be fined no less than five hundred dollars (\$500).

- (b) Any person who is not an officiating person who solemnizes a civil union shall be fined no less than one hundred dollars (\$100).
- (c) The parties to a civil union and/or the officiating person(s) of a civil union conducted without a valid license or without the presence of two competent adult witnesses shall be fined no less than one hundred dollars (\$100).
- (d) Any person(s) who knowingly violate any other provision of this ordinance may be fined no less than one hundred dollars (\$100).
- (e) Civil unions conducted in violation with this ordinance shall be considered null and void.