

TO APPROVE A COUNCIL BILL ADOPTING THE CHOCTAW NATION MARRIAGE ACT

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

THIS BILL IS TO AMEND CB-38-13, PASSED ON DECEMBER 8, 2012 AND SIGNED ON DECEMBER 12, 2012, AND ATTACHED HERETO, TO READ AS FOLLOWS:

TO APPROVE a Council Bill adopting certain codes for use in the Court of General Jurisdiction of the Choctaw Nation of Oklahoma ("Choctaw Nation").

WHEREAS, the Choctaw Nation has the authority, as a matter of inherent sovereignty and under the Constitution of the Choctaw Nation, to establish and operate courts with general civil and criminal jurisdiction, and this authority has been reaffirmed in *Muscogee (Creek) Nation v. Hodel*, 851 F.2d 1439 (D.C. Cir. 1988) and *Dry v. United States*, 235 F.3d 1249 (10th Cir. 2000); and

WHEREAS, The Court of General Jurisdiction of the Choctaw Nation, established pursuant to CB-65-2009, exercises general civil and criminal jurisdiction over all Indian Country as described in Article I, Section 2 of the Constitution; and

WHEREAS, To unify the Nation's administration of justice, the Act To Unify The Courts Of The Choctaw Nation Of Oklahoma (the "Act") Within The Judicial Department was adopted by this Council on February 16, 2016 pursuant to CB-60-16. Pursuant to the Act, the Court of General Jurisdiction shall be recognized as a component court with the Judicial Department of the Choctaw Nation, which Department is described in Article XII of the Constitution; and

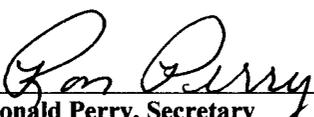
WHEREAS, the Court of General Jurisdiction has provided for adoption by this Council certain Judicial Codes, Rules and Regulations which will replace all or a portion of the Rules for the CFR Court of Indian Offenses of the Choctaw Nation; and

WHEREAS, this Marriage Act of the Choctaw Nation of Oklahoma, shall rescind and replace the Choctaw Nation of Oklahoma Marriage Act as enacted on the 12th day of December, 2012, via Council Bill CB-38-13; and

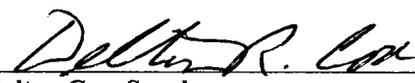
THEREFORE BE IT ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma, that this Act be cited as approval of the adoption of the Marriage Act of the Choctaw Nation of Oklahoma, as attached, under the condition described herein.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that (11) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on February 11, 2017. I further certify that the foregoing Council Bill CB- 57 -17 was adopted at such meeting by the affirmative vote of eleven (11) members, zero (0) negative votes, and zero (0) abstaining.



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Delton Cox, Speaker
Choctaw Nation Tribal Council



Gary Batten, Chief
Choctaw Nation of Oklahoma

Date 2-14-17

TO APPROVE A COUNCIL BILL ADOPTING CERTAIN CODES
FOR USE IN THE COURT OF GENERAL JURISDICTION
OF THE CHOCTAW NATION OF OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

THOMAS WILLISTON INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE A Council Bill adopting certain codes for use in the Court of General Jurisdiction of the Choctaw Nation of Oklahoma.

WHEREAS, this Council created the Court of General Jurisdiction of the Choctaw Nation of Oklahoma with Council Bill 65-2009, and

WHEREAS, the new Court system was approved by the U.S. Department of Interior on October 8, 2009, and

WHEREAS, in accordance with CB-65-2009, the new Court was activated and the CFR Court of Indian Offenses of the Choctaw Nation abolished by the Chief on February 4, 2010, and

WHEREAS, the Court of General Jurisdiction has provided for adoption by this Council certain Judicial Codes, Rules and Regulations which will replace all or a portion of the Rules for the CFR Court of Indian Offenses of the Choctaw Nation.

THEREFORE BE IT ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma that this Act be cited as approval for the adoption of:

1. The Choctaw Nation Marriage Act which shall be designated as Title _____ (); and
2. The Choctaw Nation Tribal Guardianship and Conservatorship Act which shall be designated as Title _____ ()

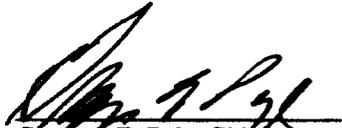
of the laws of the Choctaw Nation of Oklahoma under the condition described herein.

CERTIFICATION

I, the undersigned, as Speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma, on December 8, 2012. I further certify that the foregoing Council Bill CB-- 38 --13 was adopted at such meeting by the affirmative vote of twelve (12) members, and zero (0) negative and zero (0) abstaining.


Thomas Williston, Secretary
Choctaw Nation Tribal Council


Delton Cox, Speaker
Choctaw Nation Tribal Council


Gregory E. Pyle, Chief
Choctaw Nation of Oklahoma

DATE 12-12-12

Tribal Guardianship and Conservatorship Act of the Choctaw Nation

It is the purpose of this Act to promote the general welfare of the members of the Choctaw Nation of Oklahoma by establishing a system of general and limited guardianships for minors and for incapacitated and partially incapacitated persons which provides for the protection of their rights and the management of their estate. This Code shall be construed so as to protect and ensure the political integrity, the economic security, and the health and welfare of the tribe.

Choctaw Nation Marriage Act

The Choctaw Nation Marriage Act outlines what a marriage is and includes all steps and processes of divorce. This includes how child custody matters resulting from a divorce will be handled within the Nation as well as child support, paternity issues, modifications of custody arrangements, alimony support, and child visitation guidelines.