

**A COUNCIL BILL ENACTING THE CHOCTAW NATION SERVICEMEMBERS  
CIVIL RELIEF ACT AND THE CHOCTAW NATION CHANGE OF NAME ACT**

---

**IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION  
RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL**

---

**A COUNCIL BILL**

**TO ENACT** the Choctaw Nation Servicemembers Civil Relief Act and the Choctaw Nation Change of Name Act by: enacting Section 4, which adopts the Federal Servicemembers Civil Relief Act as tribal law; enacting Section 1630, which establishes the title of the act; enacting Section 1631 which relates to the right to petition for change of name within Choctaw Nation District Tribal Court; enacting Section 1632 which relates to the procedures of the petition; enacting Section 1633 which relates to the notice, protest, hearing date, and continuance of the matter; enacting Section 1634 which relates to the evidence and determination of the civil matter; enacting Section 1635 which relates to the judgement of the civil matter; enacting Section 1636 which defines the actions that will be taken if used for illegal or fraudulent purposes; and enacting Section 1637 which relates to the exclusiveness and statutory remedy.

**WHEREAS** Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation") provides that the Tribal Council (the "Council") shall enact legislation, rules, and regulations not inconsistent with the Constitution for the general good of the Choctaw Nation and for the administration and regulation of the affairs of the Choctaw Nation;

**WHEREAS** the Nation, as a sovereign nation, possesses the right to make laws that postpones and/or suspends certain civil obligations to enable servicemembers to devote their full attention to their service while on active duty;

**WHEREAS** the Nation recognizes the need for certain laws and procedures to allow for legal name changes in tribal court, and

**WHEREAS** the Council finds it is in the best interest of the Nation to adopt the Federal Servicemembers Civil Relief Act and enact the Choctaw Nation Change of Name Act.

**THEREFORE BE IT ENACTED** by the Tribal Council of the Choctaw Nation:

**A COUNCIL BILL ENACTING THE SERVICEMEMBERS CIVIL RELIEF ACT AND  
THE CHOCTAW NATION CHANGE OF NAME ACT**

---

SECTION 1. NEW LAW A new section of law to be codified in the Choctaw Nation Statutes as Section 4 of the Choctaw Nation Code of Civil Procedure, unless there is created a duplication in numbering, reads as follows:

**Section 4. Choctaw Nation Servicemembers Civil Relief Act.**

Except where tribal law may provide additional or superior protections, the civil law protections established in the federal Servicemembers Civil Relief Act, 50 U.S.C., Section 3901 et seq., shall be adopted as tribal law and applied to members of the United States military and all state military forces when such members are ordered to state active duty or Title 32 active duty pursuant to Sections 501 through 507 of Title 32 of the United States Code.

SECTION 2. NEW LAW A new section of law to be codified in the Choctaw Nation Statutes as Section 1630 of the Choctaw Nation Code of Civil Procedure, unless there is created a duplication in numbering, reads as follows:

**Chapter 33. Change of Name.**

**Section 1630. Title of Act.**

This Act shall be known as the Choctaw Nation Change of Name Act.

SECTION 3. NEW LAW A new section of law to be codified in the Choctaw Nation Statutes as Section 1631 of the Choctaw Nation Code of Civil Procedure, unless there is created a duplication in numbering, reads as follows:

**Section 1631. Right to Petition for Change of Name.**

Any Choctaw Nation tribal member, who has been domiciled on the Choctaw Nation Reservation for more than thirty (30) days, and has been an actual resident of the Choctaw Nation Reservation for more than thirty (30) days, preceding the filing of the action, may petition for a change of name in a civil action in the Choctaw Nation District Court; provided, no person who is required to register as a sex offender pursuant to the Sex Offender Registration and Notification Act<sup>1</sup>, as amended and/or any similar tribal and/or state sex offender registration laws, may petition for a change of name. If the person is a child, the action may be brought by a legal guardian or next of friend; provided that any such action involving a child shall be subject to all other requirements for name changes of a child set forth in this Act, which shall be controlling over any inconsistent provision of this chapter.

<sup>1</sup> 34 U.S.C. § 20901, et seq.

**A COUNCIL BILL ENACTING THE SERVICEMEMBERS CIVIL RELIEF ACT AND  
THE CHOCTAW NATION CHANGE OF NAME ACT**

---

SECTION 4. NEW LAW A new section of law to be codified in the Choctaw Nation Statutes as Section 1632 of the Choctaw Nation Code of Civil Procedure, unless there is created a duplication in numbering, reads as follows:

**Section 1632. Petition.**

The petition shall be verified and shall state:

- (a) the name and address of the petitioner;
- (b) the facts as to domicile and residence;
- (c) the date and place of birth;
- (d) the birth certificate number, and place where the birth is registered, if registered;
- (e) the name desired by petitioner;
- (f) a clear and concise statement of the reasons for the desired change;
- (g) a positive statement that the change is not sought for any illegal or fraudulent purpose, or to delay or hinder creditors; and
- (h) in the case of a non-Indian petitioner or a non-tribal member petitioner, a statement of consent to the jurisdiction of the Choctaw Nation Tribal Court.

SECTION 5. NEW LAW A new section of law to be codified in the Choctaw Nation Statutes as Section 1633 of the Choctaw Nation Code of Civil Procedure, unless there is created a duplication in numbering, reads as follows:

**Section 1633. Notice; Protest; Hearing Date; Continuance.**

- A. Notice of filing of such petition shall be given by publishing the same one time at least ten (10) days prior to the date set for hearing in some newspaper authorized by law to publish legal notices printed in the county where the petitioner resides if there be any printed in such county, and if there be none, then in some such newspaper printed in this state of general circulation in that county. If no newspaper is published in such county, the notice shall be published in some such newspaper of general circulation which is published in an adjoining county. The notice shall contain the style and number of the case, the time, date and place where the same is to be heard, and that any person may file a written protest in the case prior to the date set for the hearing. The hearing date may be any day after completion of the publication. The court or judge, for cause, may continue the matter to a later date.

**A COUNCIL BILL ENACTING THE SERVICEMEMBERS CIVIL RELIEF ACT AND  
THE CHOCTAW NATION CHANGE OF NAME ACT**

- B. The court may waive the publication requirements of this section for good cause which includes, but is not limited to, cases of domestic violence in which the court proceedings are sealed.

SECTION 6. NEW LAW A new section of law to be codified in the Choctaw Nation Statutes as Section 1634 of the Choctaw Nation Code of Civil Procedure, unless there is created a duplication in numbering, reads as follows:

**Section 1634. Evidence; Determination.**

The material allegations of the petition shall be sustained by sworn evidence, and the prayer of the petition shall be granted unless the court or judge finds that the change is sought for an illegal or fraudulent purpose, or that a material allegation in the petition is false.

SECTION 7. NEW LAW A new section of law to be codified in the Choctaw Nation Statutes as Section 1635 of the Choctaw Nation Code of Civil Procedure, unless there is created a duplication in numbering, reads as follows:

**Section 1635. Judgment**

The judgment shall recite generally the material facts and the change granted, or if denied, the reasons for the denial. A certified or authenticated copy of such judgment may be filed in any office, where proper to do so, and shall be regarded as a judgment in a civil action.

SECTION 8. NEW LAW A new section of law to be codified in the Choctaw Nation Statutes as Section 1636 of the Choctaw Nation Code of Civil Procedure, unless there is created a duplication in numbering, reads as follows:

**Section 1636. Illegal or Fraudulent Purpose.**

Any person who obtains a judgment under this chapter willfully intending to use the same for any illegal or fraudulent purpose, or who thereafter willfully and intentionally uses such judgment, or a copy thereof, for any illegal or fraudulent purpose, shall be deemed guilty of a misdemeanor and shall be subject to punishment as listed in Section 10 of the Choctaw Nation Criminal Code.

SECTION 9. NEW LAW A new section of law to be codified in the Choctaw Nation Statutes as Section 1637 of the Choctaw Nation Code of Civil Procedure, unless there is created a duplication in numbering, reads as follows:

**A COUNCIL BILL ENACTING THE SERVICEMEMBERS CIVIL RELIEF ACT AND  
THE CHOCTAW NATION CHANGE OF NAME ACT**

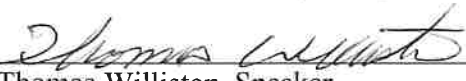
**Section 1637. Exclusiveness of Statutory Remedy.**

No natural person domiciled and residing in the Choctaw Nation Reservation may change their name in the Choctaw Nation District Tribal Court except as provided in this Act, Section 1-10-636 of the Choctaw Nation Children’s Code, marriage pursuant to the Choctaw Nation Marriage Act, decree of divorce pursuant to the Choctaw Nation Marriage Act, or by adoption pursuant to the Choctaw Nation Adoption Code.

**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 in Tuskahoma, Oklahoma on March 9, 2024. I further certify that the foregoing Council Bill CB- 41 -24 was adopted at such meeting by the affirmative vote of twelve ( 12 ) members, zero ( 0 ) negative votes, and zero ( 0 ) abstaining.*

  
\_\_\_\_\_  
Ronald Perry, Secretary  
Choctaw Nation Tribal Council

  
\_\_\_\_\_  
Thomas Williston, Speaker  
Choctaw Nation Tribal Council

  
\_\_\_\_\_  
Gary Batton, Chief  
Choctaw Nation of Oklahoma

Date 3-14-24

**A COUNCIL BILL ENACTING THE SERVICEMEMBERS CIVIL RELIEF ACT AND  
THE CHOCTAW NATION CHANGE OF NAME ACT**

---

**Purpose/Need of Council Bill:** This bill proposes a new law called the Choctaw Nation Servicemembers Civil Relief Act and the Choctaw Nation Change of Name Act by: enacting Section 4, which adopts Federal Servicemembers Civil Relief Act as tribal law; enacting Section 1630, which establishes the title of the Change of Name Act; enacting Section 1631 which relates to the right to petition for change of name within Choctaw Nation District Tribal Court; enacting Section 1632 which relates to the procedures of the petition; enacting Section 1633 which relates to the notice, protest, hearing date, and continuance of the matter; enacting Section 1634 which relates to the evidence and determination of the civil matter; enacting Section 1635 which relates to the judgement of the civil matter; enacting Section 1636 which defines the actions that will be taken if used for illegal or fraudulent purposes; and enacting Section 1637 which relates to the exclusiveness and statutory remedy.

**Title of Council Bill: A COUNCIL BILL ENACTING THE SERVICEMEMBERS CIVIL RELIEF ACT AND THE CHOCTAW NATION CHANGE OF NAME ACT**

**Agency:** Legal & Compliance

**Budget:** N/A

**Match Required:** N/A

**Request by Project Director:** Brian Danker, SEO, Legal & Compliance