

TRIBAL CODE

CHAPTER 32

NAME CHANGE ORDINANCE

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HISTORY NOTE:

Adopted February 6, 1989, Resolution No. 61(89), effective immediately.

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CHAPTER 32

NAME CHANGE ORDINANCE

32.101 Title.

This ordinance shall be known as the Name Change Ordinance.

32.102 Authority.

This ordinance is adopted pursuant to authority granted to the Tribal Council in Article VI, Section 1(a), (q), and (u) of the Tribal Constitution.

32.103 Definitions.

As used in this Ordinance:

(1) "Member" means a person enrolled in the Tribe or a tribal child as defined in the Child Welfare Code.

(2) "Tribe" means the Lac du Flambeau Band of Lake Superior Chippewa Indians.

(3) "Tribal Court" means the Lac du Flambeau Tribal Court.

32.104 Jurisdiction.

The Tribal Court shall have jurisdiction to change or establish names of members in accordance with the provisions of this ordinance.

32.105 Petition.

A petition to change or establish a name shall be filed on such form as the tribal court may direct. If the member whose name is to be changed is a minor under the age of 16, the petition shall be made by: both parents, if living, or the survivor of them; the guardian or legal custodian of the minor if both parents are dead or if parental rights have been terminated; or the mother, if the child is a nonmarital child and the father has not been established by acknowledgment or adjudication. A filing fee of \$20.00 shall accompany the petition.

32.106 Notice.

(1) Notice of the petition shall be posted and published and proof of notice shall be filed with the tribal court prior to a hearing on the petition. The notice shall be in such form as the tribal court may direct and shall state the nature of the application and the time and place for hearing.

(2) Notice shall be published once at least ten days prior to the hearing in a newspaper of general circulation in the community in which the person whose name is to be changed resides. For persons residing on the Lac du Flambeau Reservation, notice shall be published in the Lakeland Times or a tribal newsletter of general circulation to the membership, if one shall be established and circulated at least on a weekly basis. Notice shall also be posted in the tribal community building and three other conspicuous places on the reservation.

(3) Proof of notice shall consist of an affidavit of printing from the newspaper in which the notice was published and an affidavit of posting by the person who posted notice describing where and when notice was posted.

32.107 Hearing.

The tribal court shall hold a hearing on the petition at the time and place designated in the notice. Any interested person may be heard with regard to the petition. The petition shall be granted if no sufficient cause be shown to the contrary.

32.108 Order.

(1) If the petition shall be granted, the tribal court shall enter an order changing or establishing the name as prayed for in the petition.

(2) The tribal court clerk shall prepare a certified copy of the order and transmit the same to the Tribal Enrollment Department for entry on the roll of the Tribe.

(3) If the person whose name is changed or established was born or married in the State of Wisconsin, the tribal court clerk shall send to the state registrar of vital statistics a certified copy of the order, accompanied by the fee required therefor, which shall be collected from the petitioner, in order that the state birth or marriage records may be corrected.