

Purpose of the Oneida Family Court

The Oneida Family Court is a court convened to decide matters and make orders in relation to family law, such as divorce, child support, and custody of children. The court is tasked with:

1. Providing for the administration of law and justice;
2. Exercising the inherent power to apply and enforce Oneida law as it pertains to the family and/or children;
3. Providing a knowledgeable, fair, and impartial forum for the resolution of all family law matters; and
4. Supporting a separation of Tribal governmental powers.

Revised 7/2015

*The Oneida Judiciary staff is
unable to give legal advice. Legal
advice may be obtained by
consulting with an attorney or
advocate.*

*If you have questions on the
marriage process, please contact
the Clerk at
(920) 496-7200
or
Oneida Licensing Department at
(920) 496-5311*

2630 W. Mason Street
P.O. Box 19
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Visit us at:
[https://oneida-
nsn.gov/government/judiciary/](https://oneida-nsn.gov/government/judiciary/)



Oneida Judiciary

Family Court

Marriage



Marriages, Generally

Who may marry. A marriage may be contracted under Oneida law between two adults who:

- a. Have a marriage document issued by the Oneida Licensing Department;
- b. Have attained the age of 18; and
- c. Meet all other provisions under the marriage law (OCL Ch. 71).

Individuals over the age of 16 but under the age of 18 may marry if they (1) present written consent by their parent or guardian, signed and notarized before the person issuing the marriage license or (2) present proof that they have been legally emancipated.

Who may not marry. Persons may not enter into marriage if they:

- a. Are currently legally married to another person; or,
- b. Have been legally divorced for less than 6 months; or,
- c. Are not legally competent; or
- d. Are closer in relationship than second cousins, except first cousins may marry if both parties are 55 years old or older.

Marriage Document and Ceremony

Marriage Document. The Oneida Licensing Department shall issue a marriage document to the applicants within five business days after the application is filed if, in addition to the other requirements of the marriage law, the following conditions are met at the time the marriage license is applied for:

- a. Either (1) or (2) applies to the applicants:
 1. Each applicant:
 - i. Is an Oneida tribal member; or

- ii. Resides on the Reservation and is a member of an Indian tribe, band or community which is recognized by a state or the federal government.
2. One of the applicants meets the requirements of (1)(i) or (ii) and the other applicant consents to the Tribe's jurisdiction to issue the marriage license (the completion of an application represents consent).
- b. Both applicants appear in person at the Oneida Licensing Department to complete the marriage license application.
- c. The applicants provide any information necessary to complete the application.
- d. The applicants swear under oath that the information provided is true and accurate and sign the application in the presence of a notary public.
- e. The applicants pay the required fee.

Objections. Any relative of the applicants, Oneida Licensing Department official, or applicant that objects to an upcoming marriage license may file a petition and sworn affidavit with the court objecting to the marriage. The court will review the petition based on the requirements stated in the marriage law.

Marriage ceremony. The applicants shall marry not less than 6 days after the marriage license is issued and not more than 30 days after the license is issued.

If neither applicant resides on the Oneida Reservation, the marriage ceremony shall be held on the Reservation.

If one or both of the applicants reside on the Oneida Reservation, the marriage ceremony shall be held within the State of Wisconsin.

The ceremony shall be performed by an officiating person(s) with two competent adult witnesses present.

The parties, officiating person(s), and the witnesses shall, at the conclusion of the ceremony, sign and date the marriage document. The officiating person(s) shall deliver the original completed marriage document to the Oneida Licensing Department within three business days after the ceremony.

Officiating persons. The list of persons authorized to officiate a marriage ceremony is contained within OCL 71.5-4. Included in this list are traditional tribal practitioners or spiritual leaders recognized by the community and registered with the court; judges; the Tribal Chairperson or a person designated by the Tribal Chairperson; any ordained clergyperson; any person licensed by a religious body; or the parties themselves in accordance with the customs, rules, and regulations of any religious denomination, society, or sect to which either belongs.

Penalties

Any person who knowingly violates the marriage ordinance may be fined. Prohibited practices include, but are not limited to:

- a. If a person is prohibited from marrying another under this law and goes to another jurisdiction and there enters a marriage, such marriage shall not be recognized by the Tribe.
- b. No marriage shall be entered under this law by a party residing and intending to continue to reside in another jurisdiction, if such marriage would be void if contracted in such other jurisdiction.