

**TITLE 5- CIVIL CODE  
CHAPTER 2- DOMESTIC RELATIONS**

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**SUBCHAPTER A MARRIAGE; DISSOLUTION OF MARRIAGE**

**Section 10 Marriages (5 PYTC § 2-10)**

- (A) Marriages valid by the laws of the place where contracted shall be recognized.
- (B) No person shall be joined in marriage until a license has been obtained for that purpose. Marriage may be performed by an ordained clergyman, minister, or judge.
- (C) Persons under the age of 18 shall not marry without the consent of a parent or guardian having custody of such person.

**Section 20 Filing Fees (5 PYTC § 2-20)**

Any person applying for dissolution of marriage or legal separation shall deposit with the Pascua Yaqui Tribal Court \$50.00 at the time of filing the petition. In case the defendant files a cross complaint, the Court may require the defendant to pay into the Court a fee of like amount.

**Section 30 Pleadings, Contents, Defense, Joinder of Parties (5 PYTC § 2-30)**

- (A) A proceeding for dissolution or legal separation shall be entitled, “In Re the Marriage of \_\_\_\_\_ and \_\_\_\_\_.” A custody or support proceeding shall be entitled “In Re the (Custody) (Support) of \_\_\_\_\_.”
- (B) The initial pleading in all proceedings under this chapter shall be denominated a Petition. A responsive pleading shall be denominated a Response.
- (C) The verified Petition in a proceeding for dissolution of marriage or legal separation shall allege that the marriage is irretrievably broken and shall set forth:
  - (1) The age, occupation and address of each party and his length of domicile in this community.
  - (2) The date of the marriage and the place at which it was performed.
  - (3) The names, ages and addresses of all living children, natural or adopted, common to the parties and whether the wife is pregnant.

- (4) The details of any agreements between the parties as to support, custody and visitation of the children and maintenance of a spouse.
- (5) The relief sought.
- (D) Either or both parties to the marriage may initiate the proceeding.
- (E) The only defense to a Petition for the dissolution of a marriage or legal separation shall be that the marriage is not irretrievably broken.
- (F) The Court may join additional parties necessary for the exercise of its authority.

**Section 40 Decree of Legal Separation, Findings Necessary (5 PYTC § 2-40)**

The Court shall enter a Decree of legal separation if it finds each of the following:

- (A) That one of the parties at the time the action was commenced was domiciled in this Community.
- (B) The marriage is irretrievably broken.
- (C) The other party does not object to a decree of legal separation. If the other party objects to a decree of legal separation, the Court shall upon one of the parties meeting the required domicile for dissolution of marriage direct that the pleadings be amended to seek a dissolution of the marriage.
- (D) To the extent it has jurisdiction to do so, the Court has considered, approved, or made provision for child custody, the support of any natural or adopted child common to the parties of the marriage entitled to support, the maintenance of either spouse and the disposition of the property and debts.

**Section 50 Dissolution of Marriage, Findings Necessary (5 PYTC § 2-50)**

The Court shall enter a Decree of dissolution of marriage if it finds each of the following:

- (A) That one of the parties, at the time the action was commenced, was domiciled in this community for 90 days.
- (B) The marriage is irretrievably broken.
- (C) To the extent it has jurisdiction to do so, the Court has considered, approved, and made provision for child custody, the support of any natural or adopted child common to the marriage entitled to support, the maintenance of either spouse and the disposition of property and debts.

**Section 60 Temporary Order (5 PYTC § 2-60)**

- (A) In a proceeding for dissolution of marriage or for legal separation, or for maintenance or support following dissolution of marriage by a Court which lacked personal jurisdiction over the absent spouse, either party may move for temporary maintenance or temporary support of a child, natural or adopted, common to the parties entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.
- (B) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the Court to issue a preliminary injunction for any of the following relief:
  - (1) Restraining any person from transferring, encumbering, concealing or otherwise disposing of any property except in the usual course of business or for the necessities of

life, and, if so restrained, requiring him to notify the moving party of any proposed extraordinary expenditures made after the order issued.

- (2) Enjoining a party from molesting or disturbing the peace of the other party or of any child.
  - (3) Excluding a party from the family home or from the home of the other party upon a showing that a physical or emotional harm may otherwise result.
  - (4) Enjoining a party from removing a child from the jurisdiction of the Court.
  - (5) Providing other injunctive relief proper in the circumstances.
- (C) The Court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of moving affidavit or other evidence that irreparable injury will result to the moving party if no order is issued until the time for responding has elapsed. No money shall be required unless the Court deems it appropriate.
- (D) On the basis of the showing made, and, in conformity with Sections 80 and 90, the Court may issue a preliminary injunction and an order for temporary maintenance or support in amounts and on terms just and proper in the circumstances.
- (E) A temporary order or preliminary injunction:
- (1) Does not prejudice the right of the parties or any child which are to be adjudicated at the subsequent hearings in the proceedings.
  - (2) May be revoked or modified before a final decree on showing by affidavit the facts necessary for revocation or modification of a final decree.
  - (3) Terminates when the final decree is entered or when the Petition for Dissolution of Marriage or Legal Separation is dismissed.

**Section 70 Separation Agreement; Effect (5 PYTC § 2-70)**

- (A) To promote amicable settlement of disputes between parties to a marriage attendant upon their separation or the dissolution of their marriage, the parties may enter into a written separation agreement containing provisions for disposition of any property owned by either of them, maintenance of either of them, and support, custody and visitation of their children.
- (B) In a proceeding for dissolution of marriage or for legal separation, the terms of the separation agreement, except those providing for the support, custody and visitation of the children, are binding upon the Court unless it finds after considering the economic circumstances of the parties and any other relevant evidence produced by the parties, on their own motion or on request of the Court, that the agreement is unfair.
- (C) If the Court finds the separation agreement unfair as to disposition of property or maintenance, it may request the parties to submit a revised separation agreement or may make orders for the disposition of property or maintenance.
- (D) If the Court finds that the separation agreement is not unfair as to the disposition of property and maintenance, and that it is reasonable as to support, custody and visitations of the children, the separation agreement shall be set forth or incorporated by reference in the Decree of Dissolution of Marriage or Legal Separation and the parties shall be ordered to perform the terms. If the separation agreement provides that its terms shall not be set forth in the decree, the decree shall identify the separation agreement as incorporated by reference and state that the Court has found

the terms as to property disposition and maintenance not unfair and the terms as to support, custody and visiting of the children reasonable.

- (E) Terms of the agreement set forth or incorporated by reference in the decree of divorce shall be enforceable by all remedies available for enforcement of a judgment, including contempt.

**Section 80        Disposition of Property (5 PYTC § 2-80)**

In a proceeding for dissolution of marriage, or for legal separation, or in a proceeding for disposition of property following dissolution of marriage by a Court which previously lacked personal jurisdiction over the absent spouse or previously lacked jurisdiction to dispose of the property, the Court shall assign to each spouse his or her sole and separate property. It shall also divide the community, joint tenancy and other property held in common equitably, though not necessarily in kind, without regard to marital misconduct. For the purpose of this section only, property acquired by either spouse outside the community shall be deemed to be individual property.

Nothing in this section shall prevent the Court from considering excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.

**Section 90        Maintenance; Computation Factors (5 PYTC § 2-90)**

- (A) In a proceeding for dissolution of marriage or legal separation, or a proceeding for maintenance following dissolution of marriage by a Court which lacked personal jurisdiction over the absent spouse, the Court may grant a maintenance order for either spouse only if it finds that the spouse seeking maintenance:

- (1) Lacks sufficient property, including property apportioned to him or her, to provide for his or her reasonable needs; and
- (2) Is unable to support himself or herself through appropriate employment or is the custodian of a child whose age or condition is such that the custodian should not be required to seek employment outside the home.

- (B) The maintenance order shall be in such amounts and for such period of time as the Court deems just, without regard to marital misconduct, and after considering all relevant factors, including:

- (1) The financial resources of the party seeking maintenance, including marital property apportioned to him or her and his or her ability to meet his or her needs independently.
- (2) The time necessary to acquire sufficient education or training or enable the party seeking maintenance to find appropriate employment.
- (3) The standard of living established during the marriage.
- (4) The duration of the marriage.
- (5) The age and the physical condition of the spouse seeking maintenance.
- (6) The ability of the spouse from whom maintenance is sought to meet his or her needs while meeting those of the spouse seeking maintenance.
- (7) Excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.

**Section 100 Child Support, Factors (5 PYTC § 2-100)**

- (A) In a proceeding for dissolution of marriage, legal separation, maintenance, or child support, the Court may order either or both parents owing a duty of support to a child, born to or adopted by the parents, to pay an amount reasonable and necessary for his support, without regard to marital misconduct after considering all relevant factors, including:
- (1) The financial resources and needs of the child.
  - (2) The financial resources and needs of the custodial parent.
  - (3) The standard of living the child would have enjoyed had the marriage not been dissolved.
  - (4) The physical and emotional condition of the child and his educational needs.
  - (5) The financial resources and needs of the non-custodial parent.
  - (6) Excessive and abnormal expenditures, destruction, concealment, or fraudulent disposition of community, joint tenancy or other property held in common.
- (B) In the case of a mentally or physically disabled child, if the Court, after considering the factors set forth in Subsection (A) deems it appropriate, the Court may order support to continue past the age of emancipation and to be paid to the custodial parent, guardian or child.

**Section 110 Payments of Maintenance or Support to Courts, Fees (5 PYTC § 2-110)**

- (A) Upon its own motion or motion of either party, the Court may order at any time that maintenance or support payments be made to the Clerk of the Court for remittance to the person entitled to receive the payments. The person making such payments shall pay a fee of one dollar monthly to the Tribe for processing of such payments. The Clerk of the Court shall collect such fees.
- (B) The Clerk of the Court shall maintain records listing the amount of payments required to be made and the names and addresses of the parties affected by the order.
- (C) The parties affected by the order shall inform the Clerk of the Court of any change of address.
- (D) If the person obligated to pay support has left or is beyond the jurisdiction of the Court, any party may institute any other proceedings available under the Laws of this Community for enforcement of the duties of support and maintenance.

**Section 120 Assignments (5 PYTC § 2-120)**

In the event a person obligated to pay child support is in arrears for at least two months, the Court may order the person obligated to pay child support to make an assignment of a part of his periodic earnings or trust income to the person entitled to receive the payments. The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon such person of notice that the assignment has been made. The payor shall withhold the earnings or trust income payable to the person obligated to support the amount specified in the assignment and shall transmit the payments to the Clerk of the Court. The payor may deduct from each payment a sum not exceeding one dollar as reimbursement for costs. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section.

**Section 130 Costs and Expenses (5 PYTC § 2-130)**

The Court from time to time, after considering the financial resources of both parties, may order a party to pay a reasonable amount to the other part for the costs and expenses of maintaining or defending any

proceeding under this chapter. For the purpose of this section, costs and expenses may include fees of a lay advocate or attorney deposition costs and such other reasonable expenses the Court finds necessary to the full and proper representation of the action, including any appeal. The Court may order all such amounts paid directly to the attorney or lay advocate, who may enforce the order in his name with the same force and effect, and in the same manner, as if the order had been made on behalf of any party to the action.

**Section 140 Decree; Restoration of Maiden Name (5 PYTC § 2-140)**

- (A) A Decree of Dissolution of Marriage or of Legal Separation is final when entered, subject to the right of appeal. An appeal from the Decree of Dissolution that does not challenge the finding that the marriage is irretrievably broken does not delay the finality of that provision of the decree which dissolves the marriage beyond the time for appealing from that provision, and either of the parties may remarry pending appeal. An order directing payment of money for support or maintenance of the spouse or the minor child or children, shall not be suspended or execution thereof stayed pending the appeal.
- (B) The Court, upon hearing within six months after the entry of a Decree of Legal Separation may convert the decree to a Decree of Dissolution of Marriage.
- (C) The Court shall, upon motion of either party after expiration of six months from the entry of a Decree of Legal Separation, convert the decree to a Decree of Dissolution of Marriage.
- (D) Upon request by a wife whose marriage is dissolved or declared invalid, the Court shall order her maiden name or former name restored.

**Section 150 Independence of Provisions of Decree or Temporary Order (5 PYTC § 2-150)**

If a party fails to comply with a provision of a Decree or Temporary Order or Injunction, the obligation of the other party to make payments for support or maintenance or to permit visitation is not suspended, but he may move the Court to grant an appropriate Order.

**Section 160 Modification and Termination of Provision for Maintenance, Support and Property Disposition (5 PYTC § 2-160)**

- (A) The provisions of any decree respecting maintenance or support may be modified upon motion for modification and only if there is a showing of changed circumstances which are substantial and continuing. The provisions as to property disposition may be modified, if the Court finds the existence of conditions that justify the reopening of a judgment under the laws of this Community.
- (B) Unless otherwise agreed to in writing or expressly provided for in the decree, the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.
- (C) Unless otherwise agree writing or expressly provided for in the decree, provisions for support of a minor child are terminated by the death of a parent obligated to support a child.

**SUBCHAPTER B CHILD CUSTODY**

**Section 170 Jurisdiction (5 PYTC § 2-170)**

- (A) The Pascua Yaqui Tribal Court is vested with jurisdiction to decide child custody matters by initial determination or modification of the decree, if:
  - (1) This Community is the domicile of the child at the time of commencement of the proceeding, or had been the child's domicile within six months before commencement of

the proceeding and the child is absent from this Community because of his removal or retention by a person claiming his custody or for any other reason, and a parent or person acting as parent continues to live in this Community; or

- (2) It is in the best interest of the child that a Court of this Community assume jurisdiction because the child and his parents, or the child and at least one contestant, have a significant connection with this Community and there is available in this community substantial evidence concerning the child's present or future care, protection, training and personal relationships; or
  - (3) The child is physically present in this Community and has been subjected to or threatened with mistreatment or abuse or is neglected or dependent; or
  - (4) No other Court outside of this Community has jurisdiction under prerequisites substantially in accordance with paragraph (1), (2) or (3), or another jurisdiction has declined to exercise jurisdiction on the ground that this Community is the more appropriate forum to determine custody of the child and it is in his best interest that the Court assume jurisdiction.
- (B) Except under paragraphs (3) and (4) of Subsection (A), physical presence in this Community of the child or of the child and one of the contestants is not alone sufficient to confer jurisdiction on a Court of this Community to make a child custody determination.
- (C) Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to determine his custody.
- (D) A child custody proceeding is commenced in the Tribal Court:
- (1) By a parent filing a petition:
    - (a) For dissolution of marriage or legal separation; or
    - (b) For custody of the child; or
  - (2) By a person other than a parent, by filing a Petition for custody of the child, but only if he is not in the physical custody of one of his parents.
- (E) Notice of a child custody proceeding shall be given to the child's parents, guardian, and custodian who may appear, be heard, and file a responsive pleading. The Court, upon a showing of good cause, may permit intervention of other interested parties.

**Section 180 Affidavit for Custody (5 PYTC § 2-180)**

A party seeking temporary custody order or modification of a custody decree shall submit an affidavit or verified petition setting forth detailed facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit, or verified petition to other parties to the proceeding, who may file opposing affidavits. The Court shall set a date for hearing on the requested petition of modification.

**Section 190 Modification of Child Custody; Fees (5 PYTC § 2-190)**

- (A) The Court shall determine custody, either originally or upon petition for modification, in accordance with the best interests of the child. The Court may consider all relevant factors, including:
- (1) The wishes of the child's parent or parents as to his custody.

- (2) The wishes of the child as to his custodian.
  - (3) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's interest.
  - (4) The child's adjustment to his home, school and community.
  - (5) The mental and physical health of all individuals involved.
- (B) Fees of attorneys or lay advocates and costs shall be assessed against a party seeking modification if the Court finds that the modification action is vexatious and constitutes harassment.

**Section 200 Temporary Orders (5 PYTC § 2-200)**

- (A) A party to a custody proceeding may move for a temporary custody order. This motion must be supported by pleadings as provided in Section 180. The Court may award temporary custody under the standards of Section 190 after a hearing, or, if there is no objection, solely on the basis of the pleadings.
- (B) If a Petition for dissolution of marriage or legal separation is dismissed, any temporary custody order is vacated unless a parent or the child's custodian moves that the proceedings continue as a custody proceeding and the interests of the child require that a custody decree is issued.
- (C) If a custody proceeding commenced in the absence of a petition for dissolution of marriage or legal separation is dismissed, any temporary custody order thereby is vacated.

**Section 210 Interviews by Court, Professional Assistance (5 PYTC § 2-210)**

- (A) The Court may interview a child in chambers to ascertain the child's wishes as to their custodian and as to visitation.
- (B) The Court may seek the advice of professional personnel, whether or not employed by the Court on a regular basis. The advice given shall be in writing and shall be made available by the Court to counsel, upon request. Under such terms as the Court determines Counsel may examine as a witness any professional personnel consulted by the Court, unless such right is waived.

**Section 220 Investigations and Reports (5 PYTC § 2-220)**

- (A) In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian so requests, the Court may order an investigation and report concerning custodial arrangements for the child. The investigation and report may be made by a social service agency, the staff of the Juvenile Court or any other person or agency appointed by the Court.
- (B) In preparing his report concerning a child, the investigator may consult any person who may have information about the child or his potential custodial arrangements.
- (C) The Court shall mail the investigator's report to counsel of the parties at least ten days prior to the hearing. The investigator shall make available to counsel of the parties the names and addresses of all persons whom the investigator has consulted. Any party to the proceedings may call for examination of the investigator and any person whom he has consulted.

**Section 230 Custody Hearings, Priority, Cost, Record (5 PYTC § 2-230)**

- (A) Custody proceedings shall receive priority in being set for hearing.

- (B) The Court may tax as costs the payment of necessary travel and other expenses incurred by any person whose presence at the hearing the Court deems necessary to determine the best interest of the child.
- (C) The Court, without a jury, shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interest, the Court may exclude the public from a custody hearing, but may admit any person who has a direct and legitimate interest in the work of the Court.
- (D) If the Court finds that to protect the child's welfare, the record of any interview, report, investigation, or testimony in custody proceeding should be kept secret, the Court may then make an appropriate order sealing the record.

**Section 240 Visitation Rights, Exception (5 PYTC § 2-240)**

- (A) A parent not granted custody of the child is entitled to reasonable visitation rights unless the Court finds, after a hearing, that visitation would endanger seriously the child's physical, mental, moral or emotional health.
- (B) The Court may modify an order granting or denying visitation rights whenever modification would serve the best interest of the child, but the Court shall not restrict a parents visitation rights unless it finds that the visitation would endanger seriously the child's physical, mental, moral, or emotional health.

**Section 250 Judicial Supervision (5 PYTC § 2-250)**

If both parents or all contestants agree to the order, or if the Court finds that the child's physical health would be endangered or his emotional development significantly impaired, the Court may order a social service agency to exercise continuing supervision over the case to assure that the custodial or visitation terms of the decree are carried out.

**SUBCHAPTER C CONCILIATION**

**Section 260 Conciliation (5 PYTC § 2-260)**

There shall be a conciliation division of the Pascua Yaqui Tribal Court, the purpose of which shall be to promote the public welfare by preserving, promoting and protecting family life and the institution of matrimony, to protect the rights of the children, and to provide means for the reconciliation of spouses and the amicable settlement of domestic and family controversies.

**Section 270 Investigations (5 PYTC § 2-270)**

The Chief Judge of the Pascua Yaqui Tribal Court shall appoint a member of the Tribal Court staff or any other person to carry out the following duties.

- (A) Investigate the facts upon which to base warrants, subpoenas, or orders in actions or proceedings filed in or transferred to the conciliation division pursuant to this chapter.
- (B) Hold conciliation conferences with parties to proceedings under this chapter and report the results of proceeding to the Judge of the Pascua Yaqui Court.
- (C) Provide such supervision in connection with the exercise of the powers and duties of the conciliation division as the Chief Judge of the Tribal Court may direct.

**Section 280 Jurisdiction (5 PYTC § 2-280)**

Whenever any controversy exists between spouses which may, unless a reconciliation is achieved, result in the legal separation, dissolution or annulment of the marriage or in the disruption of the household, and there is any minor child of the spouses or either of them whose welfare might be affected thereby, the conciliation division shall have jurisdiction over the controversy, and over the parties thereto and all persons having any relation to the controversy, as farther provided in this chapter.

**Section 290 Petition Invoking Jurisdiction or for Transfer of Action to Conciliation Division (5 PYTC § 2-290)**

Prior to the filing of any action for annulment, dissolution of marriage, or legal separation, either spouse or both spouses, may file in the conciliation Court a petition invoking the jurisdiction of the Court for the purpose of preserving the marriage by effecting a conciliation between the parties or for amicable settlement of controversy between the spouses so as to avoid farther litigation over the issues involved. In any case, when an action for annulment, dissolution of marriage or legal separation has been filed, either party thereto may, by petition filed therein, have the cause transferred to the conciliation division where proceedings shall be held in the same manner as though the action had been instituted in the conciliation division in the first instance.

**Section 300 Petition, Contents (5 PYTC § 2-300)**

The Petition shall:

- (A) Allege that controversy exists between the spouses and request the aid of the conciliation division to effect reconciliation or an amicable settlement of the controversy.
- (B) State the name and age of each minor child whose welfare may be affected by the controversy.
- (C) State the name and address of the petitioner or petitioners.
- (D) If the petition is presented by one spouse only, name the other spouse as a respondent and state the address of that spouse.
- (E) Name as a respondent any other person who has any relation to the controversy and state the address of the person if known to the petitioner.
- (F) State such other information as the conciliation Court may by rule require.

**Section 310 Forms (5 PYTC § 2-310)**

The Clerk of the Tribal Court shall provide, at the expense of the community, blank forms for petitions for filing pursuant to this chapter. The conciliation division shall assist any person in the preparation and presentation of any such petition when requested to do so.

**Section 320 Fees (5 PYTC § 2-320)**

No fees shall be charged for filing the petition, nor shall any fee be charged by any officer for the performance of any duty pursuant to this chapter.

**Section 330 Hearing, Time, Place, Notice, Citation, Witnesses (5 PYTC § 2-330)**

The Tribal Court shall fix a reasonable time and place for hearing on the petition, said hearing to be held within 30 days of the date of the filing of the petition unless the Court for good cause orders such hearing to be held at a different time. The Court shall cause notice of the filing of the petition and of the time and

place of the hearing as it deems necessary, issue a citation to any respondent requiring him to appear at the time and place stated in the citation, and may require the attendance of witnesses as in other civil suits.

**Section 340 Time and Place of Holding Hearing (5 PYTC § 2-340)**

Hearings pursuant to this article may be held at any time and place within the community, and may be held in chambers or otherwise, except that the time and place of hearing shall not be different from the time and place provided by law for the trial of civil actions, if any party, prior to the hearing, objects to any different time or place.

**Section 350 Conduct of Hearing (5 PYTC § 2-350)**

- (A) The hearings shall be conducted informally by the conciliation division as a conference or series of conferences to affect a reconciliation of the spouses or an amicable adjustment or settlement of the issues.
- (B) At the conclusion of the hearing, the conciliation division shall report the results of the hearing to the Judge of the Tribal Court and, may on request of one or both of the parties, hold further hearings in accordance with this chapter.
- (C) To facilitate and promote the purposes of this chapter, the Court may, with the consent of both of the parties to the action, recommend or invoke the aid of appropriate resources such as physicians, psychiatrists, social agencies or other individuals or agencies including clergymen of the religious denominations to which the parties belong or any request, but no reports of any such agency available to the Court shall be filed with or become a part of the record of the case. Any such aid shall not be at the expense of the Court or of the community unless the Tribal Council shall authorize such aid.
- (D) Hearings or conferences conducted before the conciliation division or before the Tribal Court for the purpose of effecting a reconciliation of the spouses or an amicable adjustment or settlement of issues shall be held in private and the Court shall exclude all persons except the officers of the Court, the parties, their counsel and witnesses. Hearings or conferences may be held with each party and his counsel separately and, in the discretion of the Judge or other persons conducting the hearing or conference, counsel for one party may be excluded when the adverse party is present. All communications, verbal or written, from the parties to the Judge or other persons conducting the proceedings under this chapter, shall be deemed confidential communications and shall not be disclosed without consent of the party making such communication.

**Section 360 Orders, Duration of Effectiveness Reconciliation Agreement (5 PYTC § 2-360)**

- (A) The Judge of the Tribal Court shall have full power to make, alter, modify, and enforce all orders, orders for custody of children, restraining orders, preliminary injunctions, and orders affecting possession of property, as may appear just and equitable, but such orders shall not be effective for more than 60 days from the filing of the petition, unless the parties mutually consent to a continuation of such time.
- (B) Any reconciliation agreement between the parties may be reduced to writing, and with the consent of the parties, a Court order may be made requiring the parties to comply fully therewith.

**Section 370 Jurisdiction as to Pending Actions (5 PYTC § 2-370)**

- (A) During a period beginning upon the filing of a petition for reconciliation and continuing until 60 days after the filing of the petition for conciliation, neither spouse shall file any action for annulment, dissolution of marriage or legal separation. Upon the filing of a petition for conciliation, such proceedings then pending in the Tribal Court shall be stayed and the case transferred to the Conciliation Division for hearing and further disposition as provided in this

chapter, but by the Tribal Court shall remain in full force and effect until vacated or modified or until they expire by their own terms.

- (B) If, however, after the expiration of such period, the controversy between the spouses has not been terminated, either spouse may institute proceedings of annulment of marriage, dissolution of marriage, or legal separation by filing with the Clerk of the Tribal Court additional pleadings complying with the requirements relating to annulment of marriage, dissolution of marriage or legal separation. The conciliation provisions of this chapter may be used in regard to post-dissolution problems, concerning the maintenance, support, visitation, contempt or for modification based on changed conditions, in the discretion of the conciliation Court.
- (C) Upon the filing of an action for annulment, dissolution of marriage, or legal separation and after the expiration of 60 days from the service or the acceptance of service of process upon or by the respondent, neither spouse without the consent of the other may file a petition invoking the jurisdiction of the conciliation division, as long as such domestic relations case remain pending unless it appears to the Court that such filing will not delay the orderly processes of such pending action, in which event the Court may accept the petition, and the filing thereof shall have the same effect as the filing of any such petition within such 60 days after service or acceptance of process.

**DISPOSITION TABLE**

<b>FORMER SECTION</b>	<b>NEW SECTION</b>
<b>Title 1, Chapter 10</b>	<b>Title 5, Chapter 2</b>
<b>New</b>	<b>Subchapter A</b>
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Section 10.34	Section 340
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Section 10.36	Section 360
Section 10.37	Section 370