

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA TRIBAL COURT

ADULT NAME CHANGE PACKET



These instructions and forms are not a complete statement of the law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. For legal information visit your local law library or consult an attorney.

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

TRIBAL COURT

ADULT NAME CHANGE PACKET

Enclosed are the instructions and forms for changing the name of an adult in Tribal Court. Read the instructions and the Band's Name Change Ordinance carefully to identify what is required.

Please make sure you have the right packet. If you want to change the name of a minor, you should obtain a copy of the "Minor Name Change Packet" from the Tribal Court.

If you have questions you should contact the **Tribal Court Clerk at (218) 878-7151**. Please understand, however, that the Tribal Court Clerk cannot give you legal advice. If you need legal advice about obtaining a name change, you should consult an attorney.

Contents of Packet:

1. Instructions
2. Forms
 - a. Petition for Name Change (Adult)
 - b. Notice of Name Change To Former Spouse
 - c. Certificate of Service
3. Name Change Ordinance

NOTICE ABOUT THESE INSTRUCTIONS AND INFORMATION

These instructions and forms are not a complete statement of the law. They cover basic information for obtaining a name change through Tribal Court. For legal information visit your local law library or consult an attorney.

If you wish to have your small claim reviewed by the Tribal Court, it is important for you to read, very carefully, **THE ENTIRE INSTRUCTION PACKET, AS WELL AS THE NAME CHANGE ORDINANCE.**

I. REQUIREMENTS FOR PETITIONING FOR AN ADULT NAME CHANGE

In order to apply for an adult name change, the petitioner must be a Band member who is at least 18 years old on the date of filing. Only the petitioner's name can be changed. You cannot apply to change another adult's name.

Name changes through the Tribal Court can only be obtained one time within any two year period. If you have obtained a name change through the Tribal Court during the past two years, you will not be eligible for a name change.

The name change cannot be sought with fraudulent intent. You cannot apply for a name change for the purpose of avoiding creditors or deceiving employers.

II. PREPARING THE PETITION FOR AN ADULT NAME CHANGE

Notice: The Petition for Name Change (Adult) must be notarized. The notary may require picture identification. **DO NOT SIGN THE PETITION UNTIL YOU ARE IN THE PRESENCE OF A NOTARY.** The Court Clerk is a notary and is available to notarize your documents.

- Case Caption: At the top of the petition, write your name on the blank line over the word "Petitioner." This indicates that you are the petitioner. Leave the line after "Case No" blank. The Court Clerk will fill in the case number.
- In paragraph 1, you are stating that you are 18 years old or older. Provide your date of birth.
- In paragraph 2, provide the county where you were born and the state where you were born.
- In paragraph 3, provide the county where you currently live and the state where you live.
- In paragraph 4, provide your current address.
- In paragraph 5, provide your current name.
- In paragraph 6, provide the new name you are requesting.
- In paragraph 7, indicate the reason why you are requesting a name change.
- In paragraph 8, you are stating that you are an enrolled Band member. Provide your enrollment number.
- In paragraph 9, check the appropriate box to indicate whether you have been granted a name change by the Tribal Court within the last two years.

- In paragraph 10, check the box to indicate whether you have been divorced. If you have been divorced, check the appropriate box to indicate whether you have an obligation to your former spouse under a decree of divorce.
- In paragraph 11, check the appropriate box to indicate what document you are attaching to verify your age.
- Signature Block: You must fill in the signature block in front of a notary. The Tribal Court Clerk is a notary. You must sign the petition, print your name, provide your address, and provide your telephone number in the indicated spaces. A notary must notarize your signature.

III. PREPARING THE NOTICE OF NAME CHANGE TO FORMER SPOUSE

If you checked the boxes indicating that you have been divorced and that you have an obligation to a former spouse under a decree of divorce, you must prepare a Notice of Name Change to Former Spouse form.

In order to fill out the Notice, you should write your name on the “Petitioner” line. If the Court Clerk has assigned a case number, you should fill in the case number. If no case number has been assigned, you should leave the case number blank. You must fill in the blanks indicating your current name and the name you are requesting. You must then sign and date the Notice

After you have filled out the Notice, you have a copy of the Notice served on the former spouse. The service must be completed by an adult who is not the Petitioner. Service can be completed by mailing a copy of the Notice to the former spouse at his or her current address or by personally handing a copy of the Notice to the former spouse. The Certificate of Service form must be signed by the person completing service and must be filed with the Court.

If you have more than one former spouse that you have an obligation to under a decree of divorce, you must prepare and serve a Notice of Name Change on each spouse that you have an obligation to.

IV. FILING THE PETITION AND OTHER DOCUMENTS

After you have prepared the Petition for Name Change (Adult) and have the Petition notarized, the Petition must be filed at the Tribal Court. You must also attach and file a copy of your identification, as described in paragraph 11 of the Petition. The Tribal Court is located in the Fond du Lac Band of Lake Superior Chippewa Resource Management and Tribal Court Building at:

Fond du Lac Tribal Court
1720 Big Lake Road
Cloquet, Minnesota 55720.

The Petition may be mailed to the above address or be filed in person at the address above during normal operating hours. Please call the Court Clerk at (218) 878-7151 to find the current operating hours.

There is a \$50.00 filing fee for filing the Petition. The fee must be paid at the time of filing.

Upon filing, the Court Clerk will assign a case number to your case.

If you were required to prepare and serve the Notice of Name Change to Former Spouse, you must also file the Notice and the Certificate of Service with the Tribal Court. If the Notice has already been served at the time of filing, the Notice and Certificate of Service can be submitted when you file the Petition for Name Change (Adult). Otherwise, these documents will need to be filed after service has been completed.

V. AFTER THE PETITION IS FILED

After all the necessary documents are filed, the Tribal Court will review the petition. If the Tribal Court determines that you are eligible for a name change, the Tribal Court will issue a name change order. Please allow two months for the Tribal Court to process the petition.

If the name change is granted, a notice will be published in the next edition of the Fond du Lac Band newspaper. The Court Clerk will forward copies of the name change order to the Minnesota registrar of vital records and to the Band's enrollment office. You will need to surrender your current Band identification and to obtain a new Band identification card. You will be responsible for obtaining an updated social security card, birth certificate, and driver's license.

1 **FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA**

2 **TRIBAL COURT**

3
4 **In The Matter of:**) Case No.: _____
)
5 _____,) **PETITION FOR NAME CHANGE**
) **(ADULT)**
6 Petitioner.)

7 I, the undersigned Petitioner, petition the Tribal Court for a change of my name and declare that
8 the following facts are true on the date that this Petition is filed with the Court:

- 9 1. I am at least 18 years of age. My date of birth is _____, _____.
10 2. I was born in the County of _____, State of _____.
11 3. I currently live in the County of _____, State of _____.
12 4. My current address is _____.
13 5. My current name is: _____.
14 6. I am requesting the Court issue an Order changing my name to:
_____.

15 7. The reason for the proposed change of name is: (CHECK ALL THAT APPLY)

- 16 Through regular use, I have become known by my proposed name.
17 I have gone through a naming ceremony and wish to be known by my ceremonial
18 name.
19 My name is difficult to pronounce and spell and is therefore a hardship in social
20 and business dealings.
21 Other reason(s): _____.

22 8. I am an enrolled member of Fond du Lac Band of Lake Superior Chippewa. My
23 Enrollment No. is: _____.

24 Proof of my enrollment is attached as Exhibit "A".

25 9. I have / have not (CHECK ONE) been granted a name change by the Tribal Court
26 within the last two years.

1 10. I have / have not (CHECK ONE) been divorced. If you have been divorced, complete
2 the following: I do / do not (CHECK ONE) have an obligation to a former spouse
3 under a decree of divorce. (IF YOU HAVE AN OBLIGATION TO A FORMER SPOUSE UNDER
4 A DECREE OF DIVORCE, YOU ARE REQUIRED TO PREPARE AND SERVE NOTICE(S) OF
5 NAME CHANGE TO FORMER SPOUSE.)

6 11. In order to verify my age, I have attached the following document to this Petition and
7 labeled the document: (CHECK ONE)

- 8 A certified copy of my birth certificate.
- 9 A copy of my valid driver's license.
- 10 A copy of my unexpired passport.
- 11 A certified copy of my baptismal certificate.
- 12 A copy of my tribal identification card.
- 13 None of the above is available, and I have attached an affidavit from the Band's
14 Enrollment Officer attesting to my age.

15 12. I certify that this name change is not being sought with fraudulent intent.

16 DATED, this _____ day of _____, 20_____.

17 _____
18 Petitioner's Signature

Print Name

19 _____
Mailing Address

City, State, Zip Code

20 _____
21 Telephone Number

22 State of _____)
23) ss.
County of _____)

24 SIGNED AND SWORN TO before me this _____ day of _____, 20_____.

25 _____
26 by _____
Notary Public – State of _____
My Commission Expires: _____

1 **FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA**
2 **TRIBAL COURT**

3
4 **In The Matter of:**) Case No.: _____
5 _____,)
6 Petitioner.) **NOTICE OF NAME CHANGE**
TO FORMER SPOUSE

7 **TO THE FORMER SPOUSE OF THE ABOVE PETITIONER:**

8 PLEASE TAKE NOTICE, that the above Petitioner has filed or intends to file a Petition
9 with this Court requesting that the Petitioner's name be changed from

10 _____ to
11 _____.

12
13 DATED this ____ day of _____, 20____.

14
15
16 _____
17 Petitioner

18 _____ [Print Name]
19
20
21
22
23
24
25
26

1
2 **FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA**

3 **TRIBAL COURT**

4 **In The Matter of:**) Case No.: _____
5)
6 _____,) **CERTIFICATE OF SERVICE**
Petitioner.)

7 I, _____, do hereby certify that I am at least 18 years old, that I am
8 not the Petitioner in this matter, and that I served on behalf of the Petitioner a true copy of the
9 Notice of Name Change to Former Spouse, that is on file in this matter, upon _____
10 _____, a former spouse to whom the Petitioner has an obligation
11 under a divorce decree. Service was completed by: (CHECK AND COMPLETE ONE)

12 **By Mail.** By mailing a copy of the Notice to _____
13 _____ (Address)
14 by placing the same in the United States Mail at _____ (City, State), regular
15 mail this _____ day of _____, 20____.

16 **In Person.** By delivering a copy of the Notice to the above-named person personally as
17 follows:

18 Date: _____

19 Time: _____

20 Address: _____
21 _____
22 _____

23
24 Dated this _____ day of _____, _____.

25
26 _____
Signature of Person Completing Service

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #02/10, AMENDED

NAME CHANGE FOR FOND DU LAC BAND MEMBERS

Adopted by Resolution #1105/10 of the Fond du Lac Reservation Business Committee on March 16, 2010.

Amended by Resolution #1378/11 of the Fond du Lac Reservation Business Committee on November 15, 2011.

Amended by Resolution #1120/13 of the Fond du Lac Reservation Business Committee on April 10, 2013.

TABLE OF CONTENTS

CHAPTER 1	AUTHORITY, FINDINGS, PURPOSE	1
CHAPTER 2	DEFINITIONS	2
CHAPTER 3	PROCESS FOR ESTABLISHING A NAME CHANGE	3
CHAPTER 4	EFFECTIVE DATE, AMENDMENTS, SEVERABILITY	7
	CERTIFICATION	7

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #02/10, AMENDED

NAME CHANGE FOR FOND DU LAC BAND MEMBERS

CHAPTER 1

AUTHORITY, PURPOSE AND SCOPE

Section 101 Authority

This Ordinance is enacted by the Fond du Lac Reservation Business Committee pursuant to the inherent sovereign authority of the Fond du Lac Fond du Lac Band of Lake Superior Chippewa, as reserved under the Treaty of LaPointe, 10 Stat. 1109, and as recognized under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476; Article VI of the Revised Constitution of the Minnesota Chippewa Tribe; Section 106 of the Fond du Lac Civil Code, FDL Ord. #04/02; and under the common law of the United States.

Section 102 Findings and Purposes

The Fond du Lac Reservation Business Committee finds that there is a need to establish a Band law authorizing and governing name changes within the Fond du Lac Reservation for enrolled members of the Fond du Lac Band.

Section 103 Reservation of Rights

The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time. There shall be no vested private right of any kind created by this Ordinance. All the rights, privileges, or immunities conferred by this Ordinance or by acts done pursuant thereto shall exist subject to the powers of the Fond du Lac Band. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or a consent to jurisdiction by any government or forum not expressly authorized to exercise jurisdiction under this Ordinance.

CHAPTER 2

DEFINITIONS AND INTERPRETATION

Section 201 **Definitions**

For the purposes of this Ordinance, the following definitions shall apply:

- (a) **"Band"** means the Fond du Lac Band of Lake Superior Chippewa.
- (b) **"Court Clerk"** or **"Clerk"** shall mean the Clerk of the Tribal Court.
- (c) **"Judge"** shall mean the presiding judge of the Fond du Lac Tribal Court.
- (d) **"Reservation Business Committee or "RBC"** means the governing body of the Fond du Lac Band of Lake Superior Chippewa.
- (e) **"Tribal Court"** or **"Court"** shall mean the Tribal Court of the Fond du Lac Band of Lake Superior Chippewa."

Section 201 **Interpretation**

The provisions of this Ordinance shall be interpreted in a manner which gives plain effect to its terms and purposes, and to avoid unnecessary conflicts of law.

CHAPTER 3
PROCESS FOR ESTABLISHING A NAME CHANGE

Section 301 Requirements for a Petition to Obtain a Change of Name

- a. All applications for Change of Name must be made to the Tribal Court by petition signed by the applicant. If the petition is for a person under 18 years of age, it must be signed by one (1) of the parents or, if the parents are deceased or have been deprived of custody by a court of competent jurisdiction, by the minor's legal guardian.
- b. The petition shall include the following:
- (1) Place of birth and residence;
 - (2) Present name;
 - (3) Name proposed;
 - (4) Reason for the Change of Name;
 - (5) If neither parent is living, the petition shall also name the nearest known relatives of the first degree and their place of residence;
 - (6) If the person is under 18 years of age, and the petition is signed by only one parent, it must include the address, if known, of the other parent;
 - (7) The petition shall also state whether the person has petitioned and been granted a Change of Name, by the Tribal Court, within the past twelve (12) months; and
 - (8) The petition shall include a statement that the name change is not being sought with fraudulent intent.
- c. The petition must be accompanied by at least one of the following in order to verify the applicant's age:
- (1) Certified copy of a birth certificate;
 - (2) Valid driver's license;
 - (3) Unexpired passport;

- (4) A certified copy of a baptismal certificate;
- (5) Tribal Identification Card; or
- (6) If none of the above is available, an affidavit witnessed by the Band Enrollment Officer attesting to the applicant's age.

The Court shall collect a fifty dollar (\$50.00) fee for the filing of a petition.

- d. The Clerk of the Court shall direct the applicant to serve a copy of the Notice of Name Change on any former spouse to whom an obligation exists under a Decree of Divorce. Additionally, in the case of a minor, if any of the child's parents or legal guardians did not sign the application, the applicant must serve a copy of the Notice of Name Change on the non-signing parents and legal guardians at least four (4) weeks before the hearing scheduled pursuant to Section 305. Proof of service shall be filed with the Court in accordance with the Fond du Lac Civil Code, FDL Ord. #04/92.

Section 302 Order Granting Petition

- a. After the filing of the petition, proof of service and verifying the age of the applicant, the Tribal Court shall issue an Order granting the request for a Change of Name, unless:
 - (1) The notice appears faulty;
 - (2) The Court has reason to believe the name change is being sought with fraudulent intent; or
 - (3) An objection is filed under Section 306.
- b. The Clerk of Court shall cause notice of the name change to be published in the next edition of the Fond du Lac Band newspaper.

Section 303 Notice to the Band Enrollment Office

Upon issuance of the Order, the Clerk of Court shall submit a certified copy to the Band Enrollment Office to be placed in the Band member's file. The Enrollment Office shall change the name on the file to the new name of the Band member, and shall also notify the Minnesota Chippewa Tribe Enrollment Officer of such change. New tribal identification cards shall be issued and the Band member shall surrender all old Band or tribal identification cards.

Section 304 Faulty Notice

The Tribal Court may order any correction in a Notice of Proposed Change of Name and any addition to a list of creditors to be notified that it may deem necessary. If the Court has reason to believe that any creditor has not been notified, it may order the applicant to file a credit report with the Court at the applicant's expense. In the event the Tribal Court orders corrections or additions, the notice period shall begin upon the applicant's sending to the Court copies of the corrected notice or proof of service.

Section 305 Minors: Order to Show Cause

- a. When a petition is filed on behalf of a minor Band member, the Court shall issue an Order reciting the filing of the petition, the name of the person for whom filed and the proposed name. The Order shall direct any parent, guardian or relative of the first degree interested in the matter to appear before the Court, at a time and place specified not less than four (4) nor more than eight (8) weeks from the date of the Order, to show cause why the petition for Change of Name should not be granted.
- b. If the parents are deceased, or have not consented to the Change of Name, the person shall cause a copy of the Order to Show Cause to be published in the Fond du Lac newspaper and/or such other newspaper of general circulation as the Court shall prescribe. Proof must be made to the satisfaction of the Court of such publication at the time of the hearing.

Section 306 Hearing

A petition filed on behalf of a minor shall be heard at such time as established by the Tribal Court. Objections may be filed by any interested person specified in Section 305(a). At the hearing, the Court may examine under oath, the minor child, petitioner, objectors, or others who have demonstrated an interest in the petition. The Court may exclude from any conference with the child, all other persons except a representative of the parents or legal guardian if it finds that to do so would be in the best interests of the child.

The Court shall then issue an Order Changing the Name or dismissing the application, as deemed just and proper based on evidence presented. In all cases, the Court shall act in the best interests of the minor.

Section 307 Automatic Change of Name

An adult Band member may change their married name back to their birth name at any time. No hearing, service of process, or publication is required. The Court shall issue an Order granting the request upon filing of the application.

0Section 308 Frequency

The Tribal Court shall grant no more than one (1) Change of Name to a Band member within any two (2) year period.

CHAPTER 4
EFFECTIVE DATE; AMENDMENTS; SEVERABILITY

Section 401 Effective Date

The provisions of this Ordinance shall become effective thirty (30) days from adoption by the Reservation Business Committee.

Section 402 Amendment or Recission

The Reservation Business Committee may amend this Ordinance as it deems necessary to protect the public health, safety and welfare of the Fond du Lac Reservation. The provisions of this Ordinance may be amended by resolution of the Reservation Business Committee.

Section 403 Severability

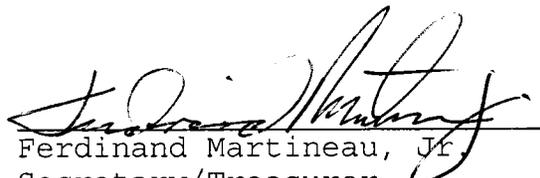
If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #02/10 was duly presented and adopted by Resolution #1105/10 by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on March 16, 2010 on the Fond du Lac Reservation; and subsequently amended by Resolution #1378/11 on November 15, 2011, and by Resolution #1120/13 on April 10, 2013.



Karen R. Diver
Chairwoman



Ferdinand Martineau, Jr.
Secretary/Treasurer