

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA TRIBAL COURT

MINOR 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
MINOR NAME CHANGE PACKET

Enclosed are the instructions and forms for changing the name of a minor 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 an adult, you should obtain a copy of the "Adult 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 (Minor)
 - b. Parental Consent to Name Change
 - c. Notice of Name Change
 - d. 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 petition 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 A MINOR NAME CHANGE

In order to apply to change a minor's name change through Tribal Court, you must be the minor's parent or, if the parents are deceased or have been deprived of custody by a court, the minor's legal guardian. The minor must be a Fond du Lac Band member.

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 A MINOR NAME CHANGE

Notice: The Petition for Name Change (Minor) 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 the minor child's full name on the blank line over the words "a minor." Leave the line after "Case No" blank. The Court Clerk will fill in the case number.
- In the opening paragraph, provide your name in the first blank space and the minor child's full name in the second blank space.
- In paragraph 1, you are stating that you are 18 years old or older. Provide your date of birth.
- In paragraph 2, check the appropriate box to indicate whether you are the minor child's father, mother, or legal guardian.
- In paragraph 3, provide the county where the minor child was born and the state where the minor child was born.
- In paragraph 4, provide the county where the minor child currently lives and the state where the minor child currently lives.
- In paragraph 5, provide the minor child's current address.
- In paragraph 6, provide the minor child's current full name.
- In paragraph 7, provide the new name you are requesting for the minor child.

- In paragraph 8, indicate the reason why you are requesting a name change for the minor child.
- In paragraph 9, you are stating that the minor child is an enrolled Band member. Provide the minor child's enrollment number.
- In paragraph 10, check the appropriate box to indicate whether the minor child has been granted a name change by the Tribal Court within the last two years.
- In paragraph 11, check the appropriate box to indicate whether the minor child is in the legal custody of a state or tribal program or department. If the minor child is in the legal custody of a state or tribal program or department, provide the name of the program or department.
- In paragraph 12, provide information about the parents and guardians of the minor child. You must check the appropriate box to indicate whether the other parents are deceased or have consented to the name change. If you are the guardian of the minor child and both parents are deceased, you must provide information about other relatives of the minor child.
- In paragraph 13, check the appropriate box to indicate what document you are attaching to verify age.
- In the closing paragraph, you should again provide the new name you are requesting for the minor child.
- 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. OBTAINING PARENTAL CONSENT OR PROVIDING PARENTAL NOTICE

If you are a parent of the minor child and the other parent is alive, you must obtain consent from the parent or serve a Notice of Name Change on the other parent. If you are the guardian of the minor child, you must obtain consent or serve a Notice of Name Change on the both parents.

If a parent consents to the name change, the parent should review a copy of the Petition for Name Change (minor) and fill out the Parental Consent to Name Change form. The parent must sign the Parental Consent to Name Change in front of a notary. The Court Clerk is a notary.

If a living parent does not consent to a name change, you must fill out a Notice of Name Change form, sign it, and have a copy served on the parent. Service must be completed by an adult other than the Petitioner. If you know the parent's current address, you may have somebody mail the form to the parent. If you do not know the parent's current address, you may have somebody physically give the form to the parent. After you have had the Notice of Name Change served on

the parent, you should have the person completing service fill out a Certificate of Service. The original Notice of Name Change and Certificate of Service will need to be filed with the Tribal Court.

If you are the guardian of the minor child and both parents are deceased, you will not need to obtain consent or serve a notice of name change.

IV. FILING THE PETITION AND OTHER DOCUMENTS

After you have prepared the Petition for Name Change (Minor) and have the Petition notarized, the Petition must be filed at the Tribal Court. You must also attach and file copies of the minor child's proof of enrollment and of the minor child's identification, as described in paragraphs 9 and 13 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
28 University 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 obtained consent from one or both parents, you must also file the Parental Consent to Name Change form(s) with the Tribal Court. If you are required to serve a Notice of Name Change on one or both parents, then you must also file the Notice(s) and Certificate(s) of Service with the Tribal Court. If a 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 (Minor). Otherwise, these documents will need to be filed after service has been completed.

V. ORDER TO SHOW CAUSE

After the appropriate paperwork has been filed with the Tribal Court, the Tribal Court will prepare an Order to Show Cause. The Order will state who filed the petition and will describe the name change. The Order will contain a hearing date. The Order will direct any person interested in the matter to appear at the hearing date. The Court will mail copies of the Order to appropriate parties.

If the parents are deceased or have not consented to the name change, a copy of the Order must be published in the Fond du Lac newspaper.

VI. HEARING

The Order to Show Cause will contain a hearing date. You should appear at the Tribal Court at the time and date indicated. At the hearing, the court will hear testimony in order to determine whether granting a name change is in the best interests of the minor child.

VII. AFTER THE HEARING

After all the hearing, the Tribal Court will review the petition and the evidence. If the Tribal Court determines that a name change should be granted, the Tribal Court will issue an order changing the minor child's name.

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 Band's enrollment office. The minor child will need to surrender the current Band identification and obtain a new Band identification card. You will be responsible for contacting the Minnesota registrar of vital records and obtaining any updated social security card, birth certificate, or driver's license.

1
2 The Minor Child's name is difficult to pronounce and spell and is therefore a
3 hardship in social and business dealings.

4 Other reason(s): _____
5 _____

6 9. The Minor Child is an enrolled member of Fond du Lac Band of Lake Superior
7 Chippewa. The Minor Child's Enrollment No. is: _____

8 **Proof of the Minor Child's enrollment is attached.**

9 10. The Minor child has / has not (CHECK ONE) been granted a name change by the
10 Tribal Court within the last two years.

11 11. The Minor Child is / is not (CHECK ONE) in the legal custody of a state or tribal
12 program or department. If the Minor Child is in the legal custody of a state or tribal
13 program or department, the name of the program or department is: _____
14 _____

15 12. The Minor Child's mother is _____

16 The mother's address is _____

17 The mother's phone number is _____

18 The mother has / has not (CHECK ONE) consented to the name change.

19 The Minor Child's father is _____

20 The father's address is _____

21 The father's phone number is _____

22 The father has / has not (CHECK ONE) consented to the name change.

23 *If either parent is deceased, please complete the following:*

24 The Minor Child's mother / father (CHECK ALL THAT APPLY) is deceased.

If applicable, provide the following information about the Minor Child's legal guardian:

The Minor Child's legal guardian is _____

The legal guardian's address is _____

1 The legal guardian's phone number is _____.

2 The legal guardian has / has not (CHECK ONE) consented to the name change.

3 *If the Minor Child has a second legal guardian, provide information about that second*
4 *legal guardian:*

5 The Minor Child's (second) legal guardian is _____.

6 The (second) legal guardian's address is _____.

7 The (second) legal guardian's phone number is _____.

8 The (second) legal guardian has / has not (CHECK ONE) consented to the name
9 change.

10 *If the Petitioner is the legal guardian of the Minor Child and the parents are deceased,*
11 *provide names and contact information for other relatives of the Minor Child:*

12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____

19 13. In order to verify the Minor Child's age, I have attached the following document to this
20 Petition: (CHECK ONE)

- 21 A certified copy of the Minor Child's birth certificate.
- 22 A copy of the Minor Child's valid driver's license.
- 23 A copy of the Minor Child's unexpired passport.
- 24 A certified copy of the Minor Child's baptismal certificate.
- A copy of the Minor Child's tribal identification card.

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

1
2
3 **In The Matter of:**) **Case No.:** _____
4 _____)
5 **Minor Child,**) **NOTICE OF PETITION FOR NAME**
6 _____) **CHANGE (MINOR)**
7 **Petitioner.**)

TO ALL CONCERNED PARTIES:

8
9 PLEASE TAKE NOTICE, that _____,
10 the Petitioner in the above-captioned matter, has filed or intends to file a Petition with this Court
11 requesting that the Minor Child's name be changed from _____
12 to _____.

13 DATED this _____ day of _____, 20____.

14
15
16 _____
17 **Petitioner Signature**

18 _____
19 **Print Name**

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
TRIBAL COURT

In The Matter of:) Case No.: _____
)
_____,)
Minor Child,) CERTIFICATE OF SERVICE
)
_____,)
Petitioner.)

I, _____, do hereby certify that I am at least 18 years old, that I am not the Petitioner in this matter, and that I served on behalf of the Petitioner a true copy of the ATTACHED Notice of Name Change, that is on file in this matter, upon _____

who is the mother / father / legal guardian / other relative (CHECK ONE) of the Minor Child. Service was completed by: (CHECK AND COMPLETE ONE)

By Certified Mail. By mailing a copy of the Notice to _____ (Address) by placing the same in the United States Mail at _____ (City, State), certified mail this _____ day of _____, 20____. A signed return receipt is attached.

In Person. By delivering a copy of the Notice to the above-named person personally as follows:
Date: _____
Time: _____
Address: _____

Dated this _____ day of _____, 20_____.

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.

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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

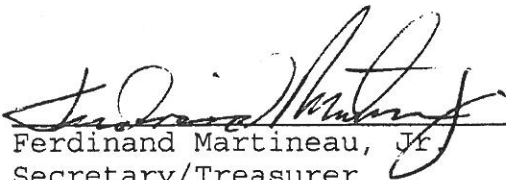
If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

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