



Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Office of the Tribal Chairman

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WILLAM RAYMOND KIOGIMA AND HELEN AGNES KIOGIMA NOOZWIN ACT REGULATIONS REG-WOS 2006-001-06122015-001

Introduction and explanation. The purpose of the William Raymond Kiogima and Helen Agnes Kiogima Noozwin Act is to provide Tribal Citizens the opportunity to have multiple names and to change their name.

The following Regulations are established in compliance with Section V of the William Raymond Kiogima and Helen Agnes Kiogima Noozwin Act.

I. Definitions:

- A. **Adult:** A person 18 years of age or older.
- B. **Alias:** Another name that a person may use instead of their legal name or birth name.
- C. **Emancipated Person:** A minor who is self-supporting and independent of parental control, as a result of a court order.
- D. **Legal Name:** A person's name that is usually the name given at birth and recorded on the birth certificate. A legal name may also be a different name used by a person consistently and independently, or a name that has been declared to be the person's name by a court.
- E. **LTBB or Tribe:** The Little Traverse Bay Bands of Odawa Indians.
- F. **Minor:** A person under the age of 18 years.
- G. **Noozwin:** Name

- H. **Perjury.** The act of knowingly giving false testimony while under oath.
- I. **Petition to Change Name:** A petition or request to have a name legally changed or to have the name(s) of minor child(ren) changed.
- J. **Tribal Citizen:** A Tribal Citizen is an enrolled LTBB Citizen.
- K. **Tribal Court:** LTBB Tribal Court.

II. Each LTBB Citizen has the option to change his or her name as follows:

- a. **Alias Name.** Use of an Alias Name is not a legal name change. The Enrollment Office will document the Alias Name in the Tribal Citizen's electronic file and file folder. The Tribal Citizen will not be issued a Tribal Identification Card with the Alias Name.
- b. **A formal name change.** This is a legal name change. The Enrollment Office will issue a new Tribal Identification Card with the new legal name upon receipt of a court order from the LTBB Tribal Court or another court of competent jurisdiction. See Section VIII of these Regulations for the Documents to be provided or submitted to the Enrollment Office for a legal name change.

III. Any person seeking a name change in Tribal Court must be an enrolled LTBB Citizen and must provide a copy of their Birth Certificate and their Tribal Identification Card. In addition, the Tribal Court may require any of the following documents in support of a petition to change a name:

- a. Marriage License
- b. Divorce Decree
- c. Other Birth Certificates
- d. If emancipated, must provide proof of emancipation
- e. Proof of current guardianship/custody/other parental relationship to minor(s)
- f. Any document(s) necessary to establish the burden of proof as discussed in Section V. below.

IV. A Petition to Change Name requires the following:

- a. The current name and the new name selected, which may be more than one name;
- b. Any titles, prefixes or suffixes that may be added to the new name;
- c. File the "Petition for Name Change" with Tribal Court and pay the filing fee.

V. Burden of Proof for Petition to Change Name.

a. Adult:

- a. Must demonstrate to the Court that the request for a name change is for a legitimate purpose. The petitioner cannot change their name for any illegal or fraudulent reason. If the petitioner is seeking to change their name to avoid creditors, child support, outstanding warrants or other obligations, the Court will not grant the request for a name change.

b. Minors:

- a. Must demonstrate to the Court that the request for a name change for the child(ren) is for a legitimate purpose. The petitioner cannot change the child(ren)'s name for any illegal or fraudulent reasons. If petitioner is seeking to change their child(ren)'s name to avoid creditors or avoid child support or to interfere with visitation or custody, the Court will not grant the request for a name change.
- b. If the other parent consents to the child(ren)'s name change or fails to appear at the hearing, the Court will have discretion to grant the child(ren)'s name change unless the Court finds that the request is for an illegal or fraudulent purpose.
- c. If either parent or legal guardian appears at the hearing and objects to the child(ren)'s name change, the Court will consider best interest of the child in determining whether to change the child(ren)'s name. Those factors may include:
 - i. Criminal misconduct by either parent.

- ii. Failure of either parent to support the child(ren).
- iii. Failure of either parent to maintain contact with the child(ren).
- iv. The length of time the child(ren) has used the current name.
- v. Whether a particular name will contribute to the estrangement of the child(ren) from a non-custodial parent who wants to foster and preserve the parental relationship or otherwise distance the child from the non-custodial parent.

VI. The Court may consider the child's reasonable preference for a surname; the effect of the name change on the child's relationship with each parent; community respect associated with the surname; the difficulties, harassment, or embarrassment associated with both the present or proposed surname; and the identification of the child as part of the family unit.

VII. The Court will also consider any traditional practices of the Tribe in the naming of children and any other factors that can be deemed to be relevant by the Tribal Court.

VIII. The Court may permit an individual having the same name, or similar name to that which the petitioner proposes to assume, to intervene in the proceeding for the purpose of showing fraudulent intent.

IX. Tribal Citizens who have changed their name must submit the following documents to the Enrollment office:

- a. Name Change Order.
- b. New Social Security Card with new name.
- c. Original Birth Certificate and any New Birth Certificate.

X. Upon receipt of a Name Change Order from the Tribal Court or another court, the Enrollment Office will:

- a. Change the Tribal Citizen's electronic file database and keep a hard copy file history of each Tribal Citizen's legal identity.
- b. Publish the LTBB Tribal Citizen's new name and former name in the Odawa Newsletter and Odawa Register for 60 days.
- c. Issue the new tribal identification card with the new name at no cost.
- d. The Tribal Citizen shall surrender all old Tribal Identification cards with old name.

XI. False Statements; Civil Infraction. Any false statement that is intentionally included within a petition for a name change constitutes perjury under section 9.107 A-2 of the Waganakising Odawa Tribal code.

XII. Authority

Under the WOS# 2006-001 William Raymond Kiogima And Helen Agnes Kiogima Noozwin Act, the LTBB Tribal Court has the authority to change the name of any person upon petition of the person or upon the petition of the parents of a minor. Any Order issued by the Court for change of name shall be kept as a permanent record, and copies shall be filed with the Tribal Enrollment Office.

CERTIFICATION

As Chairperson, I certify that I approve these William Raymond Kiogima and Helen Agnes Kiogima Noozwin Act Regulations.

Date: 6-12-15 Regina Gasco Bentley
Regina Gasco Bentley, Tribal Chairperson

Received by the Tribal Council Office on: 6.12.15 by: [Signature]

As the Legislative Leader and Tribal Council Secretary, we certify that these Welfare of Adults Regulations were approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on, ___ at which a quorum was present, by a vote of _ in favor, _ opposed, _ abstentions, and _ absent.

Date: 6-18-2015 Marcella R. Reyes
Marcella R Reyes, Treasurer

Date: 6-18-2015 Julie Shananaquet
Julie Shananaquet, Secretary