

Title 7 – Domestic Relations
Chapter 9 – Change of Name

Sec.

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Legislative History

Enacted:

Domestic Relations, Ord. 188 (11/10/03), BIA (11/25/03).

Repealed or Superseded:

Establishing a Procedure for a Change of Name by Members, Ord. 41 (6/7/77), BIA (6/30/77).

7-09.010 Title.

This Chapter shall be referred to as the “Change of Name Code.”

[History] Ord. 188 (11/10/03).

7-09.020 Purpose and Scope.

Name changes by Swinomish Indian Tribal Community members performed in the Court of the Swinomish Indian Tribal Community shall be done in accordance with this Chapter.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

7-09.030 Authority.

This Chapter is enacted pursuant to Article VI, Section 1(k) and (o) of the Swinomish Constitution.

[History] Ord. 188 (11/10/03).

7-09.040 Definitions.

[Reserved] Ord. 188 (11/10/03).

7-09.050 Petition for Change of Name.

The person desiring to change his or her name, the petitioner, shall file a petition with the Court Clerk requesting such a change. The petition shall contain the following information:

- (A) Present name of petitioner;
- (B) Address of petitioner;
- (C) Birthplace and birthdate of petitioner;
- (D) Desired name of petitioner;
- (E) Statement of reason for the change;
- (F) Names, addresses and signatures of two (2) people serving as witnesses to the truth and accuracy of the petition; and
- (G) Signature of petitioner and date of all signatures.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

7-09.060 Filing Fee.

A filing fee of fifteen dollars (\$15.00) shall accompany the petition.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

7-09.070 Records Required.

A birth certificate or other acceptable record or an explanation of why such a document is not available must be attached to the petition.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

7-09.080 Hearing Date - Notice.

The Court Clerk shall set a date for a hearing on the matter, no less than seven (7) days from the date of receipt of the petition. The Court Clerk shall publish a notice in a local newspaper of suitable size and general circulation and post a notice at conspicuous places within the Swinomish Reservation. Said notice shall state the date, time and location of the hearing and the subject of the hearing, informing anyone concerned that said hearing will take place.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

7-09.090 Counter-Petitions.

The Court Clerk will accept any counter-petitions in opposition to a name change. The counter-petition shall contain:

- (A) Name and address of counter-petitioner; and
- (B) Reason for opposition to (or clarification of) the petition.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

7-09.100 Hearing - Declaration of Name Change.

At the hearing, the Court shall hear all relevant evidence on the matter. If the Court, in exercise of its sound discretion, decides that the name change is justifiable, the Court shall issue a Declaration of Name Change. Said Declaration shall contain the following information:

- (A) Previous name of petitioner;
- (B) New, declared name of petitioner;
- (C) Birthdate and birthplace; and
- (D) Address.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

7-09.110 Recording Document.

The Declaration of Name Change shall be filed in the Court's record, a copy shall be sent (A) to the Enrollment Committee of the Swinomish Indian Tribal Community, (B) to the local office of the Bureau of Indian Affairs, and (C) to the Clerk of the Superior Court of the state of Washington in Skagit County.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

7-09.120 Declaration Refusing a Name Change.

If the Court decides that a name change is not justified, the Court shall issue a Declaration Refusing a Name Change. Said Declaration shall contain the following information:

- (A) Name of petitioner;
- (B) Birthdate and Birthplace;
- (C) Address; and
- (D) Statement that petition is denied and reasons for said denial.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

7-09.130 Appeals.

Parties aggrieved by a decision of the Court pursuant to this Chapter may appeal the Tribal Court's decision to the Appeals Court of the Tribe.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

7-09.140 Repealer.

Ordinance No. 41 is hereby repealed.

[History] Ord. 188 (11/10/03).

7-09.150 Severability.

Provisions of this Chapter are severable. A judicial declaration of invalidity of a portion of this Chapter does not affect the remainder of the Chapter or its applicability.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).