

CHAPTER 35
EMANCIPATION ORDINANCE

35-1 PURPOSE

35-1.01 The purpose of this chapter is to provide for any Indian child who lives on Kootenai Lands or any child who is a Kootenai Tribe of Idaho tribal member and is at least sixteen (16) years of age, (a "Qualifying Minor") and is capable of self-support and managing his or her own financial affairs, to petition the Court to have the status of an emancipated person.

35-2 PETITION AND SUMMONS

35-2.01 Any Qualifying Minor may petition the Tribal Court for a determination that he or she be emancipated for general or limited purposes. The petition for emancipation shall set forth with specificity:

- (1) The name, age, address and birth date of the Qualifying Minor;
- (2) The name and address of each living parent of the Qualifying Minor;
- (3) The name and address of the Qualifying Minor's guardian or custodian, if any;
- (4) The reasons why emancipation would be in the best interest of the Qualifying Minor;
- (5) The purposes for which emancipation is sought;
- (6) The income and housing plan of the Qualifying Minor;
- (7) How the Qualifying Minor would pay for medicine and health care costs through insurance or other programs, if emancipated;
- (8) Whether Qualifying Minor is married; and
- (9) The basis for the Court's jurisdiction.

35-3 CONSENT OR WRITTEN RECOMMENDATION

35-3.01 The Qualifying Minor must obtain either the consent of each living parent, guardian or custodian having control of the person or property

of the Qualifying Minor or an affidavit from a physician, clergy member, social worker, school administrator, law enforcement officer or other duly recognized responsible professional adult recommending emancipation and setting out the factual basis for the recommendation.

35-4 STANDARD TO BE APPLIED

35-4.01 Subject to the provisions of this Chapter, the Court may remove the disabilities of minority as requested in the petition if it is found to be in the best interests of the Qualifying Minor after a hearing. Emancipation may be for general purposes or the limited purposes specified in the Order.

35-5 RIGHTS OF EMANCIPATED MINORS

35-5.01 Except for specific constitutional and statutory age requirements, including but not limited to, voting, and use of alcoholic beverages or tobacco, a Qualifying Minor whose disabilities are removed for general purposes has the power and capacity of an adult including, but not limited to the right to control himself/herself and his/her property, the right to be domiciled where he/she desires, the right to receive and control all earnings, subject to the limitations in this ordinance, the right to sue and be sued and the capacity to contract.

35-5.02 An emancipated minor shall be subject to the jurisdiction of the adult courts for all criminal offenses.

35-6 PER CAPITA DISTRIBUTIONS LIMITED

35-6.01 No Early Distributions. An Order that a Qualifying Minor is emancipated shall not change the Qualifying Minor's ineligibility to receive direct payment of per capita distributions. Per capita distributions will be made in accordance with the Minors' Trust Fund Trust Agreement approved by the Council.

35-6.02 Exceptions. An Emancipated Minor may petition Tribal Council to receive up to 50% of his or her per capita distribution for the purposes of health, education and welfare. Such exceptions are at the complete discretion of Council and are not subject to appeal.