

INSTRUCTIONS FOR JUDICIAL RECOGNITION OF A RELATIONSHIP AS MARRIAGE

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

The filing fee is \$35.00.

HOW TO FILE YOUR CASE

Step 1: Complete Petition for Judicial Recognition of a Relationship as Marriage

If you are filing this case jointly with your common law spouse, both parties will need to sign the document in front of a notary or the clerk of court. One of you will be named the Petitioner and the other the Co-Petitioner. If you are not filing the case jointly, your common law spouse will be called the Respondent and after completing steps 2 and 3, you must also complete step 4 below.

Step 2: You are Ready to File your Case with the Court.

Provide the Court with the completed Petition. If the Petition has not been signed in the presence of a Notary Public, you will sign the Petition before the Clerk at this time (if filing jointly both parties will sign).

Pay the \$35.00 filing fee with a money order.

Step 3: The Magistrate will Review your Petition

If the Magistrate determines that jurisdiction appears to be proper in this Court of Indian Offenses, you will be provided with the following:

- A. If you filed jointly with your common law spouse, you will be given notice of the common law marriage hearing; or
- B. If you filed individually as Petitioner, you will be provided with a (1) summons to respond to petition; (2) blank response to petition; (3) copy of your original petition; and (4) proof of service documents.

Step 4: Serve the Common Law Marriage Papers or Obtain a Wavier of Service from the Respondent.

****Skip this Step if you filed jointly with your common law spouse.****

Service options:

Waiver and Acceptance of Service:

This is the easiest form of service. However, your common law spouse must be willing to accept the papers and sign the waiver.

Have your common law spouse sign the Original Waiver and Acceptance of Service before a Court Clerk or Notary Public.

*File the signed original waiver with the Court.

Personal Service:

Select an approved private process server who knows the rules of service to serve the Respondent.

Provide the process server with all of the documentation set forth in step 3 above and provided to you by the Clerk of Court.

*You or the process server will need to return the completed return of service to the Court for filing.

RESPONDENT FILES A RESPONSE

The Respondent may file a response to the Petition. The purpose of the response is for the Respondent to state in writing if he/she agrees or disagrees with the information in the Petition. The Respondent must file the original Response Form with the Court and mail a copy to the Petitioner.

SETTING COURT HEARING

If you filed jointly, you will be mailed notice of this hearing once the Magistrate has reviewed your petition. If you filed individually as the Petitioner, once proof of service/waiver of service has been filed with the court, this matter will be scheduled for a common law marriage hearing. A final hearing is required: your petition may be dismissed if you fail to appear.

THE UNITED STATES OF AMERICA
IN THE COURT OF INDIAN OFFENSES
IN INDIAN COUNTRY (Colorado)
UTE MOUNTAIN UTE AGENCY

Case Number: _____

Petitioner

**PETITION FOR JUDICIAL RECOGNITION
OF A RELATIONSHIP AS MARRIAGE**

vs.

Co-Petitioner, Respondent

(1) The district court has jurisdiction pursuant to Title I of the Ute Mountain Ute Law and Order Code and venue is proper because:

at least one of the partners resides within the exterior boundaries of the Ute Mountain Ute Reservation.

(3) My/Our interest in this relationship is as (Choose one.):

a partner (proposed spouse).

another interested person _____. (describe your interest in the relationship sought to be recognized as a marriage)

(4) The woman in the relationship is named _____, and she is (Choose one.):

the petitioner.

the co-petitioner.

the respondent.

deceased (Attach a photocopy of the death certificate.).

(5) The man in the relationship is named _____, and he is (Choose one.):

the petitioner.

the co-petitioner.

the respondent.

deceased (Attach a photocopy of the death certificate.).

(6) The partners agreed to live together as husband and wife as of the following date:

_____.

(7) As of the date the parties agreed to live as husband and wife:

The partners were of legal age and capable of giving consent; and

The partners were legally capable of entering a solemnized marriage according to the laws of the Ute Mountain Ute Tribe.

Neither partner was married to another individual; or at least 60 days had passed since the partner divorced from the other individual.

No other impediment, as listed in the Ute Mountain Ute Law and Order Code existed at the time of the agreement.

(8) As a result of the agreement to live together as husband and wife, the partners:

- cohabitated;
- mutually assumed marital rights, duties, and obligations;
- held themselves out as husband and wife; and
- acquired a uniform and general reputation as husband and wife.

(9) (Choose one.)

The partners are living together, and have been living together since _____ (date).

The relationship has ended, but the partners lived together between _____ (date) and _____ (date).

(10) This petition was filed: (Choose one.)

during the relationship.

within one year following the end of the relationship.

(11) I/We ask the court for an order establishing the date of the partners' marriage as _____ (date).

CO-PETITIONER:

Sign here



Date Typed or Printed Name Co-Petitioner _____

I certify that _____, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Sign here ▶

Date Typed or printed name (Court Clerk or Notary Public) _____

Notary Seal