

DOMESTIC RELATIONS

CHAPTER 122 - MARRIAGE

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VALIDITY OF MARRIAGE

SECTION 122.010 What constitutes marriage; common-law marriages permitted.

1. Marriage, so far as its validity in law is concerned, is a civil contract, to which the consent of the parties capable in law of contracting is essential.
2. Common-law marriages are recognized when the parties cohabit for a period of at least 7 years.

SECTION 122.020 Persons capable of marriage; consent of parent or guardian.

1. A male and a female person, at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a husband or wife living, may be joined in marriage.
2. A person at least 16 years of age but less than 18 years of age may marry only if he has the consent of:
 - (a) Either parent; or
 - (b) His legal guardian.

SECTION 122.025 Marriage of persons less than 16 years of age: Consent of parent or guardian; authorization by court.

1. A person less than 16 years of age may marry only if he has the consent of:
 - (a) Either parent; or
 - (b) Such person's legal guardian,↳ and such person also obtains authorization from a tribal court as provided in subsection 2.
2. In extraordinary circumstances, a tribal court may authorize the marriage of a person less than 16 years of age if the court finds that:
 - (a) The marriage will serve the best interests of such person; and
 - (b) Such person has the consent required by paragraph (a) or (b) of subsection 1.↳ Pregnancy alone does not establish that the best interests of such person will be served by marriage, nor may pregnancy be required by a court as a condition necessary for its authorization for the marriage of such person.

SECTION 122.030 Documents constituting presumptive evidence of marriage.

1. With respect to any marriage solemnized on or after January 1, 1971, the original certificate and records of marriage made by the judge, justice, minister, commissioner of civil marriages or deputy commissioner of civil marriages, as prescribed in this chapter, and the record thereof by the recorder of the county, or a copy or abstract of the record certified by the recorder or tribal court clerk, must be received in all courts and places as presumptive evidence of the fact of the marriage.

AUTHENTICATION OF MARRIAGE

Licenses and Fees

SECTION 122.040 Marriage license: Requirements; issuance by tribal clerk; public records; expiration.

1. Before persons may be joined in marriage, a license must be obtained for that purpose from the tribal clerk.
2. Before issuing a marriage license, the tribal court clerk may require evidence that the applicant for the license is of age. The tribal court clerk shall accept a statement under oath by the applicant and the applicant's parent, if available, that the applicant is of age.
3. The tribal court clerk issuing the license shall require the applicant to answer under oath each of the questions contained in the form of license, and, if the applicant cannot answer positively any questions with reference to the other person named in the license, the clerk shall require both persons named in the license to appear before him and to answer, under oath, the questions contained in the form of license. The tribal court clerk shall require the applicant to include his social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The tribal court clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person responding to the question, he must state that the answer is unknown.
4. If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a tribal court is not required, the clerk shall issue the license if the consent of the parent or guardian is:
 - (a) Personally given before the clerk;
 - (b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that he saw the parent or guardian subscribe his name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

5. If the authorization of a tribal court is required, the court clerk shall issue the license if that authorization is given to him in writing.

6. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of [SECTION 239.010](#) of the Nevada Revised Statute.

7. A marriage license expires 1 year after its date of issuance.

SECTION 122.045 Preparation of affidavit of correction to correct information in marriage license; fees.

1. Except as otherwise provided in subsection 2, if any information in a marriage license is incorrect, the tribal court clerk may charge and collect from a person a fee of not more than \$25 for the preparation of an affidavit of correction.

2. The tribal court clerk may not charge and collect from a person any fee for the preparation of an affidavit of correction pursuant to subsection 1 if the only errors to be corrected in the marriage license are clerical errors that were made by the tribal court clerk.

3. All fees collected by the tribal court clerk pursuant to this section must be deposited in the county general fund.

SECTION 122.050 Form of marriage license. See attached form.

SECTION 122.055 Consolidation of forms for marriage; instructions for obtaining certified copy or abstract of certificate of marriage.

1. The tribal court clerk may place the affidavit of application for a marriage license, the certificate of marriage and the marriage license on a single form.

2. The tribal court clerk shall have printed or stamped on the reverse of the form instructions for obtaining a certified copy or certified abstract of the certificate of marriage from the tribal court clerk.

SECTION 122.060 Fees.

1. The tribal court clerk is entitled to receive as his fee for issuing the license in the amount of \$21.

2. The tribal court clerk shall advise the person at the time of issuing a marriage license to take the marriage license to the County Recorder's office to be recorded.

Ministers' Certificates of Permission to Perform Marriages

Solemnization

SECTION 122.080 Solemnization of marriage by tribal court judge or any minister or clergy of any recognized religion; unlawful acts.

1. After receipt of the marriage license previously issued to persons wishing to be married as provided in [SECTION 122.040](#) and [122.050](#), it is lawful for any tribal court judge or any minister or clergy of any recognized religion, to join together as husband and wife all persons not prohibited by this chapter.

SECTION 122.090 Marriage solemnized by unauthorized person: When valid. No marriage solemnized before any person professing to be a tribal court judge, minister, or clergy shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected on account of any want of jurisdiction or authority, provided it be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

SECTION 122.110 No particular form of solemnization required; witness.

1. In the solemnization of marriage, no particular form is required except that the parties shall declare, in the presence of the tribal judge, minister, or clergy, and the attending witness, that they take each other as husband and wife.

2. In every case there shall be at least one witness present besides the person performing the ceremony.

SECTION 122.120 Certificate of marriage: Form.

1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.
2. The certificate of marriage as attached form:
3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

SECTION 122.140 Illegitimate children legitimized. Illegitimate children shall become legitimized by the subsequent marriage of their parents with each other.

SECTION 122.160 Marriages between Indians performed or consummated by tribal custom on reservation or in colony: Validity; certificate of declaration.

1. Marriages between persons performed in accordance with tribal customs or ordinance within the Ely Shoshone Indian reservation have the same validity as marriages performed in any other manner provided for by the laws of this state, if there is recorded in the county in which the marriage takes place, within 30 days after the performance of the tribal marriage, a certificate declaring the marriage to have been performed.
2. The certificate of declaration required to be recorded by subsection 1 must include the names of the persons married, their ages, social security numbers, tribe, and place and date of marriage. The certificate must be signed by an official of the tribe, reservation or colony.
3. The certificate must be recorded with the recorder of the county in which the marriage was performed and recorded by him without charge.

PROHIBITED ACTS AND PENALTIES

SECTION 122.200 False statement to procure marriage license. Any person who shall make a false statement in procuring a marriage license with reference to any matter required by [SECTION 122.040](#) and [122.050](#) to be stated under oath shall be guilty of a **Category B offense**.

SECTION 122.210 Unauthorized issuance of marriage license by tribal clerk. If any tribal clerk shall knowingly issue or sign any marriage license in any manner other than is authorized by this chapter, he shall forfeit and pay a sum not exceeding \$1,000 to and for the use of the person aggrieved.

SECTION 122.220 Solemnizing marriage without exhibition of marriage license.

1. It is unlawful for any tribal judge, minister, of any religious society or congregation, to join together as husband and wife persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him a license from the tribal clerk as provided by law.
2. Any tribal judge or any person who violates the provisions of subsection 1 is guilty of a **Category C offense**.

SECTION 122.250 Willful making of false certificate of marriage. If any person shall willfully make any false certificate of any marriage or pretended marriage, he is guilty of a **Category C offense**.

SECTION 122.260 Solemnization of marriage by unauthorized person or where legal impediment known. If any person shall undertake to join others in marriage, knowing that he is not lawfully authorized so to do, or knowing of the existence of any legal impediment to the proposed marriage, he is guilty of a **Category C offense**.

