

**Saint Regis Mohawk Tribal Court**  
850 State Route 37  
Akwesasne, NY 13655  
Phone: 518.358.6300

**RE: Important Information for Individuals Filing for Divorce/Custody and Support Matters in the Saint Regis Mohawk Tribal Court**

Dear Community Member,

The Saint Regis Mohawk Tribal Court understands that choosing to file for divorce, custody, or child support can be a difficult and emotional decision. We respect your decision to seek resolution through the Court and want to ensure that you have information to make informed choices that best support you and your family.

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**Right to Legal Representation**

You have the right to seek legal advice or representation from an attorney of your choosing in any legal proceeding. Having an attorney can help you understand your rights, responsibilities, and the long-term impact of your decisions.

Please note that the Tribal Court does not customarily appoint attorneys to represent individuals who file cases in the Tribal Court. You are responsible for hiring your own attorney if you wish to have one represent you in this Court.

It is true that if you file your divorce, or custody action in New York State Court, you *may* be entitled to a free (court-appointed) attorney in *certain* situations.

The New York State Court *may* assign an attorney or an attorney for the child(ren) at no cost to you, depending on your financial eligibility and situation. Also, you may also apply for a waiver of court filing fees in New York State if you meet certain income requirements.

The Tribal Court cannot provide these types of financial or legal assistance, but we encourage you to contact local legal aid offices or family law attorneys for more information.

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**Why Legal Advice Is Important**

Even in uncontested divorces, divorce proceedings can affect your property, finances, and long-term rights. Knowing your rights can inform you on issues such as:

- **Division of Assets and Debts:** How marital property, savings and retirement accounts, and debts might be divided between spouses.
- **Spousal Support (Alimony):** Whether you may be eligible to receive or required to pay ongoing financial support, and how those decisions are made.

- **Marital Home:** Whether you can remain in the marital home, even if it is in your spouse’s name or you are not currently employed.
- **Custody and Parenting Time:** Your rights to custody, visitation, and decision-making regarding your children, and how those arrangements may be enforced.

These are significant legal issues, and receiving outside advice including that from a qualified attorney can help ensure that your interests—and your children’s interests—are protected.

### Filing in Tribal Court vs. New York State Court

Both the Saint Regis Mohawk Tribal Court and the New York State Court have the authority to grant divorces and decide custody and child support issues. However, each system has distinct advantages and limitations:

Consideration	Tribal Court	New York State Court
<b>Cost</b>	Lower filing fees and fewer procedural expenses.	Higher filing fees, though waivers may be available.
<b>Speed</b>	Often resolved more quickly.	May take longer depending on county caseload.
<b>Attorney Access</b>	Private attorney required; no appointed counsel.	Free or reduced-cost counsel may be available if you qualify.
<b>Enforcement of Orders</b>	May require filing (“domestication”) in another jurisdiction for enforcement.	Automatically enforceable statewide.
<b>Cultural &amp; Sovereign Values</b>	Reflects Mohawk customs, values, and community-centered justice.	Follows state law and procedures.
<b>Jurisdictional Reach</b>	Primarily within the Saint Regis Mohawk Territory unless domesticated.	Recognized and enforceable throughout New York State automatically.

While Tribal Court offers a culturally grounded and often more accessible process, State Court may provide broader enforcement powers and additional resources, especially when children, or support are involved.

### Enforcement and Recognition

If you choose to proceed in Tribal Court, please be aware that Tribal Court divorce decrees and custody orders may need to be filed in another jurisdiction (such as New York State) to be enforced. This process—known as comity recognition—allows outside courts to honor Tribal Court decisions, though it may require additional time, procedural steps and fees.

## Notice of Entry of Orders

PURSUANT TO the authority of the Saint Regis Mohawk Tribal Courts inherent authority granted to it by the Saint Regis Mohawk Tribe Code of Law, and as a matter of fairness during this process, this Court now issues the following Court Orders that both you and your spouse (the parties) are bound by. These orders shall remain in full force and effect during the pendency of the action unless terminated, modified or amended by further order of the court or upon written agreement between the parties.

(1) ORDERED: Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of, without the consent of the other party in writing, or by order of the court, any property (including, but not limited to, real estate, personal property, cash accounts, stocks, mutual funds, bank accounts, cars and boats) individually or jointly held by the parties, except in the usual course of business, for customary and usual household expenses or for reasonable attorney's fees in connection with this action.

(2) ORDERED: Neither party shall transfer, encumber, assign, remove, withdraw or in way dispose of any tax deferred funds, stocks or other assets held in any individual retirement accounts, 401K accounts, profit sharing plans, or any other pension or retirement account, and the parties shall further refrain from applying for or requesting payment of retirement benefits or annuity payments of any kind, without the consent of the other party in writing, or upon further order of the court; except that any party who is already in pay status may continue to receive such payments thereunder.

(3) ORDERED: Neither party shall incur unreasonable debt hereafter, including, but not limited to further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonable using credit cards or cash advances against credit cards, except in the usual course of business or for customary or usual household expenses, or for reasonable attorney's fees in connection with this action.

(4) ORDERED: Neither party shall cause the other party or the children of the marriage to be physically removed from this jurisdiction without express written consent.

(5) ORDERED: Neither party shall cause the other party of the children of the marriage to be removed from any existing medical, hospital and dental insurance coverage, and each, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(6) ORDERED: Neither party shall change the beneficiaries of any existing life insurance policies and each party shall maintain the existing life insurance, automobile insurance, homeowners and renters' insurance in full force and effect.

**IMPORTANT NOTE:** After service of the Summons with Notice or Summons and Complaint for divorce, if you or your spouse wish to modify or dissolve the automatic orders, you must ask the court for approval to do so, or enter into a written modification agreement with your spouse duly signed and acknowledged before a notary public.

## **Final Considerations**

Filing in Tribal Court is one way to affirm our Tribe's sovereignty and participate in a process grounded in our shared values of fairness, family, and community. Many community members appreciate that Tribal Court can offer a process that is close to home, familiar, and often more efficient and affordable.

At the same time, every family's situation is different. If you anticipate disagreements about children, property, or financial support, it may be helpful to take some time to consider all your options before deciding where to file. Our goal is to make sure you have the information you need to choose the path that feels right for you and your family.

We also encourage you to speak with an attorney if you have questions about your rights or the potential long-term impacts of your decisions. While Tribal Court staff are happy to explain general procedures, they cannot provide legal advice. Likewise, the Judge must remain neutral and cannot give legal guidance or represent either party. We want to ensure you have the support you need as you navigate this important process.

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