

****REQUEST FOR PUBLIC COMMENTS****

To: Bois Forte Tribal Members
Bois Forte Tribal Government Departments

From: Bois Forte Reservation Tribal Council

Re: Seeking Comments on Bois Forte Probate Code

Date: November 4, 2024



To submit comment (s)

The RTC is currently seeking comments from Bois Forte members and Bois Forte Tribal Government Departments and employees on adoption of a Bois Forte Probate Code (“Probate Code”). The draft Probate Code is attached for your review. **Please submit any comments or requests to view additional formats to Executive Assistant, Bois Forte Tribal Government, via email (executiveassistant@boisforte-nsn.gov) or mail at 5344 Lakeshore Drive, Nett Lake, MN 55772. All comments are to be received no later than January 3, 2025.**



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Summary of Probate Code

A Probate Code is a law that outlines the rules and procedures for how a person’s assets are distributed upon their death. Currently, Bois Forte relies on the Uniform Probate Code to address probate matters that arise in Tribal Court. The Uniform Probate Code is a law that has been adopted by many states, but is not tailored to the needs of the Bois Forte Band and its members. Therefore, the RTC is considering adoption of Bois Forte’s own Probate Code that is uniquely tailored to the needs and circumstances of the Band.

Below are a few highlights of the Probate Code:

- Any Community Member’s estate can be probated if that Community Member owned property within the Bois Forte Reservation at the time of their death. A Community Member means any Band member and any other person residing within the Reservation who is a tribal member or who is related by blood or marriage to a Band member.
- Real or personal property located within the Bois Forte Reservation may be probated in Tribal Court, except for any property held in trust by the Department of Interior which must be probated through the Bureau of Indian Affairs (allotments held in trust, for example). Examples of property subject to probate under the draft Code include homes situated on trust land, vehicles, cash, financial holdings, furniture, machinery, and equipment. The Tribal Court may also adjudicate successors-in-interest to trust land leases approved by the Band.
- The probate process applies when a person passes with a will (testate) or without a will (intestate). When there is not a will, the Tribal Court may probate the intestate estate by first determining the heirs and then distributing the estate according to the rules of intestate succession outlined in Chapter IV. These rules clarify who property goes to when the individual passes without a will in place.
- The Code outlines at Chapter II the requirements for a valid will, how wills can be revoked, and how wills are interpreted.

These are just some highlights of the Code and the RTC encourages you to read the Code in full. The RTC welcomes and appreciates your comments and feedback as it finalizes the Bois Forte Probate Code, which reflects an significant exercise of the Band’s tribal sovereignty and will serve as an important resource for the Band, its members, and the Reservation community.