



AAMJIWNAANG FIRST NATION
CHIPPEWAS OF SARNIA
Band Council

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Sarnia, Ontario
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Aamjiwnaang Matrimonial Real Property Law
(one survey per Band Member)

1. Do you know what the federal *Family Homes on Reserves and Matrimonial Rights or Interest Act* is? (“*FHRMRA Act*”)

- Yes.
- No.

2. Did you know that the federal *FHRMRA Act* is currently the law for Aamjiwnaang?

- Yes.
- No.

3. If so, do you understand the rules under the federal *FHRMRA Act* and how they apply to Aamjiwnaang?

- Yes.
- No.

4. Did you know that the rules under the federal *FHRMRA Act* apply both to married couples as well as “common-law” couples, meaning couples who have lived together in a conjugal relationship for at least 1-year?

- Yes.
- No.

5. Did you know that under Ontario law, a non-status couple off-reserve is typically only considered “common-law” after they have lived together in a conjugal relationship for at least 3-years, or if they are the parents of a child together and are in a relationship of some permanence?

- Yes.
- No.

6. In your opinion, if Aamjiwnaang were to pass its own custom MRP law, should it also apply both to married couples as well as “common-law” couples who have lived together in a conjugal relationship for at least 1-year?

- Yes.
- No.

7. If not, do you think it should take longer for common-law status to take affect? For example, should common-law status only take affect after at least 2 or 3 years, or if the couple are the parents of a child together and are in a relationship of some permanence?

- Yes.

No.

8. Did you know that under the federal *FHRMRA Act* (which currently applies to Aamjiwnaang), when a conjugal relationship breaks down, each spouse or common-law partner is generally entitled to one-half (1/2) of the value of the family home?

Yes.

No.

9. Do you think this is a fair way to divide matrimonial assets between a couple after the breakdown of their relationship?

Yes.

No.

10. Did you know that under the federal *FHRMRA Act*, after the death of a spouse or common-law partner, the surviving spouse or common-law partner is entitled to continue living in the family home for an additional 180 days (or approximately 6 months) whether or not the surviving partner is a member or a status Indian?

Yes.

No.

11. In your opinion, should a surviving spouse or common-law partner be able to continue living in the family home for longer than 180 days?

Yes.

No.

12. Did you know that under the federal *FHRMRA Act* (which currently applies to Aamjiwnaang), if there is suspected family violence or domestic abuse, a spouse or common-law partner can obtain an Emergency Protection Order which requires the suspected abuser to immediately vacate the family home, and allows the suspected victim(s) to exclusively occupy the home for up to 90 days?

Yes.

No.

13. In your opinion, if Aamjiwnaang were to pass its own custom MRP law, should it include similar protections for suspected victims of family violence?

Yes.

No.

14. Did you know that under the federal *FHRMRA Act* (which currently applies to Aamjiwnaang), a spouse or common-law partner can be granted an Exclusive Occupation Order, which allows them to exclusively live in the family home and requires the other partner to vacate the home for either a short or long-term period of time (for example, if there is suspected family violence, if such an Order is in the best interests of any children, or if there are other exceptional circumstances)?

Yes.

No.

15. If Aamjiwnaang were to pass its own custom MRP law, should it include something similar to these Exclusive Occupation Orders, which in exceptional circumstances would allow one partner to continue living in the home, and require the other partner to vacate the home?

- Yes.
- No.

16. If Aamjiwnaang were to pass its own custom MRP law, should it include a Dispute Resolution mechanism whereby family disputes will be resolved through an internal process set-up within the community, and only go to the outside courts in the event of an appeal?

- Yes.
- No.

17. Are you aware that enacting our own custom MRP law could involve considerable financial costs (including, for example, legal costs and costs involved with running the program, resolving family disputes under the new law, etc.)?

- Yes.
- No.

18. If so, do you think it is worth spending this money in order to have our own MRP law on-reserve?

- Yes.
- No.

19. Should Aamjiwnaang develop its own custom MRP law to replace the federal rules on-reserve?

- Yes.
- No.

20. Should Aamjiwnaang continue to be governed by the federal government's rules?

- Yes.
- No.

Name: _____ **Band Number:** _____

Phone Number/Email (for draw purposes only): _____

- Your legible name and Band Number must be included, or the survey will be deemed as "spoiled".
- Surveys can be submitted:
 - **In person** at the Band Office no later than November 22, 2018 at 4:00 PM
 - **Faxed** to 519-336-0382 no later than November 22, 2018 at 4:00 PM
 - **Emailed** to jpickett@aamjiwnaang.ca no later than November 22, 2018 at 4:00 PM
 - **Online** at OneFeather <https://onefeather.ca/nations/aamjiwnaang> beginning Friday, November 9, 2018 at 8:30 AM and ending Thursday, November 22, 2018 at 4:30 PM