

St. Mary's First Nation Development of a Matrimonial Real Property Policy

Do Divorcing Spouses Have to Use the St. Mary's First Nation Matrimonial Real Property Law to Divide Assets?

The provisional federal rules (or the St. Mary's First Nation Matrimonial Real Property Law, if it is passed) gives people living on SMFN land matrimonial real property rights that they did not have before the *Family Homes on Reserves and Matrimonial Interests or Rights Act* became law in December 2013. However, having a SMFN matrimonial real property law, or even a provisional federal one, in place does not mean that divorcing couples have to use the law or access the court system in order to resolve matrimonial real property issues. Many people are able to come to an agreement about how to divide property on their own, through mediation, alternative dispute resolution, or traditional ways of resolving disputes. However, because of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* that came into effect in December 2013, spouses now have the option of seeking resolution through the court system. This option was not available before the *Act* came into effect.