

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

What is the Family Homes on Reserves and Matrimonial Interests or Rights Act and How is it Connected to the Matrimonial Real Property Law?

When people live off reserve die or when they divorce or separate, provincial laws protect their right to their family home. However, these provincial laws do not apply to people who live on reserve. In order to make sure that people living on reserve have similar protections to people living off reserve, the federal government passed a law called the *Family Homes on Reserves and Matrimonial Interests or Rights Act* in December 2013. This law gives First Nations a chance to develop their own matrimonial real property law or accept the federal ones (also known as the provisional rules). Until a First Nation develops and passes its own matrimonial real property law, federal provisional rules will apply. Once a First Nation makes and passes its own matrimonial real property law, the provisional rules no longer apply.

The *Family Homes on Reserves and Matrimonial Interests or Rights Act* applies to married people and common law partners who live on reserve where at least one of them is a member of a First Nation or a Registered Indian.