



MAUPELTU
TA'N TELSUTEKEK
MEMBERTOU GOVERNANCE

Membertou Family Homes Law



MEMBERTOU'S FAMILY HOMES LAW (MFHL) IS A LAW THAT:

- Applies only to homes on reserve where a certificate of possession (CP) was issued, and you and your spouse or common-law partner lived in the home together;
- Applies during a separation, divorce, death of one spouse or common-law partner, or in a situation of family violence;
- Ensures that following separation or divorce spouses (but not common-law partners) are entitled to an equal division of the increase in value in the family home, from the date of marriage to the date of separation;
- **Focuses on the best interest of any children. If children are involved, the custodial parent (regardless of band membership) may have the right to occupy the family home until the youngest child reaches the age of majority (18 years). This would happen following a separation/divorce/ death;**
- Allows spouses/common-law partners to contract out of the MFHL in writing (ie., domestic contract) and decide in advance how much each is entitled to, how to settle the amount, and who can occupy the family home upon separation/divorce/death;
- Does not apply to your personal property, such as bank accounts, vehicles, etc.

THE MEMBERTOU FAMILY HOMES LAW (MFHL) is a law that determines how the interests in an individually-owned family home, in Membertou, will be divided in the event of a separation, divorce, or death, if the spouses cannot come to an agreement.

The MFHL was created through consultation with community members over several years. It is a law for Membertou, drafted with community input in mind.

Membertou community members voted **YES** in favour of the MFHL in April 2016. The MFHL was then confirmed by Chief and Council and is now a standing law in Membertou.

See the full version of the **MEMBERTOU FAMILY HOMES LAW** on the Governance Committee website at www.membertou-governance.ca.

This outline does not cover each section of the law. All Membertou community members are greatly encouraged to read the full law. This poster is not intended to be used as legal advice.

If Membertou community members want to change the law in the future, there is an amendment clause to do so.

For more information on the Membertou Family Homes Law, please contact:

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