



**Little River Band of Ottawa Indians  
Tribal Council**

2608 Government Center Drive  
Manistee, MI 49660  
(231) 723-8288

**Resolution #18-0228-077**

*Permanent Adoption of Amendments to the Enrollment Regulations Chapters One-Four*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the legislative powers of the Tribe are vested in the Tribal Council according to Article IV, Section 1 of the Constitution; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(a)(1) and (2) to exercise the inherent powers of the Tribe by establishing laws through the enactment of ordinances and adoption of resolutions to govern the conduct of Tribal Members and others within the Tribe's jurisdiction and to promote, protect and provide for the public health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(f) to create by ordinance regulatory commissions or subordinate organizations and to delegate to such organizations the power to manage the affairs of the Tribe; and

WHEREAS, the Tribal Council did by Ordinance #04-200-01 create the Enrollment Commission to oversee and regulate the Tribe's enrollment procedures and policies with the delegated power in Sections V and VI of that Ordinance to develop and adopt regulations governing the implementation of the Enrollment Ordinance; and

WHEREAS, the Enrollment Commission has requested Tribal Council to make amendments to the Chapter One Regulations to incorporate the 2016 Constitutional amendments, to remove the use of affidavits in lieu of documentation establishing eligibility, to remove the position title Enrollment Officer and replace it with Enrollment Coordinator, and to address formatting and grammar errors; and

WHEREAS, the Enrollment Commission has requested Tribal Council to make amendments to Chapter Two Regulations to clarify what records the Enrollment Commission accepts and maintains on file, to remove Tribal program and external agency requests for a Certificate of Degree of Indian Blood, to remove the position title Enrollment Officer and replace it with Enrollment Coordinator, and to address formatting and grammar errors; and

WHEREAS, the Enrollment Commission has requested Tribal Council to make amendments to the Chapter Three Regulations to clarify member mailing label and list requests, to clarify address change requests, to remove the position title Enrollment Officer and replace it with Enrollment Coordinator, and to address formatting and grammar errors; and

WHEREAS, the Enrollment Commission has requested Tribal Council to make amendments to the Chapter Four Regulations to incorporate the Michigan Family Preservation Act (MIFPA) of 2012, to clarify enrollment verification requests and processing, to remove the position title Enrollment Officer and replace it with Enrollment Coordinator, and to address formatting and grammar errors; and

WHEREAS, the Tribal Council held a final work session on December 4, 2017 to review any comments or issues submitted during the 30-day comment period prior to adopting the amendments to Enrollment Regulations, Chapters 1-4 permanently; and

WHEREAS, the Enrollment Commission approved the amendments by resolution, attached as #18-0213-001, #18-0213-002, #18-0213-003, #18-0213-004, following the final work session at a regular meeting on February 13, 2018 and now requests that Tribal Council permanently adopt the attached amendments to the Enrollment Regulations, Chapters 1-4.

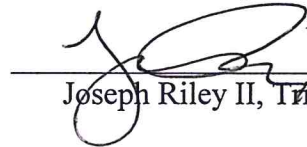
NOW THEREFORE IT IS RESOLVED, that the Tribal Council permanently adopts the attached amendments to the Enrollment Regulations, Chapters 1-4.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on February 28, 2018, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.



Sandra Lewis, Tribal Council Recorder



Joseph Riley II, Tribal Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Enrollment Department  
Enrollment Commission

# ENROLLMENT REGULATIONS

Regulation # R200-01:EC-01

## Chapter 1. Application for Membership

### Section 1. Authority; Purpose.

1-1. *Authority.* In accordance with Sections V and VI of the Enrollment Ordinance, # 04-200-01, the Enrollment Commission hereby promulgates these regulations for applying for and the review of applications for membership of the Little River Band of Ottawa Indians.

1-2. *Purpose.* The Enrollment Office and Enrollment Commission is resolved in being responsive to the people whom it serves, namely, the Tribal membership. The Enrollment Office is held accountable for establishing accurate, consistent, and permanent records for the nation and its constituency. Many programs and services offered by the Little River Band of Ottawa Indians, as well as local, state, and federal programs, also depend on the certification process that the Enrollment Office implements. To ensure confidentiality, accuracy, consistency, and fairness, the Enrollment Commission through the Enrollment Office has developed these regulations. These regulations represent years of experience, trial and error, development and revision.

### Section 2. Definitions.

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word shall is always mandatory and not merely advisory. Unless defined elsewhere, terms defined in Chapter 1 and the Enrollment Ordinance are defined for the purposes of all Enrollment Regulations.

2-2. *Applicant* means the individual applying for enrollment, or the applicant's parent or legal guardian if the applicant is a minor or legally incompetent.

2-3. *Enrollment Coordinator* means the individual employed in the Enrollment Office, or his or her delegate unless specifically stated otherwise.

2-4. *Tribal elder* means a tribal member who is at least fifty-five (55) years old and lives on or off of the reservation.

2-5. *Tribe* means the Little River Band of Ottawa Indians.

### Section 3. Application Processing.

3-1. *Official Application and Process.* An applicant must file an application on a form approved by the Enrollment Commission. Requests for official application forms may be made by written or verbal request to the Enrollment Office. An official application is a form that has been approved by the Enrollment Commission, which may be maintained in a paper or electronic format, but must be submitted to the Enrollment Department, in its entirety, in a paper format with an authentic signature.

3-2. *Applicant Mailing Address.* All letters in regards to any application shall be sent to the applicant at the address identified in the application or as identified in a change of address form. It is the applicant's responsibility to maintain a current physical and mailing address.

3-3. *Receipt of Application.* The Enrollment Office shall send a letter of acknowledgement to the applicant upon receipt of an application. The Enrollment Office shall date stamp all applications upon receipt and log each application into the computer database. Applications begin processing in the order in which they are received with the exception of cases under the Indian Child Welfare Act (ICWA) of 1978, the Michigan Family Preservation Act (MIFPA) of 2012, and the Children's Protection Code, Ordinance # 98-900-01, which is further addressed in Chapter 4 of these regulations. The Enrollment Office may consolidate applications relating to a family to better allocate resources and time.

3-4. *Initial Review.* The Enrollment Coordinator shall conduct an initial review of the application to determine its completeness. If necessary, the Enrollment Office shall send via certified mail a letter requesting further information to the applicant. The applicant must respond to the Enrollment Office within sixty (60) days from the date of the letter requesting further information.

3-5. *Review of Records.* The Enrollment Coordinator shall create a draft of the family tree based on the information presented in the application. The parents, grandparents, and other ancestors shall be verified based on the records presented and information maintained in enrollment files. The draft family tree shall identify the:

- a. Blood quantum of the relatives and ancestors;
- b. Evidence presented to verify the relationship;
- c. Applicant's date of birth;
- d. Proposed blood quantum of the applicant;
- e. Recommendation of the Enrollment Coordinator to accept or reject the application for enrollment; and
- f. Date that the Enrollment Coordinator provided his or her recommendation.

3-6. *Verification of Blood Quantum.* The Enrollment Coordinator reviews each application to verify that the applicant is eligible for membership in the Tribe. The applicant is eligible if he or she is:

1. Eighteen (18) years or younger or an individual adopted while under the age of eighteen (18) years old, who thereafter learns that he or she meets the requirements to be eligible for membership in the Tribe;
2. At least one-fourth (1/4) degree Indian blood, of which at least one-eighth (1/8) degree must be Grand River Ottawa or Michigan Ottawa blood and;

3. A lineal descendant of:

1. A member of the historic Grand River Bands who resided in Manistee, Mason, Wexford or Lake Counties in the State of Michigan, who was listed on the schedule of Grand River Ottawa in the Durant Roll of 1908 as approved by the Secretary of the Interior on February 18, 1910; or
2. Individuals listed on the 1870 Annuity Payrolls of Chippewas and Ottawas of Michigan listed under the following Ottawa Chiefs:
  - A. Aken Bell
  - B. Ching-gawa-she
  - C. Kaw-gay-gaw-bowe
  - D. Kewacushkum
  - E. Maw-gaw-ne-quong
  - F. Me-tay-wis
  - G. Pay-quo-tush
  - H. Penayse
  - I. Shaw-be-quo-ung; and

4. Not currently enrolled in any other federally recognized Indian tribe, band, or group.

3-7. *Enrollment Coordinator Recommendation.* The Enrollment Coordinator's recommendation to the Enrollment Commission shall consist of the following documents:

- a. A cover letter that briefly summarizes the recommendation regarding eligibility or ineligibility and the reasons for such recommendation;
- b. The draft family tree;
- c. Whether the enrollment record is audited or unaudited as set forth in Article XV of the Enrollment Ordinance; and
- d. Any evidence or documents and the relationship to the draft family tree.

3-8. *Enrollment Commission Review.* The Enrollment Commission shall review the information presented on an individual application basis. No Enrollment Commissioner may utilize documentation or information other than that provided by the Enrollment Coordinator. Information known by an Enrollment Commissioner that is not based on evidence or documents presented to the Commission may be submitted for consideration. In the event information is presented by an Enrollment Commissioner, the Enrollment Commission shall refer the application back to the Enrollment Coordinator. The Enrollment Coordinator shall complete an investigation of the new facts and obtain third party verification of the information through an affidavit or other documentation. This affidavit cannot be completed by the Commissioner who provided the information or the Enrollment Coordinator. After the investigation has been completed, the Enrollment Coordinator makes a new recommendation, taking into consideration

the additional information gathered, and forwards it to the Enrollment Commission.

3-9. *Enrollment Commission Decision.* Every decision of the Enrollment Commission regarding an applicant's eligibility for membership in the Tribe shall be recorded in the closed session minutes and identify whether the applicant is eligible or ineligible.

- a. If eligible, the Enrollment Commission shall identify the blood quantum.
- b. If ineligible, the Enrollment Commission shall identify the specific reasons for ineligibility and, if applicable, request further information or evidence that might be needed to approve the application.

3-10. *Written Provisional Decision.* The Enrollment Coordinator, based on the decision in the minutes of the Enrollment Commission, shall draft a written provisional decision regarding eligibility or ineligibility for membership in the Tribe. The draft shall be reviewed and signed by the Chairperson during a closed session meeting.

- a. If eligible or ineligible, the written provisional decision shall include the following language:

**You have a right to appeal the Enrollment Commission's provisional decision. The appeal must be made in writing and filed with the Enrollment Commission (via the Enrollment Department) within thirty(30) calendar days from the date of this letter. You have the burden of proof on appeal.**

**If you are not satisfied with the Enrollment Commission's decision after the hearing, you will receive a final written decision from the Enrollment Commission and you can appeal that decision to Tribal Court within thirty (30) days. Please keep in mind that failure to appeal the provisional decision to the Commission within thirty (30) calendar days, bars your right to appeal to Tribal Court and this decision becomes final. Please refer to Articles V and X of the enclosed Enrollment Ordinance.**

- b. If ineligible, the written provisional decision shall include the following language:

**You also have the right to re-submit an application at a later date.**

- c. If eligible, the written provisional decision shall include the following language:

**You also have the right to submit new information in the future that demonstrates an increase in your blood quantum.**

#### **Section 4. Rules of Evidence.**

4-1. *Rules of Evidence.* The Rules of Evidence pursuant to Tribal Court Ordinance, Ordinance #12-300-01 shall be utilized to provide consistency in the acceptance of evidence of eligibility

for enrollment.

4-2. *Original Documents.* The authenticity of a document must be verified by the Enrollment Coordinator or the Enrollment Commission prior to accepting the information to be used as evidence in deciding the case

## **Section 5. Adoption; Amendment; Repeal.**

5-1. *Adoption.* This Chapter is approved by the Enrollment Commission on July 24, 2002, and approved by the Tribal Council on July 31, 2002 by adoption of resolution # 02-0731-03.

5-2. *Amendment.* This regulation may be amended by the Enrollment Commission in accordance with the Constitution and any rules set forth governing amendment of regulations of the Little River Band of Ottawa Indians. Provided that, any amendments must be approved or adopted in the same manner as set forth in Section 5-1.

5-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the spirit of this regulation rather than complete compliance is acceptable.

5-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

5-6. *Effective Date.* This Regulation shall take effect upon approval by Tribal Council.

# **ENROLLMENT REGULATIONS**

Regulation # R200-01:EC-02

## **Chapter 2. Records**

### **Section 1. Purpose; Authority.**

1-1. *Authority.* In accordance with Section VI of the Enrollment Ordinance, # 04-200-01, the Enrollment Commission hereby promulgates these rules for maintaining and accessing records of the Enrollment Office.

1-2. *Purpose.* The purpose this regulation is to identify the types of records maintained by the Enrollment Office, how those records shall be maintained, and how those records may be accessed.

### **Section 2. Definitions.**

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word shall is always mandatory and not merely advisory.

### **Section 3. Type of Records.**

3-1. *Records.* An individual enrollment folder shall be established for each tribal member and applicant. This folder may contain the following items:

- a. Enrollment Application Form;
- b. Family tree, draft and/or approved family tree;
- c. Original or certified copy of birth certificate;
- d. Copy of social security card;
- e. Correspondence related to the application for enrollment, requests to review the enrollment file, third party requests for information, and other correspondence related to the enrollment file;
- f. Original or certified copy of Marriage License;
- g. Original or certified copy of Child Custody Order;
- h. Proof of biological parent, established in accordance with the Children's Protection Code;
- i. Copy of any tribal resolutions affecting enrollment;
- j. Original or certified copy of death certificate; and

- k. All other documents on the person pertinent to membership in the Tribe.

3-2. *Certificate of Degree of Indian Blood.* A Certificate of Degree of Indian Blood (“CDIB”) is an official document created by the Enrollment Office, which identifies whether an individual is an enrolled member of the Tribe and the blood quantum of that individual. A CDIB is created at the request of an individual. All requests for a CDIB shall be maintained in the individual’s enrollment file.

- a. *Individual Request.* An individual request for a CDIB shall be made in writing to the Enrollment Office. Such requests will be completed in a timely manner and shall be placed in regular first class mail to the address on file or address identified on the request form or held for pick-up as requested by the individual.

3-3. *Enrollment Verification.* An Enrollment Verification is an official document created by the Enrollment Office that identifies whether an individual is an enrolled member of the Tribe. An enrollment verification is created at the request of an individual or by a program which an individual has requested to participate in of which membership is a requirement, element of qualification or may confer benefits. All requests for an enrollment verification shall be maintained by the Enrollment Department.

- a. *Individual Request.* An individual request for an enrollment verification shall follow the same procedures for a CDIB request in Section 3-2(a).
- b. *Program Request.* A Tribal program request for enrollment verification shall be made in writing on a form approved by the Enrollment Office, which shall include the reasons why the information is being requested. The program request must be signed by a Department Director, or an employee with designated signing authority, and approved by the Enrollment Coordinator prior to processing the request. If the Enrollment Coordinator should reject the request, the reasons for the rejection must be clearly stated.
- c. *External Agency Request.* An external agency request for an enrollment verification shall be made in writing on a form approved by the Enrollment Office or provided by the external agency, which clearly identifies the agency and includes the individual’s authorization to release such information and the reason the information is being requested. The request must be approved by the Enrollment Coordinator prior to processing the request. If the Enrollment Coordinator should reject the request, the reasons for the rejection must be clearly stated.

3-4. *Updating Records.* Upon receipt of appropriate documentation, the Enrollment Office will update the information on the tribal roll and individual files. The following documentation is deemed adequate for such action to be taken.

- a. *Name Change.* Certified Marriage License; Certified Divorce Decree; Court Order-

- Changing Names; Driver's License; or Social Security Card.
- b. *Address Change*. Notarized Address Change Form signed by tribal member or his/her guardian.
- c. *Death*. Certified Death certificate.

#### **Section 4. Access.**

4-1. *Access to Enrollment Office*. The Enrollment Office shall be arranged such that access to an Enrollment Coordinator shall not allow access to the enrollment records. The Enrollment Office shall provide contact information, such as identify office hours, phone numbers, fax numbers, and e-mails, for individuals, applicants, members, and others requesting enrollment related information.

4-2. *Access to Records*. The Enrollment Office is the repository for all enrollment related records. Enrollment related records are confidential and may not be copied, accessed, and/or distributed except as provided for in this Section.

- a. *Individual Review of Enrollment Related Record*. A member or applicant may file a written request to review his or her enrollment related record. However, certain closed enrollment file records, such as adoption records, are not available for review. The review shall be conducted in the Enrollment Office during normal office hours and under the supervision of an Enrollment Coordinator. Upon request, during a review, a member or applicant may request copies of the application, records previously supplied by the member or applicant, or the family tree. A request for copies may be subject to a fee for copying, and may be fulfilled at a reasonable time after the review.
- b. *Enrollment Commission Review*. The Enrollment Commission may review a file during an application process or during an audit period, or for any reason related to the responsibilities of the Enrollment Commission, and authorized by a majority vote of the Enrollment Commission members during a duly called meeting at which a quorum is present.

4-3. *Third Party*. A third party may view the enrollment related record of another only by presentation of a written notarized authorization by the member. A third party is not authorized to remove, add to, or copy an enrollment related record.

4-4. *Amendment of the Enrollment Related Record*. An enrollment related record may be amended only under the following circumstances.

- a. *Relinquishment*. The request to relinquish membership shall be included in the individual's file.
- b. *Disenrollment*. The notice of disenrollment, evidence, and determination of the Enrollment Commission.

- c. *Change of Address; Name.* The official documents that identify a change of address or a change of name.
- d. *Birth of Children; Marriage or Divorce Certificates; Death Certificates.* The official documents identifying the birth of children, a marriage or divorce certificate, or a death certificate.
- e. *Change in Beneficiary.* The official documents that identify a change in beneficiary.
- f. *Correspondence.*

## **Section 5. Adoption; Amendment; Repeal.**

5-1. *Adoption.* This Chapter is approved by the Enrollment Commission on July 24, 2002, and approved by the Tribal Council on July 31, 2002 by adoption of resolution # 02-0731-03.

5-2. *Amendment.* This regulation may be amended by the Enrollment Commission in accordance with the Constitution and any rules set forth governing amendment of regulations of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 5-1.

5-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the spirit of this regulation rather than complete compliance is acceptable.

5-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

5-6. *Effective Date.* This Regulation shall take effect upon approval by Tribal Council.

**ENROLLMENT REGULATIONS**  
Regulation # R200-01:EC-03

**Chapter 3. Release of Membership Information**

**Section 1. Purpose; Authority.**

1-1. *Authority.* In accordance with Article VI of the Enrollment Ordinance, # 04-200-01, the Enrollment Commission hereby promulgates these regulations.

1-2. *Purpose.* There are regular requests of the Enrollment Office to prepare certain mailing list, mailing labels, address confirmations, statistical information, and other records related to the membership of the Tribe. The purpose of these regulations is to identify how information is released by the Enrollment Office to third parties.

**Section 2. Definitions.**

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word shall is always mandatory and not merely advisory.

**Section 3. General Requirements.**

3-1. *Requests Must be in Writing.* All requests for membership information must be in writing, identify the type of information requested, the purpose for which the information will be used, and signed by an authorized agent of the requesting party.

3-2. *Member Mailing Labels and Lists.* The Enrollment Office may create listings of categories of members and mailing labels regarding members, which may be subject to a fee, if the following requirements are met:

- a. All recipients of mailing labels shall have placed on literature mailed the return address of the Enrollment Office and a Return Address Correction request on every envelope.

1. However, the Enrollment Office may determine that a Return Address Correction request is not necessary if the request identifies a request for an exception and the Enrollment Office determines that an address correction would not serve the purpose of keeping the membership addresses up-to-date.

3-3. *Election Board.* The Enrollment Office shall create mailing list labels for candidates when requested on a form approved by the Enrollment Department. The Election Board shall reimburse the Enrollment Office, or require the candidate to reimburse the Enrollment Office, the expenses related to creating the mailing labels. All candidates shall be required to sign an agreement that he or she shall not copy, create, or maintain a list of addresses derived from the mailing labels received under this section.

3-4. *Tribal Programs.* Tribal programs and departments may request mailing list labels by

submitting a form approved by the Enrollment Office. A request for mailing labels shall clearly identify the purpose for the mailing and the category of membership for which mailing labels are requested. The program request must be approved by the Enrollment Coordinator and the Ogema prior to processing the request. If the Enrollment Coordinator and/or the Ogema rejects the request he or she must state the reasons. The Enrollment Office shall be reimbursed for the cost of creating mailing labels and recipients of mailing labels shall not copy, create, or maintain a list of address derived from the mailing labels received under this section. Recipients of mailing labels may be required to combine mailings with other programs and/or departments in the interests of reducing membership mailings.

3-5. *Third Party Requests.* The Enrollment Office shall place a third party request for mailing labels or lists on the next available Enrollment Commission meeting agenda. A third party request for mailing labels shall identify the purpose for the mailing labels and the category of membership for which the mailing labels are requested. The Enrollment Commission shall determine if the request shall be approved, and if not, the reasons therefore. Third parties requesting mailing labels shall submit the documents being mailed to the Enrollment Office for processing and mailing.

3-6. *Change of Address.* The Enrollment Office is the official office for purposes of maintaining current addresses of the membership. The Enrollment Office shall maintain a Change of Address form for the purposes of submitting address corrections or changes. No address corrections or changes shall be made other than by submission of a notarized request on the form provided by the Enrollment Office.

#### **Section 4. Adoption; Amendment; Repeal.**

4-1. *Adoption.* This Chapter is approved by the Enrollment Commission on July 24, 2002, and approved by the Tribal Council on July 31, 2002 by adoption of resolution # 02-0731-03.

4-2. *Amendment.* This regulation may be amended by the Enrollment Commission in accordance with the Constitution and any rules set forth governing amendment of regulations of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 4-1.

4-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

4-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the spirit of this regulation rather than complete compliance is acceptable.

4-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

4-6. *Effective Date.* This Regulation shall take effect upon approval by Tribal Council.

## ENROLLMENT REGULATIONS

Regulation # R200-01:EC-04

### Chapter 4. Processing Children's Protection Code and Juvenile Code Cases

#### Section 1. Purpose; Authority.

1-1. *Authority.* In accordance with Articles VI and XI of the Enrollment Ordinance, # 04-200-01, the Enrollment Commission hereby promulgates these rules for processing applications that involve children who may be eligible for enrollment and fall under the Indian Child Welfare Act (ICWA) of 1978, the Michigan Family Preservation Act (MIFPA) of 2012, the Children's Protection Code, Ordinance # 98-900-01, and the Juvenile Code, Ordinance # 99-900-02.

1-2. *Findings.* The Enrollment Commission recognizes that there is no resource that is more vital to the continued existence and integrity of Tribe than its children. Oftentimes, Tribal children and parents are not enrolled and Tribal families are broken up by the removal of their children by non-tribal public and private agencies.

1-3. *Purposes.* The purposes of this regulation are to govern verifications of enrollment and processing applications for enrollment of children who may be eligible for enrollment in the Little River Band of Ottawa Indians and who fall under ICWA, MIFPA, the Children's Protection Code, or Juvenile Code proceedings and if eligible, process the applications of the children's parent(s), guardian(s), or other persons having custody.

#### Section 2. Definitions.

2-1. *General.* For purposes of this Chapter, certain terms are defined in this section. The word shall is always mandatory and not merely advisory.

2-2. *Child custody proceeding.* Pursuant to ICWA and MIFPA, as amended, child custody proceeding shall mean and include the following:

- a. Foster care placement shall mean any action removing an Indian child from its parents or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated;
- b. Termination of parental rights shall mean any action resulting in the termination of the parent-child relationship;
- c. Pre-adoptive placement shall mean the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement; and
- d. Adoptive placement shall mean the permanent placement of an Indian child for

adoption, including any action resulting in a final decree of adoption.

2-3. *Juvenile Code Proceedings.* Juvenile Code proceedings involve all cases that occur within the nine (9) county area involving status and non-status offenses alleged to have been committed by a Tribal member who is a minor.

2-4. *Children's Protection Code Proceedings.* Children's Protection Code proceedings involve all cases included in Articles V of the Children's Protection Code.

### **Section 3. Enrollment Verifications.**

3-1. *Proceedings covered.* This Chapter shall apply to children who are involved or about to become involved in child custody proceedings pursuant to ICWA, MIFPA, the Children's Protection Code, and juvenile proceedings as defined in the Juvenile Code who may be eligible for enrollment as a member of the Little River Band of Ottawa Indians.

3-2. *Requests.* If there is reason to believe that a child is involved in a proceeding that may be a member of this Tribe, the Tribal Prosecutor's Office or the Tribal Family Services Department may submit a request to determine if a child is an enrolled member or eligible for membership in the Tribe. Any requests made by an outside agency or court shall be referred to the Prosecutor's Office. All such requests shall be forwarded to the Enrollment Department and shall state:

- a. The child's name and date of birth;
- b. The Indian parent(s) name and date of birth; and
- c. Any other information regarding the child's Indian ancestry.

3-3. *Verification.* The Enrollment Coordinator shall immediately verify whether the child is an enrolled member of the Tribe or if the child is eligible for membership. The information must also include verification of the tribal member parent.

3-4. *Forwarding Information.* The Enrollment Coordinator shall send a statement to the person who requested the information immediately following the Enrollment Coordinator's verification. This statement shall include:

- a. If the child is an enrolled member of the Tribe, a certification of the enrollment number of the child;
- b. If the child is eligible to enroll as a member of the Tribe, a certification that the child is eligible for enrollment in the Tribe;
- c. If the child is not an enrolled member of the Tribe and if the child is not eligible for membership in the Tribe, then a letter informing the agency or office of the child's status; or

- d. If the child is not an enrolled member of the Tribe and if there is not enough genealogical information provided at that time to determine if the child is eligible for enrollment, then a letter informing the agency or office that there is not enough genealogical information to determine enrollment eligibility.

#### **Section 4. Requests and Processing Applications.**

4-1. *Processing Applications.* In the event that the Enrollment Coordinator determines that the child is not an enrolled member of the Tribe, but is eligible for membership, it shall automatically be presumed that the request is to provide an enrollment application for the child. The Enrollment Coordinator shall prioritize applications that fall under this regulation and process the application as soon as possible. If information is missing, the Enrollment Coordinator shall make every effort to obtain the necessary information to process the application.

4-2. *Enrollment Commission Presentation.* At the next regularly scheduled meeting of the Enrollment Commission, the Enrollment Coordinator shall present the child's application for the Enrollment Commission to review and approve or deny membership in the Tribe. If the application is not complete, the Enrollment Coordinator shall inform the Enrollment Commission that a request has been filed under this regulation, the status of the enrollment application, and when the completed application will be presented to the Enrollment Commission.

4-3. *Forwarding Information.* The Enrollment Coordinator shall send a statement to the person who requested the information immediately following the Enrollment Commission meeting in which the decision regarding the application was made. This statement shall include:

- a. If the child is an enrolled member of the Tribe, a certification of the enrollment number of the child;
- b. If the child is eligible to enroll as a member of the Tribe, a certification that the child is eligible for enrollment in the Tribe;
- c. If the child is not an enrolled member of the Tribe and if the child is not eligible for membership in the Tribe, then a letter informing the agency or office of the child's status; or
- d. If the child is not an enrolled member of the Tribe and if there is not enough genealogical information provided at that time to determine if the child is eligible for enrollment, then a letter informing the agency or office that there is not enough genealogical information to determine enrollment eligibility.

#### **Section 5. Adoption; Amendment; Repeal.**

5-1. *Adoption.* This Chapter is approved by the Enrollment Commission on July 24, 2002, and approved by the Tribal Council on July 31, 2002 by adoption of resolution # 02-0731-03.

5-2. *Amendment.* This regulation may be amended by the Enrollment Commission in accordance with the Constitution and any rules set forth governing amendment of regulations of the Little

River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 5-1.

5-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the spirit of this regulation rather than complete compliance is acceptable.

5-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

5-6. *Effective Date.* This Regulation shall take effect upon approval by Tribal Council.