

# 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.