

# 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.