

TITLE 10. ENROLLMENT

**ARTICLE I
GENERAL PROVISIONS**

CHAPTER 1. DEFINITIONS AND CONSTRUCTION 10-1-1
 Sec. 10-1101. Definitions. 10-1-1
 Sec. 10-1102. Construction of Title. 10-1-1

CHAPTER 2. MISCELLANEOUS 10-1-2
 Sec. 10-1201. Effective Date. 10-1-2
 Sec. 10-1202. Review. 10-1-2
 Sec. 10-1203. Sovereign Immunity. 10-1-2
 Sec. 10-1204. Severability. 10-1-3

**ARTICLE II
ADMINISTRATION**

CHAPTER 1. ENROLLMENT COMMITTEE 10-2-1
 Sec. 10-2101. Enrollment Committee Members and Officers. 10-2-1
 Sec. 10-2102. Open Seats on the Enrollment Committee. 10-2-1
 Sec. 10-2103. Terms. 10-2-1
 Sec. 10-2104. Meetings. 10-2-1
 Sec. 10-2105. Resignation and Removal. 10-2-2

CHAPTER 2. ENROLLMENT OFFICE 10-2-2
 Sec. 10-2201. Establishment. 10-2-2
 Sec. 10-2202. Duties. 10-2-3

**ARTICLE III
TRIBAL ROLLS**

CHAPTER 1. ESTABLISHMENT 10-3-1
 Sec. 10-3101. Base Roll. 10-3-1
 Sec. 10-3102. Membership Roll. 10-3-1
 Sec. 10-3103. Other Rolls. 10-3-1

**ARTICLE IV
ENROLLMENT PROCEDURE**

CHAPTER 1. APPLICATIONS 10-4-1
 Sec. 10-4101. Form and Contents of Application. 10-4-1
 Sec. 10-4102. Applications by Minors and Mental Incompetents. 10-4-1
 Sec. 10-4103. Applicants with Deceased, Unavailable or Uncooperative Fathers. 10-4-2
 Sec. 10-4104. Filing of Application. 10-4-2
 Sec. 10-4105. Adoptee. 10-4-2
 Sec. 10-4106. Burden of Proof. 10-4-3
 Sec. 10-4107. Eligibility for Enrollment. 10-4-3
 Sec. 10-4108. Provisional Enrollment. 10-4-4

CHAPTER 2. PROCESSING OF APPLICATIONS.....	10-4-5
Sec. 10-4201. Processing by the Enrollment Committee.....	10-4-5
Sec. 10-4202. Notification of Results.....	10-4-6

CHAPTER 3. ACTIONS OF THE TRIBAL COUNCIL	10-4-6
Sec. 10-4301. Applications Recommended for Approval.	10-4-6
Sec. 10-4302. Appeal of Rejected Applications.	10-4-7

**ARTICLE V
ADOPTION PROCEDURE**

CHAPTER 1. ADOPTION PROCEDURE	10-5-1
Sec. 10-5101. Adoption Procedure.	10-5-1
Sec. 10-5102. Adoption Roll.	10-5-1

**ARTICLE VI
DISENROLLMENT**

CHAPTER 1. IN GENERAL.....	10-6-1
Sec. 10-6101. Grounds for Disenrollment.	10-6-1
Sec. 10-6102. Exclusive Procedure.	10-6-1
Sec. 10-6103. No Review.	10-6-2

CHAPTER 2. DISENROLLMENT PROCEDURE	10-6-2
Sec. 10-6201. Filing and Notice.....	10-6-2
Sec. 10-6202. Action of Enrollment Officer.....	10-6-5
Sec. 10-6203. Action of Enrollment Committee.	10-6-6
Sec. 10-6204. Proceedings Before Tribal Council.....	10-6-6
Sec. 10-6205. Procedures Generally.	10-6-7
Sec. 10-6206. Order Following Disenrollment Vote	10-6-7
Sec. 10-6207. Dissemination of Disenrollment Orders	10-6-8
Sec. 10-6208. Appeal	10-6-8
Sec. 10-6209. Voluntary Relinquishment	10-6-9
Sec. 10-6210. Confidentiality	10-6-9
Sec. 10-6211. Escrow of Benefits Pending Review.....	10-6-9
Sec. 10-6212. Subsequent Disenrollment Proceedings.....	10-6-10

TITLE 10. ENROLLMENT

ARTICLE I

GENERAL PROVISIONS

[NOTE: Except as otherwise noted, the provisions of Article I, Title 10 were enacted on April 6, 2005, by Res. No. 14-2005.]

CHAPTER 1. DEFINITIONS AND CONSTRUCTION

Sec. 10-1101. Definitions.

- (a) “Adoptee” means an applicant who has been legally adopted by non-Indians or non-enrollees, or by other Tribal members.
- (b) “Adult member” means any member of the Tribe 21 years of age or older.
- (c) “Appellant” means a person who is appealing the decision of the Enrollment Committee rejecting an application for enrollment.
- (d) “Applicant” is an individual who desires to be enrolled with the Sac & Fox Tribe of the Mississippi in Iowa.
- (e) “Days” means calendar days.
- (f) “Enrolled member” means a person named on the base roll or the membership roll or a person whose application for enrollment has been approved by the Tribal Council pursuant to this Enrollment Code.
- (g) “Father” means the biological father.
- (h) “Parents” means the biological father and mother.
- (i) “Residing on the Settlement” means occupying a dwelling on the Settlement, having a present intent to remain on the Settlement, and manifesting the genuineness of that intent by establishing an ongoing physical presence on the Settlement.
- (j) “Tribal Council” means the governing body of the Sac & Fox Tribe of the Mississippi in Iowa.
- (k) “Tribe” means the Sac & Fox Tribe of the Mississippi in Iowa.

Sec. 10-1102. Construction of Title.

Nothing in this Title shall be construed as a waiver or diminution of or limitation upon the sovereignty of the Tribe or the jurisdiction of the Tribe.

CHAPTER 2. MISCELLANEOUS**Sec. 10-1201. Effective Date.**

The provisions of this Title shall apply to all applications submitted after the date of enactment of this Title.

Sec. 10-1202. Review.

(a) An applicant, appellant, or person disenrolled shall have a limited right to request review, in the Court of the Sac & Fox Tribe of the Mississippi in Iowa, after the issuance of a notice of final enrollment or disenrollment decision under sections 10-4301(d), 10-4302(e), 10-5101(a) or 10-6204(d), and the Court shall have limited authority to grant relief from the specified final decisions. Except for the limited right and limited remedies explicitly permitted herein, the Court shall have no authority to review the procedure of actions or decision of the Tribal Council or Enrollment Committee, and the Court shall have no jurisdiction to review the substance of the decision of the Tribal Council or the Enrollment Committee regarding whether or not to enroll an applicant.

(b) The sole permissible inquiries during Tribal Court review shall be whether the Enrollment Committee and/or Tribal Council provided due process of law to the Applicant.

(c) A request for Tribal Court review must be received by the Court within thirty (30) days of the date the Tribal Council placed the notice under 10-4301(d), 10-4302(e), 10-5101(a) or 10-6204(d) in the mail to the applicant, appellant, or person disenrolled. Failure to deliver the request for review to the Court within the specified time shall deprive the Court of jurisdiction.

(d) The Court shall have no jurisdiction to stay the Tribal Council decision or admit the applicant, appellant, or person disenrolled to any rights or benefits of membership pending completion of Tribal Court review.

(e) If the Court determines that the applicant, appellant, or person disenrolled was not accorded due process, the sole remedy shall be to remand to the Tribal Council for reconsideration.

(f) The Sac & Fox Tribe of the Mississippi in Iowa expressly waives its sovereign immunity, but only for actions in the Meskwaki Tribal Court, and then only for the sole and limited purpose of permitting the Court to review whether the Applicant or enrolled Member subject to disenrollment was accorded the process due under this Enrollment Code, and the Sac & Fox Tribe of the Mississippi in Iowa expressly retains its sovereign immunity for all other purposes.

Sec. 10-1203. Sovereign Immunity.

Nothing in this Title shall be construed as limiting, waiving or abrogating the sovereignty or the sovereign immunity of the Sac & Fox Tribe of the Mississippi in Iowa or any of its agencies, departments, officials or employees.

Sec. 10-1204. Severability.

If any article, chapter, section or provision of this Title or amendment made by this Title is held invalid, the remaining articles, chapters, sections or provisions of this Title and amendments made by this Title shall continue in full force and effect.

TITLE 10. ENROLLMENT

ARTICLE II

ADMINISTRATION

[NOTE: Except as otherwise noted, the provisions of Article II, Title 10 were enacted on April 6, 2005, by Res. No. 14-2005.]

CHAPTER 1. ENROLLMENT COMMITTEE

Sec. 10-2101. Enrollment Committee Members and Officers.

(a) The Enrollment Committee of the Sac & Fox Tribe of the Mississippi in Iowa shall consist of seven voting members and one non-voting member. The voting members of the Committee shall be adult members of the Tribe, appointed to the Committee by the Tribal Council. The non-voting member shall be a member of the Tribal Council, appointed by the Council to act as a non-voting liaison to the Enrollment Committee. No two Enrollment Committee members may be immediate family members.

(b) The Chairperson and Secretary of the Enrollment Committee shall be selected from among the voting members of the Enrollment Committee members at the first duly called meeting of the Enrollment Committee after a new Enrollment Committee is seated.

Sec. 10-2102. Open Seats on the Enrollment Committee.

Upon the resignation, removal, or death of an Enrollment Committee member, the Tribal Council shall appoint a replacement Committee member to fill the remaining term of the Committee member being replaced.

Sec. 10-2103. Terms.

Each voting Enrollment Committee member shall serve for four years, or until a successor is duly installed by action of the Tribal Council; *provided* that the term of three of the voting members appointed to the first Committee pursuant to this Article shall be for two years in order to establish staggered terms.

Sec. 10-2104. Meetings.

(a) The Chairperson of the Enrollment Committee shall schedule at least twelve monthly meetings of the Enrollment Committee per year, and shall provide adequate notice of each meeting to all other Committee members.

(b) Five voting members of the Committee shall constitute a quorum of the Committee and shall be required to transact any business of the Committee, provided that where a quorum is

present at the beginning of a meeting, the quorum shall be deemed to continue to exist even if a Committee member is recused for any portion of the meeting pursuant to section 10-4201(f).

(c) The Committee shall take action by a vote of a majority of the Committee members.

(d) All meetings of the Committee shall be held at the Tribal government headquarters and action of the Committee not taken at the Tribal government headquarters shall be void.

Sec. 10-2105. Resignation and Removal.

(a) Any Committee member may resign from the Committee by delivering a written resignation to the Tribal Council, which shall be effective upon receipt by the Tribal Council.

(b) The Tribal Council may remove a Committee member, after a hearing under Tribal Council adjudicatory procedures established in Title 1 of this Code, for any of the following:

(1) Conviction of any offense which requires forfeiture of office;

(2) Commission, while serving on the Committee, of a felony or gross misdemeanor or crime of moral turpitude; or

(3) Violation of any provision of this Title.

(c) If an Enrollment Committee member misses three consecutive regular meetings or fails to keep the enrollment records confidential, the Enrollment Committee shall have the authority to remove that member. The Enrollment Committee shall notify the person removed and the Tribal Council of its decision, and the person removed shall have ten days to file a written request for Tribal Council review of the removal. The Tribal Council shall appoint a new member to the Enrollment Committee to serve the remaining term of the removed member only after the expiration of the ten day period or after it completes review of the removal, if requested.

CHAPTER 2. ENROLLMENT OFFICE

Sec. 10-2201. Establishment.

(a) There shall be established an Enrollment Office of the Sac & Fox Tribe of the Mississippi in Iowa which shall at all times remain secure in order to maintain the confidentiality of the records.

(b) The Enrollment Committee shall, by majority vote, recommend an Enrollment Officer to the Tribal Council. The Tribal Council shall appoint an Enrollment Officer.

(c) The Enrollment Officer cannot be a member of the Enrollment Committee.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-2202. Duties.

- (a) The Enrollment Officer shall report directly to the Executive Director.
- (b) The Enrollment Committee shall set regular operating hours for the Enrollment Office and Enrollment Officer and upon adoption of this Title shall provide notice by public posting and direct mail to Tribal members of such regular hours of operation, and annually thereafter by publication in the Tribe's newsletter.
- (c) The Enrollment Officer shall be responsible for maintaining all enrollment files and correspondence and shall issue correspondence as directed by the Enrollment Committee. Each application for enrollment, together with all documents related to that application, shall be maintained in a separate file, which is stored in a fire-safe. The Enrollment Officer shall also maintain a duplicate of that file in a separate location. The Enrollment Officer shall perform and maintain a full and complete inventory of all records in the possession or control of the Enrollment Office pertaining to living and enrolled Tribal members, and of all applications received, and of any related documents. The Enrollment Officer shall complete the first such inventory within six months of the enactment of this Chapter, unless the Executive Director approves an extension of time, and shall update the inventory on a monthly basis thereafter. The Enrollment Officer shall provide copies of each inventory and update to the Executive Director, the Enrollment Committee, and the Tribal Council.
- (d) The Enrollment Officer shall submit a written report to the Enrollment Committee on a monthly basis. The report must list all pending applications, whether complete or incomplete, the status of each application, and all affirmative steps the Enrollment Officer has taken with regard to the completion and processing of the application.
- (e) The Enrollment Officer shall maintain a log of all incoming and outgoing mail, and shall provide copies of this log on a weekly basis to the Chair and Vice-Chair of the Enrollment Committee.
- (f) The Enrollment Officer shall ensure that all confidential matters are protected from public scrutiny pursuant to this Code and other applicable Tribal law.
- (g) The Enrollment Officer shall offer to provide, and shall provide, any information in the possession of the Enrollment Office that would assist an applicant in the completion of an application. The Enrollment Officer shall offer and provide to the applicant assistance with completing the application, including providing documents and information in his possession or control.

(h) Upon receipt of an application, the Enrollment Officer shall, within five (5) business days, provide written confirmation to the applicant of receipt of the application and notify the Committee of the receipt of the application. The Enrollment Officer shall review the application to determine if it is complete.

(1) If the application is not complete, the Enrollment Officer will notify the applicant within thirty (30) days of receipt of the application that the application is incomplete. The Enrollment Officer shall offer to assist, and will assist the applicant with completion of the application. To the fullest extent possible, the application should be completed within sixty (60) days of its original receipt.

(2) If or when the application is complete, the Enrollment Officer will attempt to verify the documentation and information submitted. The Enrollment Officer shall then report his findings in writing to the Enrollment Committee.

(i) The Enrollment Officer's findings shall be made no later than thirty (30) days after the enrollment application is complete. The Enrollment Officer shall post the names of the applicants at the Tribal Offices for no less than twenty (20) calendar days. Upon the expiration of the 20-day period, the Enrollment Officer shall present the application to the Enrollment Committee at the next scheduled meeting for their review.

(j) The Enrollment Officer's findings shall not be a conclusive determination of eligibility for enrollment and shall create no protected or vested interest in enrollment.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

TITLE 10. ENROLLMENT

ARTICLE III

TRIBAL ROLLS

[NOTE: Except as otherwise noted, the provisions of Article III, Title 10 were enacted on April 6, 2005, by Res. No. 14-2005.]

CHAPTER 1. ESTABLISHMENT

Sec. 10-3101. Base Roll.

The Base Roll of the Tribe shall be the official census roll of January 1, 1937, of the Sac and Fox Tribe in Iowa, except those designated in the roll as non-enrolled members of the Tribe.

Sec. 10-3102. Membership Roll.

(a) The Membership Roll of the Tribe shall be the Certified Membership Roll as updated by the Tribal Council at the time of passage of this Title.

(b) The Enrollment Officer shall update the Membership Roll to add newly enrolled members and to designate deceased and disenrolled members. The Enrollment Committee shall verify the updated roll quarterly and then present such updated Membership Rolls to the Tribal Council for its confirmation. The Tribal Council shall enter into the minutes of its meeting those members who have become deceased.

(c) The Tribal Council's confirmation of the Membership Roll shall be final, but the Tribal Council shall take no independent action to add or disenroll members in disregard of the procedures described in this Title.

Sec. 10-3103. Other Rolls.

Any lists of persons promulgated by the federal government for federal purposes, other than the Base Roll and the Membership Roll as described herein, shall not be used as Tribal membership rolls.

TITLE 10. ENROLLMENT

ARTICLE IV

ENROLLMENT PROCEDURE

[NOTE: Except as otherwise noted, the provisions of Article IV, Title 10 were enacted on April 6, 2005, by Res. No. 14-2005.]

CHAPTER 1. APPLICATIONS

Sec. 10-4101. Form and Contents of Application.

(a) Applications for enrollment in the Tribe shall be made by submission of a form approved by the Enrollment Committee.

(b) Applications shall be filled out completely and shall be accompanied by supporting documentation, including:

(1) An original birth certificate, with a raised seal or stamped seal with both parents' names;

(2) A notarized paternity statement containing the signatures of both parents, provided that proof that a parent is deceased can be submitted in lieu of the signature of the deceased parent;

(3) An ancestry chart;

(4) A copy of the applicant's social security card;

(5) DNA test results using a twelve- (12) marker protocol, establishing with a 98% or greater degree of certainty that the applicant is the child of an enrolled male member of the Meskwaki Tribe.

(c) The applicant or person completing the application pursuant to Section 10-4102 must certify under penalty of perjury that the information given is true, and must further acknowledge that fraudulently providing information on an application will render applicant's enrollment voidable.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-4102. Applications by Minors and Mental Incompetents.

(a) Applications for minors or mental incompetents or others unable to complete the form may be filed by a parent, legal guardian, or next of kin. When the Applicant's father is an enrolled member of the Tribe, the application shall be signed by the father whenever possible.

(b) The Enrollment Officer may assist applicants in completing the form, if requested, but the burden of proof shall remain on the applicant to establish eligibility for membership.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-4103. Applicants with Deceased, Unavailable, or Uncooperative Fathers.

(a) Deceased Fathers. Where a father is deceased and Applicant is unable to obtain a DNA sample of the father other than by exhuming the father's body, the applicant need not submit a DNA sample of the father but must submit DNA test results using a twelve- (12) marker protocol, establishing with a 98% or greater degree of certainty that the applicant is the child of an enrolled male member of the Meskwaki Tribe.

(b) Unavailable or Uncooperative Fathers. Where the Applicant's father is an enrolled member of the Tribe, and the Applicant's parents were residing on the Settlement at the time of the Applicant's birth, but the father is unavailable or uncooperative to facilitate the Applicant's enrollment in the Tribe, the Applicant need not submit a DNA sample of the father but must submit DNA test results using a twelve- (12) marker protocol, establishing with a 98% or greater degree of certainty that the Applicant is the child of the enrolled male member of the Meskwaki Tribe he is asserting is the father. The Applicant must also submit proof of the parents' residence on the Settlement at the time of the Applicant's birth. In those cases where the father is uncooperative, the Meskwaki Tribal Court is hereby granted jurisdiction to order the putative father to submit to DNA testing for the exclusive purpose of determining paternity. If the putative father fails or refuses to submit to DNA testing as ordered, the Court shall have authority to exercise its powers to compel the putative father, through contempt proceedings, monetary sanctions, or any other means at its disposal, to submit to such testing.

[Note: This section 10-4103 (a) was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-4104. Filing of Application.

(a) The Enrollment Officer shall be the person designated to respond to requests for applications.

(b) Applications shall only be filed at the Enrollment Office with the Enrollment Officer. No staff or Enrollment Committee member shall accept applications for enrollment.

(c) Upon receipt of an application in the Enrollment Office, the application shall be assigned an identifying number and stamped with the date of receipt. Within five days of receipt the Enrollment Officer shall mail to the applicant written confirmation of the receipt of the application.

(d) Where an application is submitted without all documents required by this Chapter, the Enrollment Officer shall notify the applicant that the application is incomplete, and shall take no further action to process the application until it is complete, but shall provide such assistance to the applicant as he is able to facilitate completion of the application. Notice that an application is incomplete shall be provided no later than 30 days after receipt of the application.

(e) The Enrollment Committee shall be under no affirmative duty to, but may look beyond the information supplied by the applicant.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-4105. Adoptee.

(a) In addition to the requirements of Section 10-4101, an Adoptee of Meskwaki descent will be required to submit a Court Adoption Record.

(b) Non-Indian children adopted by members of the Sac & Fox Tribe of the Mississippi in Iowa are not eligible for enrollment.

(c) Children of Indian descent adopted by members of the Sac & Fox Tribe of the Mississippi in Iowa may not be enrolled unless they meet the requirements for enrollment as specified in the Tribal Constitution.

Sec. 10-4106. Burden of Proof.

(a) It is the responsibility of the applicant to provide all evidence necessary to establish eligibility for enrollment; and the applicant shall bear the burden of proof of eligibility for enrollment.

(b) To meet its burden to establish paternity, an applicant must submit a DNA test which uses a twelve- (12) marker protocol, or a test which has a degree of accuracy which is as great as or greater than that provided by a DNA test which uses a 12-marker protocol, and which establishes paternity necessary for membership. The cost of the paternity test shall not be borne by the Tribe.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-4107. Eligibility for Enrollment.

Only the following persons are eligible for enrollment in the Tribe:

(a) All persons whose names appear on the official census roll of January 1, 1937, of the Sac & Fox Tribe in Iowa except those designated in the roll as not enrolled members of the Tribe, as corrected by the Secretary of the Interior on December 13, 1938.

(b) All children born since the completion of said roll whose father is a member of the Tribe and whose parents were residing on the Settlement at the time of the birth of said children.

(c) All children born since the completion of said roll whose father is a member of the Tribe but whose parents were not residing on the Settlement at the time of the birth of said children may be admitted to membership by a majority vote of the Tribal Council.

(d) No person who is an enrolled member of any other Indian Tribe or band, foreign or domestic, may be enrolled or adopted into the Sac & Fox Tribe of the Mississippi in Iowa, and an applicant who has relinquished his membership from another Indian Tribe or band will not be accepted for enrollment or adoption; except that:

(1) A person who has relinquished membership from all other Indian Tribes or bands and who has applied for enrollment in the Sac and Fox Tribe of the Mississippi in Iowa all prior to turning 22 years old may be enrolled if the applicant meets all other enrollment criteria.

(2) A person over whom the father has legal custody and for whom membership from all other Indian Tribes or bands has been relinquished and for whom the father has submitted an application for enrollment in the Sac & Fox Tribe of the Mississippi in Iowa all prior to the applicant turning 18 years old may be enrolled if the applicant meets all other enrollment criteria.

(e) No person who has voluntarily relinquished his membership in the Tribe for any reason shall be eligible for enrollment in the Tribe at any time thereafter.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-4108. Provisional Enrollment.

Notwithstanding the provisions of Sec. 10-4017, a person who was enrolled in another tribe by the mother, but who is now in the legal and physical custody of the father and is physically residing with the father, and who meets the criteria for enrollment with the Sac & Fox Tribe in all other respects, may be granted provisional enrollment status in the Sac & Fox Tribe pursuant to the following procedures:

(a) The father must file an enrollment application on behalf of the person, in accordance with the requirements of this Article.

(b) Except as specified in this section, the application will be processed in accordance with the procedures set forth in this Article.

(c) Upon a finding by the Tribal Council that the enrollment application would be approved but for the person's enrollment in the mother's tribe, the Tribal Council will grant the person provisional enrollment in the Sac & Fox Tribe, and will notify the Enrollment Officer and Enrollment Committee of the person's provisional enrollment status.

(d) Within two days of being notified of the Tribal Council's decision to grant provisional enrollment, the Enrollment Officer shall send a letter to the enrollment office of the tribe in which the person is enrolled, advising that office of the following:

(1) That the person has been granted provisional enrollment status in the Sac & Fox Tribe.

(2) That the Sac & Fox Tribe respectfully asks the other tribe to relinquish the person's membership in the tribe, and to send the Enrollment Officer a letter so stating.

(3) That the person's provisional enrollment in the Sac & Fox Tribe will become final upon receipt of a letter relinquishing the person's membership in the other tribe.

(e) The Enrollment Officer shall promptly inform the Enrollment Committee, and the Enrollment Committee shall promptly inform the Tribal Council of any response from the other tribe.

(f) If the other tribe relinquishes the person's membership, the person will become permanently enrolled upon receipt by the Tribal Council of notice from the Enrollment Committee that the person's enrollment has been relinquished by the mother's tribe, and the Tribal Council shall lift the provisional enrollment status by vote at its next regularly scheduled meeting. If the other tribe does not respond, or responds but refuses to relinquish the person's membership, then the Tribal Council will rescind the person's provisional enrollment, and the Secretary of the Tribal Council will send written notice to the father of the person who is the subject of the application that the person is not presently eligible for enrollment in the Sac & Fox Tribe.

(g) Nothing in this section shall be construed to grant any benefits, rights, or privileges of Tribal membership to a person whose enrollment status is provisional.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

CHAPTER 2. PROCESSING OF APPLICATIONS

Sec. 10-4201. Processing by the Enrollment Committee.

The Enrollment Committee shall review all enrollment applications submitted by the Enrollment Officer and comply with the following:

(a) The Enrollment Committee will check the Eligibility requirements for enrollment for each applicant, as stated in Sec. 10-4107, Eligibility for Enrollment. As part of that check, the Enrollment Committee shall determine whether the applicant has ever been enrolled in any other Tribe or Band.

(b) If the Enrollment Committee determines to recommend the approval of an application to the Tribal Council, the Enrollment Officer shall draft a written letter, for the Chairperson of the Enrollment Committee, to the Tribal Council submitting the Enrollment Committee's recommendation.

(c) If the Enrollment Committee determines to recommend to deny an application to the Tribal Council, the Enrollment Officer shall draft a written letter, for the Chairperson of the

Enrollment Committee, to the Tribal Council submitting the Enrollment Committee's recommendation.

(d) The Enrollment Committee's recommendation of approval or denial of the application to the Tribal Council shall be issued within sixty (60) days of the date of receipt of the completed application.

(e) The Enrollment Committee's recommendation or approval shall not be a conclusive determination of eligibility for enrollment and shall create no protected or vested interest in enrollment.

(f) A committee member shall recuse him or herself and leave the meeting room during consideration of the application for enrollment of a direct descendant of the Committee member.

(g) The Enrollment Committee shall submit a written report to the Tribal Council on a monthly basis. The report must incorporate the information contained in the Enrollment Officer's monthly report, and must further identify all applications pending before the Enrollment Committee, and describe all actions taken by the Enrollment Committee with regard to those applications.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-4202. Notification of Results.

(a) The Enrollment Officer shall notify the applicant in writing of the action of the Enrollment Committee.

(b) Within five days of its decision, the Enrollment Committee shall simultaneously submit to the Tribal Council the names of the applicants recommended for approval and post the identical information for twenty (20) calendar days at the Tribal Offices.

(c) Notice to rejected applicants shall be sent by certified mail and shall state the grounds for rejection and the right of the applicant to appeal as set forth in Chapter 3 of this Article.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

CHAPTER 3. ACTIONS OF THE TRIBAL COUNCIL

Sec. 10-4301. Applications Recommended for Approval.

(a) Upon receipt of a written recommendation from the Enrollment Committee, the Tribal Council shall place the enrollment recommendation on the agenda for one of its next three meetings after the expiration of the twenty (20) day period specified in section 10-4202(b). If a quorum is lacking for the Tribal Council meeting, the matter shall be placed on each subsequent agenda until heard.

(b) The Tribal Council shall review all enrollment applications recommended by the Enrollment Committee and follow the criteria set forth in the Tribal Constitution and the Enrollment Code, for approval or rejection of an enrollment application.

(c) The vote of the Tribal Council accepting or rejecting the Enrollment Committee recommendation shall be final. Where the Tribal Council rejects the recommendation of the Enrollment Committee, it shall provide the Enrollment Committee with written notice of its reasons for rejecting the recommendation.

(d) Written notice of the decision of the Tribal Council shall be sent to the applicant by the Secretary of the Tribal Council.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-4302. Appeal of Rejected Applications.

(a) Any person whose application for membership has been rejected by the Enrollment Committee may appeal to the Tribal Council by filing an appeal in writing, along with supporting evidence, with the Enrollment Officer within 30 days of the date of mailing of the notice of rejection. Persons outside the continental United States shall have 60 days within which to file such an appeal. An extension of 14 days may be granted to the appellant by the Enrollment Committee, at the discretion of the Enrollment Committee.

(b) The Enrollment Officer shall present the appeal along with the complete record to the Enrollment Committee, which shall review the records and recommend acceptance or denial of the appeal in writing to the Tribal Council. The Chairperson of the Enrollment Committee shall notify the applicant of the Enrollment Committee's recommendation on the appeal as set forth in Section 10-4202.

(c) Upon receipt of the Enrollment Committee's recommendation, the Tribal Council shall place the appeal on the agenda for one of its next three meetings, and the Secretary of the Tribal Council shall provide notice to the applicant of the date and time at which the Council will hear the appeal.

(d) Unless otherwise directed by the Council, the procedures applicable to the hearing shall be:

(1) Applicant shall have the right to address the Council in person, but shall not have the right to be represented by an attorney or advocate;

(2) The appeal shall be based upon the record presented to the Enrollment Committee;

(3) The sole issue on appeal shall be whether applicant met his or her burden of proof under section 10-4106;

(4) Within a reasonable time after hearing the appeal, the Council will affirm the Enrollment Committee's decision or reverse the Committee's decision and enroll the applicant;

(5) Written notice of the decision of the Tribal Council shall be sent to the appellant by the Secretary of the Tribal Council.

(e) The decision of the Tribal Council to affirm or reverse the Enrollment Committee's recommendation regarding the appeal shall be final. Where the Tribal Council rejects the recommendation of the Enrollment Committee, it shall provide the Enrollment Committee with written notice of its reasons for rejecting the recommendation.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

TITLE 10. ENROLLMENT**ARTICLE V****ADOPTION PROCEDURE**

[NOTE: Except as otherwise noted, the provisions of Article V, Title 10 were enacted on April 6, 2005, by Res. No. 14-2005.]

CHAPTER 1. ADOPTION PROCEDURE**Sec. 10-5101. Adoption Procedure.**

(a) A person who is a descendant of a member of this Tribe but not entitled to membership under Article II, Section 1 of the Tribal Constitution, may be adopted into the Tribe by a majority vote of the Tribal Council, provided that such person has resided on the Settlement for a period of five years prior to submitting the application. Written notice of the decision of the Tribal Council to permit or reject an application for adoption shall be sent to the applicant by the Secretary of the Tribal Council within ten (10) business days.

(b) The application for adoption into the Tribe shall be made by the applicant or applicant's parent, guardians or next of kin to the Membership Committee of the Tribal Council, and the Committee shall conduct an investigation for the Tribal Council to determine the desirability of adoption.

(c) Persons adopted under this Section shall not be entitled to hold office or participate in the payments resulting from the treaties of the Tribe with the United States, but may enjoy other privileges of tribal members.

(d) Any member of the Tribe who resides away from the Settlement for a period of ten years and who has not within that time signified to the Tribal Council his desire to continue his membership shall lose his membership in the Tribe but may later be adopted into the Tribe under the same membership status previously enjoyed, by a majority vote of the Tribal Council after residing on the Settlement for one year.

(e) Any person or persons who are non-Meskwaki but intermarried with members of the Tribe shall not be granted membership or adoption into the Tribe.

Sec. 10-5102. Adoption Roll.

(a) The Enrollment Officer shall prepare a roll of all persons adopted into the Tribe, and shall update that Roll to add newly adopted members. The Enrollment Committee shall verify the updated roll quarterly and then present such updated Adoption Roll to the Tribal Council for its confirmation.

TITLE 10. ENROLLMENT

**ARTICLE VI
DISENROLLMENT**

[NOTE: Except as otherwise noted, the provisions of Article VI, Title 10 were enacted on April 6, 2005, by Res. No. 14-2005.]

CHAPTER 1. IN GENERAL

Sec. 10-6101. Grounds for Disenrollment.

Any of the following may constitute grounds for disenrollment:

- (a) A person is found guilty by a court of law of:
 - (1) Murder;
 - (2) Rape;
 - (3) Incest;
 - (4) More than one conviction for drug trafficking, manufacturing, or distribution;
 - (5) Treason against the Tribe or the United States.
- (b) A person was enrolled through error or fraud.
- (c) A tribal member has resided away from the Meskwaki Settlement for a period of ten years, and has not within that time signified to the Tribal Council his desire to continue Tribal membership.
- (d) A tribal member who is disenrolled for grounds stated in subsection (a) cannot be reenrolled unless exonerated by a court of the crime for which he or she was previously convicted.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6102. Exclusive Procedure.

- (a) This Article shall be the exclusive means for Enrollment Committee and Tribal Council consideration of disenrollment matters.
- (b) No action to disenroll a member shall be taken unless authorized by the Tribal Council.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6103. No Review.

There shall be no review by or appeal to the Secretary of Interior or any other official or tribunal of a disenrollment proceeding brought under this Article and nothing contained herein shall authorize such action by the Secretary of the Interior or any other official or tribunal.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

CHAPTER 2. DISENROLLMENT PROCEDURE

Sec. 10-6201. Filing and Notice.

(a) As used in this chapter:

(1) “Complainant” means an enrolled member of the Tribe who initiates proceedings for disenrollment against another enrolled member of the Tribe. Any enrolled Tribal member may initiate proceedings on the basis of one or more of the grounds for disenrollment enumerated in § 10-6101(a) of this Article. Only a Complainant who is also a member of the immediate family of the Respondent may initiate proceedings on the basis of the grounds for disenrollment set forth in § 10-6101(b) and (c) of this Article. A Complainant is not a party to any part of the proceedings under this Chapter, and other than as expressly stated, this Chapter does not grant any right or authority to the Complainant. Under no circumstance shall Complainant mean the members of the Enrollment Committee in their official capacity, and the Enrollment Committee is hereby expressly prohibited from initiating any investigation, process, consideration or other action regarding the enrollment status of a person already enrolled in the Sac & Fox Tribe who is not the subject of a Complaint initiated by a Complainant. The members of the Enrollment Committee may bring a complaint in their individual capacity, but shall be prohibited from acting in their official capacity on the matter, and shall be required to recuse themselves from all proceedings in the matter, and shall be prohibited from having any communication with other members of the Committee about the matter. If, in the course of performing their duties under this Title 10 the Enrollment Officer or members of the Enrollment Committee learn of physical evidence providing a reasonable basis to conclude that a Tribal member has been enrolled through error or fraud, and if the member is not the subject of a complaint, the Committee shall prepare a confidential report to the Tribal Council requesting authorization to proceed with the matter, and, upon a motion of the Tribal Council at a regularly scheduled meeting authorizing the Committee to act as the Complainant, may file a Complaint for the disenrollment of that member and proceed as would any other Complainant hereunder, describing the physical evidence, stating the source of the

information and how it was learned, and attaching any supporting documents.

(2) “Complaint” means a declaration, signed by a Complainant under penalty of perjury of the Sac & Fox Tribe of the Mississippi in Iowa, with the Enrollment Officer which:

(a) Provides probable cause that one or more grounds for disenrollment, as set forth in this Article, exists; and

(b) If the Complaint alleges that the respondent was enrolled by error or fraud, the declaration must also provide the Complainant’s written assurance that if respondent is not disenrolled, the Complainant will reimburse to respondent, the Tribe, or any other person, the actual costs incurred for DNA testing which is submitted to rebut the allegations of error or fraud, and of all other costs of processing the Complaint.

(3) “Immediate Family” means the parents, siblings, grandparents, aunts or uncles of the person whose enrollment status is the subject of the Complaint.

(4) “Physical Testing” means blood type testing, DNA testing, or similar testing of physical specimens from a person where such test would provide evidence related to parentage. The Enrollment Committee is hereby expressly prohibited from requesting or requiring or otherwise seeking to initiate or mandate Physical Testing of a person who is the subject of a Complaint, including, but not limited to DNA testing of any member of the Sac & Fox Tribe enrolled prior to the enactment of this Code, unless the enrolled Tribal member who signed the enrollment application as the Respondent’s father, or otherwise caused the enrollment of the person who is the subject of the Complaint, has agreed to submit to DNA testing. If the enrolled Tribal member who is the father has agreed to submit to DNA testing, and if the person who is the subject of the complaint refuses to submit to DNA testing, the person who is the subject of the Complaint shall be presumed to have been enrolled through error or fraud, and shall be required to provide conclusive proof in the form of DNA test results using a twelve- (12) marker protocol that the person who enrolled them is their biological father.

(5) “Probable Cause” means actual physical evidence presented to the Enrollment Officer, which establishes a reasonable suspicion that one or more grounds for disenrollment exist.

(6) “Physical Evidence” means, for disenrollment proceedings based on an allegation that an enrolled member has been convicted of: (i) murder; (ii) rape; (iii) incest; (iv) more than one conviction for drug trafficking, manufacturing, or distribution; or (v) treason against the Tribe or the United States, certified copies of official written records of a state, federal, tribal, or local unit of government showing that the respondent has been convicted of the crime alleged or engaged in other activity sufficient to warrant

grounds for disenrollment as set forth in Chapter 1, Section 10-6101(a).

(7) “Physical Evidence” means, for purposes of disenrollment proceedings based on an allegation that a Tribal member was enrolled through fraud or error, DNA or other scientific test results providing a reasonable basis to conclude that the respondent was not qualified to be enrolled, or written materials related to the enrollment of the respondent which provide a reasonable basis to conclude there was an error in the application. Physical Evidence may include copies of original documents of a tribal, state or federal government, hospital, clinic, or similar institution that provide a reasonable basis to conclude that error or fraud may have occurred or been committed in the enrollment of the respondent. The Enrollment Officer will use his best efforts to verify the authenticity of all documents before the documents are considered as grounds for initiating disenrollment proceedings. Written statements of Tribal members asserting that an error or fraud has occurred may serve as the basis for a disenrollment proceeding, but must be substantiated by Physical Evidence whenever possible.

(8) “Respondent” means the Tribal member whose enrollment status is questioned by Complainant.

(b) The sole method for initiating consideration of whether an enrolled member should be disenrolled is submission of a Complaint to the Enrollment Officer. Upon submission of a Complaint, the Enrollment Officer shall review the Complaint to determine if it meets all the requirements of subsection (a) (2). Any Complaint not meeting the requirement of Probable Cause as defined in this Chapter 2 shall be immediately rejected. If the Complaint meets the requirements of Chapter 2, Section 10-1602 (a) and establishes probable cause exists to require a response from the Respondent, then the Enrollment Officer shall, within 30 days of the filing of the Complaint, provide Respondent by certified mail with a copy of the Complaint and all materials submitted in support of the Complaint, and shall provide Respondent with the notice required by subsections (d)-(e).

(c) The Respondent shall have 30 days from the date of receipt of the notice from the Enrollment Officer to provide any and all responsive materials he deems appropriate. Such materials shall be filed with the Enrollment Officer in the same manner as required in Section 10-4101 of this Title.

(d) Respondent shall be informed that the only physical test results which may be considered in a disenrollment proceeding are:

- (1) Results voluntarily submitted by Respondent;
- (2) Results obtained and submitted by any person upon the written request of the Respondent’s father if the Respondent was originally enrolled through the father;

(3) Results obtained by any person other than Respondent or the Respondent's father where the Respondent, after being advised in writing of his right to not have the test results submitted in a disenrollment proceeding, and of his right not to have his refusal to consent used against him in a disenrollment proceeding, voluntarily consented in writing to the submission of the test results;

(4) Results considered at the time Respondent was enrolled; and

(5) Results submitted to establish that physical test results, which were considered at the time Respondent was enrolled, were the result of fraud by Respondent or a person acting for Respondent pursuant to Section 10-4102.

(e) Respondent shall be informed that his failure or refusal to obtain any physical test or his failure or refusal to consent to submission of any test result under subsection (d) (2) shall not be used against him in a proceeding under this Chapter, except under the following circumstances:

(1) if Respondent voluntarily chose to have a physical test done, his failure or refusal to disclose the results of such test may be considered as evidence;

(2) if the putative father agrees to submit to DNA testing, the Respondent's failure to submit to DNA testing will give rise to a presumption that Respondent is not eligible for enrollment, and the Respondent will be required to present conclusive proof of his eligibility for enrollment in order to remain enrolled in the Tribe.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6202. Action of Enrollment Officer.

Upon receipt of the Respondent's responsive materials, the Enrollment Officer shall review and attempt to verify the evidence submitted to substantiate the Complaint and the Respondent's materials. No later than six months after filing of the responsive materials by the Respondent, the Enrollment Officer shall report his findings in writing to the Enrollment Committee. The Enrollment Officer shall advise the Enrollment Committee in his report whether it appears from all submissions that there is sufficient evidence to establish that a disenrollment proceeding should be initiated against Respondent. In order to ensure the impartiality of the Enrollment Committee as the tribunal first hearing the evidence in a disenrollment proceeding, prior to the written report by the Enrollment Officer to the Enrollment Committee, the Enrollment Committee is strictly prohibited from having any involvement in the processing of the Complaint, the investigation of the Physical Evidence, or any other actions of the Enrollment Officer regarding the Complaint.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6203. Action of Enrollment Committee.

(a) Upon receipt from the Enrollment Officer of the report, the Enrollment Committee Chairperson shall convene a meeting of the Enrollment Committee to review all submissions and the report of the Enrollment Officer. The Enrollment Committee shall determine if, from all materials submitted, there is probable cause to believe that Respondent should be disenrolled. If the Enrollment Committee determines that probable cause is not shown, it shall immediately notify the Complainant and Respondent.

(b) If the Enrollment Committee finds that probable cause for disenrollment exists, the Enrollment Committee shall report its findings to the Tribal Council by filing a notice that the Enrollment Committee has reviewed the matter and reached an initial determination on a disenrollment petition and shall request that the Tribal Council:

(1) Place the matter on the agenda of a Tribal Council meeting to be held not sooner than 45 days after receipt of notice from the Enrollment Committee; and

(2) Promptly notify the Respondent of the date, time, location and purpose of the disenrollment hearing.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6204. Proceedings Before Tribal Council.

(a) The disenrollment hearing before the Tribal Council shall be confidential and shall be closed to all persons except the members of the Enrollment Committee, the Enrollment Officer, the Tribal Council members and persons who are advising them, the Respondent, and Respondent's witnesses or advocates.

(b) In all disenrollment proceedings, the burden of proof shall be on the Enrollment Committee to establish through the introduction of Physical evidence, beyond a reasonable doubt, that the Respondent should be disenrolled.

(c) In all proceedings before the Tribal Council based upon an allegation the Respondent was enrolled through error or fraud, the Respondent shall be presumed to have been properly enrolled.

(d) The Respondent shall be provided full opportunity to be present and actively participate in the hearing. Respondent shall be entitled to present any and all information he deems relevant to a determination on disenrollment, but is not required to provide any evidence or testimony, and no presumption against the Respondent may be drawn from the Respondent's failure to introduce any evidence or to testify in his or her own behalf.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6205. Procedures Generally.

(a) A preliminary hearing regarding the disenrollment recommendation by the Enrollment Committee shall be conducted by the Tribal Council. Except as otherwise expressly provided in this Chapter, the Tribal Council hearing shall be conducted under the procedures defined by Title I, Article III, Chapter 2 of this Code.

(b) The Tribal Council shall, at the close of the hearing, vote to determine whether evidence is sufficient to disenroll based on the grounds provided in this Article and either:

(1) recommend that the Respondent be disenrolled by the Tribe and set the matter for a meeting of the Tribe followed by a referendum vote of the Tribe; or

(2) determine that the Respondent should not be disenrolled by the Tribe, and conclude the disenrollment proceeding.

(c) Written notice of the decision of the Tribal Council shall be sent within five business days to the Complainant and Respondent by the Secretary of the Tribal Council.

(d) If the Tribal Council recommends that the Respondent should be disenrolled by the Tribe, the meeting of the Tribe shall be held no sooner than ten (10), and no later than thirty (30) days after the Council issues its recommendation. At the meeting of the members the factual basis for the Tribal Council's vote disenrollment shall be presented to the members, but, if documents are provided for members' review, all such documents shall be collected from the members before they are permitted to leave the meeting. Respondent shall have the right to attend and present any evidence he believes is relevant to the matter of his disenrollment.

(e) A referendum election on disenrollment by the Tribe shall be held within fourteen (14) calendar days of the meeting of the Tribe. Only members of the Tribe residing within the exterior boundaries of the Settlement shall be eligible to vote in a disenrollment referendum election, and for a referendum vote to result in disenrollment, no less than fifty percent (50%) of all eligible voters residing on the Settlement must vote in the referendum. The decision on whether the person shall be disenrolled shall be determined by a simple majority vote. The referendum election shall be governed by the Tribal Code provisions for referendum elections, except as explicitly stated in this Title.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6206. Order Following Disenrollment Vote.

If the majority of the votes in the referendum are cast in favor of disenrollment, the

Council shall issue a Tribal Disenrollment Order. If the referendum vote is tied or a majority of the votes cast are opposed to disenrollment, the Council shall issue an order that the person is not disenrolled by the Tribe. The Council order shall be issued within 24 hours of the certification of the results of the vote.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6207. Dissemination of Disenrollment Orders.

A copy of a tribal disenrollment order issued under this Article shall be sent to the appropriate official of the Bureau of Indian Affairs, the Tribal Court, posted at the governmental offices of the Tribe for one week; and maintained collectively and separately in a manner which allows for subsequent examination of such orders by any member of the Tribe. The order shall also be sent by certified mail to the Respondent.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6208. Appeal.

(a) Notwithstanding Tribal Code Title 1, Article III, Chapter 2, section 1-3213 or any other tribal law, the sole right to Court review of disenrollment proceedings shall be as stated in this section of Tribal law.

(b) An appeal related to a disenrollment proceeding can only be filed from a disenrollment order issued under Section 10-6206. The appeal must be filed with the Tribe's Appellate Court Clerk within fourteen days of the date that the order was placed in certified mail to Respondent. Failure of Respondent to file an appeal within the prescribed time shall deprive the Meskwaki Court of Appeals of jurisdiction of the appeal.

(c) The sole issues which can be reviewed on appeal shall be whether the Enrollment Officer, Enrollment Committee, or Tribal Council committed procedural due process errors. The Tribal Appellate Court may only vacate the Disenrollment Order and Disenrollment vote if it concludes as a matter of law that the fairness of the disenrollment vote was substantially affected by an error of procedural due process. The Meskwaki Court of Appeals shall be the only tribunal with jurisdiction to hear appeals of disenrollment actions by the Tribe, but the Appellate Court's jurisdiction shall be expressly limited to reviewing the record of the proceedings to ensure that the Tribal member subject to disenrollment received the process provided by this Title 10, Chapter 2, and, if the process provided for in Title 10, Chapter 2 has been followed, the Tribal Appellate Court shall find that due process has been provided the Respondent. The only relief the Appellate Court shall have authority to provide is to remand the matter back to the Enrollment Committee for further proceedings.

(d) The Court can issue a stay pending Appellate Court review. If a stay is issued, the Appellate Court shall not prevent the Tribal Council from ordering that benefits be escrowed

under Section 10-6211 during the pendency of the appeal.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6209. Voluntary Relinquishment.

(a) A Respondent may voluntarily relinquish his membership with the Tribe by notifying the Enrollment Committee in writing that he does not wish to challenge his disenrollment and voluntarily relinquishes his membership in the Tribe.

(b) Upon receipt of a notice of voluntary relinquishment under this Section, the Enrollment Committee shall submit the voluntary relinquishment to the Tribal Council, which shall make the final decision regarding disenrollment.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6210. Confidentiality.

All Enrollment Committee members shall keep the enrollment records of the Tribe confidential. Failure to keep the records confidential shall be grounds for removal. All records, communications, deliberations, minutes and enrollment records, with the exception of the Census Roll and the base roll, are subject to this confidentiality requirement.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6211. Escrow of Benefits Pending Review.

(a) An enrolled member of the Tribe shall be presumed to be eligible to continue to receive all benefits from the Tribe while a Complaint for disenrollment is pending, and the member shall continue to receive such benefits until a final decision is rendered unless the Council finds, based upon the evidence available to it at the time that it considers the matter, that it is highly likely that there are grounds for disenrollment. If it so finds, the Council may order that benefits otherwise due Respondent be placed into escrow pending resolution of the Complaint.

(b) The Council can consider or reconsider suspension of benefits at any time after a Complaint is filed.

(c) Upon completion of a hearing under this Chapter, any benefits placed into escrow under this section, together with any interest thereon, which has accrued, shall be:

(1) Returned to the department or program which placed the funds into escrow if Respondent is disenrolled; and

- (2) Provided to Respondent if the Respondent is not disenrolled.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]

Sec. 10-6212. Subsequent Disenrollment Proceedings.

A member of the Tribe who has once been the subject of disenrollment proceedings not resulting in the member's disenrollment shall not thereafter be again subject to disenrollment proceedings, in the absence of compelling new evidence, except where the Tribal Appellate Court determines that the Respondent was not afforded due process, as defined by this Title 10, and the matter is remanded to the Enrollment Committee. Where a disenrollment matter is not sustained on appeal, and is remanded to the Enrollment Committee, subsequent proceedings may be commenced against the same Respondent based upon the same evidence for purposes of curing the failure to provide all process due under this Title 10, Chapter 2.