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SUQUAMISH ENROLLMENT ORDINANCE

I. Title

This Ordinance shall be referred to as the Suquamish Tribe Enrollment Ordinance.

II. Purpose

It is the purpose of this ordinance to provide enrollment rules and procedures, to clarify the terms of, and provide for the development and maintenance of the Suquamish Roll pursuant to the Constitution and Bylaws of the Suquamish Tribe Article II, MEMBERSHIP Sections 1 and 2.

Pursuant to the authority vested in the Tribal Council of the Suquamish Tribes Constitution and Bylaws and particularly by Article III sections 1 (g) there of, the Tribal Council hereby enacts this Chapter of the Tribal Code to establish rules and procedures governing membership and enrollment in the membership of the tribe.

III. Jurisdiction

The Suquamish Tribal Court shall have jurisdiction over all actions arising under this chapter pursuant to Suquamish Tribal Code Section 3.2.2

IV. Definitions

Unless another meaning is specified or required by context, the following terms when used in this chapter shall have the following meanings:

- 1) Applicant - An Individual seeking to be enrolled
- 2) Tribal Member -An Individual who has met the membership criteria of the Suquamish Tribe and is officially enrolled in the tribe.
- 3) 1942 Base Roll - The Official BIA Census roll compiled as of January 1, 1942.
- 4) Master Roll - The roll of all enrolled members of the tribe, both living and deceased.
- 5) Enrollment Database - The Tribal Enrollment Database holding the roll of all enrolled members of the tribe, both living and deceased.
- 6) Base Enrollees - Individuals from whom all persons applying for membership must prove direct descent. For this tribe, the base enrollees are those persons whose names appear on the official census roll of the Suquamish Tribe as of January 1, 1942.
- 7) The Tribe - The Suquamish Indian Tribe.
- 8) The Tribal Council - The Legislative branch of the Tribe **composed of 7 tribal members elected to serve on behalf of the Suquamish Tribe membership.**
- 9) The General Council - The **Legislative branch of the tribe** composed of all Tribal members enrolled in the Suquamish Tribe at least 18 years or older.

- 10) Constitution - The Constitution of the Suquamish Tribe approved June 18, 1965 by John A. Carver Jr. Under –Secretary of the Interior and all amendments added thereto.
- 11) Sponsor - The applicants' spouse, parent, recognized guardian, next of kin, descendant, executor or administrator of estate, or any tribal member who files an application for enrollment or appeal on behalf of another person.
- 12) Child - An Individual under the age of 18, who is under the supervision of an adult.
- 13) Direct descent - An Individual of biological descent where lineage can be traced continually from parent to child without a break in enrollment to the Suquamish Tribe.
- 14) Disenrollment - An official act by the tribe to remove a member from the tribal membership for fraudulent submissions.
- 15) Dual Enrollment - An Individual who is enrolled in the Suquamish Tribe and another tribe at the same time.
- 16) Another Tribe - Another Federally recognized tribe within the United States.
- 17) Documentation – The legal evidence to support a statement of fact.
- 18) Enrollment Officer – The person designated to handle Enrollment records. This is a person designated by the Tribal Council to perform the duties of the Enrollment Officer.
- 19) Automatic Enrollment – A Individual who is eligible for automatic enrollment because a biological Ancestor is listed on the 1942 Suquamish initial base roll and there has not been a break in the enrollment of direct descents. See required qualifications section 7.06 of this ordinance.
- 20) Legal Adoption Enrollment - An Individual who is eligible for “legal adoption enrollment” because he or she was legally put up for adoption and one or both biological parents are listed on the 1942 census of the Suquamish Tribal Rolls. See required qualifications section 7.09 of this ordinance.
- 21) Tribal Adoption Enrollment - An Individual who is eligible for “tribal adoption enrollment” because he or she has at least 1/8 Suquamish Blood but does not meet the qualifications for automatic enrollment or legal adoption enrollment. See required qualifications section 7.07 of this ordinance.
- 22) Tribal Adoption Descendant Enrollment - An Individual who is eligible for “tribal adoption enrollment” because he or she has a biological ancestor who was enrolled through the “Tribal Adoption Enrollment” and there has not been a break in the enrollment of descendants. See required qualifications section 7.08 of this ordinance.
- 23) Treaty Fishing, Hunting and Gathering Rights - The rights reserved by the Suquamish Tribe in the 1855 Treaty of Point Elliot to fish and harvest shellfish in its usual and accustomed grounds and stations and to hunt and gather in all open and unclaimed lands.
- 24) DNA/Lineage testing – The method of acquiring and analyzing DNA cells from a person to establish parentage or tribal lineage.

- 25) Relinquishment – The personal, and voluntary action taken by a tribal member or an individual legally authorized to act on the tribal member behalf to terminate the tribal member relationship with the tribe.
- 26) Resolution – The formal written statement of a decision by the Tribal Council of a federally recognized Indian tribe.

V. Eligibility Criteria

Article II MEMBERSHIP section 1 & 2 of the Constitution of the Suquamish Tribe provides:

Section 1. The membership of the Suquamish Indian Tribe shall consist of the following:

- (a) All persons of Suquamish Indian blood whose names appear on the official census roll of the tribe as of January 1, 1942; provided, that such persons have not relinquished membership in the Suquamish Tribe or have not become enrolled as members of any other tribe, band of Indian Community; provided, further, that such roll may be corrected subject to the approval of the Secretary of the Interior.
- (b) All children born between January 1, 1942 and the date of approval of this constitution and by laws, to persons who are members; provided, that those children have been enrolled as members of other tribe shall be eligible if within one year from that date of approval of this constitution, they, or their parents action in their behalf, apply for membership in the other tribe.
- (c) All persons of 1/8 or more Indian blood born to any member of the Suquamish Tribe, after the date of approval of this constitution and bylaws.

Section 2. An application for membership by Adoption, after approval of this section of the Constitution, from any person of one-fourth degree more Indian blood may be approved by a majority of tribal members present at a regular or special General Council meeting. For the purpose of exercising Suquamish Indian Treaty Fishing Rights, all persons adopted pursuant to this section shall be one-eighth or more Suquamish.

VI. Filing an application for new enrollment

6.01 Who must file?

All persons not listed on the **current** roll must file an enrollment application. A Parent or legal guardian must file an application for a minor or incompetent. A separate application must be filed by and for each individual seeking enrollment.

6.02 When & Where to file an application

All enrollment applications must be filed with the Enrollment Officer of the Tribe. Application forms may be obtained by oral or written request from the Suquamish Tribe, Enrollment Office.

DEADLINES (Automatic enrollment) will be quarterly. Applications completed and qualifying must be received no later than the 1st day of March, June, September, or December. (Tribal Adoption) will be December 15th of each year, for presentation to the General Council the third week in March of each year. The Enrollment Office may submit completed Tribal Adoption applications for approval, if a special General Council meeting is called.

6.03 What the Application must contain

Each enrollment application must be completed in its entirety and must contain sufficient personal information to properly determine the applicants' eligibility for enrollment. The enrollment application shall show the following.

1. All names by which the applicant is or has been known.
2. The mailing address of the applicant
3. The applicants' telephone number.
4. Date of applicants' birth.
5. Applicants' Social Security number.
6. The name of any tribe(s) other the Suquamish Tribe from which the applicant is descended.
7. The name of the base enrollee through whom the applicant is claiming eligibility for membership.
8. The requirement of a "yes" or "no" answer to the question: Is the applicant an enrolled member of another tribe, band or Indian community?
9. The requirement of "yes or "no" answers to the questions: Is the applicant "legally adopted"? Were any of your Suquamish tribal ancestors "legally adopted"? Were any of your Suquamish tribal ancestors "Tribally Adopted" into the Suquamish Tribe?
10. Certification that the information given in the application is true and accurate to the best of the applicant or sponsor's knowledge.
11. Signature of applicant or sponsor (with relationship to applicant). Applications for minors require signatures of both parents, a certification that the non-signing parent is not a member of another tribe, or a death certificate if other parent is deceased.
12. The enrollment application form shall contain a statement advising the applicant or sponsor that it is a criminal offense under tribal law to present false or untrue information for enrollment purposes.
13. Date the application was signed.

6.04 Documentation to accompany all applications –

The burden of proof is on the applicant. An application will not be considered complete unless the following is attached:

1. Family tree chart.
2. Applicants' original state- issue birth certificate.
3. A Lineage test of DNA or genetic maker test (obtained through the enrollment office).
4. Documentation proving the direct descent of each Suquamish Tribe ancestor from a base enrollee if neither applicants' father nor mother is an enrolled member of the tribe.

5. Relinquishment of membership in any other tribe, band or Indian community. Providing a Resolution from the other tribe relinquishing the applicant as a member of its tribe.
6. Tribal Adoption applicant must provide certificate of Indian blood of their tribal parent(s).
7. Signature of applicant or sponsor. An Application for a minor requires the signature of both parents or a certification that the non-signing parent is not a member of another tribe

6.05 Additional documentation to accompany applicant who is Legally Adopted. –

In addition to those items identified in subsection D above, an applicant who has been legally adopted must also submit documentation proving that a biological parent is a base enrollee or is a descendant of a base enrollee. Usually this documentation will consist of a copy of the Legal adoption decree together with the original birth certificate showing the biological parent(s), and a revised birth certificate showing the Legal Adoptive parent(s). The applicant can provide these items if they have them. Due to the confidentiality of these records The Department of the Interior – Bureau of Indian Affairs often assists in obtaining these records, through an authorized representative pursuant to the Indian Child Welfare Act of 1978 (P.L. 95-608), or extensive research if prior to 1978.

6.06 Lineage/DNA Testing

All new applicants must participate in a genetic marker test determining the probability that a specific tribal member is the biological parent(s) of the applicant to be not less than 97%. Certified lab results from any independent, certified testing laboratory confirming parentage would be acceptable. This test cancels paternity affidavits. This test confirms you must be a biological descent of your parent(s) to be enrolled. **We will be testing applicant and tribal parents. If any of the parties decline DNA/lineage testing, the enrollment process will not proceed. However, applicant/guardian on behalf of applicant may petition the Tribal court for a court order mandating DNA/lineage testing from alleged tribal parent.**

6.07 Why DNA/Lineage Testing?

Birth Certificates are not always accurate. If a child is legally adopted, their birth certificates are re-issued with the legally adopted parents name on the birth certificate. Paternity statements are signed, but not always true. Legally adopted children can verify their biological parent through the DNA testing. There are many more issues that come up, this cleans up many of the issues surrounding enrollment.

6.08 DNA Test Cost

The Suquamish Tribe currently covers the lab cost associated with this procedure. The Suquamish Tribe exercises the right to charge the applicant this cost if budget constraints make this cost prohibitive for the tribe, or the results come back less than 97%. If a tribal member would like this done for reasons other than enrollment of an applicant they will need to pay for this service.

6.09 Sperm & Egg Donation

The Suquamish Tribe recognizes that donation of sperm & eggs, as donation for another family is actively being used. If a Suquamish Tribal member wants to donate his/her genetics. He/she has an option to disclose their tribal membership as part of the donation, without releasing his/her name. The future child would have an opportunity to enroll with the tribe if the recipients decide to acknowledge the tribal heritage of the child. If the Tribal member wishes to donate sperm or eggs please contact the Enrollment office prior to donating, so we can set this up for future contact from the recipients. This process would also require DNA/lineage testing after the child is born, plus all other requirement listed in this ordinance, prior to enrollment in the Suquamish Tribe.

6.10 Enrollment requirements for Treaty Indian Fishing

The Suquamish Tribal Constitution requires enrollees by Tribal Adoption to have 1/8 or more Suquamish Indian Blood in order to exercise Treaty Indian Fishing. Treaty fishing rights, hunting and gathering includes Commercial & Subsistence.

VII. Processing Application for Enrollment -

7.01 Enrollment Officer

The Tribal Council shall designate a tribal employee to serve as an Enrollment Officer. All applications for enrollment shall be received or routed to the officer. The Enrollment Officer shall have the following authority and responsibility.

1. Devise and recommend to the Tribal Council application forms required in procedures established by this ordinance.
2. Set up a filing system conforming to the purpose of this ordinance and **preserving confidentiality**.
3. Give application forms and information on application procedures to all persons who wish to apply for enrollment with the tribe.
4. Provide referrals for document resources when applicants are trying to locate proper documentation of information to support to support their enrollment application. Some information will need to be obtained from other entities requiring enrollment to refer applicant to another entity to obtain the required documents for enrollment.
5. To Stamp the application form and all enclosures with the date on which they were received.
6. Verify that the application is complete. If the application is incomplete, a copy will be made of said application and the original will be sent back to the applicant with a letter identifying what information is needed to complete the application. The date the incomplete application was returned to the applicant will be noted. The copy will be retained in the applicant's folder along with the supporting documents pending the return of the completed original application.
7. A completed application submitted without supporting documents will be retained in the applicant's folder. A letter will be sent requesting the needed documents. If further documentation is not received within 90 days, the application will be rejected. Applicant may resubmit if rejected for lack of documentation, provided all documentation is received with application.
8. Compute the applicants' degree of Indian blood.
9. Review and verify the accuracy of all information provided by each applicant and to initially determine which applicant meets the requirements for enrollment.

10. Within thirty (30) calendar days of receiving a completed application, prepare the application for presentation to the Enrollment Committee or Tribal Council.
11. Present to the Tribal Council any information, which indicates that an enrolled member of the Tribe is not eligible for tribal membership.
12. Report annually to the Tribal Council and the General membership the number of persons enrolled, disenrolled and deceased during the preceding year.
13. Keep and protect the confidentiality of all records pertaining to applicants and enrolled members.
14. Conduct Tribal lineage, DNA, buccal swab testing on each person applying for membership, and their Biological tribal parent(s) to confirm lineage for enrollment.
15. Maintain a record of the identification of the tribe or tribes and degree of blood for each identified tribe providing the basis for eligibility for tribal membership.
16. All other duties and responsibilities established by this ordinance or Tribal Council resolution.
17. Recommend to the Tribal Council amendments to the Enrollment Ordinance.
18. Recommend to Tribal Council the Automatic Enrollee applicants who have met the ordinance requirements, and the divisions of blood quantum to be enrolled in the tribe.
19. Assist and advise the Enrollment Committee and to attend enrollment committee meetings.
20. Request information from tribal members who may not have the current required documents in their files.
21. Keeping all records updated for future generations research.
22. Notify the accepted applicant of their acceptance into membership.
23. Notify the rejected applicants by certified mail of their rejection, giving them their right to appeal the rejection to the Tribal court as provided in section 9.01 – 9.04 of this ordinance.
24. Prepare a list of Tribal Adoptions for a vote of the General Council.

7.02 Enrollment Committee

The Tribal Council shall appoint **five** (5) tribal members over the age of eighteen (18) to serve as the Enrollment Committee.

The Enrollment Committee shall be an oversight committee for **only** Tribal Adoptions prior to a vote of the General Council for enrollment into the Suquamish Tribe.

Members of the Enrollment Committee shall serve staggered terms as follows; 3 positions for 3 year terms and 2 positions for 2 year terms or until such time as he or she resigns or is removed for cause by the Tribal Council.

The Enrollment Committee members should have direct lineage from the 1942 base roll without break in descend or enrollment in another tribe.

The Enrollment Committee shall have the following authority and responsibility:

1. To review each application for Tribal Adoption into the tribe within 90 days of its receipt.

2. Determine whether additional information, documents or research are required. If so, direct the Enrollment Officer to prepare appropriate correspondence requesting information or documents.
3. Preserving confidentiality and to determine which applicants meet the requirements for tribal adoption into the Tribe. An Enrollment Committee member shall excuse themselves from any discussion and/or voting related to an applicant who is an immediate family member (grandmother, grandfather, father, mother, child or grandchild (whether natural, legally adopted, or a step child by marriage), aunt, uncle, relatives in law in these categories and any person, related by blood or marriage or note, who reside in the same household).
4. Advise the Tribal Council as to whether or not an applicant meets the requirements for Tribal Adoption in accordance with the tribal constitution and this ordinance. Provide written recommendations to the General Council on the suitability of applicants seeking tribal adoption into the tribe.
5. Establish the Enrollment Committee's rules of procedure.
6. All other duties and responsibilities established by this ordinance or by Tribal Resolution.

7.03 Tribal Council

1. Approve eligible applicants by Tribal Resolution.
2. In the event that an enrollment committee is not established, **is disbanded, or doesn't provide recommendation to the General Council**, the Tribal council will provide recommendations to the General Council for a vote on enrolling the Yearly Tribal Adoptions.

7.04 General Council

1. Review the list of Tribal Adoption applicants, showing on blood quantum, and family association.
2. The General Council will vote "yes" or "no" to Tribally Adopt a secret vote of a quorum of each applicant. The count will be based on each individual tribal member over the age of 18 attending the General Council meeting who are eligible to vote.

7.05 Sponsoring an Application for another person

Applications for enrolling minors, elders, and incompetent persons must be completed and filed by the biological parents, adoptive parents, or legal guardians of applicant. Documentation of the sponsors' relationship to the applicant must be provided at time of application.

7.06 Automatic Enrollment

An applicant is eligible for automatic enrollment if a biological family member is listed on the 1942 Suquamish base roll, and there has not been a break in direct descents. Automatic enrollees may exercise treaty fishing, hunting, and gathering rights regardless of his or her degree of Suquamish tribal Blood. The applicant must meet the blood quantum requirements as stated in the constitution.

Example: (great-grandfather is on the 1942 base roll, grandfather is also enrolled, and father is enrolled. Child could be an automatic enrollment.)

7.07 Tribal Adoption Enrollment

The applicant would be eligible for Tribal Adoption if there were:

1. A break in biological descendants from the 1942 initial base roll,
2. Have belonged to another tribe and wish to relinquish from the other tribe to enroll in the Suquamish Tribe.
3. They have never belonged to a tribe and wish to enroll in Suquamish.

The applicant must meet the blood quantum requirements as stated in the constitution Section 2 for Enrollment.

Example: (grandparent, parent and child. If grandparent is enrolled, parent does not enroll Suquamish, but child wants to enroll. The child could be enrolled through the “Tribal Adoption Enrollment”).

7.08 Tribal Adoption Descendant Enrollment

The applicant would be eligible for Tribal Adoption Descendant if there were:

Not a break in biological descendants from a “Tribal Adoption”. They must have 1/8 Suquamish Blood to exercise treaty-fishing rights within the Suquamish Tribe. The applicant must meet the blood quantum requirements as stated in Section 1 C of the constitution for Enrollment and Section 2 for Indian Treaty Fishing rights.

Example: (Parent and child. If Parent is Tribally Adopted into Suquamish in 1985 his Indian blood is ¼ with 1/8 of his blood quantum being Suquamish, he is eligible to fish. Parent has a child in 1986 the child could be eligible to be enrolled as “born to a member”, 1/8 Indian, 1/16 Suquamish. Child would be ineligible to fish).

7.09 Legal Adoption Enrollment

Applicant who has been Legally adopted from a tribal member can be enrolled through “Automatic”, “Tribal Adoption”, or “Tribal Adoption descendant” Enrollment. See above sections 7.06, 7.07, & 7.08 for criteria.

7.10 Fraudulent Submissions

False or fraudulent statement, contention, documentation, or certification contained in an application shall be considered a violation of either 13.01 criminal penalties or 13.02 civil Penalties, and could generate disenrollment proceedings.

7.11 Applications for Change in Blood Quantum Calculation

Persons may submit an application for a change in blood quantum calculation based upon new or additional information about paternity or maternity. The burden of proof is on the applicant. Likewise the Officer and/or Committee may make changes in blood quantum by Tribal Resolution for any member based upon additional documentation, *provided*, however, that any change in blood quantum which would result in a quantum below blood quantum requirements for enrollment shall result in a disenrollment action, as described in 8.02 of this ordinance.

7.12 Mathematical Errors

The Tribal Council may, by resolution, change mathematical errors contained in the Tribal Roll. These changes will be available to the Bureau of Indian Affairs

7.13 Dual Enrollment

A Conditional Relinquishment is the only instance when dual enrollment is allowed, and only until the tribal member is enrolled into the Suquamish Tribe or another tribe. Otherwise Dual enrollment is not allowed.

7.14 Recognized Blood Quantum

The Suquamish Tribe currently recognizes U.S. Federally Recognized Indian blood. Canadian Indian blood quantum is not counted toward the Indian blood quantum.

7.15 Notice of Recommendation

1. **Notice required.** Every person or sponsor filing an application for enrollment shall be served with written notice of recommendation that the application be approved in the form of a resolution. Should a request for more information not be received within 90 days a notice will be created for rejection of the enrollment application for lack of documentation in support of application.
2. **Notice of Rejection.** If an application is rejected, the notice shall list the reason(s) for rejection and appeal process guidelines. The notice shall indicate the time within which an appeal may be commenced and the procedure for commencing such appeal. The notice shall also specify that upon discovery and furnishing of additional documentation, a reapplication may be made.
3. **Notice of Approval.** If an application is recommended for approval the notice shall state that the application will be considered by the Tribal Council at its next meeting.
4. **Notice of Challenge.** If a person's membership is challenged, the person or sponsor submitting the original application will be given written notice, which shall include a copy of the written challenge. A challenge may be filed with the Enrollment Officer in letterform addressed to the Chairman by any member of the Suquamish Tribe. If a challenge is upheld by the Tribal Council, disenrollment shall proceed as described in 8.03 of this ordinance. **This section is effective after enactment of this ordinance. Existing members prior to this ordinance are grand fathered from this section.**
5. **Manner of Giving Notice.** The notice required to be given under this section shall be given promptly after a determination of recommendation or challenge is made, and shall be sent by certified mail with postage thereon fully prepaid, with a return receipt requested, to the last address provided by the applicant or sponsor.

VIII. Loss of Membership - There are two ways in which membership in the tribe may be lost. One is voluntary and is called relinquishment. The other is called disenrollment.

8.01 Relinquishment

- A) **For an adult member** – Any adult of the Suquamish Tribe may voluntarily relinquish his/her membership. Such relinquishments must be in writing, and the member's signature must be notarized. No formal action by any tribal body is required for the relinquishment to become effective. The Enrollment Officer shall note the date of the relinquishment (and the tribe which the member has joined if that is the case). On the tribal roll, notify the Tribal Council by way of resolution for relinquishment. The former members file will include our

resolution for relinquishment and a resolution from the other tribe accepting him/her for enrollment.

- B) **For a minor member** – His/her parent or legal guardian may relinquish their child from Suquamish Tribe if they are less than 18 years of age. The relinquishment must be in writing, and the signature of the parent(s) or guardian must be notarized. In cases only one parent has legal custody, legal proof of custody must be furnished with relinquishment. The minors' relinquishment shall be processed the same as one for an adult.
- C) **Forms and Effective dates** – Any member desiring to relinquish shall be encouraged to do so on a conditional relinquishment form. In such case, the relinquishment shall become effective upon the acceptance of that individual into the membership of another tribe. The member's name shall not be removed from the Suquamish Tribe's current membership roll until documentation of the acceptance into the other tribe's membership is received. Should a member insist upon relinquishment in writing without using the conditional relinquishment form the tribe will comply with the member's wishes and remove the member's name from the current tribal roll with the effective date being the date the relinquishment was received by the Enrollment Officer.
- D) **Membership after Relinquishment** – An adult member who relinquishes his/her membership in the Suquamish Tribe has permanently severed his/her ties with the tribe and shall not be permitted to rejoin the tribe. A minor member whose membership has been relinquished by a parent or guardian may submit an application for membership after he/she becomes 18 years of age. Such application shall be processed as though the individual had not previously been a member.

8.02 Disenrollment

The Burden of proof in disenrollment actions rests with the tribe. A tribal member shall be disenrolled when it is discovered that he/she:

(A) Was erroneously enrolled in that he/she did not submit adequate documentation proving he/she met the constitutional membership criteria at the time of enrollment. This "erroneous enrollment" may have resulted from fraudulent submissions, mistakes in blood degree computations or inadequate research. **This section is effective after enactment of this ordinance. Existing members prior to this ordinance are grandfathered from this section.**

(B) If found to be currently enrolled with another Indian tribe and does not relinquish the membership in the other tribe within (30) days of receipt of a certified letter from the Secretary of the Tribal Council requiring the person to submit the required relinquishment

(C) Is determined to **have received membership** per capita distributions **from** another federal recognized tribe.

8.03 Procedure for disenrollment

(A) **Notification** - A member identified as subject to disenrollment pursuant to the above sub-section shall be notified by certified mail, return receipt requested, of the intent to disenroll. Included in the notice shall be the date set for a hearing before the Tribal Council to consider the matter.

(B) **Rights** - The member will have the right to call witnesses, representation and provide documentation to support their position.

(C) **Hearing** - Whether or not the affected member makes any appearance or response, the Tribal Council shall determine if a member is to be disenrolled. Such decision shall be documented in a Tribal Council resolution to affirm enrollment or disenrollment.

(D) **Results** - The disenrolled member shall be notified of the action taken by certified mail, return receipt requested. Such notice shall include the appeal rights outline in section 9.01 of this ordinance.

Persons who have been disenrolled may submit new applications for membership when adequate documentation of eligibility has been obtained. Such applications will be processed as though the Individual had not previously been a member.

IX. Appeals –

9.01 Eligible Appellants

The following persons shall be eligible to file an appeal:

1. Any applicant who has been rejected for membership or
2. Any person who has been disenrolled

9.02 Timing of Appeal

Each notice of rejection or disenrollment shall provide that an appeal must be received within (30) days of the receipt of the notice in order to be considered. The date stamped on the receipt of the certified letter shall be considered the beginning of that 30-day period.

9.03 Filing of Appeal

The notice of appeal must be filed with the Tribal Court of the Suquamish Tribe. The date the appeal is received in the Tribal Court Office shall be considered its date of receipt. An appeal must be in writing. Electronic Communication will not be accepted as an appeal. Failure to file an appeal within thirty (30) calendar days shall waive any right to appeal.

9.04 Handling of Appeal

Upon receipt of an appeal, the Suquamish Tribal Court shall obtain a copy of the appellant's file from the Enrollment Office for review. The Suquamish Tribal Court shall set a date not less than twenty (20) or more than (60) days from the date of mailing of the notice for a hearing on the appeal.

The Suquamish tribal court shall notify the appellant of the hearing by certified mail.

This notice shall outline clearly again the basis for the rejection of the appellant's application or the basis for the appellant's disenrollment and shall inform the appellant of his/her right to be heard in person or by representation.

This notice shall also inform the appellant that new evidence may be presented for consideration. Following the hearing, whether or not the appellant makes any appearance or response, the Suquamish Tribal Court shall document its' decision by a court order and notify the appellant by certified mail of its' decision.

It is not the intention of the Suquamish tribal court to determine enrollment eligibility. The Suquamish Tribal court shall determine whether enrollment procedures were followed correctly. The Tribal member may appeal to the Tribal Appellate court, if they feel the Suquamish Tribal Court decision did not meet their needs. The decision of the Tribal Appellate court shall be final.

X. Records

10.01 Contents of Individual Folders –

An Individual folder shall be established for each applicant. All current enrolled tribal members will be **encouraged** to provide the same items to update their folders.

The folder shall contain the following items:

- (A) Application
- (B) Family Tree Chart
- (C) Birth Certificate
- (D) Correspondence
- (E) All other documentation on the person pertinent to membership in the tribe.
- (F) Copy of Social Security Card
- (G) Death Certificate.

10.02 Access to Records

- (A) **The Roll** - The Tribes' membership roll is considered "Confidential". Neither the roll nor any portion thereof may be copied or distributed to any person or organization except upon written permission by the Tribal Council. The tribal council shall exercise its discretion in using and/or releasing information from the roll for the benefit of tribal members and tribal programs.
- (B) **The Folders** – Information in individual folders shall be considered confidential. It shall not be available to anyone except that individual member (or his/her parent or guardian) and to the Enrollment Officer. In some cases the Tribal Council, Enrollment Committee or the Tribal Court may request information from the Enrollment Office. Due to the confidentiality of the files, these requests must be in writing and specific to whose file, what is needed and why. These requests must come from the **Tribal Council, Enrollment Committee or the Tribal Court**, not from individuals serving in any of these capacities. **The Enrollment office will notify the tribal member in writing of the request, such as what is asked for, why it is needed, where the information goes and who requested the information. If the**

request comes from another tribe or entities a “Release of Information” request signed by the tribal member/guardian must accompany the request. These requests would be kept in the enrollees’ confidential file.

- (C) **Special Concern** – An Adopted person’s eligibility for enrollment is determined through one or both of the biological parents. Documentary evidence submitted to support an adopted person’s application must show relationship to the biological parent through whom eligibility for enrollment is determined. The information concerning legally adopted persons and DNA lineage testing shall be recorded as confidential and shall not be made available to any other person. This information shall be stored in locked fireproof fire cabinets and adequate safeguards shall be installed to ensure that the confidentiality of these records shall not be violated.

10.03 Updating Records

Upon receipt of appropriate documentation, the Enrollment Officer is authorized to update the information on the tribal roll. It is the sole responsibility for the enrolled tribal member or the applicant to keep the Enrollment Office apprised of name changes and address changes. The following documentation is deemed adequate for such actions to be taken:

- (A) Name Change – Marriage license, divorce decree, or court order changing name.
- (B) Address change – Written statement signed by tribal member over 18 years of age. Notarized statement or affidavit stating custody of minor with address change.
- (C) Death -
1. Death certificate
 2. Bureau of Indian Affairs records
 3. Mortuary Records
 4. Hospital Records
 5. Obituary notice from newspaper

The Tribal Council must authorize any change that is to be made without written documentation. A copy of that written authorization shall be placed in the individual’s folder.

10.04 Computerized Records

The Enrollment Officer’s computerized records may be shared with the other tribal programs needing information or statistics such as the health records component and/or other agencies. Blood Quantum may be given out in these cases, but a written release of information signed by the tribal member must be given to the Enrollment Officer prior to releasing tribal blood quantum information. Biological parents’ names, in cases of adoption, or other names or information, at the request of the individual, may be encoded as “Sealed” in the computer record and will be available only in the physical enrollment or genealogical files.

10.05 Membership Cards

Upon approval of the Tribal Council, the Enrollment Office may also develop and maintain a system of membership cards for tribal members, and issue, renew, and

revoke such cards. Tribal Members must appear in person to the enrollment office for a photograph to obtain a membership card. A photo electronically mailed to the Suquamish Tribe will not be accepted.

XI. Records Computing Degree of Tribal Blood

11.01 Initial Computation – **All** Indian blood shown in the official census roll of the Tribe as of January 1, 1942 shall be considered to be blood of the Suquamish Tribe. The blood degrees shown on that roll shall be used in computing that degree of Suquamish Tribal blood for applicants for membership in the tribe.

11.02 Other tribe blood computation – **These blood computations will be based on Certificate of Indian blood from enrolled tribe. with breakdown of blood quantum per tribe adding to initial blood quantum.**

11.03 Changing Blood Degrees

Once the degree of tribal blood has been recorded for a member on the tribal roll, it shall be changed only when one of the following procedures has been completed.

1. If the change does not involve a change in the 1942 base roll:
 - A. Whenever a member requests a change in his/her blood degree, the Enrollment Officer shall research the request.
 - B. The enrollment officer is also authorized to initiate continuing research into the accuracy of blood degrees on all enrolled members shown on the tribal roll as time permits.
 - C. If a determination is made that a member's blood degree has been erroneously computed, a resolution shall be prepared for Tribal Council action documenting the basis for the change authorizing the Enrollment Officer to make the change for the member and for all other persons affected by the change.
 - D. The member requesting the change and all other persons affected by the change shall be notified of the change by the Tribal Enrollment Officer. Any person whose blood quantum has been changed has the right to appeal pursuant to section 9.01-9.04 of this ordinance, only if the change results in disenrollment.
2. If the Change does involve a change in the 1942 base roll:
 - A. If the blood quantum shown on the 1942 BIA official base roll is identified as incorrect, a resolution shall be prepared for Tribal Council action requesting the Bureau of Indian Affairs to approve the change and documenting the basis for the requested change. BIA approval of this change will be requested.
 - B. When BIA approval is received, the member requesting the change and all other persons affected by the change shall be notified of the change by the Secretary of the Tribal Council. Only if the change results in disenrollment any person affected by such blood change shall have the right to appeal the change pursuant to Section 9.01-9.04 of this ordinance, only if the change results in disenrollment.

XII. Tribal Adoption into Membership

Although the Constitution provides that this ordinance may include procedures whereby a person may be Tribal Adopted into membership in the tribe, the tribe may at any time decide to discontinue this option by Tribal Resolution. Thereafter, no person may become a member of the tribe through Tribal Adoption.

XIII. Penalties

13.01 Criminal Penalties -

Each violation of any provision of this Title shall be a Class A offense, subject to the provision that the minimum fine upon conviction shall be not more than \$5000.00 for each violation.

13.02 Civil Penalties -

Any person found by the Suquamish Tribal Court to have violated any provision of this Title or any rule or regulation or written order of the Tribal Council shall be subject to a civil penalty of not more than \$2,500. for each violation.

XIV. Amendments

The Tribal Council may amend this chapter in accordance with and pursuant to the Constitution and Bylaws of the Suquamish Tribe.

XV. Clause & Indemnities

(A) The Suquamish Tribe is not responsible if a tribal member misses out on information or benefits of being a Suquamish Tribal member if they have not provided information on their whereabouts to the Enrollment Office

(B) The Suquamish Tribal Council may at their discretion pause enrollment from proceeding of tribal members, pending Constitutional, ordinance changes, per Capita implementation plans, or other significant issues that need clarification or planning prior to enrolling any new members, until the Next General Council meeting.

XVI. Certificate of Enactment

We the undersigned, as Chairman and Secretary of the Tribal Council of the Suquamish Tribe, do hereby certify that a quorum was present at a regularly called meeting of the Tribal Council of the tribe on the 6th day of 2003, and that the foregoing ordinance was adopted by resolution #2003-004 with the affirmative vote of 5 for, 0 opposed and 0 abstaining, a quorum being present. Therefore, the ordinance is duly enacted and the date of this meeting shall be the effective date of the provisions of this ordinance.