

**TITLE 5
ENROLLMENT CODE**

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Chapter 5.01

GENERAL

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5.01.010 Title.

This Title shall be known as the Enrollment Code.

5.01.020 Purposes and Legislative Findings.

A. The Tribal Council makes the following findings, and directs that that this Code be interpreted and understood in a manner that is consistent with these findings:

1. The Tribal government has inherent authority to govern enrollment, which is central to the Squaxin Island Tribe's health, welfare, economic security, culture and existence as an independent political community;

2. It is critical to preserve and perpetuate the unique identity of the Squaxin Indian Tribe;

3. It is important to ensure the accuracy of enrollment-related information submitted by members, applicants and other persons;

4. DNA/genetic testing has become increasingly important for confirming that applicants and members meet the Tribe's membership eligibility requirements, and participate in DNA/genetic testing upon request to verify persons' eligibility for membership;

5. It is important to protect the confidentiality of persons' enrollment records, which often contain sensitive personal information, while also permitting legitimate access to information when necessary;

6. It is important that the enrollment processes described in this Code occur in a consistent and timely manner, while also allowing sufficient time for the Tribe to carefully consider the relevant information before making decisions;

7. From time to time, it is necessary to delay, limit or otherwise modify new members' benefits for reasons that include protecting limited Tribal resources, rewarding longer-term members for their contributions, preserving unique Tribal values, and discouraging persons from "membership shopping" amongst tribes; and

B. The purposes of this Code are, consistent with the Tribal Council's findings and policy directives, to implement and interpret the Constitution's membership provisions, and to provide a means for consistent decision-making on membership issues, including resolving membership-related disputes.

5.01.030 Definitions.

The following terms when used in this Code shall have the following meanings:

"Applicant" means a person seeking enrollment with the Squaxin Island Tribe.

"Blood quantum" or "degree of Indian blood" means the degree or amount of Indian ancestry.

"Child" or "Minor" means a person under the age of 18.

"Code" means this Enrollment Code, Title 5.

"Constitution" means the Constitution and Bylaws of the Squaxin Island Tribe, as amended.

"Descent, descendent, or descendency" means biological children born to parents.

"Direct lineal descendants" means the biological children of parents and their biological descendants, and does not mean collateral relatives who are descended from the same ancestor but not from one another. For example, direct lineal descendants do not include aunts, uncles, nieces, nephews, brothers, sisters, cousins, or other indirect relationships. The term "direct lineal descendants" does not require an unbroken line of membership in the Tribe.

"Disenrollment" means an official act by the Tribal Council to remove a person from membership.

“DNA/genetic test” means the scientific test(s) carried out by a certified testing laboratory that acquires and analyzes DNA cells from a person to establish a biological relationship.

“General Body” means the governing body comprised of Tribal members who are at least 18 years old, also known as “General Council.” See Constitution, Art. VIII, § 3.

“Guardian” means someone other than a person’s parent(s) who is by law responsible for that person.

“Incompetent adult” means a person age 18 or older who lacks the legal capacity to sign a declaration under penalty of perjury.

“Master Roll” means the list of persons whose name appeared on either the official census roll of the Tribe as of January 1, 1940, or on the Charles Roblin’s Schedule of Unenrolled Indians of the Squaxin Island Tribe as of January 1, 1919, or who was an original Squaxin Island allottee. A **“Master Enrollee”** is a person whose name appears on the Master Roll.

“Maternity” or “Maternal” means establishing the identity of a person’s biological mother.

“Member Adoption” means a person of 1/8 degree or more Indian blood regardless of tribe, who is approved for adoption as a member by a majority of members at a General Body meeting. See, *e.g.*, § 5.02.010.G, § 5.03.080.F of this Code.

“Notice” or “notification” or “notify” means to send information by regular U.S. mail or agreed alternative, unless otherwise stated in this Code.

“Paternity” or “paternal” means establishing the identity of a person’s biological father.

“Relinquishment” means the voluntary action taken by a member to terminate his or her membership with the Tribe. See § 5.04.010 of this Code.

“Supplemental Roll” means the official Tribal roll of all members of the Squaxin Island Tribe, both living and deceased, as added to the Master Roll.

“Treaty” means the Treaty of Medicine Creek.

“Tribe” or “Tribal” means the Squaxin Island Tribe.

“Tribal Member” or “Member” means a person enrolled in the Squaxin Island Tribe.

5.01.040 Jurisdiction.

A. The Tribe has exclusive jurisdiction over matters related to enrollment.

B. The Tribal Court only has limited jurisdiction to hear and decide violations as described in Chapter 5.05 of this Code. This Code, however, is not intended to override or alter any workplace-related procedures or remedies established by the Tribe's Employee Manual.

5.010.50 Exclusive Remedies.

The remedies granted in this Code to applicants and members are the only remedies that shall be available to them.

Drafting comment: Thus, additional remedies are unavailable, such as the grievance procedure in Ch. 2.12 (grievance process for people wrongly denied tribal services), or appealing a disenrollment or rejected application case to Tribal Court.

5.01.060 Prior Ordinances and Resolutions.

This Code supersedes and replaces any resolutions or ordinances, or portions thereof, that directly conflict with this Code; provided that resolutions specific to enrolling an individual shall not be affected.

Drafting comment: Reference to Resolutions Nos. 02-36, 04-49, 06-31, 09-01, 09-02.

5.01.070 Severability.

If any portion of this Code is ruled invalid by a court having jurisdiction, that portion shall cease to be operative but the remainder of this Code shall continue in full force and effect.

5.01.080 Sovereign Immunity.

Nothing in this Code shall be construed as a waiver of the sovereign immunity of the Tribe, or of its enterprises, agents, employees or officials.

5.01.090 Recusal by Member of Enrollment Committee or Tribal Council.

A. An Enrollment Committee or Tribal Council member, respectively, shall recuse himself or herself from any discussion and/or voting that will directly affect the eligibility of a person who either:

1. is a sibling, parent or child; or
2. resides in the same household.

5.01.100 Effective Date.

This Code shall become effective on October 22, 2009.

Chapter 5.02

MEMBERSHIP

Sections:

- 5.02.010 Eligibility Criteria
- 5.02.020 Tribal Regulation of Member Rights and Benefits
- 5.02.030 Dual Enrollment
- 5.02.040 Re-enrollment after Relinquishing Squaxin Island Tribal Membership
- 5.020.050 Descendency List

5.02.010 Eligibility Criteria.

A person is eligible for membership in the Squaxin Island Tribe if he or she satisfies one or more of the following:

A. A person of Indian blood whose name appears on the official census roll of the Squaxin Island Tribe as of January 1, 1940, or a child born to such a person between January 1, 1940, and July 8, 1965, the date of approval of the Tribe's Constitution. *See* Constitution, Art. II, § (a). A certified official state or tribal birth record showing a birth date between January 1, 1940, and July 8, 1965, shall be required for enrollment pursuant to this subsection.

B. An original Squaxin Island Allottee or, a direct lineal descendant of an original Squaxin Island Allottee, who is one eighth degree or more Indian blood. The following persons are original Squaxin Island Allottees: Bill, Patrick or Patrick Allison; Bobb, Tyee, or Go-gu-had; Cooper, Henry; George, Tyee, or Halik-ka-dub; Henry or Chil-a-wit; Tsaac or Chav-ita-ted; Jack or Ye-sap-ab; Jim, Doctor or Kla-tab; John, or Qui-aht-ince; Johnny, or Sen-ak-seb; Julia, or Quas-ta-di-a; Kalapin, John or Scallopene; Katie or Mrs. Tenas Charley; Klabsch, or Peter; Sandy, Oldman, or Wan-ha-ta; Se-alk, or John; Sedulk, Oldman, or Scalloped; Simmons, Dick; Sindam, Oldman; Slocum, Oldman, or Tys-ul-tad; Sol-la-tah, Oldman; Tobilitza; Tom. *See* Constitution, Art. II, § (b). Evidence of direct lineal descendency from an original Squaxin Island Allottee shall be required for enrollment pursuant to this subsection.

Drafting comment: Persons asserting that he or she is entitled to be enrolled as a direct lineal descendent of an allottee should show a family tree and his or her descent from an allottee through either his or her mother or father for each generation back to the allottee.

C. A person whose name appears on the Charles Roblin's Schedule of Unenrolled Indians of the Squaxin Island Tribe as of January 1, 1919, or a direct lineal descendant of such a person, who is one eighth degree or more Indian blood. *See* Constitution, Art. II, § (c). Evidence of direct lineal descendency from a person whose

name appears on the Charles Roblin's Schedule of Unenrolled Indians as of January 1, 1919, shall be required for enrollment pursuant to this subsection.

D. A person who is a direct lineal descendant of someone whom the evidence indicates should have been included on the 1940 official census roll (under Subsection A) or the Charles Roblin's Schedule of Unenrolled Indians of the Squaxin Island Tribe as of January 1, 1919 (under Subsection B).

Drafting comment: The Master Roll includes the names of all those persons on the July 1, 1940 census and all those children born to those on the July 1, 1940 census prior to the approval of the Constitution in 1965. However, persons have asserted that they were inadvertently left off the July 8, 1965, list and that he or she or their parent were born to a person on the 1940 census prior to July 8, 1965. Persons asserting as much should present official birth records supporting the contention, and, as appropriate, corrections in the Master Roll may be made.

E. Any person who relinquished his or her rights of membership in the Squaxin Island Tribe prior to the approval of the Tribe's Constitution, July 8, 1965, who submitted evidence that they had given up their membership in any other tribe on or before July 8, 1966. See Constitution, Art. II, § (d).

Drafting comment: There are no persons known to the Enrollment Committee as of December 31, 2008, that became a member of the Tribe under this section.

F. A person of one eighth degree or more Indian blood born to any member of the Squaxin Island Tribe after July 8, 1965, the date of approval of the Tribe's Constitution. See Constitution, Art. II, § (e). An applicant must demonstrate that he or she was born to a member of the Squaxin Island Tribe for enrollment pursuant to this subsection.

1. This category includes persons having 1/8 or more Indian blood who were adopted while a minor by an adult member of the Squaxin Island Tribe, who apply for membership while still a minor, and who permanently resided with and were raised by that adult member. Such persons must show proof of adoption, which may include evidence of an adoption under Tribal custom and tradition, and ancestry of biological parents.

Drafting comment: Adopted applicants must file their applications while still minors to fit this category. Additionally, Resolution No. 02-36 recognized pre-1980 adoptions by custom and tradition, in addition to court-recognized adoptions. This Code recognizes adoptions by custom and tradition for purposes of enrollment.

G. A person of 1/8 or more Indian blood whom a majority of a quorum of the General Body approves for membership, otherwise known as a "Member Adoption." See Constitution, Art. II, § 2.

Drafting comment: Persons who desire a Member Adoption may need to confer with the Enrollment Committee and/or the Legal Department about the means to obtain a

special general body meeting, since a quorum is often not present at regular General Body meetings.

H. A person who is recognized as an honorary member in recognition of his or her achievement or service, without the usual prerequisites or obligations. An “Honorary Member” shall receive no privileges, benefits or rights that accompany Tribal membership. Honorary Membership is unique and shall not be routinely granted. The proposal for honorary membership shall be presented by the Enrollment Officer at a regular or special Tribal Council meeting. The Tribal Council has discretion whether to act upon such a request. If the Tribal Council chooses to act, it shall do so by resolution that sends the matter to the General Body for a vote, with or without a recommendation.

5.02.020 Tribal Regulation of Member Rights and Benefits.

A. Benefits, privileges and rights associated with membership, including the exercise of Treaty rights to fish, hunt and gather, are subject to regulation, deferment and/or restriction by the Tribal Council.

Drafting comment: Delaying new members’ privileges and/or rights might raise due process issues, but for the Tribe’s legitimate governmental purpose in establishing the delay. See, for example, Resolution Nos. 04-49, 06-31, 09-01, 09-02.

B. The Tribal Council may at its discretion and by resolution impose moratoria (i.e., suspensions) upon the Enrollment Office’s acceptance or processing of all or categories of applications for new enrollments.

Drafting comment: See also the following resolutions:

*Resolutions Nos. 78-19; 04-49 and 06-31, which provide that persons who have relinquished from another tribe to enroll in the Squaxin Island Tribe shall wait five years from the date of his or her enrollment before exercising the Treaty right to fish, including the right to shellfish; provided that they may exercise the Treaty right to hunt and gather, consistent with tribal regulations, upon enrollment.
Resolutions No. 78-19; 04-49 and 06-31.*

Resolutions Nos. 04-49; 06-31 and 07-73A and B, which provide that persons that have relinquished from another tribe to enroll in the Squaxin Island Tribe shall wait five years from the date of his or her enrollment before receiving the benefits of a per capita and/or dividend distribution; provided, that such persons who are 18 years or less on the date of their enrollment shall receive the benefits of a per capita and/or dividend distribution.

Resolutions Nos. 06-31 and 07-73A and B, which provide that persons that have relinquished from another tribe to enroll in the Squaxin Island Tribe shall wait two years from the date of his or her enrollment before receiving the benefits of education benefits.

Resolution No. 09-01, which exempts enrollees 55 years and older, who had relinquished from another tribe, from the suspension of certain benefits that was imposed on enrollees who had relinquished.

5.02.030 Dual Enrollment.

A person who is otherwise eligible for membership in the Squaxin Island Tribe but is enrolled in another federally-recognized Indian tribe shall not be enrolled unless such person officially relinquishes, in writing, membership from the other tribe.

5.02.040 Re-enrollment after Relinquishing Squaxin Island Tribal Membership.

A. An adult member who relinquishes his or her Tribal membership may, after relinquishing membership with another tribe (if applicable), re-enroll once with the Squaxin Island Tribe although he or she may be subject to limited, suspended or otherwise modified benefits. If the member relinquishes again, he or she shall not be eligible for re-enrollment in the Tribe.

B. A minor whose membership has been relinquished shall be eligible for re-enrollment after he or she becomes 18 years of age, although may be subject to limited, suspended or otherwise modified benefits if he or she does not re-enroll within one year of becoming 18. The Enrollment Officer shall try to notify the minor before any limited, suspended or otherwise modified benefits occur. An application for enrollment by a relinquished minor that has become 18 years of age shall be processed as though the person had not previously been a member.

Drafting comment: See Resolution No. 09-01, which exempted the following class of relinquishing minors from having certain benefits suspended upon being re-enrolled at Squaxin: (1) individuals who relinquished as minors from the Squaxin Island Tribe to join another tribe, and then re-enroll at the Squaxin Island Tribe within one year of becoming 18 years old; and (2) individuals that relinquished as minors from the Squaxin Island Tribe to join another tribe, and then re-enrolled at Squaxin within 120 days of the effective date of Res. No .09-01 (which was 120 days from January 8, 2009).

5.020.050 Descendency List.

For purposes of potential future enrollment, the Enrollment Clerk shall create and continually update a list of persons, and their contact information, whose blood quantum fails to meet eligibility requirements under the Constitution that exists on the effective date of this Code, but who may become eligible if the Constitution is amended to broaden membership criteria. The specific criteria for including a person on the Descendency List shall be approved by the Tribal Council after considering recommendations from the Enrollment Officer and Enrollment Committee.

Chapter 5.03

ENROLLMENT ADMINISTRATION

Sections:

- 5.03.010 Enrollment Officer
- 5.03.020 Enrollment Committee
- 5.03.030 Tribal Council
- 5.03.040 Filing and Signing Applications
- 5.03.050 Application Requirements
- 5.03.060 Blood Computation
- 5.03.070 Complete Applications
- 5.03.080 Action on Complete Applications
- 5.03.090 Certification of Blood Quantum
- 5.03.100 DNA/Genetic Testing.
- 5.03.110 Sperm and Egg Donation
- 5.03.120 Membership Cards
- 5.03.130 Confidentiality

5.03.010 Enrollment Officer.

A. The Tribe's Executive Director shall designate a Tribal employee to serve as an Enrollment Officer. The Enrollment Office and its staff shall assist the Enrollment Officer in carrying out his or her duties.

B. Enrollment Officer duties shall include:

1. Processing, maintaining, correcting and updating the Master and Supplemental Rolls and all member and applicant enrollment records and applications;
2. Assisting the Enrollment Committee, Tribal Council and General Body in enrollment matters, and undertaking directives from the Tribal Council;
3. Evaluating applications, conducting investigations, and making recommendations to the Enrollment Committee;
4. Assisting applicants to locate information needed for enrollment, as time permits;
5. Reporting quarterly to the Tribal Council the number of applications, and the name and number of persons enrolled, disenrolled and deceased during the preceding year;

6. Assisting and advising the General Body on Member Adoptions;
7. Preparing responses and participating in hearings and other contested matters in coordination with the Legal Department;
8. Providing certification of Indian blood quantum upon request;
9. Seeking the advice of the Legal Department on any enrollment matters;
10. Proposing enrollment-related amendments to this Code, as well as regulations, policies and forms; and
11. Performing such other duties as may be assigned by the Executive Director and the Tribal Council.

C. The Enrollment Officer's files and other documents shall not be considered public records subject to public disclosure, unless the Enrollment Officer states otherwise.

5.03.020 Enrollment Committee.

A. The Tribal Council shall appoint seven (7) tribal members over the age of eighteen to serve on the Enrollment Committee, and any alternates that the Tribal Council deems necessary. The members shall represent all Tribal families, if possible. Each member shall represent his or her family group. Any vacancies shall be filled with a member of the same family group. The Enrollment Committee's official actions shall be approved by a quorum as defined by the Tribe's Commissions and Committee Policy, § 2.24.140, which consists of four voting Committee members.

B. The Enrollment Committee's duties shall include:

1. Considering the Enrollment Officer's recommendations;
2. Making recommendations to and taking directives from the Tribal Council on matters related to enrollment;
3. Deciding whether to hold hearings, and holding such hearings;
4. Proposing to Tribal Council amendments to this Code, as well as enrollment-related resolutions, regulations, policies and forms; and
5. Recommending bylaws to the Tribal Council for approval.

C. The Enrollment Committee's meetings and hearings shall be closed to the public and its correspondence, minutes, and other documents shall not be considered

public records subject to public disclosure, unless the Enrollment Committee states otherwise.

D. The Enrollment Committee has discretion to schedule and conduct hearings under this Code. The Enrollment Committee shall generally hold hearings when requested, but may deny a hearing request if the hearing would be meaningless because there is absolutely no relevant factual question to resolve. When the Enrollment Committee holds hearings, the following procedures shall apply:

1. Applicants and members may choose to have a spokesperson at his or her own expense.
2. Before the hearing, the participating Tribal officials as well as the applicant or member requesting a hearing shall have a right to inspect the evidence, both favorable and non-favorable.
3. At least 7 calendar days before the hearing, the applicant or member (as the case may be) and the Tribe shall submit to the Enrollment Officer any written information that will be presented to the Enrollment Committee, and lists of witness that will testify and the subject on which they will testify and the position that they will take.
4. At the hearing, applicants and members may present witness(es) and evidence and examine opposing witness(es). The hearing shall be recorded by tape recorder, video recorder or other similar means. Tribal attorneys may appear on behalf of the Tribe, and the Enrollment Officer shall be present.
5. The Enrollment Committee has the right to exclude persons from the hearing, and to take other measures to ensure that the hearing is conducted in a confidential, safe and respectful environment.
6. A quorum of the Enrollment Committee must be present to hold a hearing. The Committee shall make its best efforts to have present at the hearing a voting Committee member from the affected Tribal family, including requesting the presence of an alternate Committee member from that Tribal family. The Enrollment Officer shall serve as a tie-breaker when needed.
7. Written notice of the Enrollment Committee's findings and recommendations shall be provided to the affected applicant or member before the Enrollment Committee presents its recommendation to the Tribal Council.

5.03.030 Tribal Council.

A. Except as specifically reserved to the General Body, the Tribal Council is exclusively vested with the power to make all final decisions on applications for enrollment, on proposals to disenroll, and on regulating, deferring, modifying or otherwise restricting enrollment and benefits that accompany enrollment.

B. The Tribal Council approves Enrollment Committee bylaws and amendments to bylaws, and appoints members to the Enrollment Committee.

C. The portion of Tribal Council meetings that address specific persons' enrollment issues shall be closed to the public, and the minutes of such meetings shall be considered to be non-public records.

5.03.040 Filing and Signing Applications.

A. A separate application must be filed by or for each person seeking enrollment.

B. Any competent adult 18 years or older may file an application for his or her enrollment.

C. A parent or guardian may file and sign an application for enrollment on behalf of a minor or incompetent adult. Both parents should file and sign whenever possible, and the Enrollment Officer should try to advise a non-signing parent of the application. If someone files an application on behalf of someone else, they must provide evidence of his or her relationship to the applicant. The following shall be adequate in these instances: (1) in the case of a biologic parent, a certified copy of the original birth certificate; (2) in the case of an adoptive parent, the court order of adoption; (3) in the case of a guardian, an order appointing the guardian; and (4) in the case of an Indian Child Welfare worker, an order designating the minor as a Youth in Need of Care.

D. An application that is not signed by the minor's birth parent(s) shall include a sworn statement that the non-signing parent(s), to the best of his or her knowledge, is or is not a member of the Squaxin Island Tribe or any other tribe. As to the latter, the statement shall also identify the other tribe.

E. Applications for enrollment may be filed at any time between July 1 and May 30 of the following year. Applications will not be accepted during the month of June.

Drafting comment: Eligibility for per capita and dividend distributions was (as of December 31, 2008) based on the enrollment rolls as of the first day of July preceding the distributions. Thus, to be eligible for a per capita distribution, for example, for August 2009 an applicant must be enrolled by July 1, 2009. Applications will not be accepted in June in order to provide adequate time to process applications prior to July 1. An

application will be processed as quickly as possible but no assurances are given that an application will be approved prior to July 1.

The Committee chose to close applications at the end of May so as to avoid anyone expecting that their application would be processed in time to meet the eligibility deadline if the application was filed in June. The alternative was to accept applications year round but not to process them. The Committee felt it better to not receive than to not process the applications.

5.03.050 Application Requirements.

A. Applications for enrollment shall be submitted to and on forms prepared by the Enrollment Officer, which may be obtained by oral or written request from the Squaxin Island Tribe, Enrollment Office or online at the Tribe's website. An application must be completed in its entirety and must contain sufficient information to properly determine the applicant's eligibility for enrollment. An application form shall require at least the following:

1. All names by which the applicant is or has been known;
2. The applicant's mailing address;
3. The applicant's telephone number;
4. The applicant's birth date;
5. The applicant's Social Security number;
6. The tribal affiliation and degree of blood for the applicant, and for his or her mother, father, grandmother, grandfather, great grandmother and great grandfather;
7. The name of the Master Enrollee through whom the applicant is claiming eligibility for membership;
8. Whether the applicant is petitioning for Member Adoption (which is accomplished by vote of the General Body, *see* § 5.02.010.G);
9. A declaration as to whether the applicant is or is not (a) currently an enrolled member of another federally-recognized tribe, band or Indian community; (b) adopted; or (c) descended from someone who was adopted;
10. The applicant's membership by date in all federally-recognized tribes in which the applicant has been a member;
11. Consent to DNA/genetic testing as a precondition to enrollment, as well as after enrollment if the need arises;

Drafting comment: Existing members are also subject to DNA/genetic testing as provided in this Code.

12. A declaration under the penalty of perjury that the information provided is true and accurate;
13. The original signature of the applicant or his or her representative;
14. A statement advising the applicant that it is a civil and/or criminal offense to present false or misleading information for enrollment purposes and that a violation may result in disenrollment, a fine, imprisonment and/or other penalty;
15. The date the application was signed; and
16. A release allowing persons to inspect and copy all or some of the applicant's/member's file for the reasons described in Section 5.03.130.B.

Drafting comment: Application forms will be updated as needed, and any new form will be posted on the Tribe's website.

- B. The following documents shall be submitted as part of the application:
1. A family tree chart on a form prescribed by the Enrollment Officer, completed to the best of the applicant's ability;
 2. A certified copy of the applicant's birth certificate;
 3. If applicable, evidence proving the direct lineal descendency of the applicant from a Master Enrollee if neither the applicant's birth father nor birth mother is an enrolled member of the Tribe;
 4. If the applicant was adopted, evidence of Indian blood quantum for one or both of his or her birth parents;

Drafting comment: Typically, such evidence will be a certified copy of a state or tribal court adoption decree and the pre-adoption birth certificate showing the biological parents. See also the drafting comment following Section 5.02.010.F.

5. A copy of a tribal resolution providing for the relinquishment from another tribe, if the applicant was or is a member of another tribe;
6. A certificate of Indian blood of the applicant's birth mother and birth father; and

7. Laboratory results of DNA testing of the applicant and specified relatives, which in most cases will be the applicant's alleged biological mother and father.
8. Additional proof of paternity and/or maternity may include:
 - (a) The child's birth certificate with the father's name indicated and signed by the father, if available.
 - (b) An order establishing paternity or maternity entered by a court of competent jurisdiction, if available.
 - (c) In some instances, the Enrollment Officer may accept an affidavit of paternity or maternity signed before the Enrollment Officer by the mother and father (the parents do not have to be present at the same time).
- 9 Other information that the Enrollment Officer determines is necessary to correctly identify paternity, heritage, relation and/or correct degree of Indian blood.

C. Applications for Member Adoptions need only include the information described in Subsection A (1-6, 8-15) and Subsection B (1, 2, 6 and 7). Applications for Honorary Members need only describe who the person is and why they deserve such membership.

D. The Enrollment Officer shall date-stamp all submissions in each applicant's file on the date of receipt.

5.03.060 Blood Computation.

A. The Enrollment Officer shall calculate the applicant's degree of Indian blood.

B. All Indian blood shown in the Master Roll shall be deemed as a matter of Tribal law to be 100% blood of the Tribe. The blood degrees shown on that roll shall be used in computing the degree of Squaxin Tribal blood for applicants.

C. The Enrollment Officer shall base computations of blood quantum from other federally recognized tribes on a certificate of Indian blood from such other tribes. When applicable, additional blood quantum from such other tribal affiliations shall be added to the initial blood quantum and the total blood quantum so computed shall be used to determine eligibility for enrollment. Blood certificates from other tribes shall be deemed conclusive.

D. A child adopted by a Squaxin Island Tribal member shall not take on the

Indian blood quantum of his or her adoptive parent, but shall retain the combined Indian blood quantum of his or her biological parents. (Res. No. 02-36)

5.03.070 Complete Applications.

A. The applicant has the duty to submit a complete application, and to continually inform the Enrollment Officer with updated contact information.

B. Applications are considered filed on the date that the Enrollment Officer finds that a complete application has been filed as required by this Code. The Enrollment Officer shall indicate in the applicant's file the date that a complete application is filed.

C. If at any time while the application is under review the Enrollment Officer, Enrollment Committee or Tribal Council has reason to believe that the application contains incorrect information and/or that additional information is needed to prove eligibility, then the Enrollment Officer shall require that the applicant submit additional information.

D. Incomplete applications shall not be processed for enrollment. If the Enrollment Officer does not receive the information requested within 30 days of the date of the letter notifying the applicant of the incomplete application, the application may be rejected. The Enrollment Officer shall, upon request and in writing, grant extensions of time for good cause. The Enrollment Officer shall reject an application if it has had incomplete status for one calendar year and the Enrollment Officer has taken all reasonable measures to help the applicant make it complete. The applicant can re-file the application as long as he or she includes all required documentation.

5.03.080 Action on Complete Applications.

A. The Enrollment Officer shall present the complete application to the Enrollment Committee for review, with a recommendation on how to proceed.

B. The Enrollment Committee shall then review the application and vote to recommend approval or disapproval to Tribal Council (for other than Member Adoptions, see subsection F below), or find that the application is incomplete and return it to the Enrollment Officer for further processing.

C. The Enrollment Officer shall notify the applicant of the Enrollment Committee's vote recommending approval or disapproval. The notification shall (1) include the reasons for the Enrollment Committee's recommendation, and (2) offer the applicant the opportunity for a hearing before the Enrollment Committee if he or she submits a written request to the Enrollment Officer within 30 calendar days of the date of the notification. If the Enrollment Committee holds a hearing, then the procedures described in Section 5.03.020 shall apply.

D. After either the Enrollment Committee's vote if no hearing is requested, or its vote after a hearing, the Enrollment Officer shall present the application and the Enrollment Committee's and Enrollment Officer' recommendation(s) to the Tribal Council. The Tribal Council shall accept or deny membership by resolution. Alternatively, the Tribal Council may find that the application is incomplete and return it to the Enrollment Officer with an explanation of the specific information that is missing.

E. The decision of the Tribal Council shall be final and nonappealable. An applicant whom has been disapproved may file a new application.

F. The following procedures shall apply for Member Adoptions:

1. No application shall be processed and submitted to the General Body if the applicant is enrolled in another federally-recognized Indian tribe. This prohibition, however, shall not include conditional relinquishments, whereby membership in the other tribe is not completely relinquished until the applicant is accepted as a member of this Tribe.
2. The Enrollment Committee shall take action on complete applications that meet eligibility requirements by arranging for such applications to be presented to the General Body.
3. At a regular or special General Body meeting, such applications may be approved by a majority of a quorum. A quorum exists when 30% of voting members are present. The General Body has discretion to approve or disapprove an application for Member Adoption.
4. If a majority of a quorum at a General Body meeting approves membership, then the Enrollment Officer shall submit the application for approval by the Secretary of Interior as described in Subsection G. below.
5. The General Body's vote shall be final and nonappealable.

G. Any decision involving a correction to the Master or Supplemental Roll requires a Tribal Council resolution. Within 10 days of enactment the Enrollment Officer shall submit to the appropriate official at the Department of the Interior for approval, under Article IV of the Constitution. The federal official shall, within 15 days after his or her receipt, approve or disapprove the resolution.

5.03.090 Certification of Blood Quantum.

A. Each person requesting a certification of blood quantum shall submit a complete application that contains sufficient personal information to properly determine the applicant's eligibility for certification. The procedure for certification shall include:

1. Obtain and complete an "Application for Certification."
2. Return the completed application to the Enrollment Officer for review and processing. Applications must show the following:
 - (a) All names by which the applicant is known;
 - (b) Applicant's address;
 - (c) Proof of applicant's date of birth, place of birth and natural parents' names;
 - (d) The applicant's degree of Squaxin Island Tribal Indian blood;
 - (e) The names of all Squaxin Island Tribe ancestors whose names appear on the Master Roll, together with the names and relevant birth records of Squaxin Island Tribal ancestors from subsequent generations;
 - (f) The name of the Tribe(s) and degree(s) of Indian blood of any tribe(s) other than the Squaxin Island Tribe; and
 - (g) The applicant, parent or guardian's signature.

B. If the application is complete and requires no further investigation, the Enrollment Officer shall issue a certification of blood quantum.

C. If the Enrollment Officer determines that the person was erroneously certified, he or she will recommend to the Enrollment Committee that such person be subject to re-certification. The Enrollment Committee shall make a recommendation as to re-certification to the Tribal Council. The procedures described in §§ 5.03.080.C-E shall apply, but as to blood quantum instead of membership application.

5.03.100 DNA/Genetic Testing.

A. If any relatives of the applicant that the Enrollment Officer identifies for DNA/genetic testing are unavailable or refuse to submit to DNA/genetic testing, the Enrollment Officer shall attempt to find alternative ways of verifying eligibility for membership. If no reasonable alternatives exist, and one of the persons refusing DNA/genetic testing is a Tribal member, then the Enrollment Officer may recommend to the Enrollment Committee enrolling the applicant, but suspending, limiting or otherwise modifying some or all of any refusing member's benefits until he or she agrees to

testing. The Enrollment Committee shall consider the Enrollment Officer's recommendation, and vote as to whether to recommend suspension to the Tribal Council.

1. If the Enrollment Committee votes in favor of suspension, it shall notify the member facing suspended, limited or otherwise modified benefits and offer him or her an opportunity for a hearing if he or she submits a written request to the Enrollment Officer within 30 days of the date of the notice. The Enrollment Committee shall hold a hearing in accordance with the procedures in Section 5.03.020. Following the hearing, the Enrollment Committee shall make a recommendation to the Tribal Council on whether to suspend, limit or otherwise modify the member's benefits pending his or her agreement to DNA/genetic testing.
2. The Tribal Council's decision following reconsideration shall be final and nonappealable.

B. The results of DNA/genetic based testing for parental relationships will be accepted as long as the tests indicate that the probability of the alleged relationship is no less than 97% with a prior probability of 0.5; and for other relationships (e.g., sibling), a probability of no less than 90%. In the latter case, the Tribe will consider accepting probabilities of less than 90% only on a case-by-case basis.

Drafting comment: This language was suggested by LabCorp, a company that performs DNA testing, as being scientifically accepted.

C. The Tribe shall assume the cost of the DNA/genetic testing, provided that the applicant and his or her family members are tested at a laboratory approved by the Tribe. If the applicant is enrolled, the Tribe will deduct the testing costs from the applicant's first per capita payment.

Drafting comments: Because of uncertainties regarding birth records, a biologic parent, and/or conflicting paternity or maternity information, an applicant must participate in a genetic marker test to determine the probability that a specific tribal member is the biological parent of the applicant. Additionally, there may be instances where both parents are deceased or a family member flatly refuses, so that the testing of other family members is needed to establish eligibility (e.g., siblings). The Committee chose to adopt mandatory testing for all new applicants, and to provide DNA testing as a tool for resolving uncertainties as to paternity and maternity.

5.03.110 Sperm and Egg Donation.

If a Squaxin Island Tribal member elects to donate his or her sperm or eggs, he or she has an option of disclosing his or her Tribal membership as part of the donation, without releasing his or her name. The future child would have an opportunity to enroll

with the Tribe if the recipient decides to acknowledge the Tribal heritage of the child. If the Tribal member wishes to donate sperm or eggs he or she should contact the Enrollment Officer prior to donation so that the Enrollment Officer can record the donation and disclosure. An applicant for enrollment relying on the lineage of a sperm or egg donor must establish parentage through the use of DNA/genetic testing.

5.03.120 Membership Cards.

The Enrollment Officer 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 at the Enrollment Office for a photograph to obtain a membership card. The Tribe will bear the expense of one card per member. The Enrollment Committee shall recommend to Tribal Council a fee schedule for any additional cards.

5.03.130 Confidentiality.

A. The Tribe's Master and Supplemental Rolls are confidential, and may not be copied or distributed in whole or in part to any person or organization except upon express written permission of the Tribal Council or as described in this Section.

B. Any person with access to information in persons' enrollment files shall observe the following measures to protect the confidentiality of the information against inappropriate access or disclosures. Enrollment files may only be disclosed to:

1. The person asking to see his or her own file.
2. A person asking to see the file of his or her parents or children.
3. An attorney or other person asking to see the file of a person he or she represents, when such representation is authorized in writing.
4. Tribal departments (including the Legal Department), committees, or officials or federal or state agencies or officials only when:
 - (a) the information is needed for purposes of determining an person's initial or continuing eligibility for enrollment, aid, services or other benefits accruing on the basis of Tribal membership;
 - (b) pursuing an investigation or prosecution of alleged or suspected fraud or similar abuse of a governmental program;
 - (c) necessary for the Legal Department to represent the interests of the Tribe; or
 - (d) the information is needed for the purpose of benefiting the Tribe as a whole as determined by resolution of the Tribal Council.

C. A note shall be entered in each file reviewed under subsection B above showing who reviewed the file, the date reviewed and the purpose of the review.

D. Enrollment files shall be stored in a place physically secure from access by unauthorized persons.

E. Files in electronic format such as magnetic tapes or discs shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal or other means.

F. The Enrollment Office shall on a continuing basis instruct all personnel who have access to the files as to the confidential nature of the files, the requirements of this Section, and the civil and criminal sanctions against prohibited use or disclosure of enrollment information.

Chapter 5.04

TERMINATING MEMBERSHIP

Sections:

- 5.04.010 Relinquishment
- 5.04.020 Disenrollment
- 5.04.030 Enrollment Officer Investigations
- 5.04.040 Procedure for disenrollment

5.04.010 Relinquishment.

- A. Any adult member may voluntarily relinquish his or her membership.
- B. Any minor or incompetent adult may voluntarily relinquish his or her membership if the relinquishment request is signed by a biological parent or guardian. Ideally, both biological parents should sign the relinquishment request.
- C. To be effective, the relinquishment shall be expressed in writing on a form prepared by the Enrollment Officer. The writing shall include an attestation by the relinquishing adult member that he or she is doing so freely, voluntarily, and without duress or undue influence. The signature on the relinquishment shall be notarized. No further action is required for a relinquishment to become effective.
- D. The Enrollment Officer shall encourage an adult member, or a parent or guardian acting on a minor or incompetent adult's behalf, to relinquish by using a conditional relinquishment form. In such case, the relinquishment shall become effective upon the acceptance of that person into the membership of another tribe. The relinquishing member's name shall not be removed from the Squaxin Island Tribe's Supplemental Roll until the Enrollment Officer receives documentation of the person's acceptance into the other tribe. If a member elects to relinquish in writing without using the conditional relinquishment form, the Enrollment Officer will comply with the member's wishes and remove the member's name from the Supplemental Roll with the effective date being the date that the relinquishment was received by the Enrollment Officer.
- E. The Enrollment Officer shall keep the Enrollment Committee continually updated of all new relinquishments. The Enrollment Committee shall submit to the Tribal Council resolutions on relinquishments.

5.04.020 Disenrollment.

- A. The burden of proof for disenrollment actions rests with the Tribe and requires clear and convincing evidence. A tribal member shall be disenrolled when it is discovered that either:

1. The information on which membership was based was inaccurate and, as a result, the member would not have been eligible for enrollment. Examples include: (1) the blood quantum was incorrectly calculated and, if correctly calculated, the member was ineligible; or (2) a parent attributed to the member was not the member's biologic parent and, if the true biologic parent was considered, the member would no longer be eligible; or
2. The member is found to be currently enrolled with another Indian tribe and does not relinquish his or her membership in the other tribe within 30 days of receipt of a certified letter from the Enrollment Officer informing the member that the failure to relinquish from the other tribe within 30 days of the receipt of the certified letter will result in his or her disenrollment.

B. All members that appear on the Supplemental Roll as of the effective date of this Code shall remain on the Supplemental Roll and not be subject to disenrollment, except for the subjects of investigations that are pending on the effective date of this Code.

Drafting comment: This provision "grandfathers in" all members currently listed on the Supplemental Role, and avoids (1) the extremely difficult situation of forcing members and their blood relatives to undergo DNA testing, disenrolling members based upon rumors, and (2) the cascading effect on the members' children. Those who become members after the Code's effective date, however, are subject to disenrollment under procedures in this Code.

5.04.030 Enrollment Officer Investigations.

A. If at any time after the effective date of this Code the Enrollment Officer receives written evidence indicating that a substantial question exists as to whether a member meets eligibility requirements, the Enrollment Officer shall investigate the claimed error. No investigation of a member shall occur, however, if he or she was listed on the Supplemental Roll as of the effective date of this Code, and not the subject of a pending investigation as described in Section 5.04.020 above. As part of the investigation, the Enrollment Officer may determine that it is necessary for a member and certain blood relatives, whether members or not, to submit to DNA/genetic testing. No member shall be subject to DNA testing solely on the basis of unwritten rumor and/or hearsay.

B. If the results of the Enrollment Officer's investigation indicate a clear and convincing need to change one or more members' blood quantum on the Supplemental Roll, then the Enrollment Officer shall submit the results of the investigation with a recommendation to the Enrollment Committee. The Enrollment Officer shall notify the potentially affected members whose blood quantum also could change of the

investigation, results and review by the Enrollment Committee. If, as a result of the investigation:

1. any member's blood quantum is reduced so as to make them ineligible for membership, then the procedures that apply to disenrollment shall apply; or
2. any member's blood quantum is reduced but not to the degree that makes them ineligible for membership, then they may be entitled to a hearing before the Enrollment Committee using the procedures provided in § 5.03.020. Following the hearing, the Enrollment Committee shall present to the Tribal Council its recommendations as to blood quantum corrections to the Master Roll. The member shall be notified in advance of the Tribal Council meeting.

C. If a member and/or any blood relatives that the Enrollment Officer identifies for DNA/genetic testing are unavailable or refuse to submit to DNA/genetic testing, the Enrollment Officer shall follow the procedures in § 5.03.100 that address exploring alternatives and, if applicable, possibly suspending, limiting or otherwise modifying a refusing member's benefits pending his or her agreement to submit to DNA/genetic testing.

5.04.040 Procedure for disenrollment.

A. If the Enrollment Officer believes that clear and convincing evidence indicates that a member should be subject to disenrollment based on the criteria in 5.02.010, then the Enrollment Officer shall make such recommendation to the Enrollment Committee.

B. If the Enrollment Committee votes to recommend disenrollment, then the Enrollment Officer shall notify the member by certified mail, return receipt requested. The notification shall include the reasons for the recommendation, and a statement that if the applicant disagrees with the Committee's recommendation they may request a hearing before the Enrollment Committee. Applicants will also be informed that if they fail to request a hearing in writing within 30 calendar days of a date specified in the notice, the Enrollment Committee's recommendation will proceed to the Tribal Council for final action. If possible, the notification shall state the date and time on which the Tribal Council will make its final decision if the applicant does not request a hearing before the Enrollment Committee.

C. If the member requests a hearing, the Enrollment Committee shall grant the request and conduct the hearing in accordance with the procedures in § 5.03.020.

D. Following the hearing, or after the deadline for a hearing has passed, the Enrollment Committee shall issue a recommendation to the Tribal Council as to

disenrollment. If the Enrollment Committee recommends disenrollment, it shall describe how the clear and convincing evidence shows that disenrollment is appropriate.

E. The Tribal Council shall take final action on the disenrollment, and there shall be no appeal to Tribal Court. The Enrollment Officer shall notify the affected member of the Tribal Council's final decision, and, if applicable, remove the person's name from the Supplemental Roll.

F. Persons who have been disenrolled may submit new applications for membership if they include new information as to their eligibility. Such applications will be processed as though the person had not previously been a member.

Chapter 5.05

VIOLATIONS

Section:

- 5.05.010 Violation of Confidentiality
- 5.05.020 False or Misleading Submissions
- 5.05.030 Civil Penalties
- 5.05.040 Criminal Penalties

5.05.010 Violation of Confidentiality.

Failure of any Tribal employee to comply with the confidentiality provisions in this Code may result in criminal and civil penalties, and/or disciplinary action in accordance with this Code and the Squaxin Island Tribal Personnel Policies and Procedures Manual.

5.05.020 False or Misleading Submissions.

Any person that submits false or misleading information to the Tribe may be subject to prosecution under the Tribe's Law and Order Code § 9.12, and/or civil and criminal penalties under this Code.

5.05.030 Civil Penalties.

Any person found by the Tribal Court to have violated any provision of this Code may be subject to a civil penalty of not more than five hundred dollars (\$500) for each violation.

5.05.040 Criminal Penalties.

Any person found by the Tribal Court to have violated any provision of this Code with the requisite intent may be subject to a criminal penalty of not more than five thousand dollars (\$5,000) for each violation.