

HANNAHVILLE INDIAN COMMUNITY
TITLE 6, CHAPTER 1
TRIBAL ENROLLMENT ORDINANCE

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**HANNAHVILLE INDIAN COMMUNITY
TITLE 6, CHAPTER 1
TRIBAL ENROLLMENT ORDINANCE**

6.1.100 Authority; Purpose

This ordinance is enacted pursuant to the authority contained in Article III, Section 3, of the Constitution of the Hannahville Indian Community, subject to approval of the Tribal Council as stated in Article III, Section 3. This ordinance governs future membership, loss of membership, and adoption of members into the Hannahville Indian Community.

6.1.101 Membership

The membership of the Hannahville Indian Community shall consist of the following:

- (1) All persons of Indian blood whose names appear on the census roll as of April 1, 1934, of the Crandon Sub-Agency and who were at the time residing or entitled to reside on land bought in Michigan under the Act of June 30, 1913, and all their descendants who were residing or entitled to reside at the time of the adoption of the constitution are members of this community.
- (2) Every child born to any member of the Community provided such member is a resident of the reservation at the time of birth, said shall be a member of this Community.
- (3) Every child both of whose parents are members of the Community shall be a member of this Community.
- (4) Every child of one-half or more Indian Blood born to any nonresident member of the Community shall be a member of this Community.
- (5) The members of this community, by a majority vote of all qualified voting members, may adopt as a member of this Community any person of Indian blood who is related by marriage or decent to a member(s) of the Community, and who will assist the Community in the fulfillment of its purposes. The members of this Community, by a majority vote of all qualified voting members, may adopt any person whose adoption is approved by the Secretary of the Interior.

Note: (The blood degrees shown on the Hannahville Base Roll shall be used in all cases for computing Hannahville Indian Blood).

6.1.102 Special Conditions

- (1) Any person who otherwise qualifies for membership but who has been enrolled as a member of another Indian tribe, band, pueblo or Indian Nation may be enrolled as a member of the Hannahville Indian Community; provided that such

applicant has not shared in any land or money by virtue of having been enrolled as a member of another Indian tribe; and further provided that they relinquish their membership from all other tribes, pueblos and Indian Nations.

- (2) Any member of the Hannahville Indian Community who subsequently becomes a member of another Indian tribe, band, pueblo or Indian Nation shall be disenrolled; however, any such member shall be given an opportunity to relinquish provisions of this ordinance.
- (3) Applicants who are requested by the Hannahville Indian Community to have DNA testing must comply. Failure to do so will result in disqualification of the applicant(s) in question. For those individuals seeking enrollment, or for those individuals seeking enrollment for their children or wards, the cost of DNA testing will be borne by those individuals and the testing conducted at a state certified facility / AABB (American Association of Blood Banks) approved by the Tribal Enrollment Committee.
- (4) Applicants that have exhausted all avenues for membership and have been rejected for membership may file a new application if they have new documented evidence that would support their current claim to membership. Applicants may also file a new application if the constitutional criteria for membership have been changed to a more favorable position.
- (5) Applicants will be considered a resident when applicant's last known address is verified to have been upon tribal trust or fee-owned lands prior to his/her incarceration, residence in substance abuse or mental health treatment facility, service in armed forces, or other substantially similar period of temporary absence.

6.1.103 Evidence of Residency

Evidence supporting applicant's assertion of residence at the time of birth of child shall include, but not be limited to the following.

- (1) Tribal or other tribal records showing applicant as an occupant of a home located on tribal trust or fee-owned lands.
- (2) Payment of bills attributable to a tribal housing address in which applicant is a household member.
- (3) Testimony of persons with knowledge of applicant's residence.
- (4) Driver's licenses, state I.D. cards, or other similar official documents including Internal Revenue tax filings and payroll records showing a tribal address.

- (5) Other evidence indicating applicant's intent to establish permanent residence at the time of birth of the child.

All of the foregoing and other reliable evidence will be considered by the Enrollment Committee and Tribal Council in reaching their determination. Written and testimonial evidence will be given different weights depending on their reliability in differing circumstances.

6.1.104 The Tribal Enrollment Committee

The Tribal Council shall appoint a Tribal Enrollment Committee comprised of 6 tribal members, 3 of whom are not tribal council members. This committee shall have the responsibility of preparing and maintaining the current membership roll consistent with the provisions of this ordinance and the tribal constitution. This committee shall meet at least quarterly, in closed session due to confidentiality, to assist the Enrollment department in conducting business.

6.1.105 Applications for Enrollment

- (1) Who must file? All persons not listed on the membership roll of the Hannahville Indian Community as of the effective date of this ordinance, who request membership in the Hannahville Indian Community, must file an enrollment application. Parents, guardians, or other sponsors such as social workers may file applications for minors or incompetents. No one will be considered for enrollment unless the individual or a sponsor has filed an enrollment application on an approved form supplied by the tribal enrollment office.
- (2) When and where to file an application:
 - (a) All enrollment applications must be filed with the Enrollment Clerk. Application forms may be obtained by oral or written request from the Hannahville Indian Community tribal enrollment office.
 - (b) There is no deadline date established for filing enrollment applications, except when the Tribal Council authorizes an enrollment cutoff date for specific distribution of tribal funds or for other purposes. The enrollment eligibility and enrollment application filing date for enrollment to share in such distribution or other purposes will be set forth in specific regulations issued by the Tribal Council.
- (3) What the application must contain: Each enrollment application must be completed in its entirety and must contain sufficient personal information to properly determine the applicant's eligibility for enrollment. Applications must show at minimum, the following:
 - (a) All names by which the applicant is known.

- (b) The address of the applicant.
- (c) The names of all known Hannahville Indian Community ancestors whose names appear on the Hannahville Base Roll of the Hannahville Indian Community, together with all known names of Hannahville Indian community ancestors in generations between that roll and the applicant. All names of any ancestors (if applicable) of the Hannahville Indian Community.
- (d) The name of the tribe(s) and degree(s) of Indian Blood of any Indian tribe, band, pueblo or Indian Nation other than the Hannahville Indian Community.
- (e) The signature of the applicant or sponsor.
- (d) The date of the filing of the application.
- (f) The application must be accompanied by the original or certified copy of the applicant's birth certificate and any other documentary evidence such as a notarized paternity affidavit showing the name of a parent through whom eligibility for membership is claimed. Certified Bureau of Indian Affairs Certificate of Degree of Indian Blood and other pertinent documentation should also accompany the application.
- (g) All documents submitted to the enrollment department by the applicant(s), their guardian or legal representative, are the property of the Hannahville Indian Community and shall remain so indefinitely.

6.1.106 Processing of the Application

- (1) By enrollment staff, all applications shall be received or routed to the enrollment clerk or other staff person at the tribal office designated to receive them. The actions taken by the enrollment staff shall include:
 - (a) Stamp the application form with the date on which it is received, and acknowledge receipt of it in writing to the applicant.
 - (b) Make a folder for the applicant and supporting documents.
 - (c) Make sure the application is complete. If not, notify the applicant of what is required.
 - (d) If applicant possesses blood of any other tribe, check on possible dual enrollment.

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- (e) Verify ancestry to base rolls and/or supplemental rolls as completely as possible, verify other claimed Indian blood.
- (f) Separate applications into two stacks:
 - [1] Applicants who meet all requirements, and;
 - [2] Applicants who do not meet requirements or who do not have proper documentation.
- (g) Prepare a letter accepting or rejecting applications for consideration by the Tribal Enrollment Committee.
- (h) Enrollment staff may develop and utilize additional release of information form as needed.

The staff shall complete the above actions within thirty (30) days of receipt of the application, and forward appropriate documentation to the Tribal Enrollment Committee.

- (2) By Tribal Enrollment Committee, actions taken by the Tribal Enrollment Committee, in a closed session due to confidentiality, shall include:
 - (a) Examine applications and documentation presented by enrollment staff.
 - (b) Determine accuracy and sufficiency of research, requiring additional action by the enrollment staff if necessary.
 - (c) Decide to accept or reject applicants.
 - (d) Document decisions with resolutions.
 - (e) Direct the staff to notify accepted applicants of action, informing them of the membership number assigned.
 - (f) Direct the staff to notify rejected applicants of Tribal Enrollment Committee's action, and of their right to appeal this decision to the Tribal Council. The Chair of the Tribal Enrollment Committee must sign the letter of rejection.

The Tribal Enrollment Committee shall complete the above actions within thirty (30) days of its receipt of the material from the staff.

- (3) By Tribal Council, actions taken by the Tribal Council shall include:
 - (a) Decide appeals submitted by rejected applicants.

- (b) Document all decisions with resolution.

The Tribal Council shall complete the above actions within forty-five (45) days of its receipt of the appeal from the rejected applicant.

6.1.107 Appeals

- (1) Applicants who are determined ineligible by the Tribal Enrollment Committee shall be notified of their rejection by certified mail return receipt requested. The rejection notice shall state the specific reason(s) they do not qualify and advise the applicant of the right to appeal. The appellant shall be advised to submit with the appeal any supporting evidence not previously furnished.
- (2) The Tribal Council must receive any appeal no later than thirty (30) days from the date of receipt of the notice of rejection. If the deadline falls on a weekend or on a holiday, the following regularly scheduled workday becomes the deadline.
- (3) When an appeal is received, the Tribal Council shall base its decision solely upon documentation evidence presented with the application and the appeal, which establishes that the applicant does or does not qualify for membership pursuant to the provisions of Article III of the Constitution of the Hannahville Indian Community. The decision of the Tribal Council on the appeal shall be final.
- (4) The Tribal Council shall complete the above actions within forty-five (45) days of its receipt of the appeal from the rejected applicant.

6.1.108 Records

- (1) Content of Individual Folder. An individual folder shall be established for each tribal member. This folder shall contain the following items:
 - (a) Application Form
 - (b) Family Tree
 - (c) Original or Certified copy of Birth Certificate
 - (d) Marriage License(s) (If applicable)
 - (e) Correspondence
 - (f) Copy of resolutions affecting enrollment

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- (g) All other documentation on the person pertinent to membership in the Tribe, such as Signed Release of Information Form to aid in research
 - (h) Death Certificate (If applicable)
- (2) Access to Records. Any enrolled member of the Hannahville Indian Community who comes to the tribal office may view the tribe's membership roll. However, neither the roll nor any portion thereof may be copied and/or distributed to any person or organization except upon permission of the Hannahville Indian Community Tribal Council by appropriate resolution. The Tribal Council shall use its discretion in using and/or releasing information from the roll for the benefit of tribal members or tribal programs.
- (3) Information in Individual Folders shall be Considered Confidential. It shall not be available to anyone except that individual member (or his/her guardian or legal representative) and to enrollment staff, Tribal Enrollment Committee members, and Tribal Council Members when such examination is necessary in considering enrollment decisions. Only the Tribal Council can authorize the viewing of tribal enrollment records by resolution of the Tribal Council.
- (4) Adopted Person's Record. An adopted person's eligibility for enrollment is determined through one or both of the natural parents. Documentary evidence submitted to support an adopted person's application for enrollment must show relationship to the natural parents through whom eligibility for enrollment is determined. The information concerning adopted persons shall be recorded as confidential and shall not be made public to any other person. This information shall be contained in locked file cabinets, and adequate safeguards shall be installed to ensure that the confidentiality of these records shall not be violated.
- (5) Updating Records. Upon receipt of certified documentation, the enrollment staff is authorized to update the information on the tribal roll. The following documentation is deemed adequate for such actions to be taken:
- (a) Name Change:
 - [1] Marriage License
 - [2] Divorce decree
 - [3] Court order changing name
 - (b) Address Change:
 - [1] Written statement signed by tribal member or his/her guardian
 - (c) Death:

- [1] Death certificate
 - [2] Bureau of Indian Affairs Records
 - [3] Mortuary records
 - [4] Hospital records
 - [5] Obituary notice from newspaper
- (6) Simple Mathematical Errors. The enrollment staff shall correct any simple mathematical errors found in the current membership roll. The corrected errors shall be listed and submitted to the Tribal Enrollment Committee in a monthly report. The report will list the members' name(s) and members' tribal ID number(s). It will clearly state the error(s) found before correction(s), and the result of the correction(s)
- (7) Other Errors. Any errors found that involve more than simple mathematical errors, shall be brought to the attention of the Tribal Enrollment Committee, before any corrections are made. The Tribal Enrollment Committee will submit to the Tribal Council of all possible errors as well as any and all documentation to verify the need for correction(s). Before any substantial change to a members record can be made, the member shall be given notice by certified mail, return receipt requested, that the changes will take place within forty-five (45) days from the receipt of the letter. The member may request to be present and to present any information they deem relevant. The Tribal Council will render a decision within sixty days (60) and submit their decision to the Tribal Enrollment Committee. The Tribal Enrollment Committee will then inform the staff to make whatever corrections the Tribal Council has so ordered. The Tribal Council's decision will be final.
- (8) Changes in Blood Quantum and Other Changes Requested by Tribal Member(s). Any requested changes in blood quantum or any other changes in the enrollment record must be made in writing by the member requesting the change. **The member requesting the change must also bring in all supporting documentation.** The staff will forward the request and appropriate documentation to the Tribal Enrollment Committee who will then forward said information to the Tribal Council with a recommendation for or against possible changes. The Tribal Council's decision regarding the change or changes will be final. The Tribal Enrollment Committee, which will inform the staff of any changes directed by the Tribal Council. The staff will then inform the tribal member(s) of any changes made to his or her record.

6.1.109 Loss of Membership

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(1) Relinquishments

- (a) Any adult member of Hannahville Indian Community may voluntarily relinquish his/her membership. His/her parent or guardian may relinquish the membership of any member of the Hannahville Indian Community who is not at least 18 years of age. All relinquishment requests must be in writing, and the signature must be notarized.
- (b) Any member wishing to relinquish will be encourage to do so on a conditional relinquishment form. In such case, the relinquishment will become effective upon the acceptance of that individual into membership of another tribe. The member's name will not be removed from Hannahville Indian Community tribal roll until documentation of the acceptance into the other tribe's membership is received. However, should a member insist upon relinquishing in writing without using the conditional relinquishment form, the tribe will comply with the member's wish, and will remove the member's name from the Hannahville Indian Community tribal roll on the effective date specified in the relinquishment submitted.
- (c) Whenever a relinquishment is submitted for a minor member, care will be taken to determine that the individual who signed the form has legal custody of the minor affected. If both parents have custody rights over a child, both parents must sign relinquishment form before it will be considered.
- (d) Adult Members relinquishing their membership will not be entitled to re-apply for membership, once relinquishment is final.
- (e) Once an adult relinquishes, they have to go thought the adoption process in order to get enrolled again.
- (f) Minors who have been relinquished by their parents or guardians may re-apply for membership upon reaching the age of 18 years, within 30 days of 18th birth date, provided they have not received any benefits from another tribe after turning 18 years of age. In the event that a relinquished minor, after reaching the age of 18, files an application for enrollment into the Hannahville Indian Community, the enrollment criteria pending at the time of application is submitted to the enrollment department will be in effect for those applications.

(2) Dis-enrollments

- (a) A tribal member who is found to have been erroneously or fraudulently enrolled, or is an enrolled member of another Indian tribe, or any other person who is found not eligible for tribal membership pursuant to the tribe's membership requirements contained to the Constitution of the Hannahville Indian Community shall be subject to dis-enrollment.

- (b) Such a member shall be notified by certified mail, return requested, of the intent to dis-enroll. The reasons supporting dis-enrollment, and the date set for a hearing before the Tribal Council to consider the matter, will be included in the notice. Following the hearing, whether the affected member makes any appearances or response, the Tribal Council by certified mail, return receipt requested. Such notice shall include the right to appeal to the Tribal Court within forty-five (45) days of the date of receipt of the notice.

6.1.110 Audits

All new applicants approved for membership are subject to an audit within one year of the effective date of their membership to determine the accuracy of sufficiency of research.

6.1.111 Penalties.

Penalties for false information could lead to a fine and/or imprisonment.

6.1.112 Amendments to this Enrollment Ordinance

The Tribal Council by a majority vote shall have the power to amend this ordinance, consistent with the provisions of the Constitution.

Certificate of Enactment

Tribal Enrollment Ordinance, Adopted October 8, 2001, Amended August 11, 2003

The Hannahville Indian Community Tribal Council duly enacted the forgoing Ordinance at a meeting held at the tribal headquarters on August 11, 2003, by a vote of 7 for, 0 against, and 0 abstentions, a quorum being present.

Kenneth Meshigaud
Tribal Chairperson

Donna Boda
Tribal Council Secretary

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