

TITLE 10. ENROLLMENT

**ARTICLE I
GENERAL PROVISIONS**

CHAPTER 1. GENERAL PROVISIONS 10-1-1
 Sec. 10-1101. Act, How Cited. 10-1-1
 Sec. 10-1102. Definitions. 10-1-1

CHAPTER 2. MISCELLANEOUS 10-1-2
 Sec. 10-1201. Effective Date. 10-1-2
 Sec. 10-1202. Construction of Title. 10-1-2
 Sec. 10-1203. Sovereign Immunity. 10-1-2
 Sec. 10-1204. Severability. 10-1-2

**ARTICLE II
ADMINISTRATION**

CHAPTER 1. ENROLLMENT COMMITTEE..... 10-2-1
 Sec. 10-2101. Establishment..... 10-2-1

CHAPTER 2. ENROLLMENT OFFICE..... 10-2-1
 Sec. 10-2201. Establishment..... 10-2-1
 Sec. 10-2202. Duties and Responsibilities..... 10-2-1

**ARTICLE III
TRIBAL ROLLS**

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

**ARTICLE IV
ENROLLMENT PROCEDURE**

CHAPTER 1. APPLICATIONS 10-4-1
 Sec. 10-4101. Form and Contents of Application..... 10-4-1
 Sec. 10-4102. Applications by Minors and Mental Incompetents. 10-4-2
 Sec. 10-4103. Applicants with Deceased, Unavailable or Uncooperative Fathers.... 10-4-2
 Sec. 10-4104. Filing of Application..... 10-4-3
 Sec. 10-4105. Legally Adopted Children..... 10-4-4
 Sec. 10-4106. Burden of Proof..... 10-4-4
 Sec. 10-4107. Eligibility for Enrollment..... 10-4-4
 Sec. 10-4108. Provisional Enrollment for minor children only. 10-4-5

CHAPTER 2. PROCESSING OF APPLICATIONS..... 10-4-6
 Sec. 10-4201. Processing by the Enrollment Committee..... 10-4-6

Sec. 10-4202. Notification of Results.....	10-4-7
CHAPTER 3. ACTIONS OF THE TRIBAL COUNCIL	10-4-8
Sec. 10-4301. Applications Recommended for Approval.	10-4-8
Sec. 10-4302. Appeals Recommended for Rejected.....	10-4-8

**ARTICLE V
ADOPTION PROCEDURE**

CHAPTER 1. ADOPTION PROCEDURE	10-5-1
Sec. 10-5101. Adoption Procedures pursuant to the Tribal Constitution.	10-5-1
Sec. 10-5102. Adoption Roll.	10-5-1

**ARTICLE VI
DISENROLLMENT**

CHAPTER 1. IN GENERAL.....	10-6-1
Sec. 10-6101. Grounds for Disenrollment.	10-6-1
Sec. 10-6102. Exclusive Procedure.	10-6-1
Sec. 10-6103. No Review.	10-6-2
CHAPTER 2. DISENROLLMENT PROCEDURE	10-6-2
Sec. 10-6202. Definitions	10-6-2
Sec. 10-6202. Filing and Notice.....	10-6-4
Sec. 10-6203. Action of Enrollment Officer.....	10-6-5
Sec. 10-6204. Action of Enrollment Committee.	10-6-6
Sec. 10-6205. Proceedings Before Tribal Council.....	10-6-6
Sec. 10-6206. Procedures Generally.	10-6-7
Sec. 10-6207. Order Following Disenrollment Vote	10-6-8
Sec. 10-6208. Dissemination of Disenrollment Orders	10-6-8
Sec. 10-6209. Appeal to the Meskwaki Tribal Courts.....	10-6-8
Sec. 10-6210. Voluntary Relinquishment	10-6-9
Sec. 10-6211. Confidentiality	10-6-9
Sec. 10-6212. Escrow of Benefits Pending Review.....	10-6-10

**ARTICLE VII
LEGISLATIVE HISTORY**

CHAPTER 1. AMENDMENTS	10-7-1
Sec. 10-7101. Amending Title 10-Enrollment.....	10-7-1
CHAPTER 2. LEGISLATIVE HISTORY	10-7-1
Sec. 10-7201. Original Enactment of Title 10-Enrollment.....	10-7-1
CHAPTER 3. AMENDMENTS TO THE ORIGINAL ENACTMENT OF TITLE 10.....	10-7-1
Sec. 10-7301. Further Amendments to Title 10-Enrollment.	10-7-1

TITLE 10. ENROLLMENT

ARTICLE I

GENERAL PROVISIONS

LEGISLATIVE HISTORY:

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

[NOTE: Except as otherwise noted, the provisions of this Code, shall supercede all prior provisions of the original Title 10, as amended and adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

CHAPTER 1. GENERAL PROVISIONS

Sec. 10-1101. Act, How Cited.

(a) Sections 10-1101 to 10-7301 shall be known and may be cited as the *Sac and Fox Tribe of the Mississippi in Iowa Enrollment Act*.

[NOTE: Except as otherwise noted, the provisions of Sec. 10-1101(a) as amended with recommended changes by the Enrollment Committee on January 12-13, 2016 and were adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

Sec. 10-1102. Definitions.

(a) “Adoptee” is an applicant who has been legally adopted by non-Indians or non-enrollees, or by other Tribal members.

(b) “Adult member” is any member of the Tribe eighteen (18) years of age or older.

(c) “Appellant” is a person who is appealing a final decision made by the Tribal Council rejecting an application for enrollment.

(d) “Applicant” is an individual who desires to be enrolled with the Sac & Fox Tribe of the Mississippi in Iowa.

(e) “Enrolled member” is a person named on the base roll or the membership roll or a person whose application for enrollment has been approved by the Tribal Council pursuant to this Enrollment Act.

(f) “Dual Enrollment” is where a person is enrolled in two (2) distinct Tribes or Bands at the same time. (g) “Father” is the biological father.

(h) “Parents” is the biological father and mother.

(i) Perjury is a crime that occurs when an individual willfully makes a false statement during a judicial proceeding, after he or she has taken an oath to speak the truth.

(j) “Tribal Council” is the governing body of the Sac & Fox Tribe of the Mississippi in Iowa.

- (k) “Tribe” is the Sac & Fox Tribe of the Mississippi in Iowa.
- (l) “Twelve (12) Marker Protocol” is the minimum standard DNA test that is authorized for submission to the Enrollment Office.

[NOTE: Except as otherwise noted, the provisions of Sec. 10-1101 amended (a)(b)(c)(e)(f)(g)(h)(i)(j)(k); and added (l); Sec. 10-1102 was stricken as recommended changes by the Enrollment Committee on January 12-13, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

CHAPTER 2. MISCELLANEOUS

Sec. 10-1201. Effective Date.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-1201(a); Sec. 10-1202(a-f) was stricken as recommended changes by the Enrollment Committee on January 12-13, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-1202. Construction of Title.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-1202(a) was added as recommended changes by the Enrollment Committee on January 12-13, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-1203. Sovereign Immunity.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-1203 amended (a) as recommended changes by the Enrollment Committee on January 12-13, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-1204. Severability.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-1204 amended (a) as recommended changes by the Enrollment Committee on January 12-13, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

TITLE 10. ENROLLMENT

ARTICLE II

ADMINISTRATION

LEGISLATIVE HISTORY:

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

[Note: Sections 10-2201 and 10-2202 were changed on November 29, 2006 by Tribal Council Resolution No. 48-2006].

[NOTE: Except as otherwise noted, the provisions of this Code, shall supercede all prior provisions of the original Title 10, as amended and adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

CHAPTER 1. ENROLLMENT COMMITTEE

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

(a) The Tribe shall establish and maintain within its government an Enrollment Committee to which the Tribal Council shall delegate the powers as referred to in the Committee Procedures Policy as amended.

[NOTE: Except as otherwise noted, the provisions of Sec. 10-2101 amended (a)(b); Sec. 10-2102 amended (a); Sec. 10-2103 amended (a) and added (b); Sec. 10-2104 amended (a); added (b); amended (c); amended (d); added (e); Sec. 10-2105 amended (b)(1)(2)(3)(c); as recommended changes by the Enrollment Committee on January 12-13, 2016 and were adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

CHAPTER 2. ENROLLMENT OFFICE

Sec. 10-2201. Establishment.

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

(b) The Enrollment Committee shall, by majority vote, recommend an Enrollment Officer to the Tribal Council. The Tribal Council shall accept or reject the recommendation. Upon appointment, the candidate shall complete the necessary paperwork with the Human Resources Department.

(c) The Enrollment Officer must be an enrolled adult member of the Sac & Fox Tribe of the Mississippi in Iowa, and cannot be a current Enrollment Committee Member.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-2201 amended (b)(c); as recommended changes by the Enrollment Committee on January 12-13, 2016 and were adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

Sec. 10-2202. Duties and Responsibilities.

(a) The Enrollment Officer shall report directly the Enrollment Committee and supervised by the Executive Director, for administrative purposes, and to which the Tribal Council shall delegate the powers as referred to in the Job Description as amended.

TITLE 10

ARTICLE IV

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006] [NOTE: Except as otherwise noted, the provisions of Sec. 10-2202(a)-(p) was last revised on October 21, 2015 by the Executive Director on October 21, 2015.

[NOTE: Except as otherwise noted, the provisions of Sec. 10-2202(a)-(p) was reviewed for recommended changes by the Enrollment Committee on January 12-13, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

TITLE 10. ENROLLMENT

ARTICLE III

TRIBAL ROLLS

LEGISLATIVE HISTORY:

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

[NOTE: Except as otherwise noted, the provisions of this Code, shall supercede all prior provisions of the original Title 10, as amended and adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

CHAPTER 1. ESTABLISHMENT

Sec. 10-3101. Base Roll.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-3101 amended (a); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

Sec. 10-3102. Membership Roll.

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

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

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-3102 amended (b) and (c); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

Sec. 10-3103. Other Rolls.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-3103 amended (a); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

TITLE 10. ENROLLMENT

ARTICLE IV

ENROLLMENT PROCEDURE

LEGISLATIVE HISTORY:

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

[Note: Sections 10-4101, 10-4102, 10-4303, 10-4104, 10-4106, 10-4107, 10-4108, 10-4201, 10-4202, 10-4301, and 10-4302 were changed on November 29, 2006 by Tribal Council Resolution No. 48-2006].

[NOTE: Except as otherwise noted, the provisions of this Code, shall supercede all prior provisions of the original Title 10, as amended and adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

CHAPTER 1. APPLICATIONS

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

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

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

(1) An original birth certificate, with a raised seal or stamped seal with both parents' names. The Enrollment Officer will make a copy of the applicant's original birth certificate and return the original birth certificate to the applicant, parent, or guardian;

(2) Statement of Paternity. A notarized paternity statement containing the signatures of both parents. . If the father is deceased, then the mother, or authorized representative shall complete the Alternative Certification and Oath;

(3) A completed Family Tree;

(4) An original applicant's social security card, and the Enrollment Officer will make a copy of the applicant's social security card;

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

(A) Exceptions to the contracted laboratory.

(i) Applicant must ensure that the Laboratory submit a Certified Copy directly from the Lab conducting the DNA test.

(ii) If there is a court order, then the applicant must ensure that the Laboratory submit a Certified Copy directly from the Lab conducting the DNA test, along with the Certified Court Order.

- (6) Clan, written indication;
- (7) Indian Name, written indication;
- (8) Other Blood Percentage, Written indication.

(c) Certification and Oath. The applicant or person completing the application pursuant to Section 10-4101 must certify the information given is true; Applicant or person must further acknowledge that providing false information on an application will render applicant ineligible to reapply for enrollment no sooner than a period of five (5) years from the date of the falsely filed application.

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

[NOTE: Except as otherwise noted, the provisions of Sections 10-4101 amended (b)(1-5); added (5)(A)(i)(ii)(6)(7)(8); and amended (c); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

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

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

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

(c) Certification and Oath. The applicant or person completing the application pursuant to Section 10-4102 shall certify the information given is true. Applicant or person shall further acknowledge that providing false information on an application shall render applicant ineligible to reapply for enrollment no sooner than a period of five (5) years from the date of the falsely filed application.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-4102 amended (a); added (c); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

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

(a) Deceased Fathers. Where a father is deceased and the Applicant is unable to obtain a DNA sample of the father the applicant shall submit DNA testing with the natural mother and any of the following: enrolled "Grandfather (deceased father's father of the Applicant); enrolled Uncle (deceased father's brothers of the Applicant); enrolled Brother (brothers of the Applicant), or enrolled Male First Cousin (male first cousins of the Applicant)" results using a twelve- (12) marker protocol, establishing with a 98% or greater degree of certainty that the applicant is the child of the enrolled deceased father.

(b) Unavailable Fathers, (Unknown or incarcerated). Where the father is unavailable, the Applicant shall submit DNA testing with the natural mother and any of the following: enrolled "Grandfather (unavailable father's father of the Applicant); enrolled Uncle (unavailable

father's brothers of the Applicant); enrolled Brother (brothers of the Applicant), or enrolled Male First Cousin (male first cousins of the Applicant)" results using a twelve- (12) marker protocol, establishing with a 98% or greater degree of certainty that the applicant is the child of the enrolled unavailable father.

(c) Uncooperative Fathers (Refusing to acknowledge). Where the father is uncooperative, the Applicant's case shall be referred to the Meskwaki Tribal Court. The Tribal Court shall be granted jurisdiction to Order the putative father to submit to DNA testing for the exclusive purpose of determining paternity. If the putative father fails or refuses to submit to DNA testing as ordered, the Court shall have the authority to exercise its powers to compel the putative father, through contempt proceedings, monetary sanctions, or any other means at its disposal, to submit to such testing.

(d) Certification and Oath. The applicant or person completing the application pursuant to Section 10-4103 must certify the information given is true. Applicant or person must further acknowledge that providing false information on an application shall render applicant ineligible to reapply for enrollment no sooner than a period of five (5) years from the date of the falsely filed application.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-4103 amended (a)(b); added (c)(d); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-4104. Filing of Application.

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

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

(c) Receipt of Application. Upon receipt of an application in the Enrollment Office, the application shall be assigned an identifying number, and stamped with the date of receipt. The Enrollment Officer shall immediately give the applicant written confirmation of the receipt of the application.

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

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

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-3101 amended (c) and (d); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-4105. Legally Adopted Children.

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

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

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-4105 amended (a); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-4106. Burden of Proof.

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

(b) To meet its burden to establish paternity, an applicant must submit a DNA test which uses a twelve- (12) marker protocol, or certified test results from another DNA company which has a degree of accuracy which is as great as or greater than that provided by a DNA test which uses a 12-marker protocol, certified by a competent court, and which establishes paternity necessary for membership. The cost of the paternity test shall be borne by the Tribe.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-4106 amended (b); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-4107. Eligibility for Enrollment.

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

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

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

(c) Off the Settlement. All children born since the completion of said roll whose father is a member of the Tribe but whose parents were not residing on the Settlement at the time

of the birth of said children may be admitted to membership by a majority vote of the Tribal Council.

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

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

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

(e) Voluntary Relinquishment. No adult person who has voluntarily relinquished their membership in the Tribe for any reason shall not be eligible for enrollment in the Tribe at any time thereafter., unless the child was a minor and relinquishment was completed by the parent, or legal guardian.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-4107 amended (b)(c)(d)(1)(2)(e); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-4108. Provisional Enrollment for minor children only.

Notwithstanding the provisions of Sec. 10-4107, a person who was enrolled in another Tribe by the mother, but who is now in the legal and physical custody of the father and is physically residing with the father, and who meets the criteria for enrollment with the Sac & Fox Tribe in all other respects, may be granted provisional enrollment status in the Sac & Fox Tribe pursuant to the following procedures:

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

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

(c) Within two (2) days of being notified of the Tribal Council's decision to grant provisional enrollment, the Enrollment Officer shall send a letter to the enrollment office of the Tribe in which the person is currently enrolled, advising that office of the following:

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

(2) That the Sac & Fox Tribe of the Mississippi in Iowa respectfully asks the other Tribe to relinquish the person's membership in the Tribe, and to send the Enrollment Officer a letter so stating, and if applicable, an attached Resolution.

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

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

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

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

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-4108 amended (a)(b)(c)(1)(2)(3)(d)(e)(f); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

CHAPTER 2. PROCESSING OF APPLICATIONS

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

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

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

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

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

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

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

(6) An Enrollment Committee member shall recuse himself or herself and leave the meeting room during consideration of the application for enrollment of a direct descendant of the Enrollment Committee member.

(7) The Enrollment Committee shall submit a written report to the Tribal Council on an annual basis. The report shall incorporate the information contained in the Enrollment Officer's monthly report, to include: membership role, newly enrolled members, deceased members, unaudited individuals, and Enrollment Committee members and their terms.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-4201 amended (a)(1-7); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-4202. Notification of Results.

(a) Once the application is approved or denied for membership by the Tribal Council, then the Enrollment Officer shall send a general or certified letter to the Applicant/parent/legal guardian informing them of the final decision.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-4202 amended (a); striking (b) and (c); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

CHAPTER 3. ACTIONS OF THE TRIBAL COUNCIL**Sec. 10-4301. Applications Recommended for Approval.**

(a) Upon receipt of a written recommendation from the Enrollment Committee, the Tribal Council shall place the enrollment recommendation on the agenda for the next Tribal Council meeting.

(b) The vote of the Tribal Council accepting the Enrollment Committee recommendation shall be final.

(c) Written Notice of the decision of the Tribal Council shall be sent to the Enrollment Officer by the Secretary of the Tribal Council.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-4301 amended (a)(b)(c); striking (d); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-4302. Applications Recommended for Rejection.

(a) Upon receipt of a written recommendation for rejection (excluding DNA) from the Enrollment Committee, the Tribal Council shall place the enrollment recommendation on the agenda for the next Tribal Council meeting.

(b) The vote of the Tribal Council rejecting the Enrollment Committee recommendation (excluding DNA) shall be final.

(c) If the DNA does not match between the child and the alleged father, the Enrollment Officer shall make the Enrollment Committee aware of the results and the application process shall be final.

(d) The Enrollment Officer shall send a letter to the Applicant/parent/legal guardian notifying them of the results of the DNA, and shall also be reflected in the annual membership report.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]. [NOTE: Except as otherwise noted, the provisions of Sec. 10-4302 amended (a)(b)(c)(d); striking (d1-5) and (e); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

TITLE 10. ENROLLMENT

ARTICLE V

ADOPTION PROCEDURE

LEGISLATIVE HISTORY:

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

[NOTE: Except as otherwise noted, the provisions of this Code, shall supercede all prior provisions of the original Title 10, as amended and adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

CHAPTER 1. ADOPTION PROCEDURE

Sec. 10-5101. Adoption Procedures pursuant to the Tribal Constitution.

(a) A person who is a descendant of a member of this Tribe but not entitled to membership under Article II, Section 1 of the Tribal Constitution, may be adopted into the Tribe by a majority vote of the Tribal Council, provided that such person has resided on the Settlement for a period of five (5) years prior to submitting the application. Written notice of the decision of the Tribal Council to permit or reject an application for adoption shall be sent to the applicant by the Secretary of the Tribal Council within ten (10) business days.

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

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

(d) Any member of the Tribe who resides away from the Settlement for a period of ten (10) years and who has not within that time signified to the Tribal Council his desire to continue his membership shall lose his membership in the Tribe but may later be adopted into the Tribe under the same membership status previously enjoyed, by a majority vote of the Tribal Council after residing on the Settlement for one year.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-5101 amended (a) and (d); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

Sec. 10-5102. Adoption Roll.

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

TITLE 10

ARTICLE V

[NOTE: Except as otherwise noted, the provisions of Sec. 10-5102 amended (a); as recommended changes by the Enrollment Committee on February 8-9, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

TITLE 10. ENROLLMENT

ARTICLE VI

DISENROLLMENT

LEGISLATIVE HISTORY:

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

[Note: Sections 10-6101, 10-6102, 10-6103, 10-6201, 10-6202, 10-6203, 10-6204, 10-6205, 10-6206, 10-6207, 10-6208, 10-6209, 10-6210, and 10-6211 were changed on November 29, 2006 by Tribal Council Resolution No. 48-2006].

[NOTE: Except as otherwise noted, the provisions of this Code, shall supercede all prior provisions of the original Title 10, as amended and adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

CHAPTER 1. IN GENERAL

Sec. 10-6101. Grounds for Disenrollment.

Any of the following may constitute grounds for disenrollment:

- (a) A person is found guilty by a court of law of:
 - (1) Murder;
 - (2) Rape;
 - (3) Incest;
 - (4) More than one (1) conviction for drug trafficking, manufacturing, or distribution;
 - (5) Treason against the Tribe or the United States.
- (b) A person was enrolled through error or fraud.
- (c) A Tribal member has resided away from the Meskwaki Settlement for a period of ten (10) years, and has not within that time signified to the Tribal Council his desire to continue Tribal membership.
- (d) A tribal member who is disenrolled for grounds stated in subsection (a) cannot be reenrolled unless exonerated by a court of the crime for which he or she was previously convicted.

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006 [NOTE: Except as otherwise noted, the provisions of Sec. 10-6101 amended (a)(4) and (c); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

Sec. 10-6102. Exclusive Procedure.

- (a) This Article shall be the exclusive means for Enrollment Committee and Tribal

Council consideration of disenrollment matters.

(b) No action to disenroll a member shall be taken unless authorized by the Tribal Council.

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

Sec. 10-6103. No Review.

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

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6103 amended (a); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

CHAPTER 2. DISENROLLMENT PROCEDURE

Sec. 10-6201. Definitions.

(a) As used in this chapter:

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

scheduled meeting authorizing the Committee to act as the Complainant, may file a Complaint for the disenrollment of that member and proceed as would any other Complainant hereunder, describing the physical evidence, stating the source of the information and how it was learned, and attaching any supporting documents.

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

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

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

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

(4) “Physical Testing” means blood type testing, DNA testing, or similar testing of physical specimens from a person where such test would provide evidence related to parentage. If the enrolled Tribal member who is the father has agreed to submit to DNA testing, and if the person who is the subject of the complaint refuses to submit to DNA testing, the person who is the subject of the Complaint shall be presumed to have been enrolled through error or fraud, and shall be required to provide conclusive proof in the form of DNA test results using a twelve- (12) marker protocol that the person who enrolled them is their biological father.

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

(6) “Physical Evidence” means, for disenrollment proceedings based on an allegation that an enrolled member has been convicted of: (i) murder; (ii) rape; (iii) incest; (iv) more than one conviction for drug trafficking, manufacturing, or distribution; or (v) treason against the Tribe or the United States, certified copies of official written records of a state, federal, tribal, or local unit of government showing that the respondent has been convicted of the crime alleged or engaged in other activity sufficient to warrant grounds for disenrollment as set forth in Chapter 1, Section 10-6101(a).

(7) “Physical Evidence” means, for purposes of disenrollment proceedings based on an allegation that a Tribal member was enrolled through fraud or error, DNA or other scientific test results providing a reasonable basis to conclude that the respondent was not qualified to be enrolled, or written materials related to the enrollment of the

respondent which provide a reasonable basis to conclude there was an error in the application. Physical Evidence may include copies of original documents of a tribal, state or federal government, hospital, clinic, or similar institution that provide a reasonable basis to conclude that error or fraud may have occurred or been committed in the enrollment of the respondent. The Enrollment Officer will use his best efforts to verify the authenticity of all documents before the documents are considered as grounds for initiating disenrollment proceedings. Written statements of Tribal members asserting that an error or fraud has occurred may serve as the basis for a disenrollment proceeding, but must be substantiated by Physical Evidence whenever possible.

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

(9) “Treason” means against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason, unless on the testimony of two (2) witnesses to the same overt Act, or on Confession in open court.

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6201 amended (a)(1)(4) and (9); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec.10-6202. Filing and Notice

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

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

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

- (1) Results voluntarily submitted by Respondent;
- (2) Results obtained and submitted by any person upon the written request of

the Respondent's father if the Respondent was originally enrolled through the father;

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

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

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

(6) Results as requested by the Tribe pursuant to Section 10-6201(a)(4).

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

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

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

(3) if the Respondent is required or mandated to take a DNA test by the Tribe and refuses to do so, his or her failure to do so shall constitute evidence that the Respondent was enrolled through error or fraud.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6202 amended (a)(b)(c)(6)(d); added (c)(6) and (d)(3); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-6203. Action of Enrollment Officer.

(a) Upon receipt of the Respondent's responsive materials, the Enrollment Officer shall review and attempt to verify the evidence submitted to substantiate the Complaint and the Respondent's materials. No later than six months after filing of the responsive materials by the Respondent, the Enrollment Officer shall report his findings in writing to the Enrollment Committee. The Enrollment Officer shall advise the Enrollment Committee in his report whether it appears from all submissions that there is sufficient evidence to establish that a disenrollment proceeding should be initiated against Respondent. In order to ensure the

impartiality of the Enrollment Committee as the tribunal first hearing the evidence in a disenrollment proceeding, prior to the written report by the Enrollment Officer to the Enrollment Committee, the Enrollment Committee is strictly prohibited from having any involvement in the processing of the Compliant, the investigation of the Physical Evidence, or any other actions of the Enrollment Officer regarding the Complaint.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6203 was renumbered; amended (a); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-6204. Action of Enrollment Committee.

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

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

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

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

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6204 was renumbered; amended (b)(1); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-6205. Proceedings Before Tribal Council.

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

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

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

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

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6205 was renumbered; as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-6206. Procedures Generally.

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

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

(1) recommend that the Respondent be disenrolled by the Tribe; or

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

(c) If the Tribal Council votes to determine that the Respondent shall be disenrolled based on DNA testing and results the matter is finished and the Respondent shall have no right to appear before a meeting of the Tribe followed by a referendum. In all other cases of disenrollment, the Tribal Council shall set the matter for a meeting of the Tribe followed by a referendum vote of the Tribe.

(d) Written notice of the decision of the Tribal Council shall be sent within five (5) business days to the Complainant and Respondent by the Secretary of the Tribal Council.

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

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

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6206 was renumbered; amended (a) and (b1); added (c); amended (d)(e)(f); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-6207. Order Following Disenrollment Vote.

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

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6207 was renumbered; amended (a); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-6208. Dissemination of Disenrollment Orders.

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

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6208 was renumbered; amended (a); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-6209. Appeal to the Meskwaki Tribal Courts.

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

(b) An appeal related to a disenrollment proceeding can only be filed from a Disenrollment Order issued under Section 10-6207. The appeal shall be filed with the Meskwaki Tribal Court's Clerk of Court within fourteen (14) days of the date that the Order was placed in certified mail to Respondent. Failure of Respondent to file an appeal within the prescribed time

shall deprive the Meskwaki Tribal Court of jurisdiction of the appeal.

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

(d) The Meskwaki Tribal Court can issue a stay pending Appellate Court review. If a stay is issued, the Meskwaki Tribal Appellate Court shall not prevent the Tribal Council from ordering that benefits be escrowed under Section 10-6212 during the pendency of the appeal.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6209 was renumbered; amended (a)(b)(c)(d); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-6210. Voluntary Relinquishment.

(a) A Respondent may voluntarily relinquish their membership with the Tribe by notifying the Enrollment Committee in writing that they no longer desire to challenge their disenrollment and voluntarily relinquish their membership in the Tribe.

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

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6210 was renumbered; amended (a); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-6211. Confidentiality.

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

[Note: This section was changed on November 29, 2006 by Tribal Council Resolution No. 48-2006]. [NOTE: Except as otherwise noted, the provisions of Sec. 10-6211 was renumbered; amended (a); as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

Sec. 10-6212. Escrow of Benefits Pending Review.

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

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

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

- (1) Returned to the department or program which placed the funds into escrow if Respondent is disenrolled; or
- (2) Provided to Respondent if the Respondent is not disenrolled.

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-6212 was renumbered; amended (a)(b)(c)(1); the provisions of Sec. 10-6212 was stricken; as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on *May 9, 2017 by Res. No. (10)-2017*].

TITLE 10. ENROLLMENT

ARTICLE VII

LEGISLATIVE HISTORY

LEGISLATIVE HISTORY:

[NOTE: Except as otherwise noted, the provisions of this Code, shall supercede all prior provisions of the original Title 10, as amended and adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

CHAPTER 1. AMENDMENTS

Sec. 10-7101. Amending Title 10 – Enrollment

(a) This Title may be amended at any time, but all amendments shall not be effective until approved by the Tribal Council.

[NOTE: Except as otherwise noted, the provisions of Sec. 10-7101(a) was added; as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

CHAPTER 2. LEGISLATIVE HISTORY

Sec. 10-7201. Original Enactment of Title 10 – Enrollment

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

[NOTE: Except as otherwise noted, the provisions of Sec. 10-7201(a) was added; as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].

CHAPTER 3. AMENDMENTS TO THE ORIGINAL ENACTMENT OF TITLE 10 – ENROLLMENT

Sec. 10-7301. Further Amendments to Title 10 – Enrollment

(a) *[Note: Sections of Title 10 were changed on November 29, 2006 by Tribal Council Resolution No. 48-2006].*

(b) *[NOTE: Except as otherwise noted, the provisions of this Code, shall supercede all prior provisions of the original Title 10, as amended and adopted by the Tribal Council on _____ by Res. No. ()-2017].*

(c) Reserved for future Resolutions

[NOTE: Except as otherwise noted, the provisions of Sec. 10-7301(a)(b)(c) was added; as recommended changes by the Enrollment Committee on March 7-8, 2016 and were adopted by the Tribal Council on May 9, 2017 by Res. No. (10)-2017].