JAMESTOWN S'KLALLAM TRIBE
TRIBAL CODE
TITLE 4 – ENROLLMENT CODE

Chapters:

Chapter 4.01 - General Provisions
Chapter 4.02 - Enrollment
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General

Sections:
Section 4.01.01 Title

Section 4.01.01 Title
This Title will be known and may be cited as the Enrollment Code of the Jamestown S'Klallam Tribe ("Tribe").

Chapter 4.02
Enrollment

Sections:

Section 4.02.01 Eligibility for Enrollment; Limitations
Section 4.02.02 Enrollment Staff
Section 4.02.03 Enrollment Committee
Section 4.02.04 Applications for Enrollment
Section 4.02.05 Processing the Application

Section 4.02.01 Eligibility for Enrollment; Limitations

A. The citizenship roll of the Tribe will be determined as follows, subject to the limitations in Section 4.02.01.02:

1. All persons whose names appear on the list of citizens, Base Roll of 1926, submitted by the Tribe in its petition for Federal acknowledgment as an Indian Tribe pursuant to 25 CFR Part 54 (1978), who met the citizenship criteria specified in that petition, qualify to apply for citizenship in the Tribe. The Jamestown S'Klallam Tribal Council ("Tribal Council") can correct the list, at their discretion, during the course of a regularly scheduled Tribal Council meeting; and

2. Lineal descendants of persons who qualify for citizenship under subsection A., above; provided that such descendants possess at least one-eighth (1/8) degree Jamestown S'Klallam blood.

No Tribally approved guidelines currently exist for lineal descendants of less than one-eight (1/8) blood, non-lineal descendants or non-Indians, including spouses of Tribal citizens, to be adopted into the Tribe.

B. Limitations to Enrollment are as follows:

1. No person will qualify for citizenship in the Tribe who is a citizen of any other organized tribe, band or Indian community officially recognized by the U.S. Government, unless they have relinquished, in writing, their citizenship in such tribe, band or community, before applying for citizenship with the Jamestown S'Klallam Tribe; and

2. An applicant will only be considered for enrollment into the Tribe if their blood quantum of Jamestown S'Klallam heritage is greater than t their blood quantum in another tribe, unless the Tribal Council, in its sole discretion, deems the applicant to have a significant community relationship, such as close social and economic relations, with the Tribe.

For purposes of this section 2.., the Tribal Council may consider the following factors in determining whether an applicant has a “significant community relationship” and “close social and economic relations” with the Tribe or its Citizens: 1) Is the applicant an employee of the Tribe; 2) Does the applicant live within the Tribe’s Land Consolidation Area; 3) Does the applicant have ongoing interpersonal or business relationships with Tribal Citizens; 4) Is the applicant married to a Tribal Citizen; 5) Is the applicant the parent of a Tribal Citizen; 6) Was the applicant adopted by a Tribal Citizen; 7) Does the applicant patronize the Tribe’s business enterprises and clinics; 8) Has the applicant volunteered to assist the Tribe in any capacity; and 9) Has the applicant made any donations to the Tribe, either in money or land?

Section 4.02.02 Enrollment Staff and Enrollment Officer

The provisions of this Title shall be implemented by members of the Tribal staff, designated as Enrollment staff. One of the Enrollment staff will be designated by the Tribal Council as the Enrollment Officer who will be the lead person of the Enrollment staff. The responsibilities of such staff include, but are not limited to, the following:

A. Receive citizenship applications and review for content and completeness;

B. Verify that applicants meet the Tribe's minimum requirements for enrollment (i.e., blood quantum, no dual enrollment, etc.);

C. Contact other Tribes to verify if an applicant is dually enrolled and obtain an Enrollment/Membership number of the applicant.

D. Contact applicants to request additional information or clarify existing information;

E. Coordinate meetings of the Enrollment Committee, as established under Section 4.02.03, below, to assure applications are processed in a timely manner;

F. Contact applicants to inform them about the Tribal Council's decision regarding their enrollment request;

G. Maintain accurate and current enrollment files;

H. Record all actions taken on specific enrollment requests;

I. Research records to obtain adequate documentation for enrollment actions; and

J. Protect the privacy of citizens and applicants by maintaining strict confidentiality of enrollment information.

Section 4.02.03 Enrollment Committee
An Enrollment Committee will be appointed by the Tribal Council to establish and maintain a current citizenship roll of Jamestown S'Klallam Tribal citizens. The Enrollment Committee and Committee Chairperson will be chosen and officially designated by Tribal Council resolution as follows:

A. The Enrollment Committee will consist of five (5) enrolled Tribal citizens appointed by the Tribal Council. Each citizen will serve a three (3) year term with the appointments being staggered as follows:

1. The Chairperson and one (1) committee member will be appointed in odd numbered years;

2. The remaining positions will be appointed in even numbered years;

3. The Tribal Council shall appoint a non-voting advisory position to assist the Enrollment Committee; and

4. If a position becomes vacant within the regular term, the Tribal Council will appoint an interim committee member to serve the remainder of the three (3) year term.

B. The Enrollment Committee, including the Enrollment Committee Chairperson, is responsible to the Tribal Council. The responsibilities of the Enrollment Committee will include:

1. Receive applications and review for content and completeness;

2. Make recommendations to the Tribal Council for approval or denial of an individual applicant's request;

3. Work cooperatively with the Enrollment staff in effectively completing the application process; and

4. Instruct Enrollment staff to act on the Committee's behalf in corresponding with all applicants.

C. The Enrollment Committee, via the Enrollment Officer, will keep on file, for distribution if necessary, updated copies of the Tribal Constitution and this Title. The Enrollment Committee, via the Enrollment Officer, will maintain the following records in a confidential manner:

1. Copies of the base roll and updated current roll;

2. Minutes of Enrollment Committee meetings and copies of Tribal Council meeting minutes that relate to enrollment decisions;

3. Copies of all resolutions by the Enrollment Committee and the Tribal Council on enrollment actions;

4. Individual files on all enrolled citizens including the application form, family ancestry, birth records, Tribal Council enrollment actions, birth records for children of the citizen, death certificate and any other miscellaneous or related correspondence;

5. Individual files on all rejected applicants including the application form, copies of documentation furnished, a copy of the enrollment rejection action and other miscellaneous or related correspondence; and

6. Copies of forms necessary for enrollment actions.

Section 4.02.04 Applications for Enrollment

All persons, whether or not they are listed on the citizenship roll of the Tribe prepared in 1926, who request citizenship in the Tribe, must file an enrollment application as follows:

A. Applications for minors or incompetents can be filed by parents, guardians or other sponsors such as social workers. No one will be considered for enrollment unless an enrollment application has been filed by the individual, parent, guardian or a sponsor;

B. All enrollment applications must be filed with the Enrollment Committee. Application forms can be obtained by oral or written request submitted to the Tribal offices. There is no deadline date established for filing enrollment applications except when an enrollment cut-off date is authorized by the Tribal Council for a specific purpose; and

C. The application must be accompanied by a copy of the applicant's birth certification and any other documentary evidence such as a notarized paternity affidavit showing the name of a parent through whom eligibility for citizenship is claimed.

Section 4.02.05 Processing the Application

A. All applications will be received by or routed to the Enrollment staff. The Enrollment staff will:

1. Stamp the application form with the date received and acknowledge the application's receipt by written reply;

2. Create a file for the application and supporting documents;

3. Ensure that the application is complete. If not, notify the applicant and detail what further information is needed;

4. Compute the degree of Jamestown S'Klallam blood;

5. If applicant possesses blood from another Tribe, verify the quantum amount and ensure that there is no dual enrollment conflict;

6. Segregate applications as follows:

a. Applicants descended from the Tribe's 1926 Base Roll of citizens who also meet other requirements for enrollment; and,

b. Applicants who do not meet the requirements of Section 4.02.01 Eligibility for Enrollment above, or do not have adequate documentation; and

7. Submit applications to the Enrollment Committee for consideration of an acceptance or rejection recommendation to the Tribal Council.

The above actions will be completed by the Enrollment staff within thirty (30) days of receipt of the application.

B. The Enrollment Committee will then take the following actions:

1. Examine applications and documentation presented by the Enrollment staff;

2. Determine the accuracy and sufficiency of research related to an application. The Committee may request additional action by the Enrollment staff if necessary;

3. Make recommendations to the Tribal Council on all applicants;

4. Document acceptance or rejection decisions with Tribal Council resolutions;

5. Coordinate with Enrollment staff to notify accepted applicants of the decision, informing them of the roll number assigned; and

6. If the application is to be rejected by the Enrollment Committee, coordinate with the Enrollment staff to notify rejected applicants of the Committee's decision, and of the applicant's right to appeal this decision to the Tribal Council.

The above actions will be completed by the Enrollment Committee within thirty (30) days of its receipt of the material from the Enrollment staff.

C. The Tribal Council will then take the following actions:

1. Decide to accept or reject requests for citizenship that have been recommended by the Enrollment Committee;

2. Decide to accept or reject applicants who have been citizens of other Tribes and who are applying pursuant to Article II (2), Section 3 (iii) of the Jamestown S'Klallam Constitution;

3. Decide appeals submitted by applicants rejected by the Enrollment Committee;

4. Document all decisions with resolutions; and

5. Exercise Tribal Council authority, in its sole discretion, to limit or halt enrollment at any time as it deems necessary.

The above actions will be completed by the Tribal Council within thirty (30) days of receipt of the application from either an applicant under subsection B., above, the Enrollment Committee or an appeal from a rejected applicant.

D. If the applicant is an enrolled member of another tribe, who has relinquished their membership from that Tribe in order to enroll with the Jamestown S'Klallam Tribe, then a confirmation in writing must be obtained from the other tribe that confirms the applicant's disenrollment within ninety (90) days of the written request for confirmation. In the event that the applicant did not disenroll from the other tribe, then the Jamestown S'Klallam Enrollment Officer will give the applicant written notification, via Certified Mail,

to disenroll from the other tribe within 30 days of receiving the Certified Mail Receipt before starting the disenrollment process per Section 4.04.01 (B).

Chapter 4.03
Appeals

Sections:
Section 4.03.01 Appeals
Section 4.03.02 Procedures for Enrollment

Section 4.03.01 Appeals

A. Applicants who are determined ineligible by the Enrollment Committee will be notified of their rejection by certified mail, return receipt requested. The rejection notice will state the specific reason they do not qualify. Each rejected applicant will also be advised of the right to appeal the decision of the Enrollment Committee to the Tribal Council. The appellant will be advised to submit, with the appeal, any supporting evidence not previously furnished. Any appeal must be received, by the Enrollment Committee, no later than sixty (60) days from the rejection notice receipt date.

When the written appeal is received, the Tribal Council will base its decision solely upon the documented evidence presented with the application and the appeal which establishes that the applicant does or does not qualify for citizenship pursuant to the provisions of Article II (2) of the Jamestown S'Klallam Constitution.

B. There will be no appeals of a final decision of the Tribal Council under this Title.

Section 4.03.02 Procedures for Enrollment
Each enrollment application must be completed in its entirety and must contain sufficient personal information to properly determine the applicant's eligibility for enrollment. The procedure for enrollment will include:

A. Obtain and complete "Application for Citizenship";

B. Return completed application to the Enrollment Committee for review and processing. Applications must show the following:

1. All names by which the applicant is known;

2. Applicant's address;

3. Proof of applicant's date of birth, place of birth and natural parent's names;

4. The applicant's degree of Jamestown S'Klallam Indian blood;

5. The names of all Jamestown S'Klallam Indian ancestors whose names appear on the 1926 base roll of the Jamestown S'Klallam Tribe, together with the names and relevant birth records of Jamestown S'Klallam ancestors from subsequent generations;

6. The name of the tribe(s) and degree(s) of Indian blood of any tribe(s) other than Jamestown S'Klallam;

7. The applicant, parent, guardian or sponsor's signature; and

8. The application filing date.

C. Await Tribal Council decision; and

D. Appeal decision if necessary.

Chapter 4.04
Loss of Tribal Citizenship

Section:
Section 4.04.01 Loss of Tribal Citizenship

Section 4.04.01 Loss of Tribal Citizenship

The Tribal Council possesses the power to enact laws regulating admission to or loss of citizenship. Any person subject to loss of their Tribal citizenship is entitled to a hearing before the Tribal Council. Such a situation requires the Tribal Council to give the individual adequate notice of such hearing, as provided for in this section.

The Tribal government (Tribal Council and/or Enrollment Committee) can recommend that certain individuals be removed from the Tribal rolls. Such action requires a majority vote of the Tribal Council. The three (3) grounds for loss of Tribal citizenship are as follows:

A. Erroneous Enrollment - An involuntary loss of citizenship may be initiated through Tribal government action. Any Tribal citizen who is found to have been erroneously enrolled, i.e., was never eligible for Tribal citizenship pursuant to the Tribe's citizenship requirements contained in the Tribe's Constitution and this Title, will be subject to disenrollment.

   Such a citizen will be notified by certified mail, return receipt requested, of the Tribal Council's intent to disenroll them. Included in the notice will be the date that the Tribal Council will consider the matter. The Tribal Council will determine if the citizen is to be disenrolled. The decision will be documented in a resolution. Disenrolled citizens will be notified by certified mail, return receipt requested. Every disenrolled citizen will be informed that they have the right to appeal the decision of the Tribal Council, if they file an intent to appeal within sixty (60) days of the receipt of their Disenrollment notice;

B. Dual Enrollment - A person will be subject to an involuntary loss of citizenship if they enrolled in the Jamestown S'Klallam Tribe and another federally recognized tribe at the same time; In the discretion of the Tribal Council, the dual enrollment situation may be resolved if the person in question elects to relinquish their enrollment in the Jamestown S'Klallam Tribe or another tribe, as provided in Section 4.02.05 (D), subsection C, above; and

C. Relinquishment - A voluntary action initiated by the individual citizen that results in the citizen being officially removed from the Tribal rolls. Any adult citizen of the Tribe can voluntarily relinquish citizenship. The citizenship of any citizen of the Tribe who is not at least eighteen (18) years old can be relinquished by the parent or guardian. Such a relinquishment must be in writing, and the signature must either be notarized or witnessed by two people.

   Any citizen wishing to relinquish citizenship will be encouraged to do so on a conditional relinquishment form. In such case, the relinquishment will become effective upon the acceptance of that individual into another tribe's membership. The citizen's name will not be removed from the Tribal roll until documentation of the acceptance into the other tribe's membership is received.

   If a citizen insists upon relinquishing citizenship in writing without using the conditional relinquishment form, the Tribe will comply with the citizen's wishes and will remove their name from the Tribe's roll on the effective date specified in the submitted relinquishment form.

   Whenever a relinquishment is submitted for a minor citizen, care will be taken to determine that the individual who signed the form has legal custody of the minor affected.

Chapter 4.05
Miscellaneous Provisions

Sections:

Section 4.05.01 Burden of Proof
Section 4.05.02 Due Process
Section 4.05.03 Confidentiality
Section 4.05.04 Special Cases
Section 4.05.05 Records
Section 4.05.06 Computing Degree of Jamestown S'Klallam Blood
Section 4.05.07 Certification of Blood Quantum
Section 4.05.08 Effects of Constitutional Amendments or Revisions
Section 4.05.09 Effect of Constitutional Amendments or Revisions

Section 4.05.01 Burden of Proof
The burden of proof for determining eligibility for enrollment is the applicant's responsibility. The Enrollment staff will offer assistance in determining proof if needed. All applicants must provide written, documented, proof of ancestry to be considered for enrollment with the Tribe.

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Section 4.05.03 Due Process
The requirement of due process helps insure that Tribal powers are exercised justly. The Enrollment Committee must enforce the Tribal Constitution regarding citizenship in a fair and equitable manner. These due process procedures require that:

A. Each individual will be informed about the action taken by the Tribal government regarding each enrollment application;

B. Each individual applicant will be given the right to a hearing which enables them to present their case to the Enrollment Committee and subsequently, if requested, to the Tribal Council; and

C. Each individual applicant can exercise the right of appeal to the Tribal Council, provided that their intent to appeal is filed within sixty (60) days of receiving the Certified Mail Receipt for the notification of the disputed action.

Section 4.05.04 Confidentiality
All records, documents and information submitted to the Tribe, pursuant to this Title will be maintained and stored in a confidential manner. Confidential material will be available only to members of the Enrollment Committee and/or Enrollment staff.

Enrollment Committee members and Enrollment staff are directed not to disclose any such information without the written consent of the person(s) involved.

Section 4.05.05 Special Cases
Parents' marital status is not a factor in determining a child's eligibility. Children can be enrolled as Tribal citizens providing they meet all of the enrollment requirements.

An adopted person's eligibility for enrollment is determined through one or both of the natural parents. Children adopted by either American Indian parents (whether citizens of the Tribe or another federally recognized tribe) or non-Indian parents, can be enrolled providing that they meet all of the enrollment requirements.

Section 4.05.06 Records
Content of Individual File:

A. An individual file will be established for each Tribal citizen. This folder will contain the following items:

1. Application Form;

2. Family Tree;

3. Birth Certificate;

4. Copy of resolutions affecting enrollment;

5. All other pertinent documentation/correspondence; and

6. Death Certificate;

B. Access to Records - The Tribe's citizenship roll can be viewed by any citizen of the Tribe who comes into the Tribal office. However, neither the roll nor any portion thereof can be copied and/or distributed to any person or organization except upon permission of the Tribal Council. The Tribal Council will use its discretion in using and/or releasing information from the roll for the benefit of Tribal citizens or Tribal programs.

Information in individual folders will be considered confidential. It will not be available to anyone except that individual citizen (or their guardian) and to Enrollment staff, Enrollment Committee members, and Tribal Council members when such examination is necessary in considering enrollment decisions.

An adopted person's eligibility for enrollment is determined through one (1) or both of the natural parents. Documentary evidence submitted to support an adopted person's application for enrollment must show relationship to the natural parent through whom eligibility for enrollment is determined. The information concerning adopted persons will be recorded as confidential and will not be made public to any other person. This information will be stored in locked file cabinets, and adequate safeguards will be used to ensure that the confidentiality of these records will not be violated;

C. Updating records - Upon receipt of appropriate 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:

1. Name Change - Marriage license, divorce decree and/or court order;

2. Address Change - Written statement signed by a Tribal citizen, parent or guardian, e-mail, phone calls, or by any other communication by Tribal citizen or their households;

3. Death - Death certificate, Bureau of Indian Affairs records, mortuary records, hospital records, newspaper obituary notice, written and signed statement from a relative, written and signed statement from someone who attended the funeral or who saw the grave marker and can provide date of death.

Any changes which lack the required documentation must be approved by the Enrollment Committee. A memorandum, stating the reason for the change without the usual documentation, will be placed in the individual's file.

Section 4.05.07 Computing Degree of Jamestown S'Klallam Blood

The degree of Jamestown S'Klallam blood shown on the 1926 base roll of the Tribe will be used in all cases for computing the degree of Jamestown S'Klallam Indian blood for new enrollees for enrollment purposes. However, the Tribal Council will have the authority to make corrections of mathematical errors and to provide for segregation of Indian blood when another Tribe is also named on the base roll. Such mathematical corrections and segregation will be documented in resolutions by the Tribal Council.

Section 4.05.08 Certification of Blood Quantum
Each person requesting a certification of Blood Quantum shall submit an application completed in its entirety containing sufficient personal information to properly determine the applicant's eligibility for certification. The procedure for certification shall include:

A. Obtain and complete "Application for Certification." Applications must show the following:

1. All names by which the applicant is known;

2. Applicant's address;

3. Proof of applicant's date of birth, place of birth and natural parents' names;

4. The applicant's degree of Jamestown S'Klallam Indian blood;

5. The names of all Jamestown S'Klallam Indian ancestors whose names appear on the 1926 Base Roll of the Tribe, together with the names and relevant birth records of Jamestown S'Klallam ancestors from subsequent generations;

6. The name of the tribe(s) and degree(s) of Indian blood of any tribe(s) other than Jamestown S'Klallam; and

7. The applicant or sponsor's signature.

B. Return completed application to the Tribal Enrollment Officer for review and processing.

C. Any person who is found to have been erroneously certified will be subject to re-certification. In such cases the person will be notified, by certified mail, of the re-certification results. If the results indicate that a change in certification is necessary and if they are participants in Tribal programs for which they are not eligible, they will be dropped from those programs within thirty (30) days;

D. If a person disputes certification data or a re-certification action, they may appeal the decision to the Enrollment Committee.

Section 4.05.09 Effect of Constitutional Amendments or Revisions
This title is subject to modification by all amendments or revisions to the Tribal Constitution.

Chapter 4.06
Codification and Amendments

Sections:
Section 4.06.01 Codification
Section 4.06.02 Amendments

Section 4.06.01 Date of Codification
Title 04 Enrollment was approved on October 25, 1994 at a Tribal Council meeting and adopted as a Title to this code on February 18, 2005 by Resolution #11-05.

Section 4.06.02 Amendments
Title 04 Enrollment was amended on December 29, 1998 by Resolution #62-98, on November 16, 1999 by Resolution #71-99, on October 14, 2002 by Resolution #41-02, on April 27, 2011 by Resolution #18-11 and on May 17, 2012 by Resolution #22-12.