

# **TITLE X. ENROLLMENT**

## **STANDING ROCK SIOUX TRIBAL CODE OF JUSTICE**

### **ORDINANCE NO. 311-09**

—  
**With Amendments Adopted By**

### **RESOLUTION NO. 198-09**

**Approved by SRSTC on March 11, 2009**

ORDINANCE NO. 311-09

BE IT FURTHER RESOLVED, that the TITLE X. ENROLLMENT of the Tribal Code of Justice of the Standing Rock Sioux Tribe, be and the same is hereby REPEALED and replaced with the NEW REVISED TITLE X. ENROLLMENT Ordinance as attached:

[DOCUMENT ATTACHED - PAGES 1 TO 5]

RESOLUTION NO. 098-09

BE IT FURTHER RESOLVED, that pursuant to the power vested in the Standing Rock Sioux Tribe under Article IV of the Constitution of the Standing Rock Sioux Tribe, as amended, that the foregoing ORDINANCE NO. 311-09, establishing a NEW REVISED TITLE X. ENROLLMENT is hereby approved and adopted by RESOLUTION NO. 098-09; and

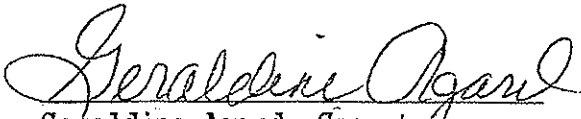
BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

**CERTIFICATION**

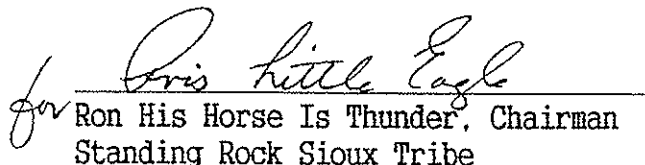
We, the undersigned, Chairman and Secretary of the Tribal Council of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of [ 17 ] of whom 16 constituting a quorum, were present at a meeting thereof, duly and regularly, called, noticed, convened and held on the 11<sup>th</sup> day of MARCH, 2009, and that the foregoing resolution was duly adopted by the affirmative vote of 15 members, with 0 opposing, and with 1 not voting. THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT, IN CASE OF TIE.

DATED THIS 11<sup>th</sup> DAY OF MARCH, 2009.

ATTEST:



Geraldine Agard, Secretary  
Standing Rock Sioux Tribe

for   
Ron His Horse Is Thunder, Chairman  
Standing Rock Sioux Tribe

[Official Tribal Seal]

# TITLE X. ENROLLMENT ~ ORDINANCE NO. 311-09

(With Amendments Approved by SRSTC Resolution No. 098-09 on March 11, 2009)

## TABLE OF CONTENTS

<u>Chapters</u>	<u>Page No.</u>
10-101. Basic Membership Roll	1
10-102. Enrollments Commencing with the Effective Date of this Title	1
10-103. Adopted Applicants	1-2
10-104. Application for Enrollment	2
10-105. Enrollment of Single Parent Children	2
10-106. Restrictions on Admission to Membership	2
10-107. Relinquishment (Voluntary Withdrawal of Membership)	3
10-108. Enrollment Committee	3-4
10-109. Appeals	4
10-110. Burden of Proof	4
10-111. Blood Degree	4
10-112. Distribution of Tribal Assets	4
10-113. Dual Enrollment	4
10-114. Notice of Dual Enrollment and Request for Relinquishment	4-5
10-115. Tribal Membership Roll	5
10-116. Tribal Council Action	5
10-117. Confidentiality	5-6
10-118. Severability	6
10-119. Prior Enrollment	6

# ORDINANCE NO. 311-09

## TITLE X. ENROLLMENT

### **10-101. Basic Membership Roll.**

All duly enrolled persons of Indian blood whose names appear on the official census of the Tribe as of June 15, 1957, shall be members of the Standing Rock Sioux Tribe. The membership of the Standing Rock Sioux Tribe shall consist of those persons specified in Article II of the Constitution of the Standing Rock Sioux Tribe and their direct lineal descendants, who qualify for membership provided that any applicant for membership must be a citizen of the United States.

### **10-102. Enrollments Commencing with the Effective Date of this Title.**

Commencing with the effective date of the referendum held in June 11, 2008, to be eligible for enrollment as a member of the Tribe, an applicant must possess one-fourth (1/4) degree or more of Sioux Indian "Oceti Sakowin" blood from a federally recognized Tribe to a parent or grandparent who is a member of the Standing Rock Sioux Tribe, shall be added to the official roll of the Tribe upon proof demonstrating a) the parent or grandparent's membership in the Standing Rock Sioux Tribe; b) the person for whom enrollment is of one-fourth (1/4) or more degree of Sioux Indian "Oceti Sakowin" blood from a federally recognized tribe and born after June 15, 1957 and must have one parent or grandparent who is a lawfully enrolled member of the Tribe and must satisfy the applicable requirements of this Title.

"Oceta Sakowin" is defined as the "Seven Council Fires of the Great Sioux Nation" and refers to the following Tribes/Reservations: Standing Rock Sioux Tribe (ND/SD), Cheyenne River (SD), Rosebud(SD), Pine Ridge Oglala (SD), Lower Brule (SD), Sisseton-Wahpeton (SD/ND), Flandreau (SD), Crow Creek (SD), Yankton (SD), Spirit Lake (ND), Mendota Mdewakanton (MN), Shakopee Mdewakanton (MN) Prairie Island (MN), Upper Sioux (MN), Lower Sioux (MN), Fort Peck (MT) and Santee (NE).

### **10-103. Adopted Applicants.**

- a.) **Legally Adopted Applicant.** Applicants who are legally adopted shall not be eligible for enrollment, unless the applicant possesses one-fourth (1/4) degree or more of Sioux Indian "Oceti Sakowin" Blood from a federally recognized tribe, was born to an enrolled member or had a grandparent who was an enrolled member of the Standing Rock Sioux Tribe by blood and otherwise meets the enrollment requisites of the Tribe.
- b.) **Burden of Proof.** The burden of proving the degree of Standing Rock Sioux Indian blood shall be on the persons acting on behalf of the applicant. Birth certificates issued to adoptive parents shall not be deemed evidence of the applicant's degree of Standing Rock Sioux Indian blood. The proof of Indian blood must relate to the blood of the natural parents. If the child is born out of wedlock, the degree of Standing Rock Sioux Indian blood shall be treated as one-half (1/2) of the degree of Standing Rock Sioux Indian blood possessed by the applicant's natural mother. If the natural mother of an adopted child born out of wedlock is not a member of the Tribe, the child shall not be eligible for enrollment.

- c.) **Notification of Natural Parents.** Any person designated as a natural parent on an application for enrollment shall receive written notice by certified or registered mail, return receipt requested, that an application for enrollment has been submitted which designates such person as the applicant's natural parent. This section requires that enrollment staff use their best efforts to locate the said natural parent for purposes of notification hereunder. This section shall not apply to any natural parent who files an application for enrollment on behalf of his or her child.

**10-104. Application for Enrollment.**

- a.) Application for enrollment must contain a legal document establishing applicant's identification, such as :
- 1.) State certified birth certificate or an amended state certified birth certificate
  - 2.) Probate record signed by the presiding judge
  - 3.) Court ordered document
  - 4.) Baptismal certificate, accepted only if the applicant cannot provide a State Certified birth certificate and/or applicant was born before 1970.
  - 5.) Copy of applicant's social security card
- b.) If one parent of the applicant is a member of another tribe, the application must be accompanied by an official certificate from the governing body of such other tribe, or from the Indian Bureau Official having administrative jurisdiction over the affairs of such other tribe, establishing that the applicant is not enrolled with that tribe and that all rights of the applicant for enrollment stand relinquished upon his or her enrollment in the Standing Rock Sioux Tribe.
- c.) Application for the enrollment may be made by either parent or legal guardian on his or her behalf or may be made by a sponsor on behalf of the following:
- 1.) A minor
  - 2.) A person deemed incapacitated or incompetent by a Court or any other legal disability

**10-105. Enrollment of Single Parent Children.**

If the applicant is born to an unwed parent, the applicant's degree of Standing Rock Sioux Indian blood shall be treated as one-half (1/2) of the degree of Standing Rock Sioux Indian blood possessed by the applicant's mother; except where the Sioux Indian "Oceti Sakowin" blood from a federally recognized Indian tribe where the other biological parent is enrolled can be proven.

**10-106. Restrictions on Admission to Membership.**

No person shall be admitted to membership in the Standing Rock Sioux Tribe who is enrolled as a member of some other Tribe or as an Indian of some other reservation. A person who has voluntarily relinquished his/her enrollment with that other Tribe or as an Indian of some other reservation may be admitted to membership in the Standing Rock Sioux Tribe provided that person is eligible for enrollment as a member of the Tribe. Applicants that possess Indian blood from another federally recognized tribe must provide proof of non-enrollment from that Tribe.

**10-107. Relinquishment (Voluntary Withdrawal of Membership).**

A person, except a minor lawfully on the rolls, shall not lose his membership in the Standing Rock Sioux Tribe except by written request to the Tribal Council. Requests for persons who are minors shall be rejected unless accompanied by satisfactory proof in writing that the minor will be enrolled as a member of another tribe.

- a.) Any person may voluntarily have his or her name removed from the Tribal Membership Roll of the Standing Rock Sioux Tribe by relinquishing membership in the Standing Rock Sioux Tribe.
- b.) Relinquishment of membership shall be accomplished by submitting to the Enrollment Department a notarized statement of relinquishment on a form required and provided by the Enrollment Department.
- c.) Requests for relinquishment of membership shall be processed in the manner specified for enrollment applications of this Code.
- d.) No minor child under the age of eighteen years shall be relinquished from the Standing Rock Sioux Tribe unless appealed to Standing Rock Sioux Tribal Court.
- e.) If an enrolled member over eighteen (18) years of age relinquishes membership in the Standing Rock Sioux Tribe, said person shall be prohibited from reenrollment in the Tribe for a period of no less than twenty (20) years; provided, however, that if the enrolled member was under eighteen (18) years of age at the time of relinquishment, said person may reapply for enrollment in the Standing Rock Sioux Tribe upon reaching the age of eighteen (18).
- f.) The twenty (20) year probation for reenrollment shall commence on the date Tribal Council approves the resolution relinquishing said member.
- g.) Any person wishing to re-enroll after the twenty (20) year probation period shall be considered as a new applicant and shall apply as such.
- h.) A new enrollment number shall be issued once the reenrollment application has been approved by Tribal Council by resolution.

**10-108. Enrollment Committee.**

An Enrollment Committee designated by the Tribal Council shall review all applications for enrollment. The Committee shall submit to the Council its recommendations on each application, for or against enrollment stating the reasons for its decision. The recommendation shall be accompanied by a statement of all the facts concerning the eligibility of the applicant.

The Enrollment Committee and Tribal or BIA Enrollment Clerk shall have the responsibility for preparing and making available upon request enrollment application forms and for establishing and maintaining a Tribal Roll independent of the Agency census or other records. The original roll shall be kept under security and each year a supplemental list shall be annexed to it showing the names and related information concerning enrollees removed by death, voluntary relinquishment or otherwise, and the names and related information of new enrollees lawfully admitted to membership. A true and correct copy of the roll shall be maintained in the Tribal or BIA Offices and shall be kept current by additions and removals as may be required.

**10-109. Appeals.**

Any person who has been rejected for enrollment as a member of the Tribe shall have a right of appeal to the Standing Rock Sioux Tribal Court. The decision of the Tribal Court shall be final. Any appeal under this section shall be taken within ninety (90) days from the date of service of the decision of the Tribal Council upon the applicant, or upon the parents, guardians or person acting for the applicant if he is a minor; service may be made in person or by certified or registered mail addressed to the mailing address designated in the application for enrollment, unless that address has been changed by notice in writing by the addressee. If service is by mail, the ninety (90) days shall run from the date that the return certified or registered mail receipt shows that delivery was made, or that the addressee was found or refused to accept delivery. If service is in person, proof of service shall be noted on the file copy of the notice or rejection by date and signature of the person serving notice.

**10-110. Burden of Proof.**

The burden of proving eligibility for enrollment shall be upon the applicant or the person established in 10-104 (c).

**10-111. Blood Degree.**

In no instance may the degree of Indian blood shown on any census roll or the Tribal Base Roll be diminished, but the degree of Indian blood shown on any census roll or on the Tribal Base Roll may be increased upon application by a member of the Tribe to the Tribal Council, accompanied by satisfactory proof in writing that the degree of Indian blood shown on any census roll or the Tribal Base Roll is erroneous.

No increase in the degree of Indian blood shall be made under this amendment unless it is first reported to and approved by the Tribal Council.

A total blood degree of all Indian blood will be recorded but only the Sioux Indian "Oceti Sakowin" blood from a federally recognized Indian tribe will be recognized for enrollment.

**10-112. Distribution of Tribal Assets.**

Prior to the distribution of any tribal assets to members of the Tribe, the membership roll shall be approved by the Secretary of the Interior.

**10-113. Dual Enrollment.**

Dual Membership shall not be recognized by the Standing Rock Sioux Tribe. Names of persons enrolled as members of other Tribes, bands or groups of Indians shall not be included on the Tribal membership roll.

**10-114. Notice of Dual Enrollment and Request for Relinquishment.**

- a.) Any person found to be enrolled with the Standing Rock Sioux Tribe and any other tribe shall be notified in writing by the Enrollment Department of such dual enrollment. The Enrollment Department shall provide a copy of said notice to the chairperson of the Enrollment Committee.
- b.) Any person found to be dually enrolled shall be allowed ninety (90) days from the effective date of notice of dual enrollment to furnish the Enrollment Department with

satisfactory proof of relinquishment or initiation of relinquishment of membership with any tribe other than the Standing Rock Sioux Tribe. Failure to furnish such proof within the allowed ninety (90) days will result in initiation of disenrollment proceedings pursuant to this code.

- c.) Any person found to be enrolled with the Standing Rock Sioux Tribe and any other tribe shall be immediately suspended by the Enrollment Committee from the membership roll of the Standing Rock Sioux Tribe pending final resolution of the dual enrollment issue. While suspended from the membership roll under this Section, no person shall be entitled to any privilege, right, interest, or claim based on membership in the Standing Rock Sioux Tribe.

**10-115. Tribal Membership Roll.**

- a.) A Tribal membership roll shall be maintained containing the names of all enrolled members of the Standing Rock Sioux Tribe, arranged in alpha-numerical order. The roll shall also indicate each member's enrollment number, gender, date of birth, degree of Indian and tribal blood, and a column for remarks indicating date of enrollment, and the social security number.
- b.) The Enrollment Department shall keep the Tribal Membership Roll current and the Tribal Council shall annually certify said Tribal Membership Roll. The names of all persons who are deceased and all persons who have relinquished in writing their membership in the Standing Rock Sioux Tribe or any other Tribe shall be noted on the roll, and the names of all persons whose applications for enrollment have been approved by the Tribal Council shall be added to the roll.
- c.) In accordance with Article IV, § 1 (r) of the Constitution of the Standing Rock Sioux Tribe, corrections may be made to the Tribal Membership Roll, subject to the approval of the Tribal Council.
- d.) Any enrolled tribal member listed on the Tribal Membership Roll who disagrees with his or her blood quantum listed therein may file an appeal. In any proceeding to change or correct the blood quantum on the Tribal Membership Roll the burden of proof shall be on the applicant, unless the Enrollment Department initiates the change or correction, in which case the burden of proof shall be on the Tribe.

**10-116. Tribal Council Action.**

The Tribal Council shall review and consider the proposed resolution presented by the Enrollment Department to the Enrollment Committee. The Council shall approve or disapprove an application for enrollment or relinquishment by acting upon the proposed resolution upon affirmative vote of two-thirds (2/3) Standing Rock Sioux Tribal Council then in office.

**10-117. Confidentiality.**

The Tribal Council, Enrollment Department and Enrollment Committee shall maintain the highest degree of confidentiality and integrity of all enrollment information as is consistent with full performance of all duties and responsibilities prescribed by this code.

All computer enrollment programs shall be restricted and access shall be by the Enrollment Department only or by the Tribal Council, by resolution.



All permanent enrollment records shall be kept secured in a locked fireproof cabinet and to the extent feasible in a fireproof room.

**10-120. Severability.**

The provisions of the Standing Rock Sioux Tribal Enrollment Code shall be severable and if any phrase, clause, sentence or provision of the code is found to be contrary to Tribal Law or is held to be invalid, the validity of the remainder of this code shall not be affected and shall remain in full force and effect.

**10-121. Prior Enrollment.**

All statutory provisions formerly enacted regarding the subject matter of this code are hereby repealed. The provisions of this code supersede all such formerly enacted Codes and sections dealing with enrollment in the Standing Rock Sioux Tribe.