

Standing Rock Sioux Tribe

Burial Program Policies and Procedures

100 PURPOSE

The purpose of this manual is to provide for and establish policies and procedures by which eligible parties may apply for certain funds which may be used to help defray the costs of funeral expenses and pre-funeral expenses.

200 DEFINITIONS

For the purposes of this manual, the following definitions shall apply:

- (a) "Chairman" shall mean the Chairman of the Standing Rock Sioux Tribe who holds such office at the time the relevant application is made for benefits, or an individual temporarily holding the position of Acting Chairman.
- (b) "Dead" or "death" shall mean the irreversible cessation of respiratory and circulatory functions. For the purposes of this manual, a determination of death must be made by a competent professional in accordance with accepted medical standards.
- (c) "Delivery" shall mean the expulsion or extraction from mother's uterus a product of human conception.
- (d) "Enrolled Member" shall mean an individual who is enrolled as a member of the Standing Rock Sioux Tribe at the time of his or her death.
- (e) "Funeral Expenses" shall mean the costs of a funeral which are taxed by a funeral service provider, including transportation costs negotiated with the funeral service provider.
- (f) "Funeral Service Provider" shall mean the professional organization or establishment which prepares deceased persons for burial and where funeral services may be held.
- (g) "Infant" shall mean a child from the time of birth to one (1) year of age, whether enrolled or eligible for enrollment.
- (h) "Infant Death Expenses" shall mean the costs for grave site service and transportation for a deceased live birth infant, still born infant, or infant.
- (i) "Live Birth Infant" for the purpose of this manual shall mean an infant which was eligible for enrollment with the Standing Rock Sioux Tribe and which, after delivery, exhibits some evidence of life before dying shortly thereafter.
- (j) "Non-Enrolled Child" shall mean a tribal member's deceased child, where: (i) the child was not enrolled as a member of the Tribe, and will be buried on the Reservation, and (ii) where the parent tribal member resided on the Reservation for a minimum of ten (10) consecutive years immediately preceding the time of the child's death.

- (k) "Non-Enrolled Spouse" shall mean an individual who was not enrolled as a member of the Standing Rock Sioux Tribe, but was legally married to a tribal member for at least ten (10) years, and had resided on the Reservation for a minimum of ten (10) consecutive years immediately preceding the time of their death.
- (l) "Parent or Guardian" shall mean an individual who is, respectively, the legal and biological parent or legal guardian of a child, still born infant, live birth infant or fetus at the time of death of the child, still born infant, live birth infant, or fetus.
- (m) "Pre-Funeral Expenses" shall mean a designated portion of the Funeral Expenses which, upon application by an eligible applicant after the death of an enrolled member, may be paid out directly to the applicant for expenses acquired in preparation for a funeral.
- (n) "Reservation" shall mean the land within the exterior boundaries of the Standing Rock Sioux Tribe Reservation.
- (o) "Still Born Infant" shall mean an infant, conceived by a tribal member parent, which is dead at the time of delivery and whose death occurred at some point after the mother's 12th week of pregnancy.
- (p) "Tribe" shall mean the Standing Rock Sioux Tribe.
- (q) "Veteran" shall mean a deceased tribal member who, at the time of their death, was a veteran of the armed forces, either active or inactive.

300 AVAILABLE FUNDS

Contingent upon proper application made by an eligible applicant pursuant to Section 400 of this manual, the following funds shall be made available for disbursement upon the death of the individuals as follows:

- (a) Funeral expenses in an amount not to exceed \$4,500, which may be paid upon the death of an individual who was an enrolled member of the Tribe – over the age of one (1) year - at the time of death.
- (b) Non-enrolled spouse funeral expenses not to exceed \$2,000.
- (c) Non-enrolled child funeral expenses not to exceed \$2,000 if the child was over the age of (1) year at the time of death, or \$1600 if, at the time of death, the child was a still born infant, live birth infant or an infant as such terms may be defined by this manual. However, if another tribe pays for part of the non-enrolled child's funeral expenses, the Tribe will only pay an amount - not to exceed \$2,000 – which matches the amount paid by the other tribe.
- (d) Pre-funeral expenses not to exceed \$500, which may be paid - concurrently with and in addition to expenses paid out under either subsection (a) or (e) of this Section - upon the death of an individual who was an enrolled member of the Tribe at the time of death.
- (e) Infant death expenses not to exceed \$1,600, which may be paid upon the death of a still born infant, live birth infant, or infant who has a parent that is an enrolled member of the Tribe at the time of the infant's death.

This Section shall govern the application process for funds under this manual, including general provisions on applications, who is qualified to apply for funds under this manual, and what documentation the applicant must submit with a completed application.

- (a) Only one (1) award of funds may be made upon application under this manual for each deceased individual.
- (b) Applications for funds under this manual are available at the office of the Chairman. The office of the Chairman shall process all applications for funds under this manual, which shall include the verification of the deceased's enrollment and residence, if necessary, as well as verification of expenses from the funeral services provider.
- (c) The following individuals are eligible to apply for the specified funds under this manual when that individual complies with the enumerated requirements as set forth in this subsection:
 - (1) For funds requested for a deceased individual under Section 300(a) or (b) of this manual, application for funds may be made by the spouse of the deceased. If there is no surviving spouse, application may be made by the deceased's next of kin. However, a spouse or next of kin may delegate their authority to apply for funds under this subsection to a specified family member who is handling the funeral arrangements for the deceased by providing a written, signed indication of delegation to the office of the Chairman. For funds requested under Section 300(b) of this manual, the applicant must provide written proof of the deceased's residence with the completed application.
 - (2) For funds requested under Section 300(c) of this manual, application for funds may be made only by the enrolled parent of the deceased. However, the enrolled parent may delegate their authority to apply for funds under this subsection to a specified family member who is handling the funeral arrangements for the deceased by providing a written, signed indication of delegation to the office of the Chairman. For funds requested under Section 300(c) of this manual, the applicant must provide written proof of the parent's residence with the completed application.
 - (3) Application under either subpart (1) or (2) of this subsection must include a death certificate or statement from the funeral service provider acknowledging the provision of funeral services for the deceased.
- (d) The following individuals are eligible to apply for infant death expenses under this manual when that individual complies with the enumerated requirements as set forth in this subsection:
 - (1) A biological parent or guardian who has legal custody of the child at the time of death. However, the parent or guardian may delegate their authority to apply for funds under this subsection to a specified family member who is handling the funeral arrangements for the deceased by providing a written, signed indication of delegation to the office of the Chairman.

- (2) Application under this subsection upon the death of a live birth infant must include a statement from the funeral service provider acknowledging the provision of funeral services for the deceased.
- (3) Application under this subsection upon the death of a still born infant must include an original copy of a statement or letter from the mother's treating physician or nurse attesting that the mother was at least twelve (12) weeks pregnant at the time of the child's death.
- (e) The following individuals are eligible to apply for pre-funeral expenses as provided by Section 300(d) of this manual when that individual complies with the enumerated requirements as set forth in this subsection:
 - (1) Application for pre-funeral expenses for a deceased individual under 300(a) or 300(e) shall be made by the same individuals who apply for funeral expenses as set forth in subsections (c) and (d) of this Section. Such application should be made concurrently with the application for funeral expenses under those subsections.
 - (2) A spouse, parent or next of kin may delegate their authority to apply for funds under this subsection to a specified individual who is handling funeral arrangements by providing a written indication of delegation to the office of the Chairman.
- (f) No application for funds under this manual shall be made until two (2) business days after the death in order to allow the family proper time to determine whether the spouse/next of kin shall be the applicant or delegate that authority.
- (g) An individual applying for funds under this manual should inform the Chairman's office if the deceased individual was a Veteran, so the Chairman's office may refer the applicant to other sources of assistance particular to Veterans or to make any necessary or proper payment alternatives to those enumerated in Section 500 of this manual.

500 PAYMENT OF FUNDS

- (a) Expenses as enumerated in subsections 300(a), (b), (c) and (e) of this manual which are properly applied for and awarded shall be paid directly by the office of the Chairman to the funeral service provider which validates the death certificate of the deceased and is providing services for the deceased. Local funeral homes must be utilized when such a funeral home is operational and when the deceased is to be buried on the Reservation, regardless of the situs of the deceased's residence prior to death.
 - (1) To the extent the applicant has paid the funeral home for funeral expenses prior to requesting funds under this manual, reimbursement may be made to the applicant upon production of a valid bill from the funeral home and proof that the applicant paid the funeral home.
- (b) Pre-funeral expenses as enumerated in subsection 300(d) of this manual which are properly applied for and awarded shall be paid directly by the office of the Chairman to the applicant for such funds.

600

MISCELLANEOUS

- (a) Nothing herein shall constitute a waiver of the Tribe's sovereign immunity.
- (b) Benefits to be paid under this policy shall be subject to the availability of funds.
- (c) Nothing in this manual shall be read as a legal or policy declaration regarding the personhood of an unborn child, nor does it either create or prohibit any protectable interests for the same.

REGULAR TRIBAL COUNCIL MEETING
INTER-OFFICE FOLLOW-UP

MEETING DATE: July 26, 2013

PAGE: 4

MOTION #6 IS CONTINUED.

BROWN OTTER, Milton	YES	ARCHAMBAULT, Paul	YES
CLAYMORE, Duane	YES	BROWN OTTER, Ron	E.
CROW GHOST, Errol, D.	E.	FAITH, Jr., Mike	N.V.
HARRISON, Henry	YES	LITTLE EAGLE, Avis	E.
HARRISON, "Ben" Samuel	YES	TAKEN ALIVE, Jesse	E.
JAMERSON, Jr., Frank	L.	WHITE, Adele	YES
WHITE BULL, Frank	YES	WHITE, Randal	YES
TWO BEARS, Sharon	YES	YOUNG, Phyllis	YES

VOTE: YES - 10 NO - 0 NOT VOTING - 2

MOTION CARRIED 4 - EXCUSED 1 - LATE

#7. MOTION WAS MADE BY FRANK WHITE BULL, SECONDED BY RANDAL WHITE, TO APPROVE OF THE REVISED BURIAL PROGRAM POLICY AND PROCEDURES.

ROLL CALL VOTE: MURPHY, CHARLES - NOT VOTING

BROWN OTTER, Milton	N.V.	ARCHAMBAULT, Paul	YES
CLAYMORE, Duane	YES	BROWN OTTER, Ron	E.
CROW GHOST, Errol, D.	E.	FAITH, Jr., Mike	YES
HARRISON, Henry	YES	LITTLE EAGLE, Avis	E.
HARRISON, "Ben" Samuel	YES	TAKEN ALIVE, Jesse	E.
JAMERSON, Jr., Frank	L.	WHITE, Adele	YES
WHITE BULL, Frank	YES	WHITE, Randal	YES
TWO BEARS, Sharon	YES	YOUNG, Phyllis	YES

VOTE: YES - 10 NO - 0 NOT VOTING - 2

MOTION CARRIED 4 - EXCUSED 1 - LATE

#8. MOTION WAS MADE BY MIKE FAITH, JR., SECONDED BY SHARON TWO BEARS, TO APPROVE FOR THE STANDING ROCK SIOUX TRIBE TO CONTINUE TO ENGAGE IN A WORKING RELATIONSHIP WITH THE SOUTH DAKOTA DEPARTMENT OF CORRECTIONS AND HEREBY APPLY FOR THE FY-2014 NATIVE AMERICAN PROGRAMS [NAP] REIMBURSEMENT SUB-GRANT IN THE AMOUNT OF \$25,000.00, **BY RESOLUTION.**

ROLL CALL VOTE: MURPHY, CHARLES - NOT VOTING