

TITLE 25

ENROLLMENT

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TITLE 25 ENROLLMENT

Chapter 25.01 General Provisions

25.01.01 Purpose

This code is intended to implement Article II of the Port Gamble Constitution and to guide the ongoing preparations of the tribal roll and its supplements thereto.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.01.02 Enrollment Committee

The Tribal Council shall appoint at least five (5) tribal members of legal age as defined by the Tribal Constitution to serve as the Port Gamble S’Klallam Enrollment Committee for such terms as are deemed appropriate by the Tribal Council. That Committee, with the Enrollment Clerk, shall have primary responsibility for researching applications for enrollment, preserving confidentiality where appropriate, recommending to the Tribal Council and the General Council action concerning such applications, and insuring the preparation and maintenance of the Tribal Roll. However, final determination of all enrollment matters shall rest with the Tribal Council and the General Council, consistent with the Port Gamble S’Klallam Constitution.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.01.03 Enrollment Clerk

The Tribal Council shall appoint an Enrollment Clerk to work with the Enrollment Committee in researching applications for enrollment, reporting on such applications, preparing and maintaining the Tribal Roll, and performing such other actions as are appropriate to further the purposes of this code. The Enrollment Clerk shall have the following authority and responsibility:

- 1) To devise and recommend to the Tribal Council application for membership and other forms required by procedures established by this code;
- 2) To give application forms and information on application procedures to all persons who wish to apply for enrollment;
- 3) To assist applicants for membership in locating and presenting in proper form all information and supporting documentation required for a complete application;

- 4) To review and verify the accuracy of all information provided by applicants and to initially determine which applicants meet the requirements for enrollment;
- 5) To bring each membership application and all information regarding the applicant's eligibility before the Enrollment Committee for the Committee's review and recommendation to the Tribal Council;
- 6) To notify the Bureau of Indian Affairs, as a courtesy, of all persons accepted for enrollment or disenrolled by the Tribal Council by forwarding copies of the Tribal Resolution, birth certificate, application, family tree, original paternity statement, and any other documentation pertinent to the eligibility status of the applicant;
- 7) To keep a current list of persons enrolled in the Port Gamble S'Klallam Tribe and of assigned enrollment numbers
- 8) To bring before the Enrollment Committee any information which indicates that a person enrolled in the Tribe is not eligible for tribal membership;
- 9) To report annually to the Tribal Council and the general membership number of persons enrolled, disenrolled and deceased during the preceding year;
- 10) To keep and to protect the confidentiality of all records pertaining to applicants' and enrolled members' eligibility;
- 11) To schedule regular Enrollment Committee meetings and assist the Enrollment Committee;
- 12) To maintain a record of the types of Indian blood which has been the basis for eligibility for tribal membership.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.01.04 Definition of Terms

For the purposes of this code the following terms are defined:

“Automatic enrollment,” means enrollment under Article II, section 1(B) of the Port Gamble S’Klallam Constitution. Applications for automatic enrollment are approved by the Tribal Council.

“A child born to a member of the Port Gamble S'Klallam Tribe who, at the time of the birth of said child, is a resident of, (1) the Port Gamble S’Klallam Reservation, (2) lands held or acquired by the Port Gamble S'Klallam Tribe, or (3) any lands

held or acquired by the United States for the benefit of the Port Gamble S'Klallam Tribe." Article II, section 1(B).

"Adoption enrollment" and "enrollment by adoption" mean enrollment under Article II, section 1(C) of the Port Gamble S'Klallam Constitution. Applications for adoption enrollment are approved by a majority vote of the General Council. The eligibility requirements are set forth in this code.

"Children" and "child" mean the biological child of an enrolled member. This does not mean a child who has been legally adopted by a tribal member. An adopted child may qualify for membership on his or her own merits.

"Indian Blood" means blood from any Tribe, band, nation, or group of Indians recognized by the Secretary of Interior as eligible for services provided to Indians; any treaty tribe, metis community, or nonstatus Indian community from Canada; and any tribe recognized as such by the Port Gamble S'Klallam Tribe, regardless of federal recognition status.

"Legally adopted " means a person(s) who has become the legal parent(s) of a child, for all intents and purposes, by order of a court of competent jurisdiction.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.01.05 Repeal of Prior Ordinances

This code repeals and supersedes all prior tribal ordinances governing enrollment, including adoptions of new members. Repeal of said ordinances shall not affect rights validly obtained pursuant to said ordinances.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

CHAPTER 25.02 Enrollment Procedures

25.02.01 Basic Enrollment Procedures

The following procedures shall be followed in considering an application for enrollment in the Port Gamble S'Klallam Tribe. In processing applications for enrollment, the Enrollment Clerk, the Enrollment Committee, the Tribal Council shall do everything reasonably possible to insure an orderly and prompt procedure and the speedy resolution of all applications. No person shall be enrolled in the Port Gamble S'Klallam Tribe who has not applied for membership according to the provision of this code and any regulations adopted hereunder.

- 1) The Enrollment Clerk shall set up a filing system conforming to the purposes of this code and preserving confidentiality.
- 2) Application forms for providing the information required by this code shall be made available in the Tribal Office or through the mail upon request of any person seeking enrollment for himself or others.
- 3) Applications for membership shall be submitted in writing to the Enrollment Committee and must be accompanied by a birth certificate. If a birth certificate does not exist, the Enrollment Committee may accept another official document showing the name of the applicant, date and place of birth, names of parents, and established proof of residency at the birth of applicant. The applicant shall complete the family tree chart and submit any other information requested by the Enrollment Committee for the purpose of determining his or her eligibility for membership.
- 4) The Enrollment Clerk shall research each complete application, prepare a report on the eligibility status of the applicant along with the application and supporting documents to the Enrollment Committee. The Enrollment Committee shall not, however, receive any application until it is complete and ready for consideration by the Committee.
- 5) Upon receiving and reviewing a completed application and accompanying materials, the Enrollment Committee shall prepare a recommendation for each applicant and forward that recommendation to the Tribal Council.
- 6) The Tribal Council shall review the recommendation and act accordingly on those applications, by resolution, under Article II, section 1 (A), and (B) Those applications for membership under section 1(C) will be presented to the General Council as required by the Adoption section of this code. The Enrollment Clerk shall prepare a resolution for the Tribal Council's approval at its next regularly scheduled meeting, for each person approved by the General Council for adoption.
- 7) Within thirty (30) days after the Tribal Council adopts a resolution approving an applicant for enrollment, (both in cases of "automatic" enrollment and enrollment by adoption), the Enrollment Clerk shall, notify the applicant of the decision by an approval letter with an attached copy of the resolution.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.02.02 Eligibility for Automatic Enrollment

Eligibility for automatic enrollment is set forth under section 1(B) of the Port Gamble S'Klallam Constitution, subject to the following clarification:

- 1) "A child born to a member of the Port Gamble S'Klallam Tribe," means that at least one of the child's parents was enrolled in the Port Gamble S'Klallam Tribe at the time of the child's birth.
- 2) An applicant's parent who is an enrolled Port Gamble S'Klallam member shall meet the requirement that he or she, "Is a resident of the Port Gamble S'Klallam Reservation," for at least one year immediately prior to the birth of the applicant. Residency status is not revoked if the tribal member is away at the time of the birth due to military service, college, or is a patient in a health care facility.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.02.03 Adoption into Membership

- 1) Any person who meets all of the following requirements shall be considered eligible for membership by adoption in the Port Gamble S'Klallam Tribe:
 - a) Such person is of 1/8 degree or more total Indian blood; and
 - b) Such person is a direct descendant of a member whose name appears on the "Basic Roll of the Port Gamble Band of Clallam Indians as of January 1, 1939," that was approved by the Port Gamble S'Klallam Tribal Council on June 24, 1974, and is commonly referred to as "the base roll"; and
 - c) Such person is not an enrolled member of any other Indian Nation, First Nation, tribe, band or community; or if such person is a member of another Indian Nation, First Nation, tribe, band, or community, he or she has submitted a written relinquishment of such membership to the Enrollment Committee subject to the approval of his or her application for membership. The Enrollment Clerk shall notify the other tribe by sending a resolution of the General Council approval for membership and ask the other tribe to respond by return mail that the applicant has been officially removed from their rolls.
- 2) The applicant for membership by adoption shall be notified at least 10 days in advance of the meeting at which his or her application is to be considered. Each applicant shall attend the meeting of the General Council at which his or her application is to be considered and shall introduce him/herself and briefly describe his or her Port Gamble S'Klallam family tree. Applicants who live outside the State

of Washington who show extenuating circumstances may request a waiver of the attendance requirement, but must have an enrolled member or a member of the Enrollment Committee act as his or her spokesperson at the meeting.

- 3) Each applicant for membership by adoption in the Port Gamble S'Klallam Tribe shall be voted on separately at a regular or special meeting of the General Council, at which a quorum is present.
- 4) Reconsideration of applicant for adoption into membership:
 - a) Any person who has applied for adoption into membership in the Port Gamble S'Klallam Tribe and who has failed to be approved for membership as provided in this section of this code may request that his or her application be reconsidered at a subsequent meeting of the General Council. The request for reconsideration must be submitted in writing to the Enrollment Clerk. Only one request for reconsideration may be made by each applicant.
 - b) Each applicant for reconsideration shall be notified at least 30 days in advance of the General Council meeting at which his or her application is to be reconsidered and he or she shall attend said meeting.
 - c) The decision of the General Council upon reconsideration shall be final and there shall be no further right of appeal.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.02.04 Legally Adopted Applicants.

Upon receipt of an application for a person who has been legally adopted by a family, other than the original birth parents, the following procedure shall be carried out. The Tribal Enrollment Clerk may ask for assistance from the Bureau of Indian Affairs in obtaining the necessary legal documents to verify the eligibility status in the Tribe. When enough information has been received by the Tribe and the Agency, confidential records will be made available to the Tribal Court who will issue a Statement of Eligibility that will be made available to the Enrollment Clerk. The Enrollment Clerk will maintain confidentially and be available as a sponsor at the General Council meeting when the applicant's name comes before the membership for a vote.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.02.05 Adoption into Membership – Narrow Enrollment Window

Any person who meets the following requirements shall be considered eligible for membership by adoption in the Port Gamble S’Klallam Tribe during a Narrow Enrollment Window:

- 1) Any person who has at least one biological parent who is an enrolled member of the Port Gamble S’Klallam Tribe; and
- 2) Any person who is a direct descendant of a member whose name appears on the “Basic Roll of the Port Gamble Band of Clallam Indians as of January 1, 1939,” that was approved by the Port Gamble S’Klallam Tribal Council on June 24, 1974, and is commonly referred to as “the base roll”; and
- 3) Such person is not an enrolled member of any other Indian Nation, First Nation, tribe, band, or community; or if such person is a member of another Indian Nation, First Nation, tribe, band, or community, he or she has submitted a written relinquishment of such membership to the Enrollment Committee subject to the approval of his or her application for membership. The Enrollment Clerk shall notify the other tribe by sending a resolution of the General Council approval for membership and ask the other tribe to respond by return mail that the applicant has been officially removed from their rolls.

[HIST: Source – Resolution No. 17-A-119 passed 12/18/17, created this section after years of research and the consideration of various scenarios for enrollment criteria. The Tribe was unable to reach a consensus for a long-term solution to change the enrollment eligibility criteria, so the Tribe decided to create a process for a narrow enrollment window that allows the Tribal Council to open a narrow window of time with relaxed enrollment eligibility requirements.]

25.02.06 Narrow Enrollment Window Process

The Tribal Council may open a Narrow Enrollment Window (“NEW”) by Resolution. The Tribe shall attempt to mail notice of the upcoming Narrow Enrollment Window to all enrolled members of the Tribe who are eighteen (18) years of age or older. The Tribe shall mail notices out at least fourteen (14) days before the NEW opens, and the NEW must remain open for at least five (5) business days. The Tribe shall also publish notice of the NEW in public places on the reservation, in the community memo, and on the Tribe’s webpage. In order to be accepted, a completed application must be hand-delivered or received by the enrollment clerk or his or her designees by 4:30 PM on the last day the NEW is open. The Tribe shall not accept any late applications.

Based on the number of applications received, the Tribal Council has discretion to withhold all applications and not send them forward to the General Council for consideration. The Tribal Council must either withhold all applications from moving forward to General Council or it must allow all applications through to General Council for voting.

All applicants for Adoption into Membership under a Narrow Enrollment Window shall be notified at least 10 days in advance of the General Council meeting where NEW applicants will be considered. Each applicant shall attend the meeting of the General Council at which his or her application is to be considered and shall introduce him/herself and briefly describe his or her Port Gamble S'Klallam family tree. Applicants who live outside the State of Washington who show extenuating circumstances may request a waiver of the attendance requirement, but must have an enrolled member or a member of the Enrollment Committee act as his or her spokesperson at the meeting.

Each applicant for membership by adoption in the Port Gamble S'Klallam Tribe under a Narrow Enrollment Window shall be voted on separately at a regular or special meeting of the General Council, at which a quorum is present. A successful adoption shall have the majority vote of the eligible voters of the General Council. If the General Council fails to reach a quorum, the applications shall become null and void.

The decision of the General Council shall be final and there shall be no right of appeal.

[HIST: Source – Resolution No. 17-A-119 passed 12/18/17, created this section after years of research and the consideration of various scenarios for enrollment criteria. The Tribe was unable to reach a consensus for a long-term solution to change the enrollment eligibility criteria, so the Tribe decided to create a process for a narrow enrollment window that allows the Tribal Council to open a narrow window of time with relaxed enrollment eligibility requirements.]

CHAPTER 25.03 Establishment of Paternity for Enrollment Purposes

25.03.01 Proof of Paternity

Proof of paternity may be necessary to determine eligibility for enrollment. The Enrollment Committee will generally accept any one of the following as proof of paternity.

- 1) The child's birth certificate with the father's name indicated and signed by the father.
- 2) An order establishing paternity entered by the Port Gamble S'Klallam Tribal Court or an order establishing paternity, entered by another court, that has been formally recognized by the Port Gamble S'Klallam Tribal Court. The Court shall not recognize another court's paternity order unless the other court had jurisdiction over the parties, provided the parties with due process of law, and the order does not violate the public policy of the Port Gamble S'Klallam Indian Tribe. Default paternity orders shall not be recognized.
- 3) An affidavit of paternity signed before the Enrollment Clerk by the mother and father (the parents do not have to be present at the same

time.) The Enrollment Committee may require proof of paternity under subsections (1) or (2) above, if the information in the paternity affidavit appears to the Committee be irregular or unreliable.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.03.02 Enrollment Committee May Require Court Ordered Paternity

- a) If the Enrollment Committee has reason to believe that either the birth certificate or the affidavit under 25.03.01 above are irregular or unreliable, in any way, the Committee may require the applicant(s) to establish paternity in the Port Gamble S’Klallam Tribal Court under Chapter 21.02 of the Port Gamble S’Klallam Law and Order Code. The Enrollment Committee also has authority to file a case to establish paternity for enrollment purposes.
- b) The decision of the Court shall be final. The Court shall provide the Enrollment Committee with a copy of its order.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.03.03 No Statute of Limitations

An action to establish paternity under this chapter shall not be subject to a statute of limitations.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

CHAPTER 25.04 Changes in the Rolls

25.04.01 Revocation of Membership

The Tribal Council may, upon its own motion or the recommendation of the Enrollment Committee, remove persons from the Tribal Roll and revoke the privileges of membership under any of the following conditions:

- 1) It is subsequently determined that the degree of blood upon which membership is based is incorrect and does not meet the blood quantum requirements in force at the time of enrollment of the member in question; provided, that if the person meets the *current* blood quantum requirements, he or she shall not be disenrolled, but the blood quantum shall be corrected and the person shall be notified of the correction.
- 2) The member in question is enrolled in another tribe, band or community in violation of Article II section 3 of the Port Gamble S’Klallam Constitution.

- 3) Falsification of information tending to prove that an applicant, not otherwise qualified, is eligible for enrollment.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.04.02 Relinquishment

- 1) Relinquishment Generally. A person may file a relinquishment form with the Enrollment Clerk that is considered conditional until the second tribe votes favorably on said individual. This relinquishment form must be notarized.
- 2) Relinquishment of Minors. In the event a parent is seeking relinquishment for a minor child, both parents must sign the relinquishment. If a parent is deceased, relinquishment by the surviving parent is allowable only if the Port Gamble S'Klallam Court approves it, based on findings: a) that the parent possesses sufficient parental rights to relinquish the child's enrollment, b) that the relinquishment is not being sought to defeat the jurisdiction of the Port Gamble S'Klallam Tribe or Tribal Court, and c) that relinquishment is in the best interest of the child, based on the totality of circumstances.
- 3) Enrollment after Disenrolling from Another Tribe. In the event the applicant has been previously enrolled in another tribe, the applicant can only be considered for membership by adoption and must follow the procedures set out in section 25.02.03. (For example, if a person was enrolled in the Makah Tribe at birth and as an adult wants to enroll in the Port Gamble S'Klallam Tribe, he or she must apply for enrollment by adoption, even if he or she would have otherwise been eligible for automatic enrollment.)
- 4) Re-Enrollment after an Adult Relinquishes from Port Gamble S'Klallam. Once an adult member (18 years or older) relinquishes his or her rights to enrollment with the Port Gamble S'Klallam Tribe, he or she will lose any right to automatic enrollment but may reapply under the adoption provisions.
- 5) Re-Enrollment of a Relinquished Minor. At any time after a child, whose membership was relinquished by his or her parent(s), reaches the age of eighteen years old (18), the child may apply for enrollment with the Port Gamble S'Klallam Tribe, since he or she had no control over the original relinquishment.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.04.03 Disenrollment

- 1) The Tribal Council shall have the right to review the tribal membership rolls to determine whether all persons on the rolls were properly enrolled under the membership provisions in effect at the time they were placed on the tribal rolls. However, if the person meets the current eligibility requirements, he or she shall not be disenrolled.
- 2) The Tribal Council may direct the Enrollment Committee, or any other committee it may appoint, to conduct such a review.
- 3) No review of the enrollment status of any person on the rolls shall be begun without first notifying the person that he or she is subject to such an investigation and allowing the person to view all evidence being used to question his or her membership status.
- 4) Exclusive grounds for disenrollment shall be that a person did not meet the membership requirements which were in effect at the time the person was enrolled. However, if the person meets the current eligibility requirements, he or she shall not be disenrolled.
- 5) The Enrollment Committee shall prepare a list of those persons determined to be illegally enrolled and the reason their enrollment is illegal.
- 6) Each person whose name appears on the list shall be notified at least 30 days in advance of the Tribal Council meeting at which the list is to be presented that his or her name is on the list of persons determined to be illegally enrolled; that he or she is subject to disenrollment at said meeting; and that the person may submit evidence to show that he or she meets the applicable membership requirements.
- 7) The list and supporting evidence shall go before the Tribal Council at a regular or special meeting for disposition.
- 8) Those persons enrolled prior to May 12, 1984 who are found to be illegally enrolled shall not be disenrolled.
- 9) Persons finally disenrolled shall have the right to appeal their disenrollment to the Port Gamble S'Klallam Tribal Court.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]

25.04.04 Blood Corrections

In appropriate circumstances a tribal member or an applicant for membership may apply to the Enrollment Committee and the Enrollment

Clerk for assistance in modifying tribal and Bureau of Indian Affairs records to more adequately reflect the members actual degree of blood. The Enrollment Committee may also initiate blood degree corrections. The Enrollment Committee shall, when satisfactory proof is submitted, assist the person in obtaining the necessary corrections. All such members or applicants shall be advised of the possibility that a Bureau of Indian Affairs investigation might, through unforeseen circumstances, result in a blood quantum reduction rather than increase. Changes to blood degrees must be approved by the Tribal Council.

[HIST: Source – Resolution No. 07-A-112 passed 10/09/07 replaced the 1990 Enrollment Ordinance.]