

## Enrollment Ordinance of the Peoria Tribe of Indians of Oklahoma

**Section 1.** The membership of the Peoria Tribe of Indians of Oklahoma shall consist of the following:

- a) All persons of Indian blood whose names appear on the official census roll of the tribe dated January 1, 1937 and/or on the official membership roll of the tribe as of August 3, 1956.
- b) Any person of Peoria Indian blood who is a descendant from a person whose name appears on the official census roll of the tribe dated January 1, 1937, or on the official membership roll of the tribe as of August 3, 1956, shall be eligible for membership provided that such person is not a member of any other federally recognized tribe.
- c) Any child born to a member of the Peoria Tribe shall be eligible for membership, provided that such person is not a member of any other federally recognized tribe.

**Section 2.** Special Conditions:

- a) Dual enrollment with another federally recognized Indian Tribe, Band, Pueblo or Indian Nation is prohibited and such prohibition shall be strictly applied; an enrolled member of another federally recognized Indian Tribe, Band, Pueblo or Indian Nation shall not be eligible for membership with the Peoria Tribe of Indians of Oklahoma.
- b) Any applicant who otherwise qualifies for membership but who is or has been enrolled as a member of another Federally Recognized Indian tribe, Band, Pueblo or Indian Nation of the United States may be enrolled as a member of the Peoria Tribe of Indians of Oklahoma providing they relinquish their membership from all other Federally Recognized Indian Tribes, Bands, Pueblos and Indian Nations of the United States
- c) All applicants for membership status, must comply with DNA testing. Failure to do so will result in the disqualification of the applicant.
  1. The cost of any DNA testing required under subsection 2 b) will be paid by the applicant, or the parent(s) or guardian(s) of any minor applicant. All required DNA testing shall be conducted at an American Association of Blood Banks (AABB) certified facility approved by the Enrollment Committee.
  2. When the Enrollment Committee determines that the testing of a parent is not possible, the Enrollment Committee may grant an exception and allow DNA testing between the applicant and collateral relative(s); i.e., siblings, aunt, uncle.

3. Parent to child testing must be a minimum ninety-nine (99) percentile of certainty.
  4. Collateral relative testing must be a minimum ninety (90) percentile of certainty.
- d) Applicants whose tribal parent's name(s) are not listed on their long form (if long form is available) state certified birth certificate, may have their parent(s) recorded with the Enrollment Office when the DNA results are returned to the Peoria Tribal Enrollment office certifying their parent(s).
  - e) Applicants who cannot be DNA tested with a parent to certify their lineage and parent(s), must provide an original long form (if long form available) state certified birth certificate with their parent(s) names(s) listed before collateral DNA testing can be facilitated.
  - f) Applicants that have exhausted all avenues for membership and have been rejected for membership may file a new application only if they meet one of the following requirements:
    1. They have documented evidence that supports their new claim to membership.
    2. The constitutional criteria for membership have changed since their last application.

### **Section 3. The Enrollment Committee**

- a) The Business Committee shall appoint three (3) tribal members to serve on the Tribal Enrollment Committee who are tribal members and are at least eighteen (18) years of age. The Enrollment Committee shall have the responsibility of following all laws and provisions of the Tribal Constitution, the Enrollment Ordinance, Enrollment Policies and Procedures and the Enrollment Committee By-laws.

### **Section 4. Applications for Enrollment**

- a) Who Must File?
  1. All persons not listed on the membership roll of the Peoria Tribe of Indians of Oklahoma as of the effective date of this ordinance, who request membership in the Peoria Tribe of Indians of Oklahoma, must file an enrollment application. Legal custodial parent, court ordered permanent legal guardians, or court ordered sponsors such as social workers (in the event a child has been removed by a tribal or state child services department) may file applications for minors

or incompetents. No one will be considered for enrollment unless the individual, legal custodial minor's parent, minors/incompetents court ordered permanent legal guardian or a minor/incompetents court ordered sponsor has filed an enrollment application on an approved form supplied by the Tribal Enrollment office.

b) Processing of the Application

1. **By Enrollment Department:**

- a) The actions taken by the Enrollment Department shall include:
- b) Make sure the application is complete. If not, notify the applicant by regular mail of what is required.
- c) If applicant possesses blood of any other tribe, check on possible dual enrollment.
- d) Prepare a letter accepting or rejecting applications for consideration by the Enrollment and/or Business Committee (as applicable).
- e) The Enrollment Director shall complete the above actions within sixty (60) calendar days of receipt of the application, and forward appropriate documentation to the Enrollment Committee. In the event some applications require more time to process, the Enrollment Director may require time above the sixty (60) days processing time.

2: **By Enrollment Committee:**

1. Actions taken by the Enrollment Committee shall include:
  - a) Examine applications and documentation presented by Enrollment Department.
  - b) Determine accuracy and sufficiency of research, requiring additional action by the Enrollment Department if necessary.
  - c) Decide to recommend acceptance or rejection of applicants to the Business Committee. In the event of acceptance; the Enrollment Committee must prepare a certified recommendation of approval for Business Committee Action pursuant to Article III, Section 3 of the Constitution.
  - d) The Enrollment Committee shall complete the above actions within sixty (60) calendar days of its receipt of the material from the Enrollment Department. In the event some applications require more time to process, the Enrollment Committee may require time above the sixty (60) calendar days processing time.

### **3: By Business Committee**

1. Actions taken by the Business Committee shall include:
  - a) Decide to accept or reject applicants.
  - b) Document all decisions with resolutions.
  - c) The Business Committee shall complete the above actions within sixty (60) Calendar days of its receipt of the application.

### **Section 5. Appeals**

- a) When the Enrollment Committee has determined that an applicant is ineligible, they will instruct the Enrollment Department to notify the applicant of their ineligibility by certified mail, return receipt requested. The ineligibility notice shall state the specific reason(s) they do not qualify and advise the applicant of the right to appeal to the Business Committee. The appellant shall be advised to submit with the appeal any supporting evidence not previously furnished.
- b) The Chief of the Peoria Tribe and the Chair of the Enrollment Committee must receive any appeal no later than thirty (30) calendar days from the date of mailing of the notice of ineligibility. If the deadline for an appeal falls on a weekend or on a holiday, the following regularly scheduled workday becomes the deadline.
- c) The Business Committee shall render a decision within sixty (60) calendar days of the receipt of the appeal. The Business Committee's decision on the applicants appeal shall be final.
- d) In the event the Business Committee determines the member should be disenrolled, the member may appeal the decision of the Business Committee to the GrievanceCommittee. The affected member must submit their appeal to the GrievanceCommittee within thirty (30) calendar days of the date of the decision of the Business Committee. The decision of the GrievanceCommittee shall be final.

### **Section 6. Meetings**

- a) All meetings of the Enrollment Committee and the Business Committee, when enrollment applications or confidential information is being discussed shall be in closed session and subject to confidentiality rules and regulations. The Business Committee shall adopt resolutions affecting membership in open session.

## Section 7. Records

- a) **Content of Individual Folder:** An individual folder shall be established for each applicant. This folder shall contain the following items:
- Application Form
  - Family Tree
  - Original State Certified Long Form (if long form is available)  
Or a birth certificate issued by a foreign nation or other highest ranking governmental sub-division with jurisdiction to issue birth certificates. Approval of these type of birth certificates will be at the discretion of the Enrollment Committee.
  - DNA Test Results
  - Adoption documentation (If applicable)
  - Marriage license(s) (If applicable)
  - Divorce Decree(s) (If applicable)
  - Court ordered Name change and amended state certified birth certificate to substantiate the name change if stated in court order (If applicable)
  - Correspondence
  - Copy of resolutions affecting enrollment
  - All other documentation on the person pertinent to membership in the tribe
  - Dual enrollment check form (If applicable)
  - Death Certificate (If applicable)
- b) Confidentiality: All members of the Business Committee, Enrollment Committee, Enrollment Department and all members of the tribal staff are bound by the Privacy Act of 1974, 5 U.S.C. 522a.
- c) Access to Records: Neither the enrollment roll nor any portion thereof may be copied and/or distributed to any person or organization.

### Exception(s):

Will provide a list of all tribal members 18 and above to the Election Committee Chairperson (or the Committee Chair assigned tribal office representative) for the purpose of Tribal Elections.

Will provide labels to the Election Committee Chairperson (or the Committee Chair assigned tribal office representative) for all tribal members 18 and above for the purpose of Election Notices.

Will provide labels for the purpose of necessary mailings to tribal members for relaying information concerning emergency tribal matters concerning all tribal members.

Will provide labels to the Tribal Newsletter Editor for the Tribal newsletter.

May be required to submit a list, address or family lineage of members to the Bureau of Indian Affairs for the purpose of probates or prospective tribal court jurors or other forms of communication to members as needed by the agency.

The requests for the above listed information will be in writing stating the purpose of use. An original signature of the requestor will be required.

- d) Information in individual folders shall be considered confidential. It shall not be available to anyone except that individual member (or his/her legal custodial parent, court ordered guardian or court ordered legal representative), Enrollment Department, Enrollment Committee members, and the Business Committee when such examination is necessary in considering enrollment decisions.
- e) Lineal descendants of tribal members may view or request a copy of the family tree of their deceased ancestor members provided all ancestors are deceased and no adoptions are in the lineage. The Enrollment Department and/or the Enrollment Committee will make a determination as to the validity of the request and confirm the validity of the request is a lineal descendant of the deceased person. Once verified, permission shall be granted. In the event of viewing in the Tribal Office, permission shall be granted providing Enrollment Department personnel is in attendance while the viewing takes place.
- f) Requests by a lineal descendant to see the entire file of their lineal ancestor will be reviewed and granted/rejected by the Enrollment Committee on a case by case basis. Such requests must be submitted in writing and clearly state the purpose of the request.
- g) An adopted person's eligibility for enrollment is determined through one or both of the biological parents. Documentary evidence submitted to support an adopted person's application for enrollment must show relationship to the biological parent through whom eligibility for enrollment is claimed. The information concerning adopted persons shall be recorded as confidential and shall not be made public to any other person. This information shall be contained in locked file cabinets, and adequate safeguards shall be installed to ensure that the confidentiality of these records shall not be violated. Upon attaining the age of majority, 18, should an adopted individual request to have a copy of any portion of their adopted information or file, a court order must be obtained.
- h) Updating Records. The Tribal Enrollment Office will review changes to membership records to be forwarded to the Enrollment Committee; the Enrollment Committee will review changes to active membership records. The Enrollment Committee shall certify its recommendation of approval to be

approved by the Peoria Business Committee. Changes to membership records must ultimately be passed by resolution from the Business Committee.

- i) Upon receipt of appropriate documentation, the Enrollment Department is authorized, without a review by the Enrollment Committee, to update the following information on the tribal roll:
- Address Change – Change of address form signed by tribal member or for a minor his/her legal custodial parent, court ordered legal permanent guardian, court ordered sponsor or by a notarized power of attorney.
  - Incompetence- A court of competent jurisdiction order declaring a tribal member incompetent.
  - Legal Guardianship. A court of competent jurisdiction declaring the sponsor or guardian.
  - Death - Certified Death certificate, Obituary with name of newspaper and date, BIA Probate Record, a notarized statement from the Funeral Director.
- j) Changes to active membership records must be made by legal documentation. Upon receipt of appropriate documentation, the Enrollment Department will submit to the Enrollment Committee for review.
- k) The following documentation is deemed adequate for name changes:
- Marriage license –
    - all seals and signatures must be visible
    - Commemorative certificates are not acceptable.
    - An individual will submit a letter declaring their new legal name as they wish it to appear on the tribal roll and on their ID card. Once declared and accepted the name cannot be changed except by a legal superseding document making the change.
    - Submit a copy of a government issued photo ID substantiating the new name
  - Divorce decree
  - Court order changing name
    - If the name change has been decreed to be changed at the State Vital Records Department the member must submit the new amended state certified birth certificate along with the court order before the name change will be approved.
  - Adoption decree

- The new adopted state certified birth certificate must be submitted along with the adoption decree.
- Newly amended (state) certified birth certificate

## **Section 8. Loss of Membership**

### **a) Relinquishments.**

1. Any adult member of the Peoria Tribe of Indians of Oklahoma may voluntarily relinquish his/her membership. His/her legal custodial parent or court ordered permanent guardian may relinquish the membership of any member of the Peoria Tribe of Indians of Oklahoma who is not at least 18 years of age subject to paragraph number 4 in this Section. All relinquishment requests must be made by completing an official tribal relinquishment form. The form must be notarized.
2. Any member wishing to relinquish 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 membership of another tribe. The member's name will not be removed from the Peoria tribe's roll until documentation of the acceptance into the other tribe's membership is received. However, when a member insists upon relinquishing without acceptance into another Tribe, the member may complete an official tribal unconditional relinquishment form. The tribe will comply with the member's wishes, and will remove the member's name from the Peoria Tribal roll upon approval of the Business Committee.
3. Adult Member's relinquishing their membership will not be entitled to re-apply for membership. Once relinquished, their relinquishment is final.
4. Whenever a relinquishment is submitted for a minor member, or an incompetent, care will be taken to determine that the individual who signed the form is the legal custodian of the minor or incompetent affected.
5. Minors who have been relinquished by their legal custodial parent or court ordered legal permanent guardian may re-apply for membership upon reaching the age of 18 years. In the event that a relinquished minor, after reaching the age of 18, files an application for enrollment into the Peoria Tribe of Indians of Oklahoma, the enrollment criteria pending at the time the application is submitted to the Enrollment Department will be in effect for those applicants.

### **b) Dis-enrollments.**



1. A tribal member who is found to have been erroneously or fraudulently enrolled, or is an enrolled member of another Indian tribe, or any other person who is found not eligible for tribal membership pursuant to the tribe's membership requirements contained in the Constitution of the Peoria Tribe of Indians of Oklahoma, shall be subject to dis-enrollment.
2. Such a member shall be notified by certified mail, return receipt requested, of the intent to dis-enroll. The reasons supporting dis-enrollment, will be included in the notice. Should the tribal member wish to appeal the decision of the Business Committee, he/she may appeal as stated in Section 5 of this ordinance.
3. In the event the Enrollment Department/Enrollment Committee, Business Committee finds evidence that clearly demonstrates that a specific member(s) should not have been disenrolled, the Enrollment Department shall draft a resolution to return the disenrolled member(s) back to membership status and forward that resolution to the Business Committee for approval. If the Business Committee reinstates the disenrolled member(s), benefits will not be retroactive but will begin on the new date of membership.

**Section 9. Precedence**

- a) This ordinance takes precedence over and replaces all previous enrollment ordinances in their entirety.

**Section 10. Severability**

- a) In the event any sentence, paragraph or section of this ordinance is held to be unconstitutional or otherwise invalid, the remaining sentences, paragraphs or sections shall remain valid and be presumed consistent with the Constitution and all other applicable laws.

**Section 11 Amendments**

- a) The General Council by a majority vote shall have the power to adopt and amend this ordinance, consistent with the provisions of the Constitution. This ordinance supersedes and takes precedence over any enrollment resolution or enrollment ordinances previously adopted.

**Section 12. Certification**

The foregoing Enrollment Ordinance of the Peoria Tribe of Indians of Oklahoma was adopted and enacted at a duly called and conducted Regular Scheduled Meeting of the Peoria Council this (((((DAY)))) of (((((MONTH))))), 20 \_\_\_\_.

ATTEST:

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John P. Froman, Chief

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Jason Dollarhide, Second Chief

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Tonya Mathews, Secretary

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Aaron Wayne Blalock, Treasurer

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Carolyn Ritchey, First Councilman

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Robert Craig Harper, Second Councilman

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Alan Goforth, Third Councilman

DRY