

# **CROW TRIBE OF INDIANS**



## **TRIBAL ENROLLMENT**

### **POLICIES AND PROCEDURES**

Established and Approved by Enrollment Committee: April 26, 2011

**CROW TRIBE OF INDIANS**  
**TRIBAL ENROLLMENT POLICY AND PROCEDURES**

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Article III-MEMBERSHIP

Section 1. Membership Criteria.

The Crow Tribal General Council shall have the inherent authority to determine membership of the Crow Tribe of Indians. Membership shall be determined as follows:

- a. all persons who possess one-quarter (1/4) Crow Indian blood or more; or
- b. all those persons who are enrolled as Crow Indians on the date of passage of this Constitution; or
- c. all descendants of such Crow Indians referred to above with the enrollment status and benefits of such descendants determined by the Crow Tribal Enrollment Ordinance.

Section 2. Dual Membership

Prohibited. No persons who is or becomes a member of another tribe, band or group of Indians shall be eligible for enrollment in the Crow Tribe of Indians unless he/she shall first relinquish in writing all rights to membership in such other tribe, band or group of Indians.

# CROW TRIBE OF INDIANS TRIBAL ENROLLMENT

## POLICIES AND PROCEDURES

### I. REQUIREMENTS:

- a. Persons applying for enrollment shall meet the requirements set forth in Article III, Sections 1(a) or 1(b) of the 2001 Constitution and Bylaws of the Crow Tribe of Indians. Dual enrollment is NOT permitted.

### II. APSAALOOKE NATION ENROLLMENT APPLICATION PACKET:

- a. Application checklist
- b. Application
- c. Family tree
- d. Acknowledgement of paternity
- e. Certified copy of birth certificate

### III. ENROLLMENT DEPARTMENT DUTIES

- a. Adhere to confidentiality of individual enrollment records pursuant to Section VII, Protection of Confidentiality in these Policies and Procedures.
- b. Provide current application packet to individuals seeking application forms.
- c. Receive and review applications for adequacy of documentation and completeness.
- d. Notify all applicants of complete or incomplete file as established in Section IV(c).
- e. Maintain files on applicants and enrolled members.
  - i. Maintain copies of all correspondence between applicant/enrolled member and Department.
- f. Submit only complete applications to the Enrollment Committee for review and recommendation.
- g. Department Director and/or Assistant Director are to calculate Blood quantum as provided for in Section IV.
- h. Provide written notice to applicants of status of application:
  - i. Whether application is complete or incomplete within thirty (30) days of receiving application.
  - ii. When application has been submitted to the Enrollment Committee and whether the application was approved or denied.
- i. Director will provide written notice to BIA of newly enrolled applicants on monthly basis.
- j. It is the responsibility of the Enrollment Department Director to provide BIA with final number for Per Capita Distribution as detailed in Section VI.
- k. Provide necessary information to applicants who wish to appeal committee decision pursuant to Section V.
- l. Follow Section VI for any action related to Per capita Distribution

- m. Provide forms for address change, name change, correction of date of birth and correction of blood degree, as provided in Section VI, Per Capita Distribution.
- n. Maintain records with regard to death of individual members, as provided in Section VI, Per Capita Distribution.

#### IV. ENROLLMENT PROCESS

- a. A separate written application on the proper form shall be filed by or on behalf of each person applying for enrollment in the Apsaalooke Nation.
  - i. Application must be signed by applicant.
  - ii. If applicant is a minor, the minor's legal guardian must sign the application.
  - iii. If applicant is a minor and is under the Tribal or B.I.A. Social Services or a ward of the Court, then the assigned Social worker or guardian ad litem, if applicable, may sign the application.
- b. Applicant must submit the following supporting documents:
  - i. Certified birth certificate.
    - 1. Upon decision of approval or denial of applications, original, certified birth certificates are returned to individual.
  - ii. Completed family tree, to the best of the applicant's knowledge. The remainder of which is to be completed by the Department Research Specialist AND
  - iii. Paternity acknowledgement:
    - 1. If paternity acknowledgement was signed within six months of birth of applicant, DNA testing is NOT required.
    - 2. If paternity acknowledgement was signed after six months of birth of applicant, DNA testing is required, paid for by the applicant.

3. If parents are not married or were not married at time of applicant's birth, DNA testing is required, paid for by the applicant.
  - iv. If one parent is from a different tribe, the following is needed from the non-Crow Parent's tribe before application will be considered complete:
    1. Certificate of Indian blood
    2. Letter from tribe verifying child is not enrolled nor has a pending application.
  - v. If the applicant is relinquishing enrollment with a different tribe and enrolling with the Apsaalooke Nation, a "Verification of Relinquishment" from said tribe's Enrollment Director is required before the Committee will consider the application.
  - vi. Adoption: membership through adoption is prohibited for enrollment.
- c. Upon receipt of applications, the Enrollment Department shall:
- i. Number and date all incoming applications. Incoming applications should be date stamped as they are received.
  - ii. Review applications for adequacy of documentation.
  - iii. Enrollment Director calculates blood quantum.
  - iv. Calculation of Blood quantum to be signed off by Director and/or Assistant Director.
  - v. Letter to applicant within thirty (30) days of submitted application, notifying that application is either:
    1. Complete and scheduled to be reviewed by the Enrollment Committee at the next scheduled Enrollment Committee meeting.
    2. Incomplete and requires documentation. List why the applicant's file is incomplete. The incomplete application will remain on file until further notice.
  - vi. Director shall submit complete applications to the Enrollment Committee for review and recommendation.

d. Upon receipt of decisions by the Enrollment Committee, the Enrollment Department shall:

- i. Notify the applicant of the Enrollment Committee decision within thirty (30) days of the Committee meeting, and
- ii. Assign an enrollment number for a newly enrolled tribal member, and
- iii. Notify BIA of the Committee's decisions on a monthly basis.

## V. ENROLLMENT COMMITTEE DUTIES

a. Forms to be used by Department:

- i. Approve the enrollment department's forms to be used in the submission and processing of applications.
- ii. Approve enrollment department's forms for enrolled members to request changes of corrections regarding the enrollee's name, blood degree or date of birth.

b. Upon receipt of applications from the Enrollment Department, the Enrollment Committee shall:

- i. Approve or deny applications for membership by determining whether the applicant meets criteria for enrollment as set forth in the 2001 Constitution, Article III, section 1(a) or 1(b).

c. Denial of enrollment application by Committee:

- i. In the event the Enrollment Committee denies an individual's enrollment application, the Enrollment Department will notify the applicant within thirty (30) business days of such denial.

- ii. Applicant may appeal within 90 days of the decision.
- iii. Applicant must submit appeal in writing to the Enrollment Committee and Department Director.
  - 1. Applicant who is appealing the decision must provide good reason to appeal and must provide all documentation to support the appeal.
- iv. Committee convenes to make decision based on applicant's file and all supporting documentation.
- v. Committee decides to either affirm or reverse the previous decision.
  - 1. If Committee reverses decision of denial of enrollment of applicant, Committee is to provide notification in writing to Department and applicant of reasons for decision within thirty (30) days.
  - 2. If Committee affirms decision of denial of enrollment of applicant, Committee is to notify applicant and Department in writing of decision within thirty (30) days.
- d. Correction of blood quantum
  - i. Individual tribal member can request to have blood quantum corrected. Individual must submit the following to the Director:
    - 1. Individual must submit request in writing.
    - 2. Individual must provide supporting documentation.
      - a. Proper supporting documentation includes proof of, where in lineage or family tree/ancestry for the proper blood quantum should be corrected and any documentation or basis for such correction(s).
    - 3. Director will do research and calculation and forward file to the Committee for review and vote.
  - ii. Committee will convene and determine if documentation is sufficient to correct blood quantum correction.
    - 1. Director will notify individual of Committee decision in writing.

## VI. PER CAPITA DISTRIBUTION

### a. In preparation

- i. Accurate tribal roll must be prepared by Tribal Enrollment department.

Date of Final count is determined prior to per capita distribution at which time Department will provide BIA with the final number.

### b. The following events establish when a "Hold" can be placed:

- i. On request by individual by receipt of a notarized letter.
- ii. During the distribution process, if it is determined by the Enrollment Director that the enrolled member has missing or incomplete information to mail or deliver the check, the check can be placed on hold until the information is deemed sufficient.
- iii. If individual enrolled member is a minor:
  1. And is ward of the Court or Social Services or has a Guardian ad litem (GAL), a Court order may be provided to the Enrollment Department to request a hold.
  2. If individual enrolled member is a minor and resides with his/her parent or grandparent, parent or grandparent may provide proof of child's residence. Hold will be placed until proper documentation is submitted.
- iv. Tribal Court Order:
  1. Department acknowledges Crow Tribal Court Orders.
    - a. If court order is not from the Crow Tribal Courts, a court order must be received from Crow Tribal Court stating that the Crow Tribal Court recognizes the decision in the non-Crow Court order.
    - b. Director has discretion to place "04 Hold" on account if court proceedings are pending OR if an issue remains as to minor children.
  2. Custody: The legal guardian must submit a court order stating who has custody of the minor and who the designated payee on minor's child's

distribution is to be. Once this is on file, the Enrollment Department will make necessary revisions for distribution.

3. Guardianship: If the minor enrolled member is a ward of the Court or Social Services, the Enrollment Department will place a Hold until a proper order for Custody has been received.
  4. Guardian ad litem: if individual is a minor OR an adult and has a Guardian ad litem (GAL), the GAL must provide documentation to the Enrollment Department of such for hold.
  5. If minor child is a ward of the Court or Social Services and/or has a Guardian ad litem, the individual's per capita may be held until the individual's 18<sup>th</sup> birthday at which time the individual may notify the Enrollment Department for distribution.
- v. Dual Enrollment (Per Capita disbursement only).
1. If individual was enrolled in the Crow Tribe as well as in other tribe(s), the account will be placed on hold for sixty (60) days.
  2. Individual will be required to submit verification of relinquishment from other tribe for "hold" to be removed within the sixty (60) days.
  3. If individual is a minor, the legal guardian will be notified of requirement to relinquish enrollment in other tribe on behalf of minor.
    - a. Minor's legal guardian will be required to submit verification of relinquishment from other tribe for "hold" to be removed.
- vi. Incarceration:
1. Incarcerated individuals per cap can be placed on hold by written request.
  2. To release hold, incarcerated individual must submit a notarized letter requesting hold released and providing address and phone number.
- vii. Missing Persons:
1. Notification from law enforcement (or a court) providing documentation that individual has been determined a missing person.

viii. Incapacitated:

1. If individual is an adult and is both mentally and physically incapacitated, the Primary physician may provide notification to the Enrollment Department to place a hold.

c. Notice for hold:

- i. When an individual's per capita distribution has been placed on hold, the Enrollment Department will send written notification to the individual of such hold.

d. Reissuance of a per capita distribution:

- i. Appropriate form, provided by the Enrollment Department, should be submitted. Checks are distributed on Thursdays only.
- ii. The only time a per capita check can be reissued is when it has been deemed to be:
  1. Unusable due to damage but can be provided to the Enrollment Department to show proof of the damage, or lost irretrievably.
  2. Process for reissuance:
    - a. Member must notify the enrollment department.
    - b. Finance will determine if check has been cashed.
    - c. Enrollment department must request Finance place a stop payment with the bank on the check. Stop payment fee of \$24 will be deducted from individuals per capita check.
      - i. The enrollment department will submit the enrolled member's information to the Finance Department in writing and the Finance Department will provide the appropriate documentation to the bank.
    - d. After a stop payment has been placed, Finance may reissue the check after (45) forty-five days.

e. Retropayment of Per Capita Disbursements

- i. In the event an application and documents were misplaced and individual did not receive a per capita disbursement due to this, the individual can receive a retropayment if the following occurs:
  - 1. If application was determined to be submitted by the deadline date, application was stamped to reflect this, the application was determined to be a "complete application" on deadline date, the individual was not dually enrolled and the Committee reviewed and accepted the application, the individual can receive a retropayment.

f. Returned checks

- i. The Department must run a file check to see why the check was returned. If Department cannot locate the individual, the Department will keep the check in its possession for 180 days.

g. Address changes

- i. Individual must complete and submit proper form, obtained from the Enrollment Department, in person or in writing
  - 1. If in writing, signature of member requesting address change or parent or legal guardian, if individual is a minor, must be notarized.

h. Name change

- i. Individual must complete and submit proper form, obtained from the Enrollment Department, in person or in writing.
  - 1. If in writing, signature of member requesting name change or parent or legal guardian, if member is a minor, must be notarized.
  - 2. Original documentation supporting name change must accompany the form (e.g., court order, marriage license, divorce decree, etc.)

i. Correction Date of Birth

- i. Individual must complete and submit proper form, obtained from the Enrollment Department, in person or in writing
  1. If in writing, must provide the proper documentation which includes, birth certificate and notarized signature of member requesting change. If member is a minor, notarized signature of parent, or legal guardian is required.

j. Death of tribal member

- i. Death certificate or obituary is required to be submitted to the Enrollment Department.
- ii. Once received and documented, a death date must be entered into the system and the file.
- iii. The Department will update the per capita distribution to ensure checks are not released.
- iv. If death occurred during per capita distribution:
  1. Director will contact BIA and determine if individual has an estate or a probate process pending or currently being addressed.
    - a. If so, Director will forward check to B.I.A. for it to be disbursed when estate is distributed.
    - b. If deceased did not have land or lease income, the widow will receive the distribution. If a widow does not exist, the check will go to eldest child or next of kin. {depending on probate process as well)

## VII. PROTECTION OF CONFIDENTIALITY

- a. The Enrollment department and Enrollment Committee will abide by these policies and procedures to protect and preserve the confidentiality of individual enrollment records while also permitting legitimate access to information only when necessary.
- b. The following measures must be followed to protect the confidentiality of information against inappropriate access or disclosures.
  - i. Enrollment files may be accessed by:
    1. An individual asking to see his or her own file.
    2. An individual asking to see the file of his or her natural parents or natural children.
    3. An Attorney or other person asking to see the file of an individual he or she represents when such representation is authorized in writing with notarized signature of individual whose records are to be viewed or accessed.
    4. Tribal Department, including the Office of Executive Counsel, or Crow Tribal Prosecutor or Tribal officials or federal agencies when:
      - a. The information is needed for purposes of determining an individual's initial or continuing eligibility for enrollment, aid, services or other benefits accruing on the basis of tribal membership or
      - b. Pursuing an investigation or prosecution of alleged or suspected fraud or similar abuse of the enrollment program
  - c. A note shall be entered in each file reviewed showing who viewed the file, the date viewed and the purpose for viewing.
  - d. Information made available under subpart (b) above shall not be used for any purpose other than an individual's eligibility for enrollment, aid, services, or other benefits as relating to Tribal Membership.
  - e. The files shall be stored in a locked filing cabinet physically secure from access by unauthorized persons.

- f. Files in electronic format shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal or other means.
- g. Failure of any Tribal employee to comply with the confidentiality provisions set forth shall result in disciplinary action.

## VIII. RELINQUISHMENT

- a. Enrolled Crow Tribal members may voluntarily relinquish their membership from the Crow Tribe. Cancellation of membership is made with a full understanding that henceforth the individual shall cease to hold any Rights, Title and Interest to Tribal Assets of the Tribe.
- b. Tribal member will submit completed form of relinquishment, obtained from the Enrollment Department, and other relevant documents to Enrollment Committee.
  - i. Adult: form must be certified by Enrollment Department staff and only original documents are accepted. Notarized signature of member relinquishing is required.
  - ii. Minor: must be filled out, certified and signed by the Crow Tribal Enrolled Parent. Notarized signature of Crow Tribal Enrolled parent is required.
  - iii. Dual Enrollment: if individual or minor is confirmed to be dually enrolled, refer to process set out in Part IX. DUAL ENROLLMENT.
- c. If approved
  - i. If individual was a minor at time of relinquishment, the individual may reapply for enrollment at the age of majority. If individual relinquished as an adult, he/she cannot reapply at any time thereafter.

d. If disapproved

- i. Notice sent to applicant informing applicant that his/her petition for relinquishment was denied and a statement of the reason(s) for denial.
- ii. Circumstances in which relinquishment is denied are the following:
  1. Individual wishes to maintain any rights, title and interest to Crow Tribal Assets.
  2. Individual is a minor and non-Crow Parent is requesting relinquishment.

## IX. DUAL ENROLLMENT

a. Dual Enrollment of Crow Enrolled Individual

- i. Dual Enrollment is explicitly prohibited in the Crow Tribal Constitution. Upon confirmation from other tribe(s) that individual is enrolled in other tribe(s) as well as in the Crow Tribe, the individual will be provided written notice of the following:
  1. Individuals enrolled in the Crow Tribe and in other tribe(s), are ineligible to receive privileges as Enrolled Crow Tribal Members *unless* they relinquish membership in other tribe(s). Even if other tribe(s) allow dual enrollment, the Crow Tribe does not allow dual enrollment and therefore individuals must choose whether they will be enrolled in the Crow Tribe or the other tribe.
  2. If individual wishes to remain enrolled in the Crow Tribe, individual is required to relinquish enrollment from other tribe(s) in sixty (60) days from date of notification letter.
  3. If individual does not voluntarily relinquish within the allotted time, the Crow Tribe and/or other tribe(s) may disenroll individual. Committee action would be required to finalize.
  4. If individual is a minor, notice will be sent to Crow parent/guardian. If Crow Enrolled parent refuses to sign relinquishment and non-Crow

parent refuses to relinquish from other tribe within the allotted time, the Committee may decide how to proceed.

- ii. For relinquishment to be considered complete by the Crow Tribe, a verification of relinquishment must be received by the Crow Tribe in sixty (60) days from date of notification letter.
- b. Per capita distribution of dually enrolled is provided for in: PART VI. PER CAPITA DISTRIBUTION, Section (b)(v).

### **Established and Approved:**

Crow Tribe of Indians Enrollment Policies and Procedures: Established and Approved by Enrollment Committee on April 26, 2011.

### **Amendments to the policies:**

Amendments and/or revisions to the Enrollment Policies and Procedures, require Committee Action. Committee action to approve revisions and amendments on September 18, 2012.