

SKOKOMISH ENROLLMENT ORDINANCE

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GENERAL PROVISIONS

1.01.001 Title

This ordinance shall be known as the Skokomish Tribal Enrollment Ordinance.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.002 Purpose

The purpose of this Ordinance is to ensure that procedures for determining whose names should be placed on the membership roll of the Skokomish Tribe are clear, fair and efficient.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.003 Definitions

- (a) "Descendant" means an individual descending from an ancestor, in any degree, including direct-line descendants as well as collateral descendents.

- (b) "Immediate family" means parents, brothers, sisters, grandparents, grandchildren, aunts, uncles and first cousins.
- (c.) "Indian" and "Indian blood" shall be defined according to the custom and usage of the Skokomish Tribe. To assist in determining the Tribe's customary definition, the Enrollment Clerk shall maintain a public record of the types of "Indian blood" which have been the basis for eligibility for tribal membership.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

ENROLLMENT

1.01.010 Eligibility for Enrollment

- (a) The following persons shall be eligible for enrollment in the Skokomish Indian Tribe:
 - (1) All persons of Indian blood whose names appear on the census roll of the Tribe as of January 1, 1937;
 - (2) All persons born between January 1, 1937 and January 12, 1966, to any member of the Skokomish Tribe who was a resident of the reservation at the time of the child's birth;
 - (3) All persons of at least one-fourth (1/4) degree Skokomish blood;
 - (4) All persons of at least one-eighth (1/8) degree Skokomish blood and at least one-fourth (1/4) degree total Indian blood who are descendants of any Skokomish tribal member.
- (b) No person who applies for enrollment and demonstrates his or her eligibility as provided in this ordinance shall be denied enrollment in the Tribe. No person shall be enrolled as a member of the Tribe unless he or she applies for enrollment and demonstrates eligibility as provided in this section or is adopted as provided in Section 1.01.032.
- (c) No person who is an enrolled member of any other tribe, band or community shall at the same time be a member of the Skokomish Tribe. Status as an at-large shareholder in a regional corporation established under the Alaska Native Claims Settlement Act shall not be construed as enrollment for the purposes of this Section.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.011 Powers of the Tribal Council

The Tribal Council shall have the following authority and responsibility regarding enrollment of tribal members:

- (a) To appoint and set the compensation of an Enrollment Clerk;

- (b) To appoint an Enrollment Committee as provided in this Ordinance;
- (c) To approve or disapprove every application for tribal membership made as provided in the ordinance;
- (d) To authorize the removal from tribal membership rolls of any persons found to be ineligible for membership;
- (e) To approve all application forms and other forms required in procedures established by this ordinance; and
- (f) To appoint an Enrollment Appeals Board.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.012 Enrollment Committee

- (a) The Enrollment Committee shall have the following authority and responsibility:
 - (1) To review each application for enrollment in a prompt and thorough way, preserving confidentiality where appropriate, and to determine which applicants meet the requirements for enrollment.
 - (2) To recommend to the Tribal Council whether or not an applicant is eligible for enrollment as a tribal member.
 - (3) To present the Committee’s recommendations and evidence to the Enrollment Appeals Board in cases of disenrollments.
 - (4) To establish the Committee’s rules of procedure.
 - (5) To recommend to the Tribal Council amendments to the Skokomish Enrollment Ordinance.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.013 Enrollment Clerk

- (a) The Tribal Council shall designate a tribal employee to serve as an Enrollment Clerk. Before the Council dismisses an Enrollment Clerk, it shall provide the Clerk a fair opportunity to appear before the Council to hear and answer the Council’s reasons for the proposed dismissal.
- (b) The Enrollment Clerk shall have the following authority and responsibility:
 - (1) To devise and recommend to the Tribal Council application forms required in procedures established by this Ordinance; provided that the form used for membership applications shall require the applicant

to prove, at a minimum, all information requested on the forms devised by the Bureau of Indian Affairs;

- (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 review and recommendation to the Tribal Council.
- (6) To notify the Bureau of Indian Affairs of all persons accepted for enrollment or disenrolled by the Tribal Council;
- (7) To keep a current list of persons enrolled in the Skokomish Tribe and of enrollment numbers assigned by the BIA;
- (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 the 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 assist and advise the Enrollment Committee and to attend Enrollment Committee meetings;
- (12) To maintain a public record of the types of Indian blood which have been the basis for eligibility for tribal membership.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.014 Application for Enrollment

- (a) Every person who wishes to enroll in the Skokomish Tribe shall apply for enrollment in writing on forms approved by the Tribal Council.
- (b) Applicants who are enrolled in any other Indian Tribe, nation, community or band shall relinquish their membership by completing a relinquishment form

provided by the Enrollment Clerk and submitting it with the Skokomish Membership Application.

- (c) Every applicant shall submit a copy of his or her birth certificate. The Enrollment Clerk may require additional documentation as necessary to verify or complete information required in the application.
- (d) It shall be the responsibility of the applicant to keep the Enrollment Clerk informed of the applicant's current address.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.015 Minors and Legally Incompetent Persons

- (a) Persons who apply for enrollment or who relinquish their membership in the Skokomish Tribe shall be at least eighteen (18) years old; provided that a minor may be enrolled or may have his or her membership relinquished upon application of a parent who has legal custody or a legal guardian. If the Enrollment Committee is presented with a question or dispute regarding whether a parent has legal custody, the matter shall be referred to the Tribal Council for decision. In exceptional circumstances, the Tribal Council may permit a minor no younger than twelve (12) to apply for membership on his or her own behalf.
- (b) An adult person who has been found by a court of law to be legally incompetent may be enrolled or may have his or her membership relinquished upon application of his or her legal guardian.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.016 Action on Applications

- (a) Upon receipt of a completed membership application, the Enrollment Committee shall determine the applicant's eligibility and shall submit its recommendation and a summary of the information and evidence upon which it is based to the Tribal Council at the first opportunity. In no event shall the application be presented to the Tribal Council later than six (6) months after the Enrollment Clerk submitted it to the Enrollment Committee.
- (b) The Tribal Council shall review the application, the Enrollment Committee's recommendation and other pertinent materials at a regular Tribal Council meeting in a manner designed to preserve confidentiality and it shall, by written resolution, accept or deny the application or it may refer the application back to the Enrollment Clerk for further documentation.
- (c) An applicant shall be considered an enrolled member of the Tribe upon the Tribal Council's approval of his or her application.
- (d) As soon as possible after the Tribal Council's decision, the Enrollment Clerk shall provide all applicants with written notice of the Tribal Council's action.

For each application that is approved, the Clerk shall place the name of the new member on the tribal roll and notify the BIA of the name of the new member.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.017 Appeals

- (a) There shall be no appeals of Tribal Council decisions regarding enrollment of members except as provided in this Section.
- (b) When the Tribal Council denies an application for membership, the applicant may:
 - (1) Submit to the Enrollment Clerk at any time any evidence he or she believes is relevant to a reconsideration of his or her application, in which case, the Enrollment Clerk shall reopen the applicant's file and proceed as provided in this Ordinance.
 - (2) Request adoption by the General Council as provided in Section 1.01.032.
- (c) When the Tribal Council approves an application and the Enrollment Committee has recommended that the application be denied because the applicant is not eligible for tribal membership, the Enrollment Committee may begin disenrollment proceedings as provided in Section 1.01.031.
 - (1) Upon request of the Enrollment Committee, the Tribal Council shall appoint and notify an Enrollment Appeals Board which shall consist of the Tribal Council Chairman, tribal Enrollment Clerk, tribal judge, and a tribal elder. No member of the Enrollment Appeals Board shall be a member of the immediate family or household of the applicant.
 - (2) The Enrollment Clerk shall notify the applicant by certified mail of the action taken by the Tribal Council, the appeal by the Enrollment Committee to the Enrollment Appeals Board, the date, time and place of the hearing, that the applicant may present evidence on his or her behalf or may be represented by an attorney or another person and that any new evidence not already submitted with his or her application must be submitted to the Enrollment Clerk at least five (5) days before the hearing date.
 - (3) At the Enrollment Appeals Board hearing, a member of the Enrollment Committee shall present a summary of the Committee's determination and the evidence upon which it is based. A member of the Tribal Council shall present a summary of the Tribal Council's determinations and the evidence on which it is based. The applicant or his or her representative shall have an opportunity to present any evidence which has first been submitted to the Enrollment Clerk as provided in subsection (2) above.

- (4) If the Enrollment Appeals Board upholds the Tribal Council's decision, the applicant shall become an enrolled member of the tribe at the conclusion of the appeal hearing, and the Enrollment Clerk shall place his or her name on the tribal roll and notify the BIA.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

SPECIAL PROVISIONS

1.01.020 Relinquishment and Re-Enrollment

- (a) A relinquishment of membership in the Skokomish Tribe shall not be accepted unless the person is granted membership in another tribe.
- (b) Any adult individual who relinquishes his or her enrollment in the Skokomish Tribe after June 30, 1992, will subsequently be denied re-enrollment privileges into the Skokomish Tribe. An adult individual who has relinquished his or her enrollment in the Skokomish Tribe prior to June 30, 1992, has until June 30, 1993 to exercise the privilege of re-enrollment in the Skokomish Tribe, after which time such individuals will be denied re-enrollment privileges. For any adult individual of good moral character, these limitations shall not apply if involuntarily disenrolled from another Tribe which granted membership as required in Section 1.01.020(a).
 - (1) This limitation shall not apply to relinquishment of a minor's membership in the Skokomish Tribe. If a minor's membership in the Skokomish Tribe has been relinquished, that relinquishment shall not count as the first relinquishment for purposes of subsection (b) above.
- (c) Application for re-enrollment shall follow the same procedures as other applications for enrollment under this ordinance.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.021 Disenrollment

- (a) The Enrollment Clerk shall correct and update the membership roll as necessary by removing the names of persons who have died, have relinquished their tribal membership, or have been disenrolled by action of the Tribal Council.
- (b) The Tribal Council shall have the power to remove from the roll the names of persons who are found to be ineligible for tribal membership. The Council shall re-examine an enrollee's eligibility for membership under the following circumstances:
 - (1) When the tribal roll is corrected to remove a parent or ancestor of the member or to change the Indian blood quantum of the member's parent or ancestor.

- (2) When the Council, the Enrollment Committee or the member receive new information which may affect the member's eligibility.
- (3) When the Council or the Enrollment Committee has reason to believe that an application for membership contained false information.
- (c) Any person who has information which could result in the disenrollment of a tribal member shall present the information in a written, signed statement to the Enrollment Committee. Upon request of the person presenting the information, the Enrollment Committee shall keep his or her name confidential.
- (d) Upon request of the Enrollment Committee or upon its own action, the Tribal Council shall appoint and notify an Enrollment Appeals Board to hear the issue of the member's disenrollment and to recommend action to the Tribal Council.
- (e) The Enrollment Appeals Board shall consist of the Tribal Council Chairman, a tribal elder, the tribal judge and the tribal Enrollment Clerk. No member of the Enrollment Appeals Board shall be a member of the immediate family or household of the applicant.
- (f) The Enrollment Clerk shall notify the member concerned by certified mail that the Enrollment Committee has information which may require the member's disenrollment, furnish the member with that information, and notify him or her of the date, time and place of the Enrollment Appeals Board hearing and that he or she may present evidence on his or her behalf or may be represented by an attorney or another person.
- (g) The Enrollment Appeals Board shall hear evidence presented by the member and by the Enrollment Committee or any other persons and it shall determine whether, in light of the evidence, the member is ineligible for tribal membership. The Board shall prepare a summary of its findings for the Tribal Council and it shall recommend to the Tribal Council whether or not the member should be disenrolled.
- (h) The Tribal Council shall make the final decision regarding the member's disenrollment. If the Tribal Council votes to disenroll a member, the Enrollment Clerk shall remove the person's name from the tribal roll and notify the BIA of the Tribal Council's action.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.022 Adoption of Members

- (a) By majority vote, the General Council may adopt into tribal membership any person with Indian blood who:
 - (1) Is related by blood or marriage to a Skokomish Tribal Member; or

- (2) Has resided in Mason County and participated in Skokomish community affairs for a substantial period of time.

No person has a right to be adopted into membership.

- (b) Upon receipt of a written request signed by an enrolled member of the tribe, the General Council may vote by a show of hands at a regular meeting whether to consider the adoption of a person named in the request. If the General Council votes to consider the proposed adoption, the issue shall be on the ballot at the next tribal election.
- (c) A person adopted into tribal membership as provided in the ordinance shall be entitled to all the rights and privileges of enrolled tribal members but those rights and privileges shall not extend to or be transferable to descendants of the adopted member unless those descendants are otherwise entitled to be enrolled as tribal members.

1.01.023 Confidentiality

- (a) The official roll of Skokomish tribal members shall be a public record for inspection by any interested person.
- (b) Applications for enrollment and all records pertaining to applicants' and enrolled members' eligibility for membership shall be confidential. No person, except the Enrollment Clerk, the Enrollment Committee, Tribal Council members and the Enrollment Appeals Board may examine records other than his or her own without Tribal Council permission.
- (c) Paternity proceedings under this Ordinance shall be protected as confidential and may not be used in establishing child support or any other right or procedure except determining blood quantum as it relates to eligibility for enrollment.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.024 Establishment of Paternity for Enrollment Purposes

- (a) Proof of Paternity.

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

- (1) The child's birth certificate with the father's name indicated and signed by the father; or
- (2) An order establishing paternity entered by the Skokomish Tribal Court or an order establishing paternity entered by another court which has been formally recognized by the Skokomish 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 Skokomish Indian Tribe.

(b) Enrollment Committee May Require Court Ordered Paternity.

If the Enrollment Committee has reason to believe that either the birth certificate or the affidavit under subsections (1) and (2) above are irregular or unreliable, in any way, the Committee may require the applicant(s) to establish paternity in the Skokomish Tribal Court. The Enrollment Committee must first present the information determined to be irregular or unreliable to the Tribal Council before notifying the applicant that a Paternity Order issued by the Skokomish Tribal Court is required.

(c) Court Procedures to Establish Paternity.

The following procedure shall apply in paternity cases filed in the Skokomish Tribal Court under this Ordinance:

(1) Jurisdiction of the Court.

The Skokomish Tribal Court is vested with jurisdiction to decide questions of paternity filed under this Ordinance. The Court has no jurisdiction over tribal enrollment. The Court's personal and territorial jurisdiction shall be limited only by the Constitution of the Skokomish Indian Tribe and by federal laws which are expressly applicable to the Skokomish Indian Tribe.

(2) Who May File.

A child, a child's legal guardian, the child's natural mother, an alleged father of a child, or the Skokomish Indian Tribe may file a petition requesting the Court to establish paternity. The natural mother and an alleged father may file jointly. The term "child" includes adults who are seeking to have their parentage determined.

(3) Rules of Court Apply.

Proceedings under this Ordinance are civil actions and are governed by applicable sections of Title 3 of the laws of the Skokomish Indian Tribe, except where this Ordinance provides a rule to the contrary.

(4) Petition.

A petition to establish paternity shall contain:

- (A) The names, ages, addresses, and tribal affiliations, if any, of the natural mother, the alleged father(s), the child, and of all others who have legal rights of custody, visitation, or support of the child;

- (B) The marital status of the natural mother and the alleged father(s);
- (C) The consent, if any, of the natural mother and the alleged father to establish the alleged father as the natural father of the child; and
- (D) A certified copy of the child's birth certificate shall be attached to the petition.

(5) Notice.

The biological mother and each man alleged to be the natural father shall be notified of the petition and all hearings and shall be given an opportunity to be heard.

(6) Hearing.

- (i) The mother of the child and the alleged father(s) may be compelled to testify at the hearing.
- (ii) Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.
- (iii) The hearing shall be conducted by the judge with no jury.
- (iv) All hearings shall be closed unless all parties otherwise agree.

(7) Blood Tests.

If the alleged father(s) is alive and available, the Court shall require the child, mother and an alleged father(s) to submit to blood tests. An alleged father may be excused from the requirement of blood tests if the Court determines that there is no reasonable possibility that sexual contact occurred at or near the time of conception. The tests shall be performed by an expert in paternity blood testing appointed by the Court. The cost of the tests shall be paid by the petitioner(s). The Court may order additional blood tests by other experts qualified in paternity blood testing, upon reasonable request of a party, at that party's expense.

(8) Evidence.

The Court may consider the following types of evidence in paternity cases:

- (i) Blood test results, including the impossibility or the statistical probability of an alleged father's paternity, presented by either expert testimony or a written report, accompanied by an affidavit. The following types of blood tests are admissible as

evidence of paternity provided that the result of all tests, when taken together, either exclude an alleged father or yield a statistical probability of at least 95% that the alleged father is the biological father: DNA, HLA (Human Leukocyte Antigens), red blood cell enzyme, red blood cell antigen and serum protein tests;

- (ii) Evidence of sexual intercourse between the mother and an alleged father(s) at any possible time of conception.
- (iii) An expert's opinion concerning the statistical probability of an alleged father's paternity, based upon the duration of the mother's pregnancy;
- (iv) Medical or anthropological evidence relating to an alleged father's paternity of the child based on tests which may be ordered by the Court and performed by experts;
- (v) Reputation in the community as to paternity; and
- (vi) Any other reliable evidence which is relevant to the issue of paternity of the child.

(9) Presumption of Paternity.

A man is presumed to be the natural father of a child if he and the child's natural mother were married at the time of the child's birth or if the child was born within three hundred days after the marriage was terminated. The presumption can only be rebutted by clear and convincing evidence.

(10) The decision of the Court shall be final. The Court shall provide the Enrollment Committee with a copy of its order.

(d) No Statute of Limitations.

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

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

1.01.025 Severability

If any section of this ordinance is held invalid it shall not affect the validity of the remaining sections. If any provision is held inapplicable to any person or circumstance, it shall not affect the validity of its application to other persons or circumstances.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

Legislative History prior to July 5, 2017

+Adopted by Resolution No. 82-48 (September 1, 1982)

Amended by Resolution No. 91-05 (January 9, 1991)

Amended by Resolution No. 92-83 (September 30, 1992)
Amended by Resolution No. 09-025 (February 4, 2009)
Amended by Resolution No. 09-080 (May 13, 2009)
+Amended by Resolution No. 09-126 (August 5, 2009)
Amended by Resolution No. 10-060 (June 16, 2010)
Amended by Resolution No. 14-001 (January 8, 2001)
Reaffirmed by Resolution No. 17-100 (July 5, 2017)

+Ordinance and/or amendments not attached to the resolution in the Skokomish Tribal Archives