

Chapter 1.01 Enrollment

Sections:

	TITLE & PURPOSE
1.01.010	Title
1.01.020	Purpose
1.01.030	Definitions
	ADMINISTRATION
1.01.040	Enrollment Director
1.01.050	Enrollment Committee
1.01.060	Maintenance of Current Membership Roll
1.01.070	Calculation of Muckleshoot Blood
1.01.080	Blood Corrections
	APPLICATION FOR ENROLLMENT
1.01.090	Eligibility for Regular Enrollment
1.01.100	Eligibility for Enrollment by Adoption
1.01.110	Age Restriction for Enrollment
1.01.120	Application for Enrollment
	RESPONSIBILITIES OF APPLICANTS, TRIBAL MEMBERS, AND OTHERS
1.01.130	Documentation & Information
1.01.140	Name Change
1.01.150	Dual Enrollment with another U.S. Tribe
	HARASSMENT
1.01.160	Harassment - Applicants
1.01.170	Harassment - Applicant's Friends & Family
1.01.180	Harassment - Applicants who are enrolled in another tribe
	RELINQUISHMENT AND DISENROLLMENT
1.01.190	Relinquishment of Membership
1.01.200	Disenrollment
	APPEALS
1.01.210	Procedure for Appeal
1.01.220	Re-Application, post-appeal
	GENERAL PROVISIONS
1.01.230	Minors and Legally Incompetent Persons
1.01.240	Access to Personal Information
1.01.250	Sovereign Immunity
1.01.260	Tribal Court
1.01.270	Severability
1.01.280	Amendments

TITLE AND PURPOSE

1.01.010 Title

This Ordinance shall be referred to as the Muckleshoot Enrollment Ordinance.

1.01.020 Purpose

The purpose of this ordinance is to provide for the development and maintenance of the membership roll of the Muckleshoot Indian Tribe. Authority for this action is vested in the Tribal Council by Article II of the Constitution and Bylaws for the Muckleshoot Indian Tribe, approved May 1, 1936 and amended June 14, 1961, March 26, 1969, and June 28, 1977.

1.01.030 Definitions

The following terms, when used in this Ordinance, shall have the meanings provided below:

- a) Adoptee: A person who is adopted by the Tribe into membership.
- b) Adoption, Enrollment by: Granting Tribal membership to a person who does not meet the eligibility requirements for Regular Enrollment. Enrollment by Adoption requires approval by the tribal governing body.
- c) Adult: A legally competent individual of eighteen (18) years of age or older.
- d) Affidavit: A written statement of fact signed by a person who swears it is true.
- e) Ancestry: Descent through parental lines; lineage.
- f) Applicant: A person who seeks to be enrolled in the Tribe and whose name is on the application.
- g) Base Roll: The census roll identified in Article II Section (1)(a) of the Muckleshoot Constitution and Bylaws.
- h) Birth Certificate: A certified document, issued by the state of the applicant's birth, identifying the full name of the newborn (the Applicant), the full name of the parent(s) who is (are) providing the Muckleshoot bloodline, including the maiden name of the mother, and the date and location of the birth.
- i) Base Enrollee: A person whose name appears on the document cited in the Muckleshoot Constitution and Bylaws as the Base Roll.
- j) Burden of Proof: The duty to positively prove a fact (or set of facts). For example, in the enrollment process, the membership applicant has the Burden of Proof in demonstrating eligibility; in enrollment appeals, the appellant has the Burden of Proof to show that a decision was made in error.
- k) Corrections to the Rolls: Changing the rolls when mistakes are found. For example, if a name was omitted or dates of birth and Indian blood degrees were recorded incorrectly, a correction to the rolls will be made.
- l) Credible Information: A signed and notarized statement from an individual or a written document from a government agency the content and nature of which tend to establish that the fact(s) in question are true. The determination of credibility is made by, and at the discretion of,

the Committee and/or Department.

- m) Degree of Indian Blood: Degree or amount of Indian ancestry. Indian ancestry refers to family ties to any federally recognized tribe, or Indian community within the United States.
- n) Descendant/Descendancy: When used for Regular Enrollment, this term refers to lineal descendants. Lineal descendants are the children of enrolled Muckleshoot parent or parents, who are children of enrolled Muckleshoot parent or parents. When used for Enrollment by Adoption, a person is considered a descendant of a member even if a generation in between was not enrolled.
- o) Disenrollment: An action by the Tribe to revoke a member's right to tribal membership.
- p) DNA Test: A scientific test carried out by a testing laboratory accredited by the American Association of Blood Banks Parentage Testing Accreditation Program for the purpose of determining parentage or kinship. The results of the DNA Test must be at least 99.9% certainty for parentage and 90% certainty for kinship (if parent or parents are deceased). When a DNA test is carried out, the results of such test must be sent directly from the testing laboratory to the Enrollment Department. DNA tests may only be carried out by a testing laboratory approved by the Tribe.
- q) Documentation: Legal evidence supporting a statement of fact. No enrollment action will be taken without Documentation to support the decision. Birth, marriage and death certificates must be certified documents.
- r) Dual Enrollment: Membership in more than one federally recognized tribe, or Indian community within the United States.
- s) Extended Family: The parents-in-law, siblings-in-law, aunts, uncles, nieces, nephews, and first cousins.
- t) Family Tree: The relationship, or lines of descent, through parental lines. A Family Tree chart is used to trace and demonstrate Ancestry.
- u) Federally Recognized Tribe: A tribe in the United States that has a government-to-government relationship with the U.S. federal government and is included on the Bureau of Indian Affairs' most recent annual list of such tribes, which is published in the Federal Register. Tribes recognized for claims purposes only are not considered federally recognized for the purposes of this Ordinance and the Policies and Procedures.
- v) Guardian: One, including the Tribe, who has the care of a person or property of another, as appointed by a court of recognized jurisdiction.
- w) Harassment or Harass: Verbally or physically abusive, threatening and/or intimidating behavior towards a person or property.
- x) Immediate Family: The spouse, spouse equivalent, children, parents, step-parents, grandparents, foster and step-children, grandchildren, siblings, legal guardian, or any other persons regularly living in the household.
- y) Membership Roll: The official roll of the members of the Muckleshoot Indian Tribe.

- z) Minor: A person who has not reached the age of eighteen (18) years of age.
- aa) Notarize: To have a document attested before and authenticated by a public officer (a notary) who witnesses the signature and certifies that it is authentic.
- bb) Preponderance of Evidence: "Preponderance" is defined as superiority in weight or quantity. "Preponderance of Evidence" means that more or better evidence - or simply, the best evidence provided on a given point will be the evidence which is used to establish a fact.
- cc) Regular Enrollment: Any person who meets the criteria set forth in Article II, Section 1 of the Muckleshoot Indian Tribe's Constitution and Bylaws.
- dd) Relinquishment of Membership: A voluntary action initiated by the member removing their name from the Tribe's roll.
- ee) Segregated Blood Degree: The degree that separates different types of tribal blood apart from one another.
- ff) Segregated Blood Degree Supplement: The document that lists an individual's tribal blood and their respective degrees of each.
- gg) Tribe: The Muckleshoot Indian Tribe.

ADMINISTRATION

1.01.040 Enrollment Director

The Tribal Council shall, through administrative channels, designate a Tribal employee to serve as an Enrollment Director. The Enrollment Director and any other staff in the Enrollment Department shall be enrolled members of the Muckleshoot Tribe.

01.01.050 Enrollment Committee

- a) The Tribal Council shall appoint eight (8) tribal members over the age of eighteen (18) to serve as the Muckleshoot Enrollment Committee. For purposes of conducting a meeting of the Enrollment Committee, a quorum shall be five (5) Committee members.
- b) Members of the Enrollment Committee shall serve an indefinite term of office until such time as he or she resigns or is removed for cause by the Tribal Council. The grounds and procedure for removal shall be that contained in the Muckleshoot Committee Ordinance, as may be amended from time to time.

1.01.060 Maintenance of Current Membership Roll

- a) The Muckleshoot Tribal Council shall maintain a current membership roll of the Tribe in accordance with the provisions of the Constitution and Bylaws of the Muckleshoot Indian Tribe and the provisions of this Ordinance.
- b) It shall be the responsibility of the Enrollment Director to keep a current list of persons enrolled in the Muckleshoot Indian Tribe and their enrollment identification numbers.

1.01.070 Calculation of Muckleshoot Blood

For the purpose of determining degree of Muckleshoot and total Indian blood for both Regular Enrollment and Enrollment by Adoption, all members of the Muckleshoot Indian Tribe pursuant to Article II, Section 1(a) of the Constitution of the Muckleshoot Indian Tribe shall be conclusively deemed to possess full Muckleshoot blood, notwithstanding the degree of Muckleshoot blood or tribal ancestry indicated on the base roll.

1.01.080 Blood Corrections

In appropriate circumstances, a tribal member, an Applicant or the Enrollment Department may request the Enrollment Committee to modify tribal and Bureau of Indian Affairs records to more adequately reflect the member's actual degree of blood.

- a) Process for a Tribal Member or Applicant to Correct Degree of Blood
 - 1) When a tribal member or Applicant has information to believe that the degree of blood of either themselves or another tribal member or Applicant should be corrected, the person shall submit to the Enrollment Department a notarized and certified written statement setting forth the facts that form the basis for the belief that the tribal member's or Applicant's degree of blood should be corrected. Such statement shall be in a format approved by the Enrollment Committee.
 - 2) Upon the Department's presentation of credible evidence that a Tribal member or applicant may need to have their Degree of Blood corrected, the Enrollment Committee shall determine whether the information is sufficient to raise a question as to the accuracy of the Degree of Blood of the Tribal member or Applicant.
 - i. The Enrollment Committee may require a DNA Test as part of the blood correction process. The DNA test shall be conducted by a laboratory designated by the Tribe. Failure of the Applicant to submit the results of a DNA Test when required by the Enrollment Committee shall result in a denial of the request for correction.
 - 3) If the information presented indicates that the Degree of Blood correction is such that, if true, would make the Tribal member ineligible for membership in the Muckleshoot Tribe, then all financial benefits shall be put on hold pending final resolution of the Tribal Member's Degree of Blood. The Enrollment Director shall notify the Tribal Finance Department and all other Departments that provide financial benefits.
 - 4) If, after the thirty (30) business day response period, completion of the Director's investigation, and receipt of all relevant information from the Director, the Enrollment Committee finds that the Degree of Blood is sufficient for membership in the Tribe, the Enrollment Director shall notify the Finance Department and all other Departments that provide finance benefits that the hold is to be lifted. If the Enrollment Committee finds that the Degree of Blood is insufficient to maintain membership in the Tribe, then Disenrollment proceedings under Section 06.02 shall be started.
- b) Mathematical Errors
 - 1) The Tribal Council may, by resolution, change mathematical errors contained in the Tribal Roll. These changes will be verified and recorded by the Enrollment Director and submitted to the Bureau of Indian Affairs.

c) Appeals

- 1) Any decision under this Section may be appealed pursuant to Section 1.01.260.

APPLICATION FOR ENROLLMENT

1.01.090 Eligibility for Regular Enrollment

- a) The following persons shall be eligible for Regular Enrollment in the Muckleshoot Indian Tribe:
 - 1) All persons of Indian blood whose names appear on the official census roll of the Muckleshoot Indians and who were residents of the Muckleshoot Reservation on June 1, 1934;
 - 2) All children born to any member of the tribe prior to March 26, 1969 if the member was a resident of the reservation at the time of the birth of said children;
 - 3) All children of one-eighth degree, or more Muckleshoot blood born after June 1, 1934, and prior to March 26, 1969 to any member who was not a resident of the reservation at the time of the birth of said children; and
 - 4) All children of one-eighth degree, or more Muckleshoot blood born to any member of the Tribe on or after March 26, 1969.
- b) No persons shall be enrolled as members of the Muckleshoot Tribe if they are recognized as members of any other federally recognized tribe, band or Indian community within the United States, with the exception of tribes recognized for claims purposes only.

1.01.100 Eligibility for Enrollment by Adoption

- a) Any person of between one-eighth and one-sixteenth degree Muckleshoot Indian blood, with a total of one-eighth degree or more Indian blood, may be adopted as a member of the Muckleshoot Tribe of the Muckleshoot Indian Reservation by a majority vote of the Muckleshoot Tribal Council.
- b) No persons shall be enrolled by Enrollment by Adoption as members of the Muckleshoot Tribe if they are recognized as members of any other federally recognized tribe, or Indian community within the United States, with the exception of tribes recognized for claims purposes only.

1.01.110 Age Restriction for Enrollment

- a) Persons who are or have been a member of another Tribe in the United States may apply for Regular Enrollment or Enrollment by Adoption any time before their thirtieth birthday.
- b) Persons who are, or have been, a member of another Tribe who do not enroll before their thirtieth (30th) birthday forfeit their right to apply for enrollment.
- c) Exceptional circumstances that effectively prevent an individual from knowing of their Muckleshoot membership eligibility before their thirtieth birthday may be grounds for an exception to the Age Restriction rule.
- d) The age restriction in this section does not apply to any persons serving in the armed services, or to anyone who has never been enrolled in another tribe.
- e) In the event that the criteria for Regular Enrollment or Enrollment by Adoption are changed, Applicants who otherwise would be subject to the restriction shall have one (1) year from the date of enactment of the change in enrollment criteria to apply for enrollment without regard to the limitation, provided that the Applicant was not previously eligible for Regular Enrollment or

Enrollment by Adoption before the enacted change in enrollment criteria.

1.01.120 Application for Enrollment

- a) Any person who believes he or she is eligible for Regular Enrollment under Section 03.01 of this Ordinance or Enrollment by Adoption under Section 3.02 of this Ordinance may apply for enrollment by submitting a completed application and a signed a Release of Information form to the Enrollment Director, which form shall include a consent to release of DNA information. Such application shall be notarized, and include a copy of a valid state photo identification card of the Applicant/ and or Guardian. By submitting the Application, the Applicant consents to the jurisdiction of the Muckleshoot Tribal Court.
- b) All applicants must submit to a DNA test to determine parental lineage necessary to meet eligibility for Enrollment. The parent or parents of an Applicant upon whom the Applicant is relying to establish eligibility for Enrollment must also submit to a DNA test unless the Enrollment Committee finds that there are exceptional circumstances, in which case the Enrollment Committee may waive the DNA testing requirements as to one or both parents. Exceptional circumstances may include, but are not limited to, the following: (a) If one or both parents are deceased, then the Enrollment Committee may waive the DNA test for the deceased parent or parents, provided that there is independent credible evidence of parental lineage, (b) there was a Closed Adoption but where the lineage of the Applicant is well known, or (c) other circumstances that support not testing either one or both parents. The first DNA tests will be at the Tribe's expense. All DNA tests will be conducted by a laboratory designated by the Tribe. If additional DNA tests are required, then the costs of such tests will be at the Applicant's expense.
- c) Every Applicant shall submit his or her certified Birth Certificate and their original Social Security Card prior to submitting to a DNA test. If one or both parents are deceased, Applicant shall provide certified death certificates of the parent or parents. The Enrollment Director may require additional Documentation if necessary to verify or complete the information required in the application. Applications for minors must include the signature of both parents listed on the certified birth certificate, and guardian, if applicable.

RESPONSIBILITES OF APPLICANTS, TRIBAL MEMBERS, AND OTHERS

1.01.130 Documentation & Information

- a) Applicants and all persons assisting them and/or communicating with the Department about his/her own or another person's membership or prospective membership are required to provide accurate information on all correspondence. Anyone who knowingly makes a false statement on an enrollment application or on associated documentation shall be liable for making a false or misleading statement to a public servant under section 5.6.110 of the Law and Order Code. A person who is not subject to the criminal jurisdiction of the Muckleshoot Indian Tribe for this offense shall be civilly liable for the maximum fine imposed by the Tribe for a gross misdemeanor.
- b) Documentation provided for the enrollment and relinquishment processes must be original or certified copies from the original source of the document. For all DNA Tests, the Applicant must provide a release to the Tribe that documents consent to the laboratory that carried out the DNA Test to provide the results directly to the Enrollment Office.

- c) All documents must reflect the same name. For example, if the name on the Applicant's Social Security Card is different from that of their Birth Certificate (such as in the case of marriage) a copy of the legal document that made the change (such as a marriage license) is required, as well.
- d) Applicants must notify the Enrollment Director, in writing, of all changes in information, including but not limited to: address, name, and previous tribal enrollment.

1.01.140 Name Change

A name change request must be filed with the Enrollment Department when the legal name of an enrolled member has been changed. It is insufficient for Enrollment purposes to request a name change solely through the Finance Department, and members who fail to file a name change request with Enrollment may face financial consequences.

1.01.150 Dual Enrollment with another U.S. Tribe

Any tribal member who, as an adult, knows or has reason to know that he/she is dually enrolled in Muckleshoot and another tribe that is federally recognized in the United States or who reaches the age of eighteen (18) knowing or with reason to know, that he/she is dually enrolled in the Tribe and another tribe that is federally recognized in the United States must notify the Enrollment Department. If the other tribe is a U.S. federally recognized tribe, such member will have fifteen (15) business days to notify the Department. Failure to notify the Department under this section will result in a penalty of up to five thousand dollars (\$5,000), the amount of which will be based on the value of any benefits received. The member shall also be required to reimburse the Tribe for any benefits received after the notification period elapses.

HARASSMENT

1.01.160 Applicants

Applicants who directly or indirectly harass Tribal Council members, Enrollment Committee members, or Enrollment Office staff regarding their application status will receive one written warning that they will be denied access to the Enrollment Application process for one full year if another incident follows. Upon any subsequent incident, they will be denied access to the Enrollment Application process for one full year.

1.01.170 Applicant's Friends and Family

- a) A person who directly or indirectly Harasses Tribal Council members, Enrollment Committee members, or Enrollment Office staff, on behalf of an Applicant may cause the same consequences for the Applicant as directed in Section 1.01.160, above.
- b) It is the responsibility of the Applicant to make their friends and family aware of this policy.

1.01.180 Applicants who are enrolled in another tribe

Any Harassing behavior on the part of an Applicant who is enrolled in another tribe towards Tribal Council members, Enrollment Committee members or the Enrollment Office staff will be dealt with on a case-by-case basis as deemed appropriate up to, and including, the involvement of law enforcement.

RELINQUISHMENT AND DISENROLLMENT

1.01.190 Relinquishment of Membership

- a) No person shall be removed from the Membership Roll of the Muckleshoot Tribe unless a written, notarized statement of relinquishment is filed with the Enrollment Director.
- b) Any Adult individual who relinquishes, or has relinquished at any time in the past, his or her enrollment in the Muckleshoot Tribe will subsequently not be eligible for enrollment in the Muckleshoot Tribe and may not apply for enrollment.
 1. This limitation shall not apply to relinquishment of a Minor's membership in the Muckleshoot Tribe. If a Minor's membership in the Muckleshoot Tribe has been relinquished, that relinquishment shall not count as the first relinquishment.
 2. Once Adulthood is reached the individual may reapply for membership.
- c) No Minors or other legally incompetent persons will ever be removed from the Membership Roll, once enrolled, unless such prohibition would violate Article II Section 1.e. of the Muckleshoot Constitution and Bylaws.
- d) The Enrollment Director shall inform Applicants for Relinquishment of Membership who are twenty-one years old or younger that if the Applicant relinquishes membership in the Muckleshoot Tribe before receiving their distribution from the Minors Per Capita Trust Account, the Applicant will not be eligible to receive any such distribution, but will forfeit that distribution to the Trust Account.
- e) No person shall be relinquished from the Membership Roll who owes a debt to the Tribe.

1.01.200 Disenrollment

- a) The Tribal Council may, upon its own initiative or with the recommendation of the Enrollment Committee, remove persons from the Membership Roll, revoking the privileges of membership under any of the following conditions:
 1. It is determined that the person's actual Degree of Indian Blood does not meet the blood quantum requirements in force at the time of enrollment of the member in question. Such determination can be made as a result of a DNA Test that was submitted for another purpose, such as for blood correction or in conjunction with an application for enrollment.
 - i. In the event that the Tribe adopts revised blood quantum requirements after a person has been disenrolled under this section 06.02, persons meeting newly adopted current blood quantum requirements may reapply for membership in the Tribe.
 2. The member in question is enrolled in another federally recognized tribe, or Indian community within the United States, with the exception of tribes recognized for claims purposes only.
 3. Falsification of information used to prove that an Applicant, not otherwise qualified, is eligible for Regular Enrollment or Enrollment by Adoption.

- b) When a member of the Immediate Family or Extended Family of a tribal member has information to believe that the tribal member may meet one or more of the conditions identified in Section 06.02(1) for Disenrollment, the person shall submit to the Enrollment Department a notarized and certified written statement setting forth the facts that form the basis for the belief that the tribal member should be disenrolled. Such statement shall be in a format approved by the Enrollment Committee.
- c) In the case of dual enrollment, any per capita due and otherwise payable to the tribal member will be withheld during the time between the date of notification and the date of final relinquishment from the other tribe or final disposition of the Disenrollment proceeding. In all other cases involving Disenrollment, the notification shall inform the tribal member any per capita due and otherwise payable to the tribal member will be withheld during the time between the date of notification and the final disposition of the Disenrollment proceeding. The Enrollment Department shall notify the Tribe's Finance Department of the date of notification of the intent to disenroll the Tribal member. The Tribe's Finance Department is authorized to withhold any per capita due and otherwise payable after receiving the notification of intent to disenroll. The Enrollment Department shall notify the Tribe's Finance Department of the final disposition of Disenrollment proceedings.
- d) In the case of a member who is dually enrolled, the following procedure applies:
 - 1. In the event that the person elects to remain a member of the Muckleshoot Tribe and relinquishes membership in the other tribe, or Indian community within the United States, the tribal member shall be fined five thousand dollars (\$5,000) and shall reimburse the Tribe for all financial benefits received from the Tribe while the person was dually enrolled. The person will not be eligible for any financial benefits of membership, except health benefits, until the fine and all required reimbursements to the Tribe are paid in full. The fine shall not be paid with per capita funds that were withheld during the pendency of the Disenrollment proceeding, but, rather, any such per capita funds that were withheld shall be forfeited to the Tribe.
 - 2. In the event that the person elects not to remain a member of the Muckleshoot Tribe and does not relinquish membership in the other tribe, or Indian community within the United States, any per capita that was withheld between the date of notification and Disenrollment shall be forfeited to the Tribe. In addition, the person shall reimburse the Tribe for all financial benefits that the person obtained from the Tribe during the time that the person knowingly was dually enrolled.
- e) In all other cases of Disenrollment, any per capita that was withheld between the date of notification and Disenrollment shall be forfeited to the Tribe. In addition, the person who is disenrolled shall reimburse the Tribe for all financial benefits that the person obtained from the Tribe during the time that the person was enrolled when that person was not eligible to be enrolled. In all cases where a Disenrollment proceeding concludes with the result of no Disenrollment of the tribal member, the per capitas withheld under this section shall be released to the tribal member pursuant to the procedures of the Tribe's Finance Department.
- f) In the case of a minor or incompetent person, the parents or Guardian shall reimburse the Tribe for all financial benefits that were received during the time that the minor or incompetent person was enrolled when that minor or incompetent person was not eligible to be enrolled, including during the time when the minor was an Adult. However, from the time that the person became aware, after the person became an Adult, that he or she was not eligible for enrollment, the person

and the parents or Guardian shall be jointly and severally liable for financial benefits received during that period.

g) DNA testing for Minors.

1. Where an adult Tribal member refuses to provide a DNA sample that the Committee requests in order to determine whether a Minor shall be disenrolled, the adult Tribal member shall not be eligible to receive any per capita payment until the adult Tribal member complies.

h) Adult individuals disenrolled by the Tribe will be denied re-enrollment privileges into the Muckleshoot Tribe except as provided in Section 06.02.1(a)(i). However, any person who was disenrolled from the Tribe based on his or her membership in a Canadian First Nation will be entitled to apply for re-enrollment.

APPEALS

1.01.210 Procedure for Appeal

- a) Whenever a person has been denied membership in the Muckleshoot Indian Tribe, has been disenrolled, or has had the person's blood quantum changed pursuant to Section 02.04, the Enrollment Director shall promptly notify the person of the action taken, or, in the case of a Minor, the parents, Guardian, or, if a parent is deceased or otherwise unavailable, the next closest relative on that parent's lineage. Notification shall be sent by certified mail, return receipt requested, to the person's last known address, legal notice or personal service, all of which will be sent to addressee only.
- b) The notification shall inform the person that he or she has thirty (30) business days to take the following action:
 1. Respond with additional proof of eligibility.
 2. An appeal must be in writing and should include any evidence supporting the appellant's position that has not already been submitted to the Enrollment Director. The appeal must be received by the Enrollment Director on or before the deadline established in the notification. Any appeals received after the deadline shall be dismissed. Any information received after the deadline will be accompanied by new enrollment application.
- c) The decision of the Tribal Council shall be final.

1.01.220 Reapplication, post-appeal

- a) If an appeal is rejected, the appellant may re-apply if new information which may satisfy the original rejection is provided.
- b) Re-applications are limited to one per calendar year.

GENERAL PROVISIONS

1.01.230 Minors and Legally Incompetent Persons

- a) Persons who apply for Regular Enrollment or Enrollment by Adoption, or who relinquish their membership in the Muckleshoot Tribe, shall be at least eighteen (18) years old;
- b) A Minor or otherwise legally incompetent person may be enrolled upon receipt of an application signed by living parents that have Indian blood or all legal Guardians. By submitting the application, the parents and/or legal Guardian(s) consent to the jurisdiction of the Muckleshoot Tribal Court, including for the purposes of enforcing the prohibition against dual enrollment. The parents and legal Guardians must certify that the Applicant is not enrolled in another tribe, or Indian community within the United States, and sign a written acknowledgment of the Muckleshoot Tribe's prohibition on dual enrollment.
- c) If a parent and/or legal guardian enrolls a Minor or otherwise legally incompetent person in another tribe while that person is enrolled in the Tribe, then that parent and/or legal guardian shall be required to relinquish the Minor or otherwise legally incompetent person from the other tribe in which the parent and/or legal guardian enrolled the person.
- d) In exceptional circumstances, the Tribal Council may permit an emancipated Minor to apply for Regular Enrollment or Enrollment by Adoption on his or her own behalf.

1.01.240 Access to Personal Information

- a) Enrollment information is confidential and is not to be released absent the consent of the Applicant except as required by law. Adoption and DNA records, including DNA Test results, shall be kept in a separate locked safe or file cabinet within the Enrollment Department. Only the Enrollment Director and the Enrollment Director's immediate supervisor shall have access to the DNA records. Access to enrollment information, except for any results from a DNA Test, for official governmental purposes is granted to:
 1. Muckleshoot Tribal Finance Department
 2. Muckleshoot Tribal Court
 3. Muckleshoot Election Committee and Election Administrator for information necessary to carry out its duties under the Election Ordinance.
 4. As otherwise authorized by resolution by the Tribal Council.
- b) Except as provided in this Ordinance or otherwise necessary to carry out the provisions of this Ordinance, revealing information contained in enrollment records to anyone other than the Tribal Council, Enrollment Committee, Enrollment staff or the Office of the Tribal Attorney without the consent of the Applicant may be grounds for disciplinary action of employees, cause for removing a Committee member, or grounds for a recall action under the Elections Ordinance of an elected Tribal official.

1.01.250 Sovereign Immunity

By enacting this Ordinance, the Muckleshoot Tribal Council in no way waives the sovereign immunity of the Muckleshoot Indian Tribe or subjects its officers or employees to suit in any action arising out of their performance under this Ordinance.

1.01.260 Tribal Court

The Muckleshoot Tribal Court shall have jurisdiction to enforce the provisions of Section 06.02 regarding the collection of fines and repayment of benefits a person received while dually enrolled or otherwise wrongfully enrolled. In addition, the Tribal Court shall have jurisdiction over claims by the Tribe for the recovery of any benefits received by a person, including, in the case of a minor or incompetent person, benefits received by the parents or Guardian, through the intentional or negligent misrepresentation of information contained in the person's application for membership that resulted in the Applicant becoming an enrolled member of the Tribe. The Tribal Court shall have the authority to withhold per capita payments pursuant to this section consistent with procedures established by the Tribal Council. In addition, the Tribe may decline payment of any per capitas, otherwise subject to the withholding procedures, owed during any action under this section pending the outcome of that action. The Tribal Court will also have jurisdiction over matters regarding Minors and Legally Incompetent Persons as laid out in Section 08.01. This section shall have retroactive effect to the date of any member's date of enrollment; however, such retroactivity shall not apply to any fines or penalties for actions prior to the date of the enactment of any section in this Ordinance establishing any fine or penalty.

1.01.270 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.

1.01.280 Amendments

The Tribal Council may amend this Ordinance by a majority vote of a quorum at any meeting of that body, subject to approval of the Secretary of the Interior or his/her authorized representative.