



Lower Brule Sioux Tribe Enrollment Policies & Procedures

BE IT ENACTED BY THE LOWER BRULE SIOUX TRIBAL COUNCIL,
pursuant to the powers vested by Article II, Section 1 of the Constitution the Tribe “Section of Official Census Roll , September 1958”, that as of the effective date of the ordinance as established under Article VI of the Constitution of the Tribe the qualifications and procedures governing membership and enrollment in the Lower Brule Sioux Tribe shall be as followed:

Section 1. Basic Membership Roll

All duly enrolled person of Indian blood whose names appear on the official census of the Tribe as of September 2, 1958, shall be a member of the Lower Brule Sioux Tribe-Article II, Section I.

Section 2. Enrollments Commencing With The Effective Date Of This Policies & Procedures

Commencing with effective date of these Polices & Procedures, to be eligible for enrollment as a member of the Tribe, an applicant must possess one-fourth (1/4) degree or more of Lower Brule Sioux blood. We may recognize any blood from any other Federal Recognized Tribes. Applicant Indian blood and must have one parent who is a lawfully enrolled member of the Tribe and must satisfy the applicable requirements of the Constitution.

ARTICLE II – MEMBERSHIP

SECTION 1. The membership of the Lower Brule Sioux Tribe shall consist as follows:

- (a) All persons of Indian blood whose names appear on the official census roll of the tribe as of April 1, 1935, and, after the effective date of this amended constitution, only such other persons who are of Lower Brule Sioux Indian blood and whose names appear on the official Census Roll of September 2, 1958.
- (b) All children born to any member of the Lower Brule Sioux Tribe who is a resident of the reservation at the time of the birth of said children but children born to any member after the effective date of this amended constitution and possessing at least one-fourth degree Lower Brule Indian Blood shall be members regardless of the residence of their parents at the time of their birth.

Section 3. Adopted Applicants

Applicants who are legally adopted shall not be eligible for enrollment, unless applicant possesses one-fourth (1/4) degree or more of Lower Brule Sioux Indian blood by reason of birth and otherwise meets the enrollment requisites of the Tribe.

The burden of proving the degree of Lower Brule Sioux Indian blood shall be on the persons acting on behalf of the applicant. Birth certificates issued to adoptive parents shall not be deemed evidence of the applicant's degree of Lower Brule Sioux Indian blood. The proof of Indian blood must relate to the blood of the natural parents.

Section 4. Applications For Enrollment

- (a) Application must disclose all required information to establish eligibility and all applicators must have a certified copy of the Applicant's Birth Certificate attached (or be accompanied by a copy).
- (b) If a parent of the applicant is a member of another tribe the application must be accompanied by a certification from the governing body of such other tribe, establishing that the applicant is not enrolled with that tribe and that all rights of the applicant for enrollment stand relinquished upon his enrollment in the Lower Brule Sioux Tribe
- (c) Applications for the enrollment of person who are minors, or under any other legal disability, or children of a member of the Armed Services stationed outside of the continental United States, may be filed by the parent, next of kin, recognized guardian, other person responsible for the applicant's care, any councilman or the superintendent.

Section 5. Appeals

Any person who has been rejected for enrollment as a member of the Tribe shall have a right to appeal to the Lower Brule Sioux Tribal Court. The decision of the Tribal Court shall be final. Any appeal under this section shall be taken within ninety (90) days from the date of service of the decision of the Tribal Court upon the applicant, or upon the parents, guardians or person acting for the applicant if he/she is a minor, service may be made in person or by certified or registered mail addressed to the mailing address designated in the application for enrollment, unless that address has been changed by notice in writing by the addressee. If service is by mail, the ninety (90) days shall run from the date that the return certified or registered mail receipt shows that delivery was made, or that the addressee was found or refused to accept delivery. If service is in person, proof of service shall be noted on the file copy of the notice of rejection by date and signature of the person serving notice. If no hearing request is received within 90 days timeframe, the adverse decision shall become final.

Section 6. Restrictions On Admission To Membership

No person shall be admitted to membership in the Lower Brule Sioux Tribe who has ever been enrolled as a member of some other tribe or as an Indian of some other reservation. A person who has voluntarily relinquished his/her enrollment with the other tribe or as an Indian of some other reservation may be admitted to membership in the Lower Brule Sioux tribe provided that person is eligible for enrollment as a member of the Lower Brule Sioux Tribe.

Section 7. Relinquishment

In 2005, the Lower Brule Sioux Tribe adopted a Relinquishment Policy for children under the age of 18 years old. When your child is an enrolled member, he/she are permanent members of the Lower Brule Sioux Tribe until he/she is eligible for relinquishment when he/she turns the age of 18 years old.

Upon request for adult relinquishment, an applicant must show eligibility of another tribe before Tribal Council determines release from the Lower Brule Sioux Tribe.

Once a member has relinquished his/her membership from the Lower Brule Sioux Tribe, he/she is no longer eligible for any benefits Lower Brule Sioux Tribe, nor can he/she re-enroll into the Lower Brule Sioux Tribe.

Section 8. Enrollments by Lower Brule Sioux Resolution

Approved Enrollments by Lower Brule Tribal Council Resolution will then be submitted to the Bureau of Indian Affairs with Resolution and attached enrollment list.

Section 9. Determination

Final determination of all enrollment matters shall remain with the Lower Brule Tribal Council.

Enrollment Committee

Section 1. Enrollment Committee

The Tribal Council shall appoint an Enrollment Committee, consisting of five (5) members with one Tribal Council Member as a non-voting representative. The Enrollment committee shall elect among its members a Chairperson and a Secretary. The Chairperson will preside over all meetings.

A. Meetings:

The Enrollment Committee shall meet every third quarter on Tuesday of each month at 3:00 PM. This will give the Committee time to get the enrollment list ready for the next Tribal Council meeting which is held on the first Wednesday of each month. The Committee as a whole will review and approve the enrollments for the next Tribal Council meeting.

B. Duties:

- (1) To accept applications for enrollment with the Lower Brule Sioux Tribe
- (2) To review applications for enrollment for determination of eligibility
- (3) To determine eligibility or ineligibility for enrollment
- (4) To act on cases of relinquishments, dual enrollments, and disenrollment
- (5) To ensure that the requirements of this Ordinance and the Constitution are carried out and enforced
- (6) Any other duties as may be delegated by the Tribal Council

C. Removal:

Failure of a Committee member to attend two (2) consecutive meetings without adequate excuse shall be grounds for automatic removal. The Committee shall recommend removal to the Tribal Council. The Tribal Council shall have the authority to remove the Committee Member. The Committee member shall be given notice and shall have the right to respond to the recommendation for removal. A committee member may also be removed for any of the following causes:

- (1) Violation of any of the duties set forth above
- (2) Taking action in regard to enrollment decisions which is not legal or lies outside the Committee member's authority
- (3) Knowingly jeopardizing, delaying or prejudicing the application of a person seeking membership
- (4) Violation of confidentiality

The committee shall submit to the Lower Brule Council its recommendation each application, for or against enrollment, stating the reasons for its decision. A statement of all the facts concerning the eligibility of the applicant shall accompany the recommendations.

The Enrollment Office-Enrollment Clerk

Section 1 The Enrollment Office/ Enrollment Clerk

- (1) shall give out applications for enrollment
- (2) receive enrollment applications
- (3) each received application will be stamped with the date received by the Enrollment Clerk
- (4) make sure all paperwork is in place. If any application is incomplete the Enrollment clerk shall promptly notify the applicant in writing by certified mail and suspend further action on application until the application is complete with a time limit of one (1) month.

The Tribal Enrollment Clerk shall have the responsibility for preparing and making available upon request enrollment forms and for establishing and maintaining a Tribal Roll independent of the agency census or other records. The original roll shall be kept under security and each year a supplemental list shall be annexed to it showing the names and related information concerning enrollees removed by death, voluntary relinquishment or otherwise, and the names and related information on new enrollees lawfully admitted to membership. A true and correct copy of the roll shall be maintained in the Tribal Office and shall be kept current by additions and removals as may be required.

Section 2. Records

All enrollment records are confidential records including information received and meeting minutes. These records shall be used only for enrollment purposes. The following persons may examine enrollment records:

- a.) Enrollment Personnel/Committee Members
- b.) Tribal Council
- c.) Enrollment applicants (only examine their own files)

Section 3. Enrollments by Lower Brule Sioux Resolution

Enrollments will be approved by Lower Brule Tribal Council Resolution. The list of enrollees will then be submitted to the Bureau of Indian Affairs with accompanying Resolution and attached to the enrollment list.

Enrollment Cards/Certificates

Each individual enrolled into the Lower Brule Sioux Tribe shall be issued an enrollment card and A certificate is held at the BIA Office.

The enrollment card shall include the following:

- (1.) Name of member
- (2) Last four numbers of members Social Security #
- (3.) The total degree of Indian blood
- (4.) Date of birth
- (5) Address
- (6) The members enrollment identification number
- (7) Picture
- (8) Members signature
- (9) Address of the Lower Brule Sioux Tribe

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The enrollment card shall be signed by the Chairperson of the Lower Brule Sioux Tribe.
The enrollment card shall be signed by the Bureau of Indian Affairs Superintendant.