

**THE YAVAPAI-APACHE NATION
TITLE I
ENROLLMENT CODE**

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ENROLLMENT CODE OF THE YAVAPAI-APACHE NATION

CHAPTER I: TITLE

This law shall be known and may be cited as the “Tribal Enrollment Code”. This Code supersedes and repeals any prior enrollment ordinances or codes.

CHAPTER II: PURPOSE

The Purpose of this Code shall be to establish rules, policies, procedures and regulations which shall govern enrollment of Yavapai-Apache Nation Members to carry out the intent of Article II – Membership, of the Yavapai-Apache Nation Constitution. The process for seeking enrollment as a member of the Yavapai-Apache Nation must be clearly defined in order to be fair to all persons seeking enrollment in the Nation. The Constitution establishes the substantive requirements for membership in the Nation. However, the process and procedures for seeking enrollment in the Nation have varied from time to time and one clear set of written requirements and procedures for seeking enrollment will benefit all parties, including the Nation. This Code also establishes the role of the Enrollment Board and the Enrollment Department.

CHAPTER III: DEFINITIONS

Adopted Member means a person who is not otherwise eligible for membership as a Blood Member but who is enrolled as an adopted member by vote of the Tribal Council under Article II, Section 2 (a)-(c) of the Constitution and who has membership rights, responsibilities and benefits as defined in Section 603 of this Code.

Applicant means a person who seeks enrollment in the Yavapai-Apache Nation and whose name appears on the application.

Base Roll means the names that appear on the official census roll of the Yavapai-Apache Nation as of April 1, 1934, as supplemented January 1, 1936.

Blood Member means a person who is enrolled in the Nation under Article II Section 1 (a)-(d) of the Constitution.

Burden of Proof means a necessity or duty of affirmatively proving a fact or facts in dispute on an issue raised between parties in a cause of action; the obligation of persuading someone that the fact asserted is true or not true; and the obligation of producing evidence to that end.

Blood Quantum means the percentage of Indian blood.

Board Member means a duly appointed member of the Enrollment Board who retains current status, voting rights, primary and fiduciary responsibilities for implementing, interpreting and adhering to the Yavapai-Apache Nation Constitution and Enrollment Code.

Constitution means the Constitution of the Yavapai-Apache Nation as revised in April 1992.

Due Process means a course of legal proceedings according to those rules and principals which have been established by Tribal Law for enforcement and protection of private rights; the essential elements of which are notice and opportunity to be heard and defend in an orderly proceeding adopted to the nature of the case; to be heard by testimony or otherwise and to have the right to controvert by proof every material fact which bears on a question or right in the matter involved.

Dual Enrollment means a person whose name appears on the rolls of another Tribe and at the same time on the Official Membership Roll of the Yavapai-Apache Nation.

Dis-Enrollment means involuntary removal from the Official Membership Roll of the Yavapai Apache Nation by Resolution of the Tribal Council due to a finding of dual enrollment or enrollment based on false information, a forged document, or administrative error.

Elder for purposes of this Code means a Member who has earned the respect and knowledge of a community within the Yavapai-Apache Nation.

Enrollment Application means the official application developed by the Enrollment Department for the purpose of determining eligibility for admission into the Nation.

Enrollment Board means the official body of members appointed by the Council to carry out the duties and responsibilities under Chapter IV of this Code.

Enrollment Department means the office of the Yavapai-Apache Nation government which is responsible for all enrollment matters as set forth in this Code.

Good Standing means for purposes of determining eligibility for adoption into the Membership of the Nation, a person who obeys tribal, state and federal laws.

Indian means, for purposes of determining eligibility for enrollment and or membership by adoption, a person who is eligible for enrollment in a federally or state recognized Tribe or is a descendant of the Yavapai-Apache Nation Base Roll.

Indian Blood means blood quantum from any federally or state recognized Tribe, including the Yavapai-Apache Nation.

Member means a person who has met the membership criteria of the Yavapai-Apache Nation Constitution and is officially enrolled with the Nation.

Membership means all persons enrolled in the Yavapai-Apache Nation pursuant to Article II of the Constitution.

Nation means the Yavapai-Apache Nation.

Notification means notice sent by certified mail and return receipt requested.

Official Membership Roll means a secure and accurate list of the Nation's Members as updated from time to time. This list shall be confidential.

Relinquishment means the voluntary and total withdrawal by a Tribal Member from Membership of a Tribe, including the Yavapai-Apache Nation.

Removal means the act of removing a Member from the Official Membership Roll as directed by formal resolution passed by the Tribal Council.

Resident or Residency means for purposes of this Code, an individual, having been born, who actually lives on the Yavapai-Apache Nation Reservation and has lived on the Reservation for at least one (1) year immediately before applying for Membership.

Reservation or Camp Verde Reservation or Yavapai-Apache Nation Reservation means all the lands held in trust by the United States for the benefit of the Nation, any and all lands held or owned by the Nation, all trust allotments, and any additional lands acquired by the Nation or by the United States for the benefit of the Nation.

Spouse means a person legally recognized under Tribal Law, tribal custom, or state law as the husband or wife of a Member.

Tribal Council means the legislative branch of the Nation established by Article IV of the Constitution and vested with all legislative and incidental powers under the Constitution.

Tribal Court means the judiciary branch of the Nation established by the Constitution and empowered with authority to interpret and uphold the Nation's laws.

Tribal Laws means the Yavapai-Apache Nation Constitution, Codes, Ordinances, Resolutions, and all legislative acts of the Tribal Council which govern the lands and peoples of the Yavapai-Apache Nation.

Tribal Enrollment Code is the law which governs the Membership of the Yavapai-Apache Nation.

Tribe means a tribe, band, community, colony, or other group of Indians that is recognized by any state or the federal government as constituting a distinct and historically continuous political entity for at least some governmental purposes. "Tribe" for purposes of this Code does not mean the Yavapai-Apache Nation.

Yavapai-Apache blood means a bloodline descended from the Base Roll.

CHAPTER IV: ENROLLMENT BOARD

Section 401. Composition

The Enrollment Board shall be comprised of five (5) members appointed by the Tribal Council. The term for each board member shall be four (4) years unless removed earlier pursuant to the terms of this Code. At least two of the board members shall be Elders with sufficient knowledge of family histories, clans, Yavapai-Apache traditions and languages. The terms for board members shall be staggered and shall expire on the last day of July. The Council may appoint a person to serve two consecutive terms on the Enrollment Board, but thereafter, such person is ineligible for appointment to the Enrollment Board for at least one calendar year from the ending date of the previous Enrollment Board term.

Section 402. Appointment of Enrollment Board Members

Whenever an opening for an Enrollment Board position occurs, the Human Resources Department shall post a notification and shall provide interested candidates with an application which includes a copy of this Title I Enrollment Code. The Enrollment Board will interview candidates who submit applications to determine whether they meet the minimum qualifications, as set forth in Section 403 below, and have a basic understanding of this Code. The Board will present a list of five (5) recommended candidates, placed in order of Board preference for appointment, to the Tribal Council for action. If the board member vacancy being filled is a position identified for an Elder, then the list submitted to the Council shall consist of Elders. The Tribal Council shall: 1) make the final selection of a candidate for the Board and appoint that candidate to the Board; or 2) re-advertise the open Board position in order to solicit additional candidates for possible selection. If a Board member resigns or is removed before the end of his or her term, the Tribal Council shall appoint another person to fill the remainder of the vacated term using the same process for making a regular Board Appointment.

Section 403. Qualifications of Board Members

In order to be eligible for appointment to the Enrollment Board, a Board member candidate:

- A. Shall be a Member of the Nation;
- B. Shall be able to read and understand the Constitution and this Enrollment Code; and
- C. Shall not be a current employee within the Enrollment Department, the Tribal Court, or a current member of the Tribal Council.

Section 404. Officers; Selection and Responsibilities; Notice of Meetings

The Enrollment Board shall elect its own officers, which shall include a chairperson and a secretary. The chairperson shall be responsible for setting the meetings and conducting them. The secretary shall keep minutes of the meetings and shall fill in for the chairperson

when the chairperson is unavailable. If the chairperson and secretary are both absent, another Enrollment Board member may be selected by a majority of the Enrollment Board members present to preside over a meeting, provided a quorum of three Enrollment Board members are present.

Section 405. The Enrollment Board

The Enrollment Board shall select a chairperson and secretary from among its members in August of each year. The chairperson and secretary shall serve for a term of one year, but may be re-elected by the members of the Enrollment Board for as many additional terms as they choose.

Section 406. Compensation

Each Enrollment Board member shall receive reasonable compensation and expenses as determined by Tribal Council Resolution. No Enrollment Board compensation shall be paid for any particular Board meeting until the following documentation is provided to the Nation's Finance Department:

1. The approved Enrollment Board meeting agenda for the meeting being compensated;
2. The sign-in sheet containing the signatures of the Board Members present for the meeting being compensated; and
3. The approved minutes for the prior meeting of the Board.

For other expenses, a receipt is required for that expense to be reimbursed.

Section 407. Revocation of Board Membership

A. Enrollment Board membership is revocable, for cause, by the Tribal Council. The Enrollment Board may recommend to the Tribal Council that an Enrollment Board member be removed upon the occurrence of any of the following:

1. Three consecutive unexcused absences from Enrollment Board meetings and/or work sessions;
2. Breach of confidentiality;
3. Demonstrated inability or unwillingness to follow the terms of this Code;
4. Inability, unwillingness or gross neglect in the performance of the duties of the Enrollment Board; and/or
5. Conviction of a crime which is a felony or serious misdemeanor ("serious misdemeanor" being defined as one where the penalty imposed is three (3) months in jail and/or a fine of one thousand dollars (\$1,000.00) or greater).

B. An Enrollment Board member shall be afforded Due Process, including notice of the intent to remove, cause for said removal, and an opportunity to respond to the same. The Tribal Council decision on removal shall be final.

Section 408. Duties and Responsibilities of Enrollment Board

The Enrollment Board shall participate in the review and processing of Enrollment Applications. The Enrollment Board will make recommendations to Tribal Council on all matters that this Code and the Constitution require. The Enrollment Board shall be available to lend appropriate assistance to the Enrollment Department.

CHAPTER V: ENROLLMENT DEPARTMENT

Section 501. The Manager of the Enrollment Department shall be an employee of the Nation, subject to the personnel policies and procedures of the Nation. The Enrollment Manager shall report to the Tribal Council and work with the Enrollment Board in processing Enrollment Applications, making recommendations to the Tribal Council and carrying out the provisions of this Code.

Section 502. The Enrollment Department shall be responsible for presentation of all enrollment matters to the Tribal Council.

Section 503. The Enrollment Department shall review, research and make written recommendations to the Enrollment Board on the eligibility of Applicants for Membership or other enrollment matters. Recommendations made by the Enrollment Manager shall be based on the Tribal Constitution, this Code, documents provided by the Applicant, and such other information as may be obtained by the Enrollment Department in the normal course of inquiry concerning enrollment matters.

Section 504. The Enrollment Department shall be responsible for the maintenance of all enrollment records, including the Official Membership Roll.

CHAPTER VI: MEMBERSHIP CRITERIA

Section 601. The Membership of the Yavapai-Apache Nation shall consist of those persons specified in Article II of the Constitution who meet any one of the following:

A. All persons of Indian Blood whose names appear on the official census roll as of April 1, 1934, with the supplement thereto of January 1, 1936.

B. All children born to any Member who are one-fourth (1/4) or more Indian Blood. **This means the child is not eligible for Membership if:**

- 1) the child has less than one-fourth (1/4) degree Indian blood; or
- 2) any of the following circumstances apply to the child:

- a) the child was born before the parent became enrolled in the Nation;
 - i) unless at the time of the child's birth, the parent was not enrolled in the Yavapai-Apache Nation due to circumstances beyond the parent's control and the parent has never been enrolled in another tribe;
- b) the child's parent was removed from the Nation's Membership either voluntarily or involuntarily (per Sections 902-908 of this Code) before the time of the child's birth; or
- c) the child's parent's Membership rights were suspended for dual enrollment at the time of the child's birth;
 - i) unless the parent has taken action pursuant to Chapter X of this Code to eliminate the dual enrollment issue and the parent has remained enrolled with the Yavapai-Apache Nation.

C. All persons who are one-fourth (1/4) or more Yavapai-Apache Indian

Blood.

D. All persons who qualified for and were accepted into Membership under the Membership requirements contained in the Constitution and By-Laws of the Yavapai-Apache Indian Community, Arizona, adopted October 24, 1936 and approved by the Secretary of the Interior on February 12, 1937, as amended on June 21, 1947, and approved August 5, 1947.

Section 602. Applicants denied admission under Section 601 may appeal to the Tribal Court. Such appeal shall be deemed untimely unless filed with the Tribal Court within 30 calendar days of receipt of the letter of denial of admission sent by the Enrollment Department to the Applicant.

Section 603. Adoption

A. The Tribal Council has the power to adopt new members into the Nation pursuant to Article II, Section 2 (a)-(c) of the Constitution. All persons adopted under this section shall meet at a minimum the following requirements in order to be considered for adoption into the Nation:

- 1. Must be a Resident; and
- 2. Must be Indian; and

3. Must be a person in Good Standing within the Nation's communities; and
4. Must be able to prove lineage from the Yavapai-Apache Base Roll; and
5. If the petitioner for adoption is 18 years old or older on the date of the petition, the petitioner must demonstrate a level of knowledge of the Yavapai and/or Apache language and culture as evidenced by a certificate of completion of a program of study recommended by the Nation's Cultural Resources Department and approved by the Tribal Council.

B. Persons who meet the above minimum criteria of Section 603 (A) 1-5 are not automatically entitled to become Adopted Members of the Nation. Persons who wish to be considered for adoption into the Nation must submit a petition for adoption into the Nation, which shall be reviewed by the Enrollment Board. The Enrollment Board shall make a recommendation to the Tribal Council as to the Adoption request. The Tribal Council shall have sole discretion in determining whether a person shall be adopted into the Nation and shall only authorize adoption through an official Resolution.

C. Denials of Petitions for Adoption. Every denial of petition for adoption into the Nation shall be in writing. Except as provided in Section 603 (D) below, denials of petitions for adoption shall not be appealable to Tribal Court.

D. Appeal by Spouses of Tribal Members and adopted children. Denial of a petition for adoption into the Nation by either a Spouse of a Tribal Member or an adopted child of a Tribal Member, who meets the criteria of Section 603 (A), may be appealed to the Tribal Court. Such appeal must be filed within thirty (30) calendar days from the date of denial. The Tribal Court shall overturn the Tribal Council's decision only when such decision is arbitrary and capricious. If a question arises as to whether a person is a spouse or adopted child of a Tribal Member, the Tribal Court shall resolve the matter as well.

E. Rights of Adopted Members. Members adopted into the Nation shall have all the benefits, rights and responsibilities as all other Members, except as otherwise limited or excluded by this Enrollment Code or other Codes enacted by the Tribal Council.

Section 604. Not Eligible

No person is eligible for enrollment with, or shall be enrolled in, the Yavapai-Apache Nation if the person:

- A. Is enrolled in another Tribe;
- B. Except as provided in Section 902 E., Is an adult who has relinquished their enrollment with the Yavapai-Apache Nation as an adult no matter when the relinquishment occurred; or

- C. Is an adult who has, as an adult (defined as eighteen years of age and older), received any land, home-site lease, other property, or **anything** considered to be of monetary value by virtue of being an enrolled member of another Tribe.

CHAPTER VII: ENROLLMENT PROCEDURES

Section 701. Who May File an Application for Enrollment

A. Any person who is eighteen (18) years of age or older, or otherwise legally emancipated, may file an Enrollment Application with the Enrollment Department.

B. An Enrollment Application for a non-emancipated minor under the age of eighteen (18) years or for any other person who is incapacitated or incompetent may be filed with the Enrollment Department by such person's parent or parents, legal guardian, or a duly appointed tribal agent (e.g. caseworker, ICWA Coordinator, etc.). The person applying for enrollment of a non-emancipated minor or an incapacitated or incompetent person must provide documentation showing that he or she has the legal authority to act on behalf the non-emancipated minor, or the incapacitated or incompetent person.

Section 702. Enrollment Applications

A. All persons who wish to be enrolled as a member of the Yavapai-Apache Nation shall complete and file an application with the Enrollment Department either in person or by mail. Upon receipt of an application, the staff of the Enrollment Department shall notify the Applicant in writing that the Enrollment Department has received his/her application. The Enrollment Department shall be responsible for officially recording the date upon which an application is received. The official Enrollment Application and the application for Membership by adoption shall be developed by the Enrollment Department subject to review by the Enrollment Board and shall include at a minimum the following information:

1. ENROLLMENT APPLICATION

- a. Applicant's name and all names by which the Applicant is or has been known as, date of birth, gender, mailing and physical address, social security number, and degree of Yavapai-Apache Blood, and total degree of any other Indian Blood listed by Tribe; and
- b. Name or names of the Applicant's biological parent(s), including the name of their tribe or tribes, if any, and degree of Indian Blood of the Applicant's parent or parents; and
- c. Name or names of the Applicant's biological grandparent or grandparents, including the name of their tribe or tribes, if any, and degree of Indian Blood of the Applicant's grandparent or grandparents; and

- d. Family Tree Chart (genealogy) that shows the Applicant's connection to the Base Roll, and may include Traditional or Cultural Clans or Bands if known; and
- e. Applicant's signature or the signature of the person filing on behalf of the Applicant (See Section 701 B); and
- f. Certification (which must be notarized) that the Applicant:
 - i. is not currently enrolled in any other Tribe;
 - ii. is or is not an adopted child;
 - iii. is or is not a direct descendant by blood of a Yavapai-Apache Nation Member listed on the Base Roll; and
 - iv. that the information given in the application is true and accurate; and
- g. A statement reminding the Applicant or the person applying for enrollment of a non-emancipated minor, or an incapacitated or incompetent person that it is a criminal offense under the Nation's Law to present false or untrue information; and
- h. Any other pertinent information requested by the Tribal Council, Enrollment Board or the Enrollment Manager.

2. APPLICATION FOR MEMBERSHIP BY ADOPTION

- a. In addition to Section 702, Subsections (A) 1, a-h as listed above, a person filing for membership by adoption must also provide in their application:
 - i. Proof of Residency; and
 - ii. Letters of support (but not from immediate family members defined as spouses, parents, children, siblings; including halves and steps in each applicable instance) from five different Members, which Members cannot be from the same household supporting Good Standing within the community.

- 3. The burden of proof for establishing eligibility for enrollment shall be upon the Applicant by clear and convincing evidence.

Section 703. Blood Quantum and Determination of Paternity or Maternity

A. The degree of Indian Blood of the Applicant shall be determined by adding one-half (1/2) of the degree of Indian Blood of each biological parent as shown on the Official Membership Roll of the Nation or on the Certificate of Indian Blood or other official enrollment document from a federally or state recognized Tribe.

B. A man is presumed to be the father of a child if he and the mother of the child were married at any time in the ten (10) months immediately preceding the birth or the child is born within ten (10) months after the marriage is terminated by death, annulment, divorce, or legal separation, and the man's name is on the child's birth certificate. In all other circumstances, paternity may be established through the following:

1. The man's name is on the child's birth certificate and he has acknowledged paternity through a notarized or witnessed affidavit; or
2. The man has acknowledged paternity through a notarized or witnessed affidavit; or
3. Genetic testing reflecting a 99% or greater probability that the man is the father; or
4. A valid court order determining paternity.

C. A woman is presumed to be the mother of a child if the woman's name is on the birth certificate.

D. In cases of adoption, paternity and/or maternity may be established through the following:

1. Pre-adoption birth certificate;
2. Genetic testing reflecting a 99% or greater probability that the man is the father and/or the woman is the mother; or
3. A valid court order determining paternity and/or maternity.

E. Notwithstanding Section 703(B), (C) and (D) above, the Tribal Council may request that proof of paternity or maternity for purposes of tribal membership be established through the Tribal Court as provided in Article II, Section 3 of the Constitution.

Section 704. Review of Enrollment Application

A. The Manager of the Enrollment Department and the Enrollment Board shall meet to review and discuss the information contained in each application that is completed. An application is complete as determined by the Enrollment Department. The purpose of the meeting is to determine the eligibility for membership of the Applicant before making a recommendation to the Tribal Council. The Enrollment Department shall, as appropriate, research, interview, and request in writing any additional information deemed pertinent in establishing the Applicant's eligibility for Membership. All completed applications received by the Enrollment Department shall be presented to the Enrollment

Board at the next regularly scheduled meeting of the Enrollment Board provided that the completed application is received at least five (5) working days prior to the meeting.

B. All enrollment applications shall be reviewed pursuant to the Nation's law in effect at the time a completed enrollment application is submitted to the Enrollment Department for action.

Section 705. Decision by Tribal Council

A. The Enrollment Board shall make a recommendation to the Tribal Council regarding the enrollment eligibility of each applicant. These recommendations will be presented to the Tribal Council by the Enrollment Department for Tribal Council approval or denial. Tribal Council approval or denial of enrollment shall be by Tribal Council Resolution.

B. The Manager of the Enrollment Department shall promptly notify the Applicant in writing of the decision by the Tribal Council. For those enrolled by the Tribal Council, the Manager of the Enrollment Department shall add the name to the Official Membership Roll, issue a Certificate of Indian Blood and a Yavapai-Apache Nation membership card to each Applicant who has been accepted into membership by Resolution.

Section 706. Moratorium on New Enrollments

The Tribal Council may institute a moratorium on new enrollment applications when deemed necessary for a valid governmental reason. Any such moratorium shall not apply to enrollment applications for children subject to an Indian Child Welfare Act proceeding or a dependency proceeding in the Nation's Tribal Court.

CHAPTER VIII: OFFICIAL MEMBERSHIP ROLL

Section 801. Responsibilities of Enrollment Department to Maintain

The Manager of the Enrollment Department shall be responsible for maintaining one current Official Membership Roll for the Nation. The Official Membership Roll shall be confidential. The Enrollment Department shall keep the Official Membership Roll current by adding the names of new Members, by changing the status of deceased Members and those who have been dis-enrolled or who have relinquished enrollment, and by updating the addresses of Members as they become known. The Enrollment Department shall be responsible for maintaining a list of deceased Members.

Section 802. Contents of Official Membership Roll

A. The Official Membership Roll shall contain at a minimum the following information:

1. Name;
2. Tribal Roll Number;

3. Current Address;
4. Gender;
5. Date of Birth;
6. Degree of Yavapai-Apache Indian Blood;
7. Total degree of Indian Blood listed by Tribe;
8. Date of Enrollment and Constitutional authority for Enrollment;
9. Clan/Band lineage, if known; and
10. Any other pertinent remarks or information.

Section 803. Procedures for Correction of Official Membership Roll – Blood Quantum Corrections

A. Applications to Correct Blood Quantum.

1. Any Member may file an application for a Blood Quantum correction with the Enrollment Department for correction of the member's Blood Quantum or that of a minor dependent.
2. All applications shall be accompanied by documents supporting the requested change. To the extent reasonably possible, the Enrollment Department shall verify the information in the supporting documents accompanying the application.

B. Burden of Proof. In all proceedings regarding Blood Quantum corrections, the applicant shall be required to prove by clear and convincing evidence that a Blood Quantum other than that listed on the Official Membership Roll, for the person whose Blood Quantum is at issue, is the correct Blood Quantum, and also to establish what the precise Blood Quantum to be listed on the Official Membership Roll should be. There shall be a presumption, rebuttable by the applicant that the Blood Quantum listed on the Official Membership Roll is correct.

C. Review of Applications. The Manager of the Enrollment Department and the Enrollment Board shall meet at the next regularly scheduled meeting of the Enrollment Board following receipt of the application and verification of documentation to review and discuss the application. The Enrollment Department shall, as appropriate, research, interview, and request in writing any additional information deemed pertinent.

D. Decision by Tribal Council.

1. The Enrollment Board shall make a recommendation to the Tribal Council regarding each application to correct Blood Quantum. The Enrollment Department will present each recommendation to the Tribal Council for approval or denial. Tribal Council approval or denial of an application to correct Blood Quantum shall be by Tribal Council Resolution. The current and proposed Blood Quantum is not required to be stated in the Resolution but must be

clear from the supporting documentation provided to the Tribal Council and maintained in the enrollment records.

2. The Manager of the Enrollment Department shall promptly notify the applicant in writing of the decision of the Tribal Council. For those applications that are approved by the Tribal Council, the Enrollment Department shall make the correction to the Official Membership Roll and issue a new Certificate of Indian Blood to the affected Members.

Section 804. Procedures for Correction of Official Membership Roll – Other Corrections

A. Technical Corrections. The Enrollment Department may make corrections to the Official Membership Roll when deemed necessary to correct a misprint, spelling error, incorrect date of birth, and other similar technical errors. The Enrollment Department shall identify the possible error and confirm through enrollment records and other supporting documentation, such as a birth certificate, as deemed necessary to confirm the error and determine the correction.

B. Corrections Due to Status Change. The Enrollment Department may make corrections to the Official Membership Roll when deemed necessary due to a change in a Member's status, such as a name change. Any Member may file a written request with the Enrollment Department to correct information on the Official Membership Roll for that Member or the Member's children. All requests for correction shall be accompanied by documents supporting the requested change, such as an official copy of the marriage license, court order, etc. The Enrollment Department shall promptly review the request and supporting documentation and determine if a correction is necessary.

CHAPTER IX: REMOVAL FROM MEMBERSHIP

Section 901. Removal

There are two ways a person may be removed from membership in the Yavapai-Apache Nation: 1) voluntarily (per Section 902); or 2) involuntarily (per Sections 903 through 908).

Section 902. Voluntary Relinquishment

A. Any adult may voluntarily have his or her name removed from the Official Membership Roll of the Yavapai-Apache Nation by relinquishing membership in the Yavapai-Apache Nation.

B. Relinquishment of membership shall be started by submitting to the Enrollment Department a notarized statement of relinquishment on a form required and provided by the Enrollment Department.

C. In the case of a non-emancipated minor under the age of eighteen years, or in the case of an incompetent or incapacitated person, no relinquishments will be allowed, absent the consent of the parent(s). If there are two parents and they are unable to agree upon relinquishment of their non-emancipated minor's Membership, or if the non-emancipated minor is a ward of the Tribal Court, then relinquishment will only be allowed by order of the Tribal Court. A non-emancipated minor whose Membership in the Yavapai-Apache Nation is relinquished under this paragraph may be eligible to reapply for enrollment after reaching the age of eighteen (18) if not precluded from Membership pursuant to Section 604 (C) of this Code.

D. No conditional relinquishments will be allowed.

E. If a Member over eighteen (18) years of age relinquishes Membership in the Yavapai-Apache Nation, that person cannot re-enroll in the Nation if:

1. He or she enrolled in any other Tribe between the time of relinquishment to the time of attempted re-enrollment in the Nation;
or
2. He or she has already re-enrolled in the Nation at least once before following a prior voluntary relinquishment.

F. Once a request for relinquishment is accepted by the Tribal Council through Resolution, relinquishment of Membership in the Nation shall be complete and a person can only be enrolled once again into the Membership of the Nation under the circumstances contained in Sections 902 (C) and (E) above. Other than for circumstances falling under Sections 902 (C) and (E) above, no person who has relinquished Membership in the Nation shall be enrolled again into the Nation and in such instances, no right of review shall exist. The names of all persons who have relinquished Membership in the Nation shall be deleted from the Official Membership Roll.

Section 903. Dis-Enrollment (Involuntary Removal)

A. All recommendations for dis-enrollment shall be initiated by the Enrollment Department. The Enrollment Board shall review and approve the dis-enrollment recommendations for Tribal Council consideration.

B. The grounds for dis-enrollment may be:

1. Dual enrollment as proscribed by the Constitution and by Chapter 10 of this code;
2. Enrollment based on false information, a forged document, other fraud, or administrative error; or
3. A change of paternity impacting a member's continuing eligibility for membership.

C. The Clerk of Court shall immediately notify the Enrollment Department of any change of paternity which may affect a Member's continuing eligibility for Membership.

Section 904. Dis-Enrollment Procedures

A. Notice. Any person or the parent(s) or legal guardian of a non-emancipated minor who faces involuntary removal from Membership in the Yavapai-Apache Nation shall be served written notice by the Enrollment Department of the intended removal. The written notice shall contain at a minimum:

1. the grounds for the dis-enrollment;
2. the facts supporting the grounds for disenrollment;
3. notification that the person or the non-emancipated minor has sixty (60) calendar days after receiving the involuntary removal notice to:
 - a. contest the dis-enrollment action by submitting a written response to the Enrollment Department containing the basis for contesting the dis-enrollment; and
 - b. in the written response contesting the dis-enrollment, request that the matter be resolved in a hearing before the Enrollment Board; 1) with the contestant present and given an opportunity to be heard; or 2) solely upon the information submitted to and in the possession of the Enrollment Board; and
4. any other notification information that may be required under Section 1002 below.

B. Failure to respond to the Enrollment Department in writing within the sixty (60) calendar day window shall constitute grounds for the Enrollment Board to recommend to the Tribal Council that the person be dis-enrolled with no further requirement of a hearing or other action necessary to establish grounds for dis-enrollment.

Section 905. Dis-Enrollment Hearing and Scheduling

A. Upon receipt of a written request for a hearing, the Enrollment Board shall specify a hearing date and time not less than twenty (20) nor more than fifty (50) calendar days after the date such written request is received.

B. The Enrollment Board Chairperson may reschedule a hearing upon a showing that circumstances exist which requires an extension of time. The Enrollment Board also has the authority to grant a reasonable extension of time if requested by the person who

faces involuntary removal. Any request for extension of time shall be made to the Enrollment Department in writing which shall immediately refer the request to the Enrollment Board Chairperson or to the Enrollment Board who shall grant or deny in writing the request for an extension of time within three (3) working days of receipt of the request from the Enrollment Department.

Section 906 Conduct of Hearing; Burden of Proof

A. At the dis-enrollment hearing before the Enrollment Board, the person who is the subject of the dis-enrollment action shall have the right to present evidence, to be heard on his or her own behalf and to examine witnesses.

B. The Enrollment Board shall consider any matter or information relevant and material to the circumstances alleged to be grounds for dis-enrollment.

C. The burden of proving lack of grounds for dis-enrollment shall be on the party who is the subject of the dis-enrollment action.

D. All dis-enrollment hearings before the Enrollment Department and Board shall be recorded by electronic means. A transcript of the hearing shall be prepared within ten (10) working days of completion of the hearing. Copies will be made available to the person subject to dis-enrollment but only at the request and expense of the requesting party.

E. If the person who is the subject of the dis-enrollment hearing fails to attend the duly scheduled and noticed hearing after such person had requested that the hearing be done in his or her presence, such failure to attend shall constitute grounds for the Enrollment Board to recommend to the Tribal Council that the person be dis-enrolled with no further requirement of a hearing or other action necessary to establish grounds for dis-enrollment.

Section 907. Decision of Enrollment Board

A. Within ten (10) working days following the dis-enrollment hearing, the Enrollment Board shall consider the record and evidence presented at the hearing, if any, and shall by motion decide whether to dismiss the removal action or make a recommendation of dis-enrollment to the Tribal Council.

B. The person that is the subject of a dis-enrollment decision shall be notified in writing by the Enrollment Department of the Enrollment Board's decision within ten (10) working days after the decision is rendered.

Section 908 Final Decision by Tribal Council

A. Once a recommendation for dis-enrollment is submitted to the Tribal Council and accepted by the Tribal Council through Resolution, dis-enrollment shall be complete. For dis-enrollments based upon dual enrollment, the person dis-enrolled may

appeal that decision to the Tribal Court within twenty (20) business days (excluding the day of the decision) from the date of the Council's decision. No other involuntary dis-enrollment decisions of the Tribal Council may be appealed to the Tribal Court.

B. Following formal disenrollment in accordance with the procedures set forth in this Code, the names of persons dis-enrolled from the Nation shall be removed from the Official Membership Roll.

CHAPTER X: DUAL ENROLLMENT

Section 1001. Dual Enrollment Prohibited

No person who is found to be enrolled in another Tribe shall be eligible for enrollment in the Yavapai-Apache Nation. However, under certain circumstances, as set forth under Section 1002 below, a person who is dually enrolled can continue his or her enrollment with the Nation if he or she takes immediate steps to terminate his or her enrollment with the other Tribe upon being notified of the dual enrollment by the Enrollment Department. Notification for purposes of this Section shall be the same notification given to start the involuntary disenrollment process under Section 904.

Section 1002. Removal for Dual Enrollment; Exceptions

A. If the Enrollment Department receives credible information that a person enrolled with the Yavapai-Apache Nation is also enrolled in any other Tribe, the Enrollment Department shall:

1. immediately start the process for involuntary removal of that person as set forth in Chapter IX; and
2. set forth in the notification process under Chapter IX that all privileges, rights, interests, and claims such person may have had as a Member are immediately suspended for the duration of the involuntary removal proceedings. Any person found to have been dually enrolled but allowed to remain a Member following the involuntary removal proceedings:
 - a. shall have their privileges, rights, interests and claims restored as of the date involuntary removal proceedings are concluded; and
 - b. shall forfeit any privileges, rights, interests and claims that were suspended during the pendency of the involuntary removal proceedings.
3. If a Person is involuntarily removed from the membership of the Nation due to dual enrollment, then any assets that had not yet vested in such Person at the time the Person's rights and

privileges had been suspended shall be forfeited to the benefit of the Nation, or the Nation's enrolled members, as the case may be.

B. Any person who is the subject of dual enrollment involuntary removal proceedings, and was dually enrolled while under the age of 18 years or otherwise dually enrolled through no intentional fault of their own, shall have the opportunity to dis-enroll from the other Tribe and remain solely enrolled with the Nation; unless such person is prohibited from remaining enrolled in the Nation under Section 604 (B) or (C) above.

C. Any person who is the subject of dual enrollment involuntary removal proceedings where his or her disenrollment will impact the enrollment of his or her child(ren) with the Nation, that person shall have the opportunity dis-enroll from the other Tribe and remain solely enrolled with the Nation; unless such person is prohibited from remaining enrolled in the Nation under Section 604 (B) or (C) above.

D. All persons who are: 1) dually enrolled, and 2) are eligible to remain enrolled with the Nation under Sections 1002 (B) and (C) above, shall immediately take the steps necessary to become disenrolled from the other Tribe upon receiving the notice of involuntary disenrollment sent per Section 904.

E. At the time the Enrollment Board convenes its disenrollment hearing under Section 905, the person subject to disenrollment must prove to the satisfaction of the Enrollment Board that: 1) he or she is dis-enrolled from the other Tribe; or 2) has taken the dis-enrollment steps necessary that will allow the Enrollment Board to set a reasonable time period within which the person is to be dis-enrolled from the other Tribe. If, in the judgment of the Enrollment Board at the time of the dis-enrollment hearing, the person has not taken the steps necessary to diligently pursue disenrollment with the other Tribe, the Enrollment Board shall recommend to the Tribal Council that the person be involuntary dis-enrolled with the Nation.

CHAPTER XI: CONFIDENTIALITY

Section 1101. Duty to maintain confidentiality

The Enrollment Manager, Staff and Enrollment Board shall maintain the highest degree of confidentiality and integrity of all enrollment information, and information provided for that purpose as is consistent with the full performance of all duties, obligations and responsibilities prescribed by this Code.

Section 1102. Meetings

All meetings of the Enrollment Board and the Tribal Council regarding enrollment applications shall be held in executive session.

Section 1103. Access to records

A. Access to confidential enrollment documentation kept in the Enrollment Department shall be limited to the Enrollment Department Manager and Staff.

B. An alphabetical listing of enrolled members may only be made available for access upon Resolution by the Tribal Council. Except as otherwise provided by Resolution or Code, all requests for confidential information shall be submitted in writing to the Enrollment Department. Each request shall clearly set forth the information requested, the purpose and use for said information, the length of time needed, and contain an affidavit which affirms that the information will be used only for the stated purpose. The Enrollment Manager, as directed by the Enrollment Board, shall make the written recommendation thereon to the Tribal Council concerning each request. The original and all copies of alphabetical lists provided under this Section shall be returned to the Enrollment Manager after the reason for having access to this confidential information has ended. Notwithstanding the above, the Enrollment Manager may respond to inquiries from the Nation's Department of Social Services regarding the enrollment status of children subject to an Indian Child Welfare Act proceeding or a dependency proceeding in the Nation's Tribal Court, and may provide family tree information for such children to facilitate possible placements with relatives.

Section 1104. Security of Records

All permanent enrollment records shall be kept secured in a locked fireproof cabinet and to the extent feasible in a fireproof room.

CHAPTER XII: GENERAL PROVISIONS

Section 1201. Severability Clause

If a Court of competent jurisdiction shall in the future declare any provision of this Code invalid, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

Section 1202. Notice

A. Any notice to any person which is required to be or may be given under the provisions of this Code shall be given in writing by certified U.S. Mail, return receipt requested. All Members are required to keep their personal addresses current with the Enrollment Department.

B. In the event a returned receipt is not signed and returned within ten (10) working days after mailing or if returned in such manner as to indicate that the person entitled to receive notice may no longer reside at the posted address, the Enrollment Department via its Manager shall use its best efforts to determine the proper address and provide notice as may be appropriate.

C. Any person giving notice under this Code shall execute a proof of service certifying in writing as to each notice the date, place, method of delivery and upon whom it was served.

D. Nothing contained in this Notice Section shall in any way operate to change or be deemed to affect the time limitations hereafter set forth in this Code.

Section 1203. Effective Date; Repeal of Prior Law; Savings Clause

This Enrollment Code, as amended, shall become effective upon enactment by applicable Tribal Council Resolution. Upon enactment of this Code, as amended, all prior enacted codes or ordinances governing enrollment are hereby repealed. To the extent that any prior motion, resolution, ordinance, code, act, or other law of the Nation governing enrollment conflicts with any provision of the Code, the provisions of this Code shall control and the conflicting law is hereby repealed. To the extent that any prior motion, resolution, or act of the Tribal Council was made pursuant to the provisions of governing enrollment law in effect at the time of the Council action and such prior motion, resolution, or act vested a legally recognized interest, then those motions, resolutions and acts are hereby preserved.