



KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

KIOWA TRIBE RESOLUTION NO. KL-CY-2017-029

ENROLLMENT AND MEMBERSHIP ACT OF 2017

At a duly called Session of the Legislature of the Kiowa Tribe held this 11th day of November, 2017, the following Resolution and Law were adopted.

WHEREAS; the Legislature is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of the Constitution of the Kiowa Tribe; and,

WHEREAS; the Legislature has determined the need to enact a law to guide the enrollment and membership process, and the Office of Enrollment, to ensure the accuracy and integrity of the membership decisions of the Tribe.

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "ENROOMENT AND MEMBERSHIP ACT OF 2017".

CERTIFICATION

The foregoing resolution was duly voted upon by the Legislature on November 11, 2017, at a Session with a vote of (7) in favor and (0) opposed, (0) abstaining, and (0) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Rhonda Ahhaity
Secretary of the Legislature



LEGISLATURE - RESOLUTION NO. KL-CY-2017-029:

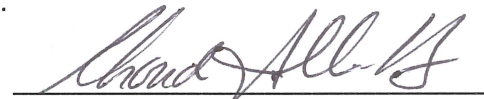
SPONSOR: Renee M. Plata, Speaker of the Legislature

CO-SPONSOR(S): Rhonda Ahhaitty, Secretary of the Legislature; Anita Onco-Johnson, Legislator; Dave Geimausaddle, Legislator; Ronald Poolaw, Sr.; Legislator; Modina Waters, Legislator; Ben Wolf, Legislator

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Rhonda J. Ahhaitty	X			
Renee M. Plata	X			
Ronald C. Poolaw, Sr.	X			
Dave Geimausaddle	X			
Anita Onco Johnson	X			
Modina Waters	X			
Ben Wolf	X			

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No.KL-CY-2017-029, was presented to the Chairman of the Kiowa Tribe on the 13th day of November, 2017, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.



Rhonda Ahhaitty
Secretary of the Legislature

CHAIRMAN'S ACTION:

[] APPROVED

[] VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this ____ day of _____, 201__.

Chairman

Presented by the Chairman to the Legislature on the ____ day of _____, 201__.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

[] YES

[] NO

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Rhonda J. Ahhaitty				
Renee M. Plata				
Ronald C. Poolaw, Sr.				
Dave Geimausaddle				
Antia Onco Johnson				
Modina Waters				
Ben Wolf				

CERTIFICATION

The foregoing resolution was duly voted upon by the Legislature on _____, 2017, at a meeting with a vote of () in favor and () opposed, and () abstaining pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.



Rhonda J. Ahhajtty
Secretary of the Legislature

**KIOWA TRIBE
RESOLUTION NO.**

Enrollment and Membership Act of 2017

TABLE OF CONTENTS

Section 1.1	<u>Authority</u>	1
Section 1.2	<u>Purpose</u>	3
Section 1.3	<u>Definitions</u>	3
Section 1.4	<u>Office of Enrollment</u>	6
Section 1.5	<u>Regulations</u>	6
Section 1.6	<u>Application for Membership in the Kiowa Tribe</u>	7
Section 1.7	<u>Preliminary Determination of Eligibility</u>	8
Section 1.8	<u>Relinquishment of Enrollment in Kiowa Tribe</u>	9
Section 1.9	<u>Final Determination of Eligibility</u>	10
Section 1.10	<u>Judicial Review</u>	10
Section 1.11	<u>Adding Applicant to Membership Roll</u>	10
Section 1.12	<u>Proof of Parentage</u>	10
Section 1.13	<u>Fraud</u>	10
Section 1.14	<u>Relinquishment of Membership</u>	11
Section 1.15	<u>Disenrollment and Removal from Membership Roll</u>	11
Section 1.16	<u>Standing to File Lawsuit</u>	12
Section 1.17	<u>Interim Rights and Dis-enrollees</u>	12
Section 1.18	<u>Effect on Existing Law</u>	12
Section 1.19	<u>Amendments</u>	12
Section 1.20	<u>Severability</u>	12
Section 1.21	<u>Sovereign Immunity</u>	13

Section 1.1 Authority.

a. Article IV of the Constitution of the Kiowa Tribe ("Constitution") defines the Requirements for Membership in the Kiowa Tribe ("Tribe") as follows:

“Section 1. Qualifying. Membership. The membership of the Tribe shall consist of the following persons, regardless of their residence:

(a) Upon approval of this Constitution, all original allottees of Kiowa Indian blood and/or Kiowa Captive blood shall be entitled to be enrolled as Members of the Tribe; provided, they are not disqualified for membership under Section 6 of this Article.

(b) Descendants of persons identified in Section I(a) of this Article shall be eligible for enrollment; provided, they file an application for enrollment with the Enrollment Office and possess at least one-fourth degree Kiowa Indian and/or Kiowa Captive blood. Upon determination by the Enrollment Office that an individual meets the requirements for membership, the individual shall be enrolled as a Member of the Tribe.

“Section 2. Allottee Blood Quantum. All persons identified in Section I(a) of this Article shall be deemed to possess four-fourths degree Kiowa Indian and/or Kiowa Captive blood for the purposes of computing eligibility of their descendants for membership under Section I(b) of this Article.

“Section 3. Acceptable Evidence. Persons whose parent or parents are not recorded on official records as Kiowa Indian(s) or Kiowa Captive(s) must prove by other acceptable evidence that they possess the required degree of Kiowa Indian and/or Kiowa Captive blood. Changes in degree of Indian blood from that shown in any records may be made in accordance with procedures established by the Legislature by law; provided, that any changes in blood degree shall be subject to the approval of the Bureau of Indian Affairs or its authorized representative.

“Section 4. Application Process. Applications for membership must be supported by birth certificates or authenticated copies thereof and/or other records, as required by the circumstances of each application as required by law. All evidence submitted with an application for membership shall be retained by the Records Management Office.

“Section 5. Adoption. Persons adopted by Kiowa Tribal Members shall not be eligible for membership in the Tribe unless they otherwise qualify for enrollment.

“Section 6. Dual Enrollment Restriction. Persons who are enrolled as a member of another tribe shall not be eligible for enrollment with the Tribe if such person has, by virtue of such enrollment, received benefits of land or money. Any person who is enrolled as a member of another tribe and who has not received benefits of land or money shall be eligible for membership in the Tribe; provided, that such person files with both Tribes a formal relinquishment of membership in the other tribe.

Any person found to be enrolled as a member of another Indian tribe shall be notified of such dual enrollment status by certified mail, return receipt requested. If such person has not received benefits of land or money as defined in Section 6 above, such person shall be given ninety days from the date of receipt of the notice in which to elect the tribe in which they wish to retain their membership. In the event such person does not notify the Enrollment Office as specified above, the name of such person shall be removed from the membership roll.

“Section 7. Enrollment Officer. The Chairman shall nominate an Enrollment Officer who shall be subject to confirmation by the Legislature; provided, that if the Legislature takes no action on the nomination within thirty days of presentment, then the nomination shall be deemed confirmed. The Enrollment Officer shall implement the laws enacted by the Legislature regarding membership.

“Section 8. Membership Laws. The Legislature shall have the power to enact laws governing the loss of membership and future membership, including adoptions, consistent with this Constitution.

“Section 9. Minors and Relinquishment of Membership. Notwithstanding the provision of

Article IV, Section 6, any person who, as a minor, accepted land or monetary benefits as a member of another Indian tribe, shall have the option of relinquishing membership in the other Indian tribe and becoming a Member of the Tribe, no later than one year after such person attains the age of eighteen.”

b. Article VI, Section 6(a) of the Constitution grants the Legislature the power to make laws.

c. Article IV, Section 7 of the Constitution grants the Legislature the power to make laws governing Membership.

d. Article VII, Section 1(c) of the Constitution grants the Legislature the power to establish Executive Departments by law.

e. Article I, Section 1(k) of the Constitution prohibits the Tribe to deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.

Section 1.2 Purpose. To establish within the Executive Branch an Office of Enrollment (“Office”), to impose requirements and procedures upon the Office for making determinations on Membership and to maintain one Official Membership Roll of all Members.

Section 1.3 Definitions. For purposes of this Title, these words have the following definitions and will be identified throughout this document by capitalization:

a. “Adverse Action” means an Final Determination on Eligibility that finds an Applicant to be ineligible for Enrollment or a Final Determination of Removal that finds a Member shall be subjected to dis-enrollment.

b. "Affected Member" means a Member who is subject to removal from the Membership Roll as an ineligible Member.

c. “Affiant” means a Member of the Kiowa Tribe who is at least eighteen (18) years old and who signs an Affidavit in accordance with this Code.

d. “Affidavit” means a written or printed declaration or statement of facts, made, voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oath or affirmation, such as a Notary Public.

e. “Applicant” means the person whose name will be added, if determined to be eligible, to the Membership Roll.

f. “Application” means the Application for Membership.

g. “Application for Enrollment Form” means the form provided by the Enrollment Office to a potential applicant and then returned by such Applicant to the Enrollment Office.

- h. "Application Packet" means the one self-contained packet provided to a person seeking to apply for Enrollment.
- i. "Attorney General" means the designated general counsel for the Tribe situated within the Executive Branch.
- j. "Benefits of land or money" shall mean actual property or currency, including any other thing of value obtained by virtue of Membership.
- k. "Challenge" means a written, signed, and notarized communication to the Office of Enrollment providing evidence or information adverse to a Preliminary Determination on Eligibility.
- l. "Clear and Convincing Evidence" means evidence that establishes, in aggregate with all other admitted evidence, that the claim or fact asserted is more likely than not true.
- m. "Confidential Information" means any information about a person that is received and maintained by the Office of Enrollment for the purpose of determining eligibility for being enrolled, including but is not limited to: (1) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date, and place of birth, mother's maiden name; and (2) any other information that can be linked to a person, such as educational, financial, and employment information.
- n. "Constitution" means the Constitution of the Kiowa Tribe.
- o. "Court" means the court of the Kiowa Tribe.
- p. "Day" means a period of twenty-four (24) hours.
- q. "Deficiency Notice" means a written communication to an Applicant or Sponsor that a Submitted Application Packet is not complete or does not comply with all requirements.
- r. "Disenrollment" means an official action by the Office of Enrollment pursuant to the Constitution and this Code which removes a Member from the roll.
- s. "District" means one of the seven (7) Districts of the Kiowa Tribe established pursuant to Article VI, Section 2 of the Constitution.
- t. "DNA" is the acronym for deoxyribonucleic acid, which is that nucleic acid that carries the genetic information in the cell and is capable of self-replication.
- u. "Frivolous" means groundless or not substantiated with fact.
- v. "Kiowa Blood" means the quantum of Kiowa Blood in a person's lineage as it appears in Article IV, Section 1 of the Constitution.
- w. "Indian Tribe" or "Tribe" means any Tribe, Band, Tribe, Rancheria, Pueblo, Colony

or Community, including any Alaskan Native entity, which is federally recognized as a sovereign political entity by the United States.

x. "Legally Incompetent" means a Member who due to physical or mental condition, as determined by a court of competent jurisdiction, is incapable of understanding the consequences of his or her actions. The pendency of a non-Kiowa court-ordered guardianship, conservatorship, or receivership will be good and sufficient evidence establishing Legal Incompetence, unless a Kiowa court, based upon the totality of the circumstances of the case, determines otherwise.

y. "Legal Guardian" means a person who is recognized by court order as having the legal authority to care for the personal and property interests of another person, called a ward.

z. "Legal Parent" means a parent with legal custody of a child that has not had their parental rights terminated or does not have an active child protection order or family court order that diminishes parental responsibility. Parents who have legally adopted a Kiowa member will be considered the legal parents. A Legal Guardian of a Kiowa member under the age of 18 years will be considered the Legal Parent.

aa. "Malicious" means the state of mind exercised to make a claim to remove an enrolled Tribal Member from the roll when the claim is knowingly wrongful and done intentionally without just cause or reason or as a result of ill will and known to be without a factual basis to support the claim.

bb. "Member" means any person listed on the Membership Roll of the Kiowa Tribe.

cc. "Membership Roll" means a record of each and every duly enrolled Member of the Kiowa Tribe, which includes legal names, identification number, and date of birth.

dd. "Minor Child" means a biological child under eighteen (18) years old.

ee. "Non-Member" means any person whose name is not listed on the Official Membership Roll of the Kiowa Tribe.

ff. "Office" means the Office of Enrollment.

gg. "Operating Manual" means a handbook of internal rules, processes, and procedures adopted by the Office of Enrollment

hh. "Power of Attorney" means a form that represents a voluntary and informed written authorization for the Office to act with a limited Power of Attorney on behalf of the Applicant to contact all other affiliated Tribes and the Bureau of Indian Affairs for information on Membership and Degree of Indian Blood.

ii. "Release" means a form that represents a voluntary and informed written authorization for the Office to publish an Applicant's Name after receiving a Submitted Application Packet and prior to making a determination of eligibility.

jj. "Record of Decision" means a written thorough explanation of all constitutional provisions, laws, regulations, and reasoning used to reach Preliminary and Final Determinations on Eligibility.

kk. "Regulations" means the governing procedures for the Office of Enrollment.

ll. "Relinquishment" means voluntary withdrawal of Membership in a federally recognized Indian Tribe resulting in disenrollment from that Tribe.

mm. "Sponsor" means a parent, grandparent, great-grandparent, stepparent, Legal Guardian, or any person who has maintained a relationship similar to a parent-child relationship, or a Social Worker, and who may be a Sponsor of a person who is a minor, deceased, incompetent or otherwise lacks the capacity to file an Application or Appeal.

nn. "Submitted Application Packet" means a completed Application Packet that has been submitted and date-stamped and signed by the Enrollment Office as having been submitted.

oo. "Technical Correction" means a correction made by the Enrollment Office to the Membership Roll that does not affect a person's Membership, eligibility or for Membership, or blood quantum.

Section 1.4 Office of Enrollment.

a. There is hereby established within the Executive Branch an Office of Enrollment. The Office shall maintain the Membership Roll, including making determinations on eligibility, and taking actions of Enrollment and Disenrollment in accordance with the Constitution, Code, and applicable regulations.

b. The Office shall prepare and promulgate Regulations consistent with the Constitution and laws of the Tribe in furtherance of the Office's delegated duties.

c. The Office shall adopt internal Policies and Procedures to fulfill its obligations under the Constitution and Enrollment laws.

d. The Office shall maintain confidentiality of all Membership information consistent with the Constitution, the Code, and other applicable laws of the Tribe.

e. The Tribal Enrollment Officer shall make all necessary Technical Corrections to the Roll.

f. The Office shall maintain updated Membership Role Information including but not limited to: addresses of adults and minors, name changes, and applicable custody or adoption records.

Section 1.5 Regulations for Reviewing Applications and Making Determinations.

a. The Office of Enrollment shall develop Regulations for carrying out the duties required in this Title. Regulations shall not be inconsistent with the Constitution, the Enrollment and

Membership laws, or any other laws of the Tribe. If any inconsistency shall be found by the Office or by a court of law between Regulations and the Constitution or the Code, the Constitution and laws shall supersede Regulations.

b. Regulations by the Office shall include but not be limited to establishing processes and procedures for:

- (1) reviewing and rendering determinations upon Applications for Enrollment;
- (2) verifying the identity of an Applicant;
- (3) verifying the authenticity of documentation submitted by the Applicant;
- (4) for determining eligibility for Enrollment and Membership in accordance with the Constitution and Code;
- (5) verifying that an Applicant is not enrolled in another Tribe; and
- (6) verifying that the Applicant has relinquished membership in another Tribe if enrolled or once enrolled in another Tribe.

c. Regulations shall include but not be limited to setting standards for:

- (1) evidentiary requirements to determine an Applicant's identity; and
- (2) evidentiary requirements to determine an Applicant's eligibility.

d. The Office of Enrollment shall develop an Operating Manual setting out its own operating procedures.

Section 1.6 Application for Membership in the Kiowa Tribe.

a. The burden of applying for Enrollment and Membership shall be upon the Applicant or Applicant's Sponsor, including production of documents and meeting all requirements.

b. Any person may request an Application for Enrollment. Any such request shall be in writing and shall provide the potential Applicant's name and domiciliary postal mailing address.

c. In response to a request for an Application for Enrollment, the Office shall mail one envelope to the potential Applicant or Sponsor which shall include:

- (1) a written acknowledgement of receipt of the request; and
- (2) an Application Packet.

d. An Application Packet provided by the Office of enrollment to an Applicant shall include:

- (1) A written list of all the forms and documents required to constitute a completed Application;
- (2) An Application for Enrollment Form;
- (3) Written instructions on how to fill out the Application Form;
- (4) A list of potential penalties or fines that the Applicant or Sponsor may be subject to as provided in the Code; and,
- (5) A copy of the Office's Operating Manual.

e. An Applicant or Sponsor may submit a Application Packet to the Office of Enrollment via mail or in person.

f. The Office of Enrollment shall determine whether a Submitted Application Packet is complete and includes all required forms and documents without concern for the accuracy of their contents at this stage of the process.

g. In order to be deemed complete by the Office, a Submitted Application Packet shall include:

- (1) a completed and signed Application for Enrollment Form as provided by the Office;
- (2) a signed and notarized Release Form as provided by the Office authorizing the Office to contact another Tribe for proof of membership status or other affiliation information;
- (3) the following additional documents or information:
 - (A) birth certificate or certified copy of birth certificate;
 - (B) copy of United States Social Security Card;
 - (C) any applicable court orders concerning (i.e., marriage, divorce, guardianship, legal custody, child placement, power of attorney, etc.); and
 - (D) adoption documents and information, if applicable.

h. If the Office of Enrollment determines that a Submitted Application Packet is complete, the Office shall sign and date-stamp the Submitted Application Packet and provide a copy to the Applicant or the Sponsor.

i. Upon making a determination that a Submitted Application Packet is incomplete, the Office of Enrollment shall mail to the Applicant or Sponsor via certified U.S. mail a written Deficiency Notice explaining with specificity any and all deficiencies, the opportunity to make corrections, and applicable deadlines, if any.

j. All Applicant fees and costs, including any laboratory fees or research costs, shall be paid by the Applicant or Sponsor of the Applicant and shall not be paid in whole or in part by the Office of Enrollment.

Section 1.7 Ad Hoc Committee to Review Enrollment Decisions

(a) There is hereby established an Ad Hoc Committee to Review Enrollment Decisions. The Chairman shall activate the Ad Hoc Committee each and every time the Office of Enrollment and Membership begins to process a Submitted Application Packet. The Chairman shall select the members of the Ad Hoc Committee from among non-political management-level employees of the Tribe, provided such employee members of the Ad Hoc Committee are enrolled members of the Tribe.

The Ad Hoc Committee shall complete a review of every Preliminary Determination of the Office described in Section 1.8 within twenty days of the Office of Enrollment issuing a Preliminary Determination and shall provide a written explanation of the findings of its review to the Office of Enrollment, the Office of the Chairman, and each Member of the Legislature, and the written review shall become part of the Record of Decision.

Section 1.8 Preliminary Determination of Eligibility for Enrollment and Membership.

a. Within sixty (60) calendar days of date-stamping a Submitted Application Packet, the Office of Enrollment shall make a Preliminary Determination of Eligibility.

- (1) The Office shall base its written Preliminary Determination of Eligibility on a thorough investigation of each required form, document, and any other relevant information included in the Submitted Application Packet;
- (2) The Office shall prepare a Notice of Preliminary Determination which shall include the Applicant's name only;
- (3) The Office shall also prepare a written Record of Decision explaining the basis of its Preliminary Determination;
- (4) The Office shall provide to the Applicant:
 - (A) the actual written Notice of Preliminary Determination of Eligibility to the Applicant; and
 - (B) the written Record of Decision.
- (5) The Office shall provide a copy of the Notice of Preliminary Determination to the Chairman, the Ad Hoc Committee on Enrollment Review, and the Legislature.
- (6) The Office of Enrollment shall publish Notice of a Preliminary Determination in a newspaper or newsletter as designated by law.

b. Any Member of the Kiowa Tribe shall have standing to submit a Challenge to a Preliminary Determination.

- (1) A Challenge must be submitted to the Office within 30 days of publication of a Notice of Preliminary Determination on Eligibility,
- (2) A Challenge must state with specificity and provide documentation of the substance of the disagreement.
- (3) The Office shall prepare a written Notice of Challenge which shall include the Applicant's name.
- (4) The Office shall provide actual Notice of Challenge to the Applicant, the Chairman, the Ad Hoc Committee on Enrollment Review, and the Legislature.
- (5) The Office of Enrollment shall publish Notice of Challenge in the same newspaper or newsletter in which the Notice of Final Determination was published.

c. If a Challenge is filed, the Office shall reach a written decision on the Challenge prior to issuing its Final Determination on Eligibility.

Section 1.9 Relinquishment of Enrollment in another Tribe.

a. An Applicant who is a Member of another Tribe or Tribes shall not be required to relinquish Membership in another Tribe until the Applicant has received a written Final Determination of Eligibility. The Office of Enrollment shall not include an Applicant's name on the Official Membership Roll until the Applicant has relinquished membership in any and all other Tribes in which the Applicant is enrolled and has provided a completed and notarized Verification of Relinquishment Form to the Office of Enrollment.

b. If an Applicant signifies membership in or affiliation with another Tribe, the Office of Enrollment shall:

- (1) request a Certificate of Blood Degree from such other Tribe or Tribes; and
- (2) Requesting from the United States Department of the Interior Bureau of Indian Affairs, pursuant to the signed Release form, information regarding the Applicant's Membership and Degree of Indian Blood status.

Section 1.10 Final Determination. Within ninety (90) days of date-stamping a Submitted Application Packet, the Office of Enrollment shall issue a Final Determination. The Final Determination shall include a Record of Decision.

Section 1.11. Judicial Review.

a. Any Member, Applicant, or Sponsor adversely affected by an adverse Final Determination may seek judicial review in the Kiowa Tribe Judiciary. Matters which may be reviewed shall include but not be limited to:

- (1) Final Determination regarding Eligibility for Membership;
- (2) a change in Blood Quantum that adversely affects a Member.

b. Such appeal must be filed within sixty (60) Days after the date on which the Office of Tribal Enrollment provides actual notice to the Applicant of a Final Determination.

Section 1.1 Adding Applicant to the Membership Roll.

The Office shall add an Applicant to the Membership Roll upon:

- (1) a Final Determination that an Applicant is eligible for Enrollment; and
- (2) the Applicant's relinquishment from any other Tribe or Tribes, if applicable; and
- (3) the period for Judicial Review has expired.

Section 1.1 Proof of Parentage.

a. Voluntary DNA testing will be an accepted method of proving biological parentage. The Applicant or Sponsor will be responsible for any fees associated with voluntary DNA testing.

b. All DNA test results shall remain confidential and the property of the Kiowa Tribe and will be stored in accordance with the Operating Manual of Office of Enrollment.

Section 1.1 Fraud. Any person who falsifies or knowingly submits false information on an Application or Removal may be subject to a fine of not more than One Thousand Dollars (\$1,000) imposed by the Trial Court. Any Member abetting the preparation of false documents or conspiring to submit false information will be subject to the same One Thousand Dollar (\$1,000) fine. In addition to the monetary fine, the Applicant's Application for Enrollment will be declared inactive for one (1) year.

Section 1.1 Relinquishment of Membership in the Kiowa Tribe.

- a. Any Member may voluntarily Relinquish Membership in the Kiowa Tribe.
- b. The Office of Enrollment shall issue regulations which establish procedures and forms for Voluntary Relinquishment of Membership.
- c. Upon receiving a request for an official relinquishment form or a writing expressing an intent to relinquish, the Enrollment Office shall provide in person or via certified postal mail a copy of the Relinquishment Form to the Member making such request.
- d. The official Relinquishment Form shall be accompanied by a written explanation of the consequences of Relinquishing Membership.
- e. A Member may submit a completed Relinquishment Form in person or via postal mail.
- f. The Enrollment Office shall not accept a Relinquishment Form that is not signed, dated, and notarized.
- g. Relinquishment shall become effective upon removal receipt of the Trial Court's certification by the Office of Tribal Enrollment, unless otherwise provided under the Code and will immediately terminate all rights, privileges, and benefits of Membership and the person's name will be removed from the Membership Roll.
- h. Relinquishment of a minor's membership.
 - (1) Any adult member parent wishing to relinquish a minor's membership must petition the Kiowa Trial Court.
 - (2) The child will be assigned a court appointed Guardian Ad Litem for the purpose of representing the best interests of the child.
 - (3) The documents to be filed will include:
 - (a) Letter requesting relinquishment;
 - (b) Completed form;
 - (c) Court orders related to child custody (if applicable).
 - (4) The Minor will be eligible for re-enrollment at the age of 18.
 - (5) Voluntary Relinquishment will become effective upon receipt of the Trial Court's certification by the Office of Enrollment, unless otherwise provided under the Code and will immediately terminate all rights, privileges, and benefits of Membership and the person's name will be removed from the Membership Roll
- i. Voluntary Enrollment by a Member in any other Indian Tribe will constitute Voluntary Relinquishment of Membership with the Kiowa Tribe.

Section 1.1 Dis-enrollment and Removal from the Membership Roll.

- a. All removal proceedings shall be conducted by the Kiowa Tribe Trial Court and Supreme Court.

(1) Any adult, enrolled Kiowa Member(s) may commence Disenrollment and Removal proceedings against a Member by filing in the Trial Court.

(2) Upon filing, the Trial Court shall hold a preliminary hearing within thirty (30) calendar days. This preliminary hearing is for the Court to determine if a prima facie case to support the removal of the affected Member has been presented, in order to proceed with removal hearings. If the court finds that there is not a prima facie case with sufficient evidence to proceed with removal hearings, the case shall be dismissed. If the court finds that a prima facie case for removal does exist, the court shall proceed with a removal hearing.

(3) A Member may only be removed from the Membership Roll if there is clear and convincing evidence that the Member does not meet the eligibility requirements established in Article IV, Section 1 of the Constitution.

(4) The Trial Court's final decision is subject to appeal to the Supreme Court.

b. If an Affected Member unlawfully retaliates or causes someone else to unlawfully retaliate against the Trial Court or the Member(s) who filed in the Court for removal, the affected member may be fined One Thousand Dollars (\$1,000).

c. If the Trial Court finds that the removal initiated by Member(s) was Frivolous and/or Malicious, the Trial Court will award the Affected Member a remedy of not more than Five Thousand Dollars (\$5,000), to be equally assessed against the Member(s) who filed, for defamation and hardship created for the Affected Member. In addition to the Five Thousand Dollar (\$5,000) remedy, the Trial Court may order the Member(s) who filed to also pay any other fees associated with the removal hearing, incurred either by the Affected Member or the Tribe, to include the cost of DNA analysis or other research, investigative, or evidentiary costs. The Court shall invite the Tribe as an interested party to this lawsuit.

Section 1.1 Standing to File Lawsuit. Any enrolled member of the Kiowa Tribe shall be deemed to have the standing to challenge a Preliminary Determination to Dis-enroll.

Section 1.18 Interim Rights and Responsibilities of Dis-enrollees. A Member shall not be relieved of any rights or responsibilities, privileges or duties, or benefits or burdens of Membership during a pendency of proceedings by the Office to dis-enroll such Member.

Section 1.1 Effect on Existing Law. This Code repeals and replaces any existing law or regulations governing Kiowa Tribe Enrollment and Membership and Ineligible Tribal Member Removal Procedures. All pending applications, voluntary relinquishments, and actions to dis-enroll an ineligible Member submitted to the Tribe prior to October 1, 2017 shall be administered under this Act.

Section 1. Amendments. This Act shall be subject to amendment by the Legislature.

Section 1.2 Severability. If any provision of this Act is determined by the Judiciary to be contrary to the Constitution, the invalid provision will be severed and the remaining provisions will be given full force and effect.

Section 1.2 Sovereign Immunity. Nothing in this Code will be deemed to waive the sovereign immunity of the Kiowa Tribe or any of its enterprises, officers, agents, or employees.