

# ENROLLMENT POLICIES AND PROCEDURES

## Filing an Application for Enrollment

### 1. Requirements

All applicants for membership in the Monacan Indian Nation whose names do not appear on the membership roll as of the date of Federal Recognition January 29, 2018 must apply for membership to the Monacan Indian Nation (hereafter know as MIN) Enrollment Department. Application for membership must be supported by original birth certificates and other records as required by the circumstances of each applicant. All evidence will be retained by the MIN Enrollment Department to support the records.

### 2. Persons Authorized to File Enrollment Applications

- A. A separate application must be filed by each individual seeking enrollment. An enrollment application may be filed on behalf of any person not listed on the MIN's Tribal Membership Roll.
- B. An application for a minor who is not emancipated must be filed by the minor's parent with such documentation (original certified birth certificate) of the parent's status/authority as required by the MIN, or by the minor's legal guardian or other legal custodian with a copy of the guardianship or legal custody order.
- C. An emancipated minor must file an application on his or her own behalf, with a copy of the order granting emancipated status.
- D. An application for an incompetent person must be filed by that person's legal guardian with a copy of the guardianship order.
- E. If it is discovered that any person on the current MIN rolls did not submit a complete application and/or provide supporting documents before being placed on the MIN tribal roll, that person shall be requested to provide such application and documentation before new ID Cards will be issued.

### 3. When and Where to File an Application

All Enrollment Applications must be filed with the Monacan Indian Nation Enrollment Department. Applications are available on the MIN official website. (*Detailed Enrollment Guidelines and Application Process Information will be found on the MIN official website.*) Written requests for an application packet to be mailed can be sent to [Enrollment@monacannation.com](mailto:Enrollment@monacannation.com) or Monacan Indian Nation, Attn: Enrollment Department, PO Box 960, Amherst VA 24521. Oral requests can be made by calling 434-363-4864. There is no deadline for filing enrollment applications. However, the Enrollment Department and/or Tribal Council may from time to time establish a deadline for filing of enrollment applications for specific purposes. **MIN Tribal Council or the Enrollment Department with approval from MIN Tribal Council may close rolls as needed for voting purposes, backlog of applications/updating of files and other unforeseen reasons.**

### 4. What the application must contain

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Each enrollment application must be completed in its entirety and contain personal information to properly determine the applicant's eligibility for enrollment. Incomplete applications will not be processed. The applicant will be notified by letter what is needed to complete their file. The enrollment application shall show the following:

- A. All names by which the applicant is or has been known.
- B. The mailing address of the applicant.
- C. The physical address of the applicant.
- D. The applicant's telephone number.
- E. The applicant's birthdate.
- F. The applicant's place of birth.
- G. Applicant's social security number.
- H. Applicant's gender
- I. Applicant's height
- J. Applicant's eye color
- K. Applicant's hair color
- L. The name of any federally recognized Indian tribe(s) other than the MIN from which the applicant is descended.
- M. The name of the base enrollee through whom the applicant is claiming eligibility for membership.
- N. The requirement of a "yes" or "no" answer to the question: Is the applicant an enrolled member of another tribe?
- O. The requirement of a "yes" or "no" answer to the question: Is the applicant an adoptee (i.e., adopted by a person or persons other than the adoptee's biological parent through judicial proceedings resulting in issuance of a final adoption decree)?
- P. Certification that the information given on the application is true and accurate as known by the applicant, parent or legal guardian.
- Q. Notarized signature of applicant, parent or legal guardian (with relationship to the applicant).
- R. Date the application was signed
- S. Preferred method of Contact

### 5. Documentation to accompany all applications

The burden of proving eligibility for enrollment is on the applicant. Incomplete applications will not be processed. The application must be accompanied by the following documentation:

- A. Applicant's **original State Issued Certificate of Live Birth**. The Certificate of Live Birth must contain a state file number, state seal and parent's names. If an amended birth certificate is provided, the original birth certificate shall also be provided. Original documents will be returned to applicant.
- B. In cases where the biological father's name does not appear on the Original State Issued Certificate of Live Birth or Amended State Issued Certificate of Live Birth, the following may be accepted for purposes of establishing eligibility for membership through the biological father:

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1. An order issued by a court of competent jurisdiction declaring a specific member of the MIN to be the biological father. This does not apply to default cases where the father was determined to be the biological father because of his failure to appear in court.
  2. A paternity test (obtained at the applicant's sole expense) determining the probability that a specific member of the MIN is the biological father of the applicant to be not less than 97%.
- C. Applicants with name different from Birth Certificate must provide original State or County issued marriage license(not keepsake marriage license) or copy of court order with seal verifying the name change.
- D. If neither the applicant's father nor mother is an enrolled member of the MIN, the applicant may prove their direct biological lineal descent with documentation that connects within 3 generations of a current or previously enrolled member of MIN OR by connecting back to the Monacan Original Rolls 1700. Acceptable forms of documentation for ancestors:
1. Copy of State Issued birth certificate with Monacan parent's name listed on it and a state seal. **Copies of Birth Registration Cards are NOT acceptable.**
  2. Copy of Original Census Record listing Monacan parent and child. (Print out from Ancestry.com is not acceptable unless accompanied by copy of Census Record.)
  3. Copy of State or County issued Marriage License with Monacan parent's name listed and bearing the state or county seal
  4. Copy of State issued Death Certificate with Monacan parent's name.
  5. State issued Social Service Record with Monacan parent's name listed with notary or seal for Child Support Records and/or Adoption Records.
  6. State issued Vital Records showing sealed adoption records.
  7. County Court House Records/Vital Records for Adoption or legal name change.
  8. State School Records with seal or notary.
  9. St. Paul's Mission Church Records and School Records with School Administrator's signature and on Church letterhead.
- E. Proof of Relinquishment of membership in any other tribe, band, or Indian community of which the applicant is a member. Membership in multiple tribes, bands, or Indian Communities is not allowed. Application will be denied if applicant is a member of another tribe, band or Indian community.

### Fees

Payment of fees will be required before ID Cards will be issued. Fees are subject to change and will be announced on the MIN website. **All fees are non-refundable.**

#### 1. Collection of Fees

- A. The following fees will be collected for these services:
1. Application Processing Fee for ages 19 to 64 -- \$150

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2. Application Processing fee for ages 18 and under, ages 65 and over, and college students ages 18-25 with a current College Student ID or proof of current College attendance/enrollment -- \$25
  3. Renewal Cards -- \$25
  4. New cards for current members on MIN rolls as of January 29, 2018 (date of Federal recognition) -- \$25
  5. Replacement Cards (for name and/or gender change only—proof required)--\$15.00. All other reasons including lost--\$25
- B. Collected fees will be deposited within 5 business days of receipt and allocated for Enrollment Department

### 2. Acceptable forms of payment

- A. Certified Cashier's Check
- B. Money Order
- C. Credit/Debit card (Mastercard/Visa/DISCOVER/AMERICAN EXPRESS only)
- D. Cash will only be accepted with a hand delivered application to the Business office

\*\*\*\*\*PERSONAL CHECKS ARE NOT ACCEPTED\*\*\*\*\*

### **Identification Cards**

- A. New ID Cards and Renewal Cards are valid for 5 years from the date of issue.
- B. Replacement cards (for name change/sex change/lost) will be valid through the time of the current expiration day on the current card
- C. Members who were on the MIN Rolls at the time of Federal Recognition (Jan 29, 2018) will be required to send in their Original Certified State Issued Birth Certificate along with the Current Member ID Card Application (found on the Official MIN website) and submit payment for the new style ID Cards. Payments made by credit/debit card will require the Credit and Debit Card Payment Form to be completed and submitted with Current Member ID Card Application.
- D. Signature Form for ID Card use only must be signed by applicants and members age 15 and over. This form is to be left blank for ages newborn to 14 years. The term "Unable to sign" will be placed in the signature portion of the ID Card for ages newborn to 14 yers.

### **Loss of Membership**

There are 2 ways in which membership in the MIN may be lost. One is voluntary and is called relinquishment. The other is involuntary and is called disenrollment.

- A. **Voluntary Relinquishment of Membership**

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1. By any adult member—Any adult member of the MIN may voluntarily relinquish his/her membership. A letter requesting relinquishment for an incompetent person must be filed by that person's legal guardian, who must provide a copy of the guardianship order.
2. By a minor member—Any emancipated minor who is a member of the MIN may voluntarily relinquish his/her membership on his/her own behalf. Such emancipated minor must provide a copy of the court order granting emancipated status. The membership of any minor member of the MIN who is not an emancipated minor may be relinquished by the minor's parent, who must submit such documentation of the parent's status and/or authority as required by the MIN, or by the minor's legal guardian who must submit a copy of the guardianship order. The relinquishment must be notarized. The Enrollment Department shall take great care to determine that the individual who signed the form has legal custody of the affected minor member. The minor's relinquishment shall then be processed the same as one for an adult.
3. Membership Relinquishment Request and effective dates—A separate relinquishment request must be filed by each person seeking relinquishment. Relinquishment requests must be in writing in a letter sent to the MIN Tribal Council and Enrollment Department, PO Box 960, Amherst VA 24521 and include:
  - a. explanation for the request
  - b. date of request
  - c. signature of the member making the request
  - d. enrollment number
  - e. notarized signature
  - f. ID Card must accompany relinquishment request
4. Process--The Enrollment Department shall note the date of receipt of the relinquishment request. The Enrollment Department shall then review the request and documentation as to the authority of the person to submit it. If documentation of authority is insufficient, the Enrollment Office shall notify the person who submitted the request and advise of the additional documentation needed.
5. Removal from the Roll—The Enrollment Department shall immediately notify the MIN Tribal Council and Tribal Administrator of receipt of membership relinquishment request. Council will have 30 business days to accept/reject request and notify Enrollment Department of said decision. The Enrollment Department shall mail written confirmation to member within 30 business days of Council's decision. Written confirmation shall be signed by Chief of MIN, Tribal Administrator and Enrollment Department. Confirmation letter will be mailed via US Postal Service, certified and return receipt requested.
6. Membership Relinquishment—An adult member who relinquishes his/her membership with the MIN waives his/her rights to future MIN membership. A minor member having his/her membership relinquished by a parent or guardian may apply for membership after he/she becomes 18 years of age. A new Application Packet must be completed to update records. However, such application shall be processed as if a member is renewing their membership, will retain the same enrollment ID number and they will pay the current Renewal Fee.

### **B. Involuntary Disenrollment**

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1. Authority—The MIN Judicial shall have the authority to disenroll any member who is found not to be eligible for tribal membership pursuant to the MIN’s membership requirements after having been initially approved for membership after the ratification of the Enrollment Policies and Procedures. The Membership of all persons whose names appear on the MIN Rolls on the date of Federal Recognition, January 29, 2018, cannot be contested by any MIN Tribe member or leader of the governing body.
2. Burden of Proof—The burden of proof in disenrollment actions rests with the Tribe.
3. Who may be disenrolled—A member of the Tribe *may* be disenrolled if the MIN Judicial Branch determines that he/she:
  - a. Has been erroneously enrolled as the result of the Tribe’s reliance on incomplete, misleading, inaccurate or fraudulent information or documentation supporting eligibility at the time of enrollment after the ratification of the enrollment policies and procedures.
  - OR b. was erroneously enrolled due to mistakes in inadequate research/documentation after the ratification of the enrollment policies and procedures.
  - OR c. is found to be currently enrolled with another federally recognized Indian tribe and does not relinquish the membership in the other tribe within thirty (30) days of receipt of a certified letter from the Enrollment Department informing him/her of the necessity to submit the required relinquishment.
  - d. acts against the tribe to be defined as, but not limited to the following:
    - (i) Stealing from the MIN after the ratification of enrollment policies and Procedures.
    - (ii) Intentional malice that produces a detrimental economic effect to the Nation.
    - (iii) Disclosure of confidential Personal Identifiable Information
4. Procedure for disenrollment—The member whose disenrollment is to be considered shall be notified by certified mail, return receipt requested, of the reason for the proposed disenrollment and of the date on which a hearing will be held by the MIN Judicial Branch to decide on the disenrollment action. After considering the evidence presented, either orally or in writing, by the member or the member’s representative as well as all other available evidence, the MIN Judicial shall notify Tribal Council of the decision. Tribal Council shall, by resolution, set forth this decision regarding the proposed disenrollment.
5. Persons who have been disenrolled *for reasons stated above in 3a, 3b or 3c* may submit a new application for membership when adequate documentation of eligibility has been obtained. Such application will be processed as though the individual had not previously been a member. Persons disenrolled for item 3d above, re-enrollment options will be determined by MIN Judicial Branch.

### Appeals

#### A. Eligible Appellants

The following persons shall be eligible to file an appeal:

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1. Any applicant who has been declined for membership.
2. Any person who has been disenrolled.

### **B. Notice**

If the MIN Council and Enrollment Department decides to decline an application for enrollment or disenroll an individual from the Tribe's membership roll, it shall:

1. Advise the individual in writing of their decision including the reason and what the decision was based upon;
2. Advise the individual in writing of the right to appeal the decision as described in this section and
3. Include the following statement of appeal rights:  
"Within 30 days of the receipt of the decision, you may appeal this decision under Appeals Sections C-F of the MIN Enrollment Policies and Procedures. Should you decide to appeal this decision, you may request a hearing on the record. An appeal to the Chief, Tribal Administrator and Enrollment Department Administrator (will be known as the Appeals Panel for the remainder of this section) shall be filed with the Enrollment Department by certified mail only to MIN, Attn: Appeals, PO Box 960, Amherst VA 24521."

### **C. Appellant Procedures**

1. If the individual decides to appeal, the notice of appeal must be filed with the Enrollment Department of the MIN within 90 days of the individual's receipt of the initial decision.
2. The individual should mail the appeal by US Postal Service via certified mail, return receipt requested. The date the appeal is received in the office will be considered the Filed-On date.
3. The notice of appeal shall:
  - a. Briefly state why the individual thinks the initial decision is wrong.
  - b. Briefly identify the issues involved in the appeal; and
  - c. State whether the individual wants a hearing, or whether the individual wants to waive the right to a hearing.

### **D. MIN Office Appeals Procedures**

Upon receipt of an appeal, the Enrollment Department shall make the appellant's file available to the Appeals Panel for review. The Appeals Panel shall set a date not less than twenty (20) days nor more than sixty (60) days from the date of mailing the notice for a hearing on the appeal. The Appeals Panel shall notify the appellant of the hearing by certified mail, return receipt requested. This notice shall outline clearly again the basis for the rejection of the appellant's application or the basis for the appellant's disenrollment. It shall also inform the appellant of his/her right to be heard in person or by representation. This notice shall also inform the appellant that new evidence may be presented for consideration.

### **E. Representation and Evidence**

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The Tribe and the appellant each have the right to:

1. Be represented by legal counsel or other representative;
2. Receive a copy of the transcript of the hearing and copies of all documentary evidence which is introduced at the hearing.

### **F. Final Decision**

Within 5 business following the hearing, whether the appellant makes any appearance or response, the Appeals Panel shall document its decision by written affidavit and submit to the Enrollment Department. Within 30 days of the end of the formal hearing, the Enrollment Department shall send the appellant the decision, by certified mail, return receipt requested. The decision shall contain the MIN's findings of fact and conclusions of law on all the issues. The decision of the Appeals Panel shall be final.

## **Records**

### **A. Access to Records**

1. Tribal Membership Roll—The Tribe's membership roll (containing only the names of tribal members) may be viewed by any member of the Tribe who comes into the tribal Enrollment Office. However, neither the roll nor any portion thereof may be copied and/or distributed to any person or organization except upon written permission of the MIN Council. The MIN Council shall exercise its discretion in using and/or releasing information from the roll for the benefit of tribal members or tribal programs.
2. Individual folders—Information in individual folders shall be considered confidential. It shall not be available to anyone except that individual member (or his/her parent or legal guardian) and to the Membership Panel, Enrollment Department and the Appeals Panel when such examination is necessary in considering enrollment decisions. Membership Panel shall not have access to the Individual records once membership has been approved. All files shall be stored in locked file cabinets and adequate safeguards shall be installed to ensure that the confidentiality of these records shall not be violated.
3. Special Concern—An adoptee's eligibility for enrollment is determined through one or both biological parents. The information concerning adoptees shall be recorded as confidential and shall not be made available to any person other than the adoptee. If court records are sealed, adoptee's records will only be available to him/her upon turning 18 years old. This information shall be stored in locked file cabinets and adequate safeguards shall be installed to ensure that the confidentiality of these records shall not be violated.
4. Office Personnel—Actual Paper Files and Electronic files as needed with approval by Tribal Administrator and/or Enrollment Department Head.

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5. MIN Tribal Council (Individual Council Members and Council as a whole)—View Membership File Request Form must be requested from Enrollment Department and completed by MIN Tribal Council. This form will indicate date, name of member, name of Council member who will view file, valid MIN business reason for seeing file, signatures of all Council members and their approval or disapproval vote. Following standard Council voting rules, majority vote determines if Council Member can view records. Regardless of the outcome, Form must be returned to Enrollment Department. Council Member/Requestor will present the original completed Request to View Member Records form to Enrollment Department Head or Tribal Administrator before being allowed access to the requested record. Council will only be allowed to view paperwork submitted with original Membership Application.

### A. Updating records

Upon receipt of appropriate documentation, the Enrollment Department is authorized to update the information on the Tribe's membership rolls. The following documentation is deemed adequate for such actions to be taken.

1. Name Change
  - a) Marriage license
  - b) Divorce Decree showing order to change name
  - c) Court Order changing name
  - d) Amended Birth Certificate
  
3. Address Change
  - a) Written statement signed by the tribal member over 18 years of age
  - b) Notarized statement or affidavit stating custody of minor with address change
  - c) Postal Address Correction
  - d) Updated information provided by tribal programs applications
  
4. Death
  - a) Death Certificate
  - b) Bureau of Indian Affairs records
  - c) Mortuary Records, memoriam cards, printed obituary
  - d) Hospital Records
  - e) Written and signed notice from immediate family member
  
5. Relinquishment/Disenrollment
  - a) Letter from the Tribal Council approving individual's relinquishment
  - b) Letter of disenrollment from Tribe

Any change for which none of the above documents is available must be authorized in writing by the MIN Tribal Council stating the reason for the change without usual documentation. A copy of that written authorization shall be placed in the individual's folder.

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### Changes to Policies and Procedures

Requests for changes in Enrollment Policies and Procedures will be made in writing and mailed to Monacan Indian Nation, Attn: Enrollment Department, PO Box 960, Amherst, VA 24521 or they may be hand delivered to the MIN Business Office located at 357 S Main St., Amherst, VA 24521 during normal business hours. Requests will be reviewed within 30 days of their receipt. Final decisions will be made by resolution within 90 days of receipt of the request.

- A. Tribal Member requests will be reviewed by Enrollment Department and MIN Tribal Council. MIN Tribal Council may request support from Membership Panel and/or Tribal Administrator at MIN Tribal Council's discretion.
- B. Membership Panel requests will be reviewed by the Enrollment Department and MIN Tribal Council. MIN Tribal Council may request support from Membership Panel and/or Tribal Administrator at MIN Tribal Council's discretion.
- C. Enrollment Department requests will be reviewed by MIN Tribal Council and Tribal Administrator. MIN Tribal Council may request support from Membership Panel at MIN Tribal Council's discretion.
- D. MIN Tribal Council requests will be reviewed by Tribal Administrator and Enrollment Department. MIN Tribal Council may request support from Membership Panel at MIN Tribal Council's discretion.

General questions regarding current Policies and Procedures will be directed to Enrollment Department.