

CHAPTER 9  
MEMBERSHIP: ADOPTION AND TERMINATION

9-1 TITLE

9-1.01 This shall be known as the Kootenai Tribe of Idaho Membership Adoption and Termination Act. It is established pursuant to Article II, Section 2 of the Constitution of the Tribe. It sets forth the policies and procedures under which persons who are at least one-fourth blood quantum of the Kootenai Nation may become adopted members of the Kootenai Tribe of Idaho or may be terminated as adopted members of the Tribe.

9-2 TERMINATION OF ADOPTED MEMBERS

9-2.01 Termination of Existing Adopted Members. The Council finds that, over the years, the standards for adoption have varied and have not been applied consistently. Based on that finding, all adopted members as of November 1, 1997, including those on the official census roll of the Tribe, except those adopted pursuant to resolution No. 73-09, are hereby terminated. All persons terminated are eligible to apply for adoption in the Tribe according to the provisions of this ordinance.

9-2.02 Termination of Future Adopted Members. After November 1, 1997, an adopted member may be terminated by a vote of not less than six (6) members of the Council if it is determined that his or her adoption was based, in whole or in part, on false information or the adoption procedure was not in compliance with this ordinance. An adopted member may also be terminated if he or she has maintained membership in another, non-Kootenai, Indian tribe or band, has taken action that seriously harms the interests of the Kootenai Tribe of Idaho or such other reason deemed proper by not less than six (6) members of the Council, provided an adopted member may not be terminated without a hearing conducted before the Council in compliance with the Indian Civil Rights Act.

9-3 APPLICATION FOR ADOPTION

9-3.01 Any person who has at least one-fourth degree Kootenai Nation blood quantum, who desires to be adopted as a member of the Kootenai Tribe of Idaho, shall make written application to the Kootenai Tribal Council in a form acceptable to the Council.

9-4 APPLICATION DUTIES OF COUNCIL

9-4.01 The Tribal Council shall conduct an investigation of the applicant's degree of Kootenai blood, tribal status, residency, close social and economic ties and such other characteristics of the applicant as the Council deems necessary to determine whether the applicant qualifies to be adopted as a member.

9-5 ELIGIBILITY REQUIREMENTS

9-5.01 No person shall be considered for adoption unless he or she is of one-fourth or more blood of the Kootenai Nation. Upon a satisfactory showing that the applicant is qualified for consideration, the Council shall determine if the applicant has:

- (1) Maintained a permanent residence in Boundary County, Idaho for not less than fifteen (15) years; or
- (2) Maintained close social and economic ties with the Kootenai Tribe of Idaho for such period.

9-6 APPROVAL BY GENERAL MEMBERSHIP

9-6.01 Persons who meet the qualifications for consideration, as determined by the Council, shall become adopted members of the Tribe only if approved by the General Membership upon a vote in favor of not less than seventy percent (70%) of the eligible voters voting at a meeting called for the purpose of ruling on adoption applications. Any person terminated by this ordinance who, upon application, meets the qualifications of this ordinance, shall be deemed approved without vote of the General Membership Council.

9-7 RIGHTS AND PRIVILEGES OF ADOPTED MEMBERS

9-7.01 Adopted members shall have the rights and responsibilities of membership except they shall not have the right to serve on the Tribal Council or to vote in elections involving adoption applications. Adopted members shall be eligible to receive benefits and services provided to tribal members from programs funded by federal or state governments or other third parties. Adopted

members shall not be eligible to receive payments or other benefits from assets owned by the Tribe except as determined by the Council in its sole discretion. In determining whether to make any payment to adopted members from tribal assets the Council shall consider the financial condition of the Tribe and the impact such distribution may have on the welfare of members of the Tribe.

9-8 CHILDREN OF ADOPTED MEMBERS

9-8.01 All children who are at least one-fourth degree Kootenai Nation blood quantum who are born to adopted members of the Tribe shall become adopted members of the Tribe with the same rights and privileges as other adopted members.

9-9 TERMINATION OF REGULAR MEMBERS

Repealed 2-5-04

9-10 MEMBERSHIP ROLL CONFIDENTIAL

9-10.01 The names and other information contained in the official membership roll of the Tribe are confidential and may not be released for any purpose unless for a compelling government interest and with the approval of a majority of the Kootenai Tribal Council declaring the compelling government interest and the limitations for the release. There shall be no exceptions to this policy for litigation.