

SOUTHERN UTE INDIAN TRIBE

Rule Regarding Correction of Blood Degree

WHEREAS, pursuant to Article II, Section 3 of the Constitution of the Southern Ute Indian Tribe of the Southern Ute Indian Reservation, “[t]he tribal council shall have the power to prescribe rules governing the compilation, maintenance and correction of a tribal membership roll. Such rules, insofar as the correction of blood degree is concerned, shall be subject to approval by the Secretary of Interior or his authorized representative”; the Southern Ute Indian Tribal Council (“Tribal Council”) hereby adopts the following Rule Regarding Correction of Blood Degree, which shall take effect upon its approval by the Secretary of Interior or his authorized representative:

Section 1. Any enrolled tribal member may submit an application requesting correction of his or her blood degree; PROVIDED, however, such application is supported by DNA Tissue Typing establishing conclusive proof of paternity of an enrolled tribal member whose degree of Southern Ute blood was not considered at the time the applicant was enrolled.

Section 2. The Department of Tribal Information Services shall receive, consider, and recommend action with respect to applications for correction of blood degree. To determine whether the applicant’s blood degree should be corrected, the Department of Tribal Information Services shall review the DNA Tissue Typing evidence submitted by each applicant, and shall determine whether such evidence establishes conclusive proof of paternity and whether, where such conclusive proof is established, it supports the request for correction. For the purposes of and at the time of approval of this Rule, the Tribal Council finds that DNA Tissue Typing showing proof of siblingship shall not constitute conclusive proof of paternity. After the necessary review is completed, the Department of Tribal Information Services shall furnish to the Tribal Council all relevant evidence and shall make a recommendation for final action on the application.

Section 3. Every application for correction of blood degree shall be submitted on forms approved by the Tribal Council. Any application for correction to the degree of Southern Ute blood of a minor child shall be executed under oath by at least one Southern Ute natural parent of the minor child. An application of any person having reached the age of majority shall be executed by the applicant under oath.

Section 4. A separate application for correction shall not be required from a member whose application for enrollment listed two enrolled Southern Ute parents but who was enrolled based only on the degree of Southern Ute blood of his/her mother while the receipt of the DNA Tissue Typing results on the Southern Ute father listed on the enrollment application was pending. In such instances, the results of such DNA Tissue Typing shall be submitted to the Department of Tribal Information Services as

soon as possible following completion of the testing. The Department of Tribal Information Services shall then present the results to the Tribal Council, who, in accordance with Section 7 of the Tribe's Enrollment Ordinance (Ordinance No. 2000-01) and existing procedure, may approve a correction to the degree of Southern Ute blood at which the member was enrolled if the results of DNA Tissue Typing show conclusive proof of paternity.

Section 5. The decision of the Tribal Council in granting or denying the application for correction shall be final and shall not be subject to appeal or review.

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History and Amendments¹

Rule Regarding Correction of Blood Degree adopted on September 14, 2010, approved by the Bureau of Indian Affairs and effective on September 23, 2010.

Resolution No. 2021-151 repealed and replaced the Rule Regarding Correction of Blood Degree with a reformatted Rule for online publication that contained only minor technical corrections, no substantive revisions, that the Bureau of Indian Affairs concurred it did not need to formally approve (April 25, 2023).

Resolution No. 2023-079 authorized on-line publication of the 2021-151 reformatted Rule Regarding Correction of Blood Degree and provided an effective date of May 25, 2023.

¹ This page does not constitute an official part of any code. Information contained on this page is solely for informational and historical purposes and is from sources deemed reliable.