

TITLE 46. ADOPTED AND DEPENDENT CHILD RIGHTS LAW

CHAPTER 1. PURPOSE, POLICY, DEFINITIONS

46 M.P.T.L. ch. 1 § 1

§ 1. Title

The title of this Law shall be the Mashantucket Pequot Adopted and Dependent Child Rights Law.

46 M.P.T.L. ch. 1 § 2

§ 2. Policy Purpose

This Law is in no way intended to infringe upon the authority of the Mashantucket Pequot Tribal Elders Council to review and determine all applications for membership. It is the policy of the Tribe that the rights and privileges of membership shall be restricted, to the greatest extent practicable, to Tribal Members. One exception to this general policy shall be the rights of a non-Tribal Member child who is legally adopted by a Tribal Member and Tribal Member Dependent Child as set forth herein. The purpose of this Adopted Child Rights Law is to acknowledge the Legally Adopted Child of Tribal Members and Tribal Member Dependent Children as valuable members of Tribal families, the Tribal Community and the Tribe's businesses by providing rights and benefits equal to those of non-Tribal Member Spouses to the greatest extent practicable, including but not limited to the right to official identification, participation in cultural events, access to Tribal lands and facilities. The further purpose of this Adopted and Dependent Child Rights Law is to identify the rights and privileges afforded to the Legally Adopted Child of a Tribal Member Tribal Member Dependent Children pursuant to Mashantucket Pequot Tribal Laws.

46 M.P.T.L. ch. 1 § 3

§ 3. Definitions.

Except as otherwise specifically provided for in the Mashantucket Pequot Surviving Spouse & Surviving Adopted Child Law, 29 M.P.T.L. and the Mashantucket Pequot Tribal and Native American Preference Law, 33 M.P.T.L., the following definitions shall apply:

A. "Legally Adopted Child" shall mean any non-Tribal Member person(s) legally adopted by a Tribal Member on or before the age of eighteen (18). A certified copy of a court order of adoption shall be proof of legal adoption.

B. "Tribal Member Dependent Child" shall mean any non-Tribal Member person(s) who was in the custody and care of a Tribal Member and resided in the household of the Tribal Member for at least seven (7) years on or before reaching the age of eighteen (18) years as a member of the Tribal Family. A

certified custody order, a notarized power of attorney and/or certified school record shall be proof of such custody and care.

C. "Tribal Member" means a duly enrolled member of the Mashantucket (Western) Pequot Tribe.

D. "Tribal Spouse" shall mean a non-Tribal Member man or woman joined in lawful marriage to a Tribal Member.

E. "Tribe" means the Mashantucket (Western) Pequot Tribe also known as the Mashantucket Pequot Tribal Nation and includes any arm, department, agency, subdivision, enterprise or organization within or wholly owned by the Tribe. Tribe does not include any entity created under state laws that is owned by the Tribe and operates primarily outside of the Tribe's Reservation.

46 M.P.T.L. ch. 1 § 4

§ 4. Rights and Privileges Conferred By Policy and Practice.

Except for those rights specifically provided for by law in ___ M.P.T.L. ch. 1 § 5 hereinafter, to the greatest extent practicable, a Legally Adopted Child of a Tribal Member and a Tribal Member Dependent Child shall be equally entitled to all rights and privileges conferred to non-Tribal Member Spouses by any policy or practice of the Tribe.

46 M.P.T.L. ch. 1 § 5

§ 5. Rights and Privileges Conferred by Law

A. The rights of a Legally Adopted Child and a Tribal Member Dependent Child of a deceased Tribal Member to continue their occupancy in an Assignment located on the Reservation including the rights to sell, transfer, or devise, or otherwise realize, the value of the rights that would have been enjoyed by the deceased Tribal Member by virtue of his or her Assignment pursuant to 27 M.P.T.L. except for his or her death are set forth in 29 M.P.T.L.

B. The rights of a Legally Adopted Child of a Tribal Member and a Tribal Member Dependent Child to preference in Employment Opportunities are set forth in 33 M.P.T.L.

CHAPTER 2. CLAIMS

46 M.P.T.L. ch. 2 § 1

§ 1.

Any claim of a violation or violations of 29 M.P.T.L. or 33 M.P.T.L. shall be brought pursuant to those Titles. This law shall take effect and be applicable to claims accruing ninety (90) days after the enactment date. For claims arising prior to the application of this law, there shall be no cause of action recognized under tribal law.

46 M.P.T.L. ch. 2 § 2

§ 2.

Except as provided for in 46 M.P.T.L. ch. 2 § 1 above, there shall be no cause of action or right of action against the Tribe or any officer, agent, servant, or employee of the Tribe related to an alleged violation of the rights enumerated in this Title.

CHAPTER 3. GENERAL

46 M.P.T.L. ch. 3 § 1

§ 1. Construction

Nothing in this Adopted and Dependent Child Rights Law shall be construed as establishing any individual rights of any Legally Adopted Child, Tribal Member Dependent Child or Tribal Member beyond those recognized by Mashantucket Pequot Tribal Law. Nothing in this law shall be construed to waive the sovereign immunity of the Tribe or any officer, agent, servant, or employee of the Tribe.

46 M.P.T.L. ch. 3 § 2

§ 2. Severability

If any part of this Adopted and Dependent Child Rights Law is held to be invalid, the remainder shall remain to be in full force and effect to the maximum extent possible.

Historical & Statutory Notes

Derivation.

Effective June 28, 2018, TCR062718-01 of 07 enacted 46 M.P.T.L., "Adopted and Dependent Child Rights Law"