

TITLE 35. SOCIAL SERVICES/PUBLIC ASSISTANCE

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Chapter	Section
1. FALSE INFORMATION; PENALTIES.	1-101
2. FAMILY VIOLENCE PREVENTION.	2-101
3. MEDICAL TRAVEL FUND.	3-101
4. FOOD DISTRIBUTION.	4-101
5. FUNDS FOR OUT-OF-BOUNDARIES CITIZENS [REPEALED].	5-101
5. EMERGENCY HARDSHIP PROGRAM.	5-101
6. SCHOOL CLOTHING PROGRAM.	6-101
7. NATURAL DISASTER ACT.	7-101
8. TRIBAL ENERGY ASSISTANCE PROGRAM.	8-101
9. SPECIAL APPROPRIATIONS GUIDELINES.	9-101
10. MUSCOGEE (CREEK) NATION CITIZEN LEGAL SERVICES DEPARTMENT.	10-101
11. SOCIAL SECURITY ASSISTANCE PROGRAM.	11-101

Cross References

Air conditioners and fans, see Title 20, § 4-101 et seq.
 Burial assistance, see Title 4, § 1-101.
 Emergency home improvement, see Title 24, § 4-101.
 Grave preparation expenses, see Title 4, § 1-102.
 Housing rehabilitation, see Title 24, § 3-101 et seq.
 Medical assistance, see Title 22, § 5-101 et seq.
 Vision assistance, see Title 22, § 6-101 et seq.

Code of Federal Regulations

Financial assistance and social services programs, see 25 CFR 20.100 et seq.

CHAPTER 1. FALSE INFORMATION; PENALTIES

Section
1-101. Providing false information.
1-102. Disqualification.
1-103. Repeated violations.
1-104. Appeals.
1-105. Administrative proceedings.

Table of Prior Statutes

Former Section	New Sections	Former Section	New Sections
6-101	6-101	6-103	6-103
6-102	6-102	6-104	none
		6-105	none

§ 1-101. Providing false information

It shall be a violation of the civil laws of the Muscogee (Creek) Nation for any person to provide false information to the Muscogee (Creek) Nation (or any officer or employee of the Muscogee (Creek) Nation) for the purpose of

Title 35, § 1-101

SOCIAL SERVICES/PUBLIC ASSISTANCE

receiving any Tribal or federal benefit administered by or through the Muscogee (Creek) Nation.

[NCA 82-49, § 101, approved Sept. 13, 1982.]

§ 1-102. Disqualification

Any person who has provided false information to the Muscogee (Creek) Nation for the purpose of receiving a benefit may be disqualified by a Director responsible for that program or by the Executive Director, upon a finding by that officer that a preponderance of the evidence indicates the information was false. The disqualification shall extend only to the program affected, and shall not be less than thirty (30) days nor more than three hundred sixty-five (365) days in length.

[NCA 82-49, § 102, approved Sept. 13, 1982.]

§ 1-103. Repeated violations

Any person who is determined to be in violation of this chapter a third time shall be subject to disqualifications according to the terms of Title 35, § 1-102 from all Tribal programs.

[NCA 82-49, § 103, approved Sept. 13, 1982.]

§ 1-104. Appeals

Disqualifications by Directors or by the Executive Director may be appealed to the District Court of the Muscogee (Creek) Nation, which shall hear the case *de novo*, subject to the appeal to the Supreme Court of the Muscogee (Creek) Nation.

[NCA 82-49, § 104, approved Sept. 13, 1982.]

§ 1-105. Administrative proceedings

Administration proceedings required by any federal regulations, such as the Fair Hearing Procedures required by the Commodity Distribution Program, are required to be completed prior to the filing of any action in District Court.

[NCA 82-49, § 105, approved Sept. 13, 1982.]

CHAPTER 2. FAMILY VIOLENCE PREVENTION

Section

2-101. Authorization.

Cross References

Protection from domestic and family violence, see Title 6, § 3-101 et seq.

§ 2-101. Authorization

The Muscogee (Creek) National Council authorizes the Principal Chief to establish a program to:

1. Provide immediate shelter and related assistance for victims of family violence and their dependents; and;
2. To carry out coordination, research, training, technical assistance and evaluation activities.

[NCA 87-39, § 102, approved June 30, 1987.]

CHAPTER 3. MEDICAL TRAVEL FUND

Section

3-101. Findings.

3-102. Expenditures.

Cross References

Budget, Medical Travel Fund, see Title 37, § 2-104.

§ 3-101. Findings

The National Council finds that:

A. Some Creek citizens children have special medical needs that have been treated in state and out-of-state hospitals.

B. Parents of children needing such services out of state need to accompany the child in need and be present at the hospital during the child's stay. Some parents have financial needs to accompany children for such out of state medical care.

[NCA 92-74, § 101, approved May 27, 1992; amended by NCA 93-85, § 101, approved May 18, 1993.]

§ 3-102. Expenditures

The Principal Chief is hereby authorized to expend funds up to a one-time grant of two thousand dollars (\$2,000) per family from the Medical Travel Fund upon finding of special needs in accordance with the findings of Title 35, § 3-101 and according to guidelines established by the Social Services Program who will implement the program.

[NCA 92-74, § 104, approved May 27, 1992; amended by NCA 96-05, § 103, approved Feb. 24, 1996.]

CHAPTER 4. FOOD DISTRIBUTION

Section

4-101. Distributing agency.

Historical and Statutory Notes

NCA 93-170, § 101, provides:

“Findings:

“The National Council finds that:

“A. Since 1986, the Cherokee Nation has been the Distributing Agency for the Muscogee (Creek) Nation Commodity Program.

“The Muscogee (Creek) Nation Food Distribution Program is currently serving 3,100 participants. The program is currently serving 23 communities within the Muscogee (Creek) Nation boundaries. Currently, the staff consists of 11 employees. The program now uses 2 trucks and 2 vans for distribution to tailgate sites.

“B. The Creek Nation Food Distribution Program is experiencing various problems with Cherokee Nation, which is currently the Distributing Agency.

“The problems being, untimely delivery of goods to Creek Nation and fewer selection of

commodities which impedes the organization of warehouse scheduling and diminishes food selection to Creek Nation participants.

“This problem has been in existence for the past two years and does not appear to gain improvement for the future.

“C. Upon attaining Distributing Agency status, the Muscogee (Creek) Nation will realize a more timely schedule of food shipments, a larger selection of commodities, and with direct communication with the Kansas City vendor, the problems stated above would be minimal and overall benefits of the program would be improved and realized by the participants.

“D. Budget modification is needed to expand the Distribution Agency aspect of this program to include the Seminole Nation who will be served by the Creek Nation Distribution Agency.”

§ 4-101. Distributing agency

The National Council authorizes the Muscogee (Creek) Nation Food Distribution Program to be a Distributing Agency.

[NCA 93-170, § 102, approved Dec. 23, 1993.]

CHAPTER 5. EMERGENCY HARDSHIP PROGRAM

Section

5-101. Establishment of guidelines.

5-102. Appropriation.

5-103. Authorization.

5-104. Repealer.

§ 5-101. Establishment of guidelines

The eligibility requirements shall be:

1. An applicant and/or spouse must be the head of household. The applicant must be an enrolled Muscogee (Creek) citizen. An applicant who is not an enrolled citizen of the Muscogee (Creek) Nation may apply on behalf of the citizen(s) who are minor children, dependent elders or incompetency for whom an affidavit must be completed to verify that the awarded funds under this program will be expended for the said Creek citizen(s) benefit.

2. Applicants must have an unanticipated break in income not due to personal fault, rather due to employer-related reasons or an extenuating circumstance within the past twelve (12) months to cause the need for assistance.

3. Applicants who experience annual breaks in income are not eligible for this program, but will be referred to the state Employment Security Commissions and to other local and state agencies in the state in which they reside, and/or other Tribal programs.

4. Medical expenses may be considered as an extenuating circumstance if all resources (examples: Medical Assistance Act, Contract Health, etc.) are exhausted. Other examples of extenuating circumstances may include, but are not limited to: death of household member, crime victim, separation, or addition of household members.

5. Types of assistance are included below, but are not limited to:

A. Shelter expenses (i.e. rent/mortgage) no greater than five hundred thousand dollars (\$500,000); where such assistance under the Program will be likely to help an applicant continue their regular payment without threat of immediate foreclosure, eviction, or other adverse action.

B. Utility expenses such as natural gas, propane, wood, electric, and/or water.

C. Assistance may be provided for telephone expense if the applicant or beneficiary is elderly (sixty (60) years or older), or use of a telephone is medically necessary, and the service is a basic service for 911 or a discount service such as enhanced lifeline.

D. Muscogee (Creek) citizens are also eligible to apply for weather related "Act of God" storm damage assistance in the form of temporary emergency shelter needs (if displaced), no greater than the amount of five hundred dollars (\$500.00) under the Emergency Hardship Program.

6. Assistance may be given to any eligible household only one (1) time in a twelve (12) month period up to five hundred dollars (\$500.00) based on need as determined by the Social Services Department.

EMERGENCY HARDSHIP PROGRAM

Title 35, § 5-103

7. Applicants seeking assistance from the Emergency Hardship Program must provide emergency information such as delinquent accounts, repairs, or notices in the name of the applicant or spouse.

8. Emergency Hardship Assistance will be unavailable to applicants with utility services cut off, unless the Social Services Department can contact the appropriate issuer of the notice and develops the information that said assistance up to five hundred dollars (\$500.00) maximum will terminate the cut off, eviction, or foreclosure action.

9. The Emergency Hardship Program under this law cannot provide duplicate assistance previously provided to an applicant by any community, local, state, federal or Tribal agency.

10. All applicants must provide information requested by the Social Services Department in order for Social Services to perform its obligation by this law.

11. The manager shall have discretionary authority.

[Added by NCA 04-161, § 3, eff. Sept. 30, 2004.]

Historical and Statutory Notes

Former sections: Former § 5-101, which authorized the Principal Chief to expend funds to assist Creek citizens outside the boundaries of the Creek Nation, was added by NCA 95-127, § 103; amended by NCA 97-104, § 103; NCA 98-114, § 103; and repealed by NCA 04-161, § 2.

Library References

Indians ↻210. C.J.S. Indians §§ 57 to 59, 66 to 72.
Social Security and Public Welfare ↻4. C.J.S. Social Security and Public Welfare
Westlaw Topic Nos. 209, 356A. §§ 12 to 18, 26 to 27.

§ 5-102. Appropriation

The amount of five hundred twenty-five thousand and no/100 dollars (\$525,000) is hereby appropriated from the Bingo Revenue Fund Account for the implementation of this Law. All unexpended funds appropriated by implementation of this Act shall be returned to the Tribal Treasury.

[Added by NCA 04-161, § 4, eff. Sept. 30, 2004.]

Historical and Statutory Notes

Former sections: Former § 5-102, which established guidelines for expending funds for Creek citizens outside the boundaries of the Creek Nation, was added by NCA 95-127, § 105 and repealed by NCA 04-161, § 2.

Library References

Indians ↻210. C.J.S. Indians §§ 57 to 59, 66 to 72.
Social Security and Public Welfare ↻4. C.J.S. Social Security and Public Welfare
Westlaw Topic Nos. 209, 356A. §§ 12 to 18, 26 to 27.

§ 5-103. Authorization

The National Council hereby authorizes the Principal Chief or his designee to expend the sum of five hundred twenty-five thousand and no/100 dollars (\$525,000) from the Bingo Revenue Fund Account for the Social Services

Title 35, § 5–103

SOCIAL SERVICES/PUBLIC ASSISTANCE

Department to disburse to eligible Creek citizens under the Emergency Hardship Department Program guidelines for their use.

[Added by NCA 04–161, § 5, eff. Sept. 30, 2004.]

Historical and Statutory Notes

Former sections:

Former § 5–103, which provided that funds for Creek citizens outside the boundaries of the

Creek Nation would be funded by law only, was added by NCA 95–127, § 105 and repealed by NCA 04–161, § 2.

Library References

Indians ☞210.

Social Security and Public Welfare ☞4.

Westlaw Topic Nos. 209, 356A.

C.J.S. Indians §§ 57 to 59, 66 to 72.

C.J.S. Social Security and Public Welfare

§§ 12 to 18, 26 to 27.

§ 5–104. Repealer

The purpose of this Act is to repeal NCA 02–095, NCA 02–094, NCA 01–42, NCA 98–114, NCA 97–104, NCA 96–62, NCA 95–127, NCA 94–83, NCA 93–52, NCA 92–131, NCA 89–177, and NCA 89–123 and to establish new guidelines.

[Added by NCA 04–161, § 2, eff. Sept. 30, 2004.]

Historical and Statutory Notes

A. On Dec. 23, 2003, the National Council, via a veto-override, approved NCA 03–201 repealing NCA 96–58, NCA 96–70, NCA 96–93, NCA 97–16, NCA 99–149 and NCA 03–157 and any other legislation conflicting with this Act. The law created a new School Clothing Program.

B. On June 30, 2004, the Principal Chief and National Council approved NCA 04–118 repeal-

ing NCA 03–201, NCA 96–58, NCA 96–70, NCA 96–93, NCA 97–16, NCA 99–149 and NCA 03–157 and any other legislation conflicting with this Act. The law created a new School Clothing Program.

C. On Nov. 28, 2006, the Principal Chief and National Council approved NCA 06–256 repealing NCA 04–126.

Library References

Indians ☞210.

Social Security and Public Welfare ☞4.

Westlaw Topic Nos. 209, 356A.

C.J.S. Indians §§ 57 to 59, 66 to 72.

C.J.S. Social Security and Public Welfare

§§ 12 to 18, 26 to 27.

CHAPTER 6. SCHOOL CLOTHING PROGRAM

Section

- 6-101. Eligibility.
- 6-102. Administration/distribution of grants.
- 6-103. Application period.
- 6-104. Appropriation.
- 6-105. Authorization.
- 6-106. Repealer.
- 6-201 to 6-205. Repealed.

Historical and Statutory Notes

Subchapter 1 removed as a heading name and categorized under Chapter 6: Comprehensive School Clothing Assistance Program. Subchapter 2 repealed by NCA 06-256, § 2.

A. On Dec. 23, 2003, the National Council, via a veto-override, approved NCA 03-201 repealing NCA 96-58, NCA 96-70, NCA 96-93, NCA 97-16, NCA 99-149 and NCA 03-157 and any other legislation conflicting with this Act. The law created a new School Clothing Program.

B. On June 30, 2004, the Principal Chief and National Council approved NCA 04-118 repealing NCA 03-201, NCA 96-58, NCA 96-70, NCA 96-93, NCA 97-16, NCA 99-149 and NCA 03-157 and any other legislation conflicting with this Act. The law created a new School Clothing Program.

C. On Nov. 28, 2006, the Principal Chief and National Council approved NCA 06-256 repealing NCA 04-126.

§ 6-101. Eligibility

A. The child for whom the application is submitted shall be currently enrolled as a Muscogee (Creek) Citizen as evidenced by an original enrollment card or the submission of a membership detail document verified by the Muscogee (Creek) Nation Citizenship Board which indicates the child is eligible for citizenship and will be issued a roll number.

B.

1. **Public and private schools.** Child must be at least three (3) years old and enrolled in any certified Head Start or private school program, or the child must be at least four (4) years old and enrolled in a public school or private school program and no higher than the twelfth (12th) grade.

2. **Home school.** Child must be between the ages of five (5) and eighteen (18). However, in the event that a child tests out before he/she turns eighteen (18), the child shall no longer be eligible to participate in the program.

C.

1. **Public and private schools.** Proof of enrollment must be provided for all children as evidenced by documentation from school officials on school letterhead, including the official seal of the school.

2. **Home school.** Proof of enrollment must be provided for all children as evidenced by documentation of accredited curriculum and the signing of an affidavit by the individual providing the education stating that the child is home schooled. The affidavit shall be provided by Social Services to the applicant. Turning in a false affidavit may result in the applicant being prosecuted under the laws of the Muscogee (Creek) Nation and will result in the child(ren) not being eligible for services under the program.

Title 35, § 6–101

SOCIAL SERVICES/PUBLIC ASSISTANCE

D. The applicant must return signed receipts in the amount of two hundred and no/100 dollars (\$200.00) per child for school clothing purchases no later than ninety (90) days from the issuance date of the check. If receipts are not returned or receipts are not returned in the total amount distributed, the custodial parent/guardian and/or spouse of the household will receive a reduced amount the following year in increments of two hundred and no/100 dollars (\$200.00) per child. Should a new child be eligible the following year, they will not be affected by the reduced amount.

[Added by NCA 04–118, § 3, approved June 30, 2004; amended by NCA 05–177, § 1, approved Aug. 4, 2005; NCA 06–070, § 2, eff. May 8, 2006; NCA 06–256, § 2, approved Nov. 28, 2006; NCA 08–147, § 1, approved Nov. 3, 2008; NCA 09–234, § 1, approved Dec. 28, 2009.]

Historical and Statutory Notes

Derivation: Title 35, § 6–101, added by NCA 96–58, § 103, and repealed by NCA 04–118, § 8. was added by NCA 96–58, § 103 and repealed by NCA 04–118, § 8.

Former section: Former § 6–101, which established eligibility guidelines for the School Clothing Program,

Library References

Indians ⇄133, 210. C.J.S. Indians §§ 57 to 59, 66 to 72, 150.
Social Security and Public Welfare ⇄4. C.J.S. Social Security and Public Welfare
Westlaw Topic Nos. 209, 356A. §§ 12 to 18, 26 to 27.

§ 6–102. Administration/distribution of grants

A. The Muscogee (Creek) Nation Social Services Department shall administer the School Clothing Program.

B. One (1) payment of two hundred and no/100 dollars (\$200.00) shall be allowed per child for each school year.

C. Grants will be available for catastrophic loss (natural disaster, domestic violence or homeless).

D. Grants will be available on a first come, first served basis until all funds are expended. Once funds are expended, no waiting list(s) shall be developed to carry into the next program year. All previous waiting lists shall be disregarded.

E. One hundred eleven thousand two hundred twenty-nine and no/100 dollars (\$111,229.00) of the total appropriation shall be allocated for administrative costs. Any funds remaining after administrative costs are expended shall be utilized for the School Clothing Program.

[Added by NCA 04–118, § 4, approved June 30, 2004; amended by NCA 05–177, § 1, approved Aug. 4, 2005; NCA 06–070, § 3, eff. May 8, 2006; NCA 06–256, § 2, approved Nov. 28, 2006; NCA 08–147, § 1, approved Nov. 3, 2008.]

Historical and Statutory Notes

Derivation: Title 35, § 6–102, added by NCA 96–58, § 104, and repealed by NCA 04–118, § 8. **Former sections:** Former § 6–102, which related to the distribution of grants for the School Clothing Program.

SCHOOL CLOTHING PROGRAM

Title 35, § 6–105

gram, was added by NCA 96-58, § 104 and repealed by NCA 04–118, § 8.

Library References

Indians ☞133, 210.

Social Security and Public Welfare ☞4.

Westlaw Topic Nos. 209, 356A.

C.J.S. Indians §§ 57 to 59, 66 to 72, 150.

C.J.S. Social Security and Public Welfare

§§ 12 to 18, 26 to 27.

§ 6–103. Application period

The application period for the School Clothing Program shall be for a duration of one hundred twenty (120) days with the beginning and ending dates to be determined by the Social Services Department.

[Added by NCA 04–118, § 5, approved June 30, 2004; amended by NCA 06–070, § 4, eff. May 8, 2006; NCA 06–256, § 2, approved Nov. 28, 2006; NCA 08–147, § 1, approved Nov. 3, 2008.]

Historical and Statutory Notes

Derivation:

Title 35, § 6–103, added by NCA 96–58, § 105; amended by NCA 97–16, § 102; and repealed NCA 04–118, § 8.

Program, was added by NCA 96–58, § 105; amended by NCA 97–16, § 102; and repealed by NCA 04–118, § 8.

Former sections:

Former § 6–103, which established a cutoff date for applications to the School Clothing

Library References

Indians ☞133, 210.

Social Security and Public Welfare ☞4.

Westlaw Topic Nos. 209, 356A.

C.J.S. Indians §§ 57 to 59, 66 to 72, 150.

C.J.S. Social Security and Public Welfare

§§ 12 to 18, 26 to 27.

§ 6–104. Appropriation

The sum of one million, three hundred sixty-four thousand, eight hundred forty and no/100 dollars (\$1,364,840.00) is hereby appropriated from the Gaming Revenue Fund Account for the implementation of this Act.

[Added by NCA 04–118, § 6, approved June 30, 2004; amended by NCA 04–190, § 2, approved Oct. 18, 2004; NCA 06–070, § 5, eff. May 8, 2006; NCA 08–147, § 1, approved Nov. 3, 2008.]

Historical and Statutory Notes

Former sections:

Former § 6–104, which granted discretionary authority to the Deputy Director of Community

Services in administering the School Clothing Program, was added by NCA 96–58, § 108 and repealed by NCA 04–118, § 8.

Library References

Indians ☞133, 210.

Social Security and Public Welfare ☞4.

Westlaw Topic Nos. 209, 356A.

C.J.S. Indians §§ 57 to 59, 66 to 72, 150.

C.J.S. Social Security and Public Welfare

§§ 12 to 18, 26 to 27.

§ 6–105. Authorization

The National Council hereby authorizes the Principal Chief to expend the sum of one million, three hundred sixty-four thousand, eight hundred forty and no/100 dollars (\$1,364,840.00) from the Gaming Revenue Fund Account for the

Title 35, § 6–105

SOCIAL SERVICES/PUBLIC ASSISTANCE

School Clothing Program. This appropriation shall be included in the Comprehensive Annual Budget for Fiscal Year 2009 and annually thereafter. Funds shall carry forward until fully expended.

[Added by NCA 04–118, § 7, approved June 30, 2004; amended by NCA 04–190, § 3, approved Oct. 18, 2004; NCA 06–070, § 6, eff. May 8, 2006; NCA 06–256, § 1, approved Nov. 28, 2006; NCA 08–147, § 1, approved Nov. 3, 2008.]

Historical and Statutory Notes

Former sections: Former § 6–105, which related to the plan of implementation for the School Clothing Program, was added by NCA 96–58, § 109 and repealed by NCA 04–118, § 8.

Library References

Indians ☞133, 210. C.J.S. Indians §§ 57 to 59, 66 to 72, 150.
Social Security and Public Welfare ☞4. C.J.S. Social Security and Public Welfare
Westlaw Topic Nos. 209, 356A. §§ 12 to 18, 26 to 27.

§ 6–106. Repealer

NCA 96–58, NCA 96–70, NCA 96–93, NCA 97–16, NCA 99–149, NCA 03–157, NCA 03–201, NCA 04–126 and any other legislation in conflict with this Act is hereby repealed.

[Added by NCA 04–118, § 8, approved June 30, 2004; amended by NCA 06–256, § 2, approved Nov. 28, 2006.]

Library References

Indians ☞133, 210. C.J.S. Indians §§ 57 to 59, 66 to 72, 150.
Social Security and Public Welfare ☞4. C.J.S. Social Security and Public Welfare
Westlaw Topic Nos. 209, 356A. §§ 12 to 18, 26 to 27.

§§ 6–201 to 6–205. Repealed by NCA 06–256, § 2, approved Nov. 28, 2006

CHAPTER 7. NATURAL DISASTER ACT

Section

7-101. Natural disaster assistance.

§ 7-101. Natural disaster assistance

A. Households with Creek citizens (whether single, head-of-household or dependent) may be eligible for assistance for the loss of furniture, clothing, groceries, housing, etc. and emergency shelter costs.

B. Payment will be made directly to the vendor upon submission (by the applicant) of vendor's price quote for furniture, apartment rental/deposits, appliances, other essential home furnishings, or emergency shelter costs. Reimbursement costs will be allowed to be payable to the Tribal citizens for emergency shelter costs incurred prior to application upon presentation of receipts.

C. A voucher will be issued for groceries and clothing.

D. This assistance may be utilized by the applicant in addition to other forms of assistance whether by federal, state or local service agencies for disaster relief.

E. The Social Services Department of the Division of Community Services will implement the program. The Department Manager will have final approval authority of all applications received by applicants.

[NCA 96-68, § 104, approved Aug. 9, 1996; amended by NCA 99-65, § 103, approved May 26, 1999.]

Cross References

Budget, natural disaster assistance, see Title 37, § 2-114.

CHAPTER 8. TRIBAL ENERGY ASSISTANCE PROGRAM

Section

- 8-101. Eligibility.
- 8-102. Policy.
- 8-103. Procedures.
- 8-104. Administration of program.

Cross References

Budget, Tribal Energy Assistance Program, see Title 37, § 2-122.

§ 8-101. Eligibility

Any enrolled Tribal citizen (regardless of residency) aged fifty-five (55) and over, or, any citizen (regardless of age) who can document a permanent medical disability shall be eligible to apply for energy assistance. The applicant must have primary responsibility for utility payments or be the spouse of the responsible party.

[NCA 99-95, § 103, approved Aug. 31, 1999.]

§ 8-102. Policy

It shall be the policy of the Muscogee (Creek) Nation to assist all eligible applicants of the "Tribal Energy Assistance Program" with grants (one per household) for heating or cooling consistent with the LIHEAP energy assistance program season. Applicants may participate twice yearly and grants shall be two hundred dollars (\$200.00) to be applied to applicants heating or cooling cost.

[NCA 99-95, § 104, approved Aug. 31, 1999; amended by NCA 04-016, § 1, approved Jan. 28, 2004; NCA 06-276, § 1, approved Dec. 18, 2006.]

§ 8-103. Procedures

Procedures for application shall be as follows:

A. Applicant must complete an application for assistance with the Social Services Department. If the applicant can verify that he/she cannot present in person to the office, an application may be taken by telephone and documentation faxed or mailed.

B. Applicant must submit verification of citizenship in the form of a Tribal enrollment card and the original utility bill from the utility vendor.

C. If the applicant is permanently (medically) disabled, verification of the disability shall be documented by proof of Social Security disability benefits and submitted with the application. Age eligibility shall be determined from the Tribal enrollment card.

D. The applicant shall be notified by mail of determination by the caseworker. The Manager of the Social Services Department shall have the final determination of appeals of any adverse decisions by the caseworker.

ENERGY ASSISTANCE PROGRAM

Title 35, § 8-104

E. Grants shall be made payable and forwarded to the vendor.

[NCA 99-95, § 104, approved Aug. 31, 1999.]

§ 8-104. Administration of program

The Social Services Department of the Division of Community Services shall be authorized to administer the program. The manager of the Social Services Department is authorized discretionary authority in applying grants (if available) from the Tribal Energy Assistance Program to applicants of the federally funded energy assistance program if that program is out of funds for that period.

[NCA 99-95, § 105, approved Aug. 31, 1999.]

CHAPTER 9. SPECIAL APPROPRIATIONS GUIDELINES

Section

- 9-101. Findings.
- 9-102. Assignment.
- 9-103. Special appropriation guidelines.
- 9-104. Accountability.

Historical and Statutory Notes

NCA 02-081, § 2, provides:

“Section Two. Purpose. The purpose of this Act is to require that person(s) and/or organization seeking financial assistance from the Muscogee (Creek) Nation for reasons other than

emergency needs for the preservation of home and life, bear an equal share of the funding requirement, and to establish criteria and guidelines for funding accountability, and recovery.”

§ 9-101. Findings

The National Council finds that:

A. Financial resources of the Muscogee (Creek) Nation must be prioritized to meet the health and welfare needs of the citizens of the Nation, for the protection and expansion of the Nation’s land base, and for promoting economic development within the Nation.

B. Guidelines are needed to establish funding criteria and requirements, as well as accountability requirements and recovery of Tribal funds when so required.

C. Citizens seeking funds for any purpose other than immediate health or housing needs should be required to self-fund no less than fifty percent (50%) of the funding needed.

[NCA 02-081, § 1-101, approved May 30, 2002.]

§ 9-102. Assignment

All special appropriations requests will be assigned directly to the Business and Governmental Committee for their review and consideration.

[NCA 02-081, § 3, approved May 30, 2002.]

§ 9-103. Special appropriation guidelines

A. Special appropriations shall be made on the basis of need, giving priority to needs for the purpose of preservation or maintenance of home and/or life, when such needs cannot be met by existing programs of the Muscogee (Creek) Nation or its entities. Appropriations for such need will be based on the actual financial needs, and will not require participation in the funding of such needs by the individuals:

1. Health—for the purpose of procuring and providing medical treatment, medication, transportation for medical purposes.

2. Welfare—for the purpose of giving assistance to citizens for such needs as rent, utilities, emergency repairs.

B. All other special appropriations will be considered only on the availability of funds and in the absence of any reservation of available funds for needs cited in Title 35, § 9–101. Such funding by the Nation will be on a matching basis only. The following will require line item budgets to be submitted with the request:

1. Educational/curricular—Areas of need beyond the assistance provided by the Nation for purposes of scholarships, clothing and travel. Stated needs will require proof, and will further require self-funding by the individual/entity equal to no less than fifty percent (50%) of the stated need.

2. Churches and ceremonial grounds—Financial reports of the organization must be submitted to the respective standing committee for consideration of any appropriation. Appropriations for churches and/or ceremonial grounds should not be considered unless the request is accompanied by a letter from the pastor, deacons, elders or Mekko, and minutes from any meetings of the organization showing the approval of such request. Appropriations will require that the church/ceremonial ground participate in the funding by self-funding equal to no less than fifty percent (50%) of the project cost.

3. Hobby/athletics—Such funding shall receive the lowest level of priority, and will be funded based upon a first come, first served basis, after the more highly prioritized needs are met. These special appropriations will require self-funding by the individual/entity equal to no less than seventy-five percent (75%) of the stated need.

[NCA 02–081, § 4, approved May 30, 2002.]

§ 9–104. Accountability

A. All special appropriations for health and welfare purposes shall require presentation of original bills complete with citizens' names and addresses, and account numbers where applicable. Payment will be made directly to the creditor/vendor where possible.

B. All other special appropriations shall require presentation of original receipts to the Office of the Controller, within thirty (30) days of the completion of the project. Project status reports will be forwarded to the Office of the Controller for those projects that involve more than sixty (60) days to complete. Expenditures must be made in compliance with the submitted line item budget. Any modifications to the budget items must be justified in writing.

C. The Office of the Controller may disallow any expenditure determined to be out of compliance with the purpose of the appropriation.

D. Failure to comply with accountability measures will be so noted by the Office of the Controller and may result in disallowance of all expenditures, resulting in repayment of the funds to the Nation, and will further disqualify the individual/entity for any other funding. Such non-compliance may be referred to the Office of the Attorney General for further action.

[NCA 02–081, § 5, approved May 30, 2002.]

CHAPTER 10. MUSCOGEE (CREEK) NATION CITIZEN LEGAL SERVICES DEPARTMENT

Section

- 10-101. Findings.
- 10-102. Purpose.
- 10-103. Creation.
- 10-104. Eligibility.
- 10-105. Commission.
- 10-106. Contract.
- 10-107. Insurance.
- 10-108. Grievance procedure and appeals process.
- 10-109. Interference by Tribal officials.
- 10-110. Court costs and publication fees.
- 10-111. Accountability; quarterly and annual reports.
- 10-112. Muscogee (Creek) preference; contract attorneys.
- 10-113. Notice to citizens.
- 10-114. Muscogee (Creek) preference; legal clinics.
- 10-115. Notice to citizens.

Cross References

Budget, Muscogee (Creek) Nation Legal Services Clinic, see Title 37, § 2-135.
Legal services and attorney contracts, see Title 2, § 1-101 et seq.

§ 10-101. Findings

The National Council finds that:

A. Many Muscogee (Creek) Citizens have limited or no access to legal assistance. Muscogee (Creek) Citizens have no where to turn when certain legal rights, some guaranteed by treaty, are denied.

B. There is a need for complete legal services in the following areas for citizens of the Muscogee (Creek) Nation and their families:

- (1) basic elder law needs such as probate and guardianship,
- (2) basic estate planning, such as simple wills, deeds, durable powers of attorney, advanced directives;
- (3) basic family law, divorce and guardianships of minor children, including cases that might arise under the Indian Child Welfare Act (ICWA);
- (4) consumer law and collection issues;
- (5) basic criminal law defense, such as misdemeanor violations and some limited felony cases, as defined by the Commission;
- (6) community education programs and presentations; and
- (7) regularly scheduled Chartered Community Meetings, outreach site visits to Senior Center activities, Commodity Distribution sites, Elderly Nutrition sites, Tribal towns and other Tribal social service agencies.

[NCA 02-091, § 2-101, approved May 30, 2002; amended by NCA 07-317, § 2, eff. Jan. 2, 2008.]

Library References

Indians ↻210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 10–102. Purpose

The purpose of this chapter is to create the Muscogee (Creek) Nation Citizen Legal Services Department:

The goal of the Muscogee (Creek) Nation Citizen Legal Services Department will be to provide direct legal representation for Muscogee (Creek) citizens. [NCA 02–091, § 3, approved May 30, 2002; amended by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Library References

Indians ↻210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 10–103. Creation

There is hereby created the Muscogee (Creek) Nation Citizen Legal Services Department, an independent agency of the Tribe.

[NCA 02–091, § 4, approved May 30, 2002; amended by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Library References

Indians ↻210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 10–104. Eligibility

All enrolled members of the Muscogee (Creek) Nation for all services provided by the Muscogee (Creek) Nation citizen Legal Services Department. In addition, the same assistance will be extended to individuals who are not enrolled members but are eligible for enrollment under the Muscogee (Creek) Constitution and Laws. No Muscogee (Creek) citizen is eligible for payment of legal expenses by the Muscogee (Creek) Nation except through the Muscogee (Creek) Nation Citizen Legal Services Department.

[NCA 02–091, § 6, approved May 30, 2002; amended by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Library References

Indians ↻210, 222, 223.
Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 57 to 59, 62, 66 to 75, 161 to 162, 180.

§ 10–105. Commission

There is hereby created a seven (7) member Commission, all to be citizens of the Muscogee (Creek) Nation living within Tribal jurisdiction boundaries, who will oversee and coordinate the operation of the Muscogee (Creek) Nation citizen Legal Services Department. The members of the Commission shall

Title 35, § 10–105

SOCIAL SERVICES/PUBLIC ASSISTANCE

consist of the (1) Speaker of the National Council or designee, (2) one member of the Business and Governmental Committee of the National Council, (3) one Tribal citizen appointed by the Speaker of the National Council, (4) the Principal Chief or designee, (5) one Tribal citizen appointed by the Principal Chief, (6) the Second Chief or designee and (7) the District Court Judge of the Muscogee (Creek) Nation. Tribal citizen appointments can not be an employee or an elected official of the Muscogee (Creek) Nation or entity of thereof. The Commission shall meet at a minimum of once a month. Meeting compensation for members who are not elected or appointed officials shall be one hundred twenty-five and no/100 dollars (\$125.00) per meeting, in addition to mileage. [Added by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Historical and Statutory Notes

Derivation:

Title 35, § 10–106, added by NCA 02–091, § 7; and renumbered to § 10–105 by NCA 07–317, § 2.

Former sections:

Former § 10–105, which provided the service area, was added by NCA 02–091, § 6.

Library References

Indians ⇄210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 10–106. Contract

A. The Commission shall negotiate and the Principal Chief shall execute a contract with licensed attorneys experienced in Federal Indian Law, Muscogee (Creek) Nation and Oklahoma Law in accordance with this chapter and containing all items of legal services set out and contained in Title 35, § 10–101. These attorneys will be independent contractors and will be responsible for the administration of the program within the parameters as set out in this chapter and in accordance with policy and procedures developed by the Commission. All contracts must follow the Tribe’s procurement policy. There will be one (1) attorney who will be the managing attorney, responsible for all reporting and communications with the Commission and Court.

B. The contract shall specify payment by the Muscogee (Creek) Nation at the beginning of each month upon receipt by the District Court of an original invoice to be followed by a monthly report from the attorney contracting group as specified in Title 35, § 10–113. Funds shall be appropriated to the District Court specifically for the Muscogee (Creek) Nation Citizen Legal Services Department.

[Added by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Historical and Statutory Notes

Derivation:

Title 35, § 10–107, added by NCA 02–091, § 8; and renumbered to § 10–106 by NCA 07–317, § 2.

Former sections:

Former § 10–106, which created the advisory board, was added by NCA 02–091, § 7.

Library References

Indians ⇄142(2), 210. Westlaw Topic No. 209.

C.J.S. Indians §§ 11, 37 to 38, 57 to 59, 66 to 72.

§ 10–107. Insurance

The Muscogee (Creek) Nation Citizen Legal Services Department shall maintain legal malpractice insurance for the benefit of Muscogee (Creek) Nation citizen clients and hold harmless the Muscogee (Creek) Nation.

[Added by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Historical and Statutory Notes

Derivation:

Title 35, § 10–108, added by NCA 02–091, § 8; and renumbered to § 10–107 by NCA 07–317, § 2.

Former sections:

Former § 10–107, which authorized the contract for legal services, was added by NCA 02–091, § 8.

Library References

Indians ⇄210.
Insurance ⇄2391(2).
Westlaw Topic Nos. 209, 217.

C.J.S. Indians §§ 57 to 59, 66 to 72.
C.J.S. Insurance §§ 1384 to 1387.

§ 10–108. Grievance procedure and appeals process

The Muscogee (Creek) Nation Citizen Legal Services Department shall provide the Commission written policies and procedures detailing a grievance procedure and appeals process for any denials of service.

[Added by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Historical and Statutory Notes

Derivation:

Title 35, § 10–109, added by NCA 02–091, § 8; and renumbered to § 10–108 by NCA 07–317, § 2.

Former sections:

Former § 10–108, related to legal malpractice insurance, was added by NCA 02–091, § 8.

Library References

Indians ⇄210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 10–109. Interference by Tribal officials

The acceptance, prioritizing and assignment of cases selected by the Muscogee (Creek) Nation Citizens Legal Services Department are to be free of interference by Tribal officials.

[Added by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Historical and Statutory Notes

Derivation:

Title 35, § 10–111, added by NCA 02–091, § 8; and renumbered to § 10–109 by NCA 07–317, § 2.

Former sections:

Former § 10–109, which provided the grievance procedure and appeals process, was added by NCA 02–091, § 8.

Library References

Indians ⇄210, 216.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

Title 35, § 10–110

SOCIAL SERVICES/PUBLIC ASSISTANCE

§ 10–110. Court costs and publication fees

A. The Attorneys shall determine, in accordance with guidelines established by the Commission, a client’s eligibility for payment of court costs and publication fees from the Legal Service’s Court Costs and Publication Fee Revolving Fund. A written recommendation with payee information and invoice for the services needed will be presented to the District Court Clerk for proper payment.

B. The National Council hereby authorizes the District Court Clerk to expend monies from the Legal Service’s Court Cost and Publication Fees Revolving Fund upon receipt a written recommendation from the Muscogee (Creek) Nation Citizen Legal Services Department and presentment of a proper invoice.

C. The Muscogee (Creek) Nation District Court may in accordance with District Court Rules waive court costs in cases filed by the Muscogee (Creek) Nation Citizen Legal Services Department. The Muscogee (Creek) Nation Supreme Court may in accordance with Supreme Court Rules waive court costs in cases appealed by the Muscogee (Creek) Nation Citizen Legal Services Department.

[Added by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Historical and Statutory Notes

Derivation:

Title 35, § 10–112, added by NCA 02–091, §§ 8, 10 and 11; and renumbered to § 10–110 by NCA 07–317, § 2.

Former sections:

Former § 10–110, relating to national council member service requests, was added by NCA 02–091, § 8.

Cross References

Legal services court costs and publication fee revolving fund, see Title 26, § 5–108.

Library References

Indians ⇄210, 660 to 662.
Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72, 151 to 179.

§ 10–111. Accountability; quarterly and annual reports

The Managing Attorney shall submit to the Commission within thirty (30) days of the close of each fiscal quarter, a quarterly activity report on the Muscogee (Creek) Nation Citizen Legal Services Department in the preceding fiscal quarter and within forty-five (45) days of the close of each fiscal year, a complete fiscal year’s activity report and audit shall be submitted to the Commission. The Commission shall request information at any time.

[Added by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Historical and Statutory Notes

Derivation:

Title 35, § 10–113, added by NCA 02–091, § 9; and renumbered to § 10–111 by NCA 07–317, § 2.

Former sections:

Former § 10–111, related to interference by Tribal officials, was added by NCA 02–091, § 8.

Library References

Indians ⇨210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 10–112. Muscogee (Creek) preference; contract attorneys

A. Muscogee (Creek) Nation citizens will be given preference in the contracting of licensed attorneys.

B. Muscogee (Creek) Nation citizens will be given hiring preference for all staff positions created to accomplish the goals of this chapter.

[Added by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Historical and Statutory Notes**Derivation:**

Title 35, § 10–114, added by NCA 02–091, § 13; and renumbered to § 10–112 by NCA 07–317, § 2.

Former sections:

Former § 10–112, related to court costs and publication fees, was added by NCA 02–091, §§ 8, 10 and 11.

Cross References

Legal Services Court Costs and Publication Fee Revolving Fund, see Title 26, § 5–108.

Library References

Indians ⇨210, 222.
Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 57 to 59, 62, 66 to 72, 180.

§ 10–113. Notice to citizens

Notice to the Muscogee (Creek) Nation’s citizens shall be by publication in the *Muscogee Nation News* using both the Mvskoke Emponakv and English, informing the citizens of the Muscogee (Creek) Nation Citizen Legal Services Department, its startup date, and information concerning appointments to obtain legal services.

[Added by NCA 07–317, § 2, eff. Jan. 2, 2008.]

Historical and Statutory Notes**Derivation:**

Title 35, § 10–115, added by NCA 02–091, § 15; and renumbered to § 10–113 by NCA 07–317, § 2.

Former sections:

Former § 10–113, related to accountability and reports, was added by NCA 02–091, § 9.

Library References

Indians ⇨210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 10–114. Muscogee (Creek) preference; legal clinics

A. The University of Tulsa Boesche Legal Clinic shall give Muscogee (Creek) Nation Legal Services Clinic enrollment preference to Muscogee (Creek) Nation citizen law students.

B. The University of Tulsa Boesche Legal Clinic shall give Muscogee (Creek) Nation citizens hiring preference for all clinic staff positions created to accom-

Title 35, § 10–114

SOCIAL SERVICES/PUBLIC ASSISTANCE

plish the goals of this chapter, such as Clinic Instructor/Supervising Attorney, Clinic Legal Fellow/Graduate Attorney and Paralegal Assistant.

[NCA 02–091, § 13, approved May 30, 2002.]

§ 10–115. Notice to citizens

Notice to the Muscogee (Creek) Nation’s citizens shall be published in the *Muscogee Nation News*, using both the Mvskoke Emponakv and English, informing the citizens of the Muscogee (Creek) Nation Legal Services Clinic, its startup date, and information concerning appointments to obtain legal services.

[NCA 02–091, § 14, approved May 30, 2002.]

CHAPTER 11. SOCIAL SECURITY ASSISTANCE PROGRAM

Section

11-101. Definitions.

11-102. Staffing.

11-103. Qualifications of Social Security Liaison Coordinator.

§ 11-101. Definitions

A. "Applicant" shall mean a person who has applied for services through the Social Security Assistance Program of the Muscogee (Creek) Nation.

B. "Coordinator" shall mean the Coordinator of the Muscogee (Creek) Nation.

C. "Service Recipient" shall mean a person who is eligible for services through the Social Security Assistance Program of the Muscogee (Creek) Nation.

[Added by NCA 05-139, § 1, eff. Oct. 5, 2005.]

§ 11-102. Staffing

The Social Security Assistance program shall be administered under the Social Services Department of the Muscogee (Creek) Nation. This program shall employ a Social Security Liaison Coordinator, who shall report directly to the Manager of Social Services. Additional staff will consist of a Secretary who shall report directly to the Social Security Liaison Coordinator. Funds for additional staffing shall be requested as needed.

[Added by NCA 05-139, § 1, eff. Oct. 5, 2005.]

Library References

Indians ☞210.

Social Security and Public Welfare ☞5.

Westlaw Topic Nos. 209, 356A.

C.J.S. Indians §§ 57 to 59, 66 to 72.

C.J.S. Social Security and Public Welfare

§§ 12 to 19.

§ 11-103. Qualifications of Social Security Liaison Coordinator

The Social Security Liaison Coordinator shall possess a minimum of a Bachelor's Degree from an accredited college or university, a thorough knowledge of Social Security, Medicare and Medicaid applications, as well as denials and appeals, and strong file organizational skills. Preferred qualifications include at least five (5) years of work experience in a Social Security department or setting and Muscogee (Creek) Nation Tribal Membership.

[Added by NCA 05-139, § 1, eff. Oct. 5, 2005.]