

**POKAGON BAND OF POTAWATOMI INDIANS
FAMILY WELFARE COMMISSION**

APPEALS OF THE TRUSTEE’S DECISION OF A SPECIAL DISTRIBUTION REQUEST

Decisions made by the Minors’ Trust Trustee denying a Special Distribution from a Minor’s Trust may be appealed to the Pokagon Band of Potawatomi Indians Family Welfare Commission (“Family Welfare Commission”). The process is established in Section 12 of the Family Welfare Commission Ordinance (“Ordinance”) which is available at www.pokagonband-nsn.gov/government/codes-and-ordinances. **The Family Welfare Commission Ordinance should be reviewed before filing an appeal, as this informational memo is not legal advice.**

Who may file the appeal? An appeal may be filed by a parent or legal guardian of a minor, or by an adult beneficiary whose petition for Special Distribution was denied, in whole or in part, by the Trustee. See Ordinance Section 12(B).

What is the time frame for filing an appeal? An appeal must be filed within thirty (30) days after the Trustee’s decision is served upon the beneficiary. See Ordinance Section 12(C).

How does one file the appeal? No specific form is required, but the appeal must be signed and dated by the parent, guardian or adult beneficiary requesting the appeal and the document requesting the appeal must contain the original signature and the date of the request. See Ordinance Section 12(D)(2). While no specific form is required, a form is available on the Family Welfare Commission page found at www.pokagonband-nsn.gov/government/departments/social-services/programs/family-welfare-commission .

The form or request for appeal should be sent to:

Pokagon Band Family Welfare Commission
c/o Mark Pompey, Director of Pokagon Band Social Services
PO Box 180
Dowagiac, MI 49047

May I send extra documents? The appeal is limited to those documents which were considered by the Trustee (“the record”). No other documents will be considered unless the Family Welfare Commission requests additional documents. See Ordinance Section 12(D)(3).

What standard will be applied by the Family Welfare Commission? The Family Welfare Commission is limited to determining whether the Trustee’s decision was “arbitrary or capricious” as defined in the Ordinance Section 12(E).

How will I be told of the decision? The Family Welfare Commission is required to provide a written decision which will be sent to the beneficiary by certified mail within ten (10) days of the hearing.