

CHILDRENS TRUST FUND GUIDELINES

The Lac du Flambeau Tribal Court has established certain guidelines to use when assessing the sufficiency of a Request for CTF monies.

First, the Court may only grant a release for the benefit of a beneficiary's health, education or welfare.

Second, any such benefit must represent a necessity, not a want or desire. Third, the parent(s) or guardian(s) must demonstrate special financial need.

If you are a young adult between the ages of 18-21, you would be required to demonstrate special need.

Finally, the person requesting funds must provide evidence of exhaustion of tribal funds and public entitlement programs.

You would need to provide the court with documentation that you have applied for services and have been denied. By applying these guidelines, the Court will not rule upon the passions of a case, but upon an objective assessment of the facts as presented and the application of law to those set of facts. And, while the Court empathizes with nearly all of the petitioners, it only grants those Requests for CTF Funds that satisfy the standards pursuant to the Per Capita Distribution Ordinance.

In cases where a parent or legal guardian may gain a release of sufficient funds to provide for a minor or legally incompetent, notice is given to the applicant that if the funds are expended in a way other than authorized by this Ordinance or any applicable state or federal law that the Tribe will seek prosecution of the responsible party(ies).

Unfortunately, not every minor timely receives the balance of his or her CTF due to a failure to earn a high school diploma. The Tribe included this additional requirement in response to an actual and/or perceived drop in the graduation rate of Lac du Flambeau youth. Therefore, the Court must not undermine such intent by unduly approving releases from the CTF of young adults who have failed to attain a high school diploma. Otherwise, the Court would strip the Tribe of its only incentive, i.e., no high school diploma, no CTF.

For those young adults still in school, attendance records, grades and special need is taken into consideration. Keeping in mind once again that necessity, not a want or desire must be determined.

Any CTF Request will be determined by a case by case basis by the Tribal Judge, pursuant to Resolution No. 295(12) adopted July 9, 2012.