

**Bureau of Indian Affairs, Interior**

**§ 15.108**

before we can begin to process the probate package:

- (1) Social Security number of the decedent;
  - (2) The birth certificate or other record of birth of the decedent, if available;
  - (3) The death certificate or other reliable evidence of death as required by §15.101;
  - (4) A list of known creditors against the estate and their addresses;
  - (5) Current names and addresses of potential heirs and beneficiaries;
  - (6) Any statements renouncing an interest in the estate;
  - (7) Documents from a court of competent jurisdiction, including but not limited to:
    - (i) All marriage licenses of the decedent;
    - (ii) All divorce decrees of the decedent;
    - (iii) Adoption and guardianship records relevant to the decedent;
    - (iv) Any sworn statements regarding the decedent's family, including any statements of paternity or maternity;
    - (v) Any name changes; and
    - (vi) Any order requiring payment of child support;
  - (8) All originals or copies of wills and codicils, and any revocations; and
  - (9) Any additional documents you provide or that we request.
- (b) You must inform us if any of the documents or information identified in this part are not available.

**§ 15.105 Will BIA wait to begin the probate process until it is notified of the decedent's death?**

No, we will not wait to begin the probate process until we are notified of the decedent's death. If we find out about the death of a person, and if the decedent meets the criteria in §15.3, we will initiate the process to collect the necessary documentation. You should not assume that we will find out about a death. To assure timely distribution of the estate, you should notify us as provided in §15.101.

**§ 15.106 Can I get emergency assistance for funeral services from the decedent's IIM account?**

- (a) You may ask BIA for up to \$1,000 from the decedent's IIM account if:

- (1) You are responsible for making the funeral arrangements on behalf of the family of a decedent who had an IIM account;
  - (2) You have an immediate need to pay for funeral arrangements before burial; and
  - (3) The decedent's IIM account contains more than \$2,500 on the date of death.
- (b) You must apply for assistance under paragraph (a) of this section and submit to BIA an original itemized estimate of the cost of the service to be rendered and the identification of the service provider.
  - (c) We may approve reasonable costs up to \$1,000 that are necessary for the burial services, taking into consideration:
    - (1) The total amount in the account;
    - (2) The number of probable heirs or beneficiaries of whom we are aware;
    - (3) The amount of any claims against the account of which we are aware; and
    - (4) The availability of non-trust funds, and any other relevant factor.
  - (d) We will make payments directly to the providers of the services.

**§ 15.107 Who prepares an Indian probate package?**

The probate specialist or probate clerk at the agency or tribe where the decedent is an enrolled member will prepare the probate package in consultation with the probable heirs or beneficiaries who can be located.

**§ 15.108 If the decedent was not an enrolled member of a tribe or was a member of more than one tribe, who prepares the probate package?**

Unless otherwise provided by Federal law, the BIA agency that has jurisdiction over the tribe with the strongest association with the decedent will serve as the home agency and will prepare the probate package if the decedent either:

- (a) Was not an enrolled member of a tribe, but owns interests in trust or restricted property; or
- (b) Was a member of more than one tribe.