


ISSUING OFFICIAL SIGNATURE

(Part 2)

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| APPROVAL RECORD (Modified DI-228) | 1. TYPE OF DOCUMENT IARMM | 2. IDENTIFICATION NUMBER Chapter 4, Section 4.6 |
| 3. SUBJECT/TITLE Records Disposition, Request to Withdraw Inactive Probate Records | | |
| 4. SUMMARY OF DOCUMENT CONTENTS New Chapter 4, Section 4.6 This section supersedes all policies and procedures related to request to withdraw inactive Probate records that may have been created and/or distributed. | | |
| 5. RELEASE NUMBER AND DATE | | |
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| Signed by: NOLAN SOLOMON | |

John E. White, Deputy Special Trustee – Program Management

**Indian Affairs Records Management
Policy & Procedures Manual**

Effective Date: October 26, 2016

Chapter: 4 Records Disposition

Section: 4.6 Request to Withdraw Inactive Probate Records

Originating Office: Office of Trust Records

4.6.1 Purpose.

Pursuant to Indian Affairs Records Management Manual (IARMM) 4.5 Research Requests for Federal Records Stored at the American Indian Records Repository (AIRR), only copies of records stored at the AIRR are released. The purpose of this section is to establish an exception to the general policy for the Division of Land Titles and Records Office (LTRO) to request withdrawal of original probate records from the AIRR to support legal proceedings before the Interior Board of Indian Appeals (IBIA) in probate hearings and appeals.

4.6.2 Scope.

The provisions of this section apply to LTRO, a unit within the Office of Trust Services under the Bureau of Indian Affairs, and the AIRR.

4.6.3 Authorities.

A. Regulations.

1. 43 CFR, Public Lands: Interior, Part 4 Department Hearings and Appeals Procedure, Subpart D-Rules Applicable in Indian Affairs and Appeals

4.6.4 Policy.

A. REGULATORY REQUIREMENTS

1. Federal regulations mandate the LTRO submit certified original probate records to the IBIA in response to appeals filed with the IBIA (43 CFR § 4.324(c)(4), § 4.31(d)).
2. LTRO must conform to the recordkeeping requirements for maintenance and safeguarding purposes including documents added during the appeal proceeding when returning records from the IBIA to LTRO (43 CFR § 4.326).

B. OTHER REQUIREMENTS

1. AIRR will update databases, indexed inventory, and/or other electronic systems to reflect a withdrawal of inactive probate records from the AIRR.
2. LTRO must follow IARMM 4.1 to retire new inactive probate records to the AIRR.

4.6.5 Objectives.

- A. Fulfill LTRO requests to withdraw original inactive probate records to support legal proceedings for probate hearings and appeals before the IBIA.

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- B. Ensure a unified standard process and internal controls are established for the secured return of inactive probate records to the LTRO.
- C. Ensure that records returned from the IBIA to LTRO are properly maintained and safeguarded.

4.6.6 Responsibilities.

- A. Office of Trust Records (OTR). OTR shall issue, update and disseminate the IARMM as policy and procedural guidance to review and authorize requests to withdraw original inactive probate records stored at the AIRR.
- B. OTR Director. OTR Director shall provide written notification of approval/disapproval on each request submitted to withdraw original inactive probate records from the AIRR and provide a courtesy copy to the Division Chief, Division of Records Management Operations (DRMO) or designee.
- C. Division Chief, DRMO. Division Chief, DRMO, or designee, shall fulfill the OTR Director's approved requests to withdraw original inactive probate records from the AIRR.
- D. Division of LTRO. LTRO shall comply with the corresponding procedures when requesting the withdrawal of original inactive probate records stored at the AIRR to support legal proceedings before the IBIA in hearings and appeals.

4.6.7 Procedures.

- A. Request to Withdraw Inactive Probate Records. LTRO Program Manager. To initiate a request to withdraw original inactive probate records from the AIRR, the LTRO Program Manager shall:
 - 1. Retrieve the approved copy of the Inactive Records Move Request form and indexed inventory for inactive records retired to the AIRR.
 - 2. Determine whether folder(s) or box(s) will be withdrawn.
 - 3. Prepare written request to include the following information:
 - a. Assigned OTR Accession Number(s) and/or National Archives and Records Administration (NARA) transfer number(s).
 - b. Sequence of box number (i.e., 1 of 5).
 - c. Accurate title of the file folder label(s).
 - d. Folder or box number(s).
 - e. LTRO's return mailing address.

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4. Submit the written request, via memorandum or email, to the OTR Director. OTR's address and email information is as follows:

Office of Trust Records
4400 Masthead Street, NE
Albuquerque, NM 87109
Fax (505) 816-1366
OST_OTR_RM_Technical_Assistance@ost.doi.gov

- B. Retire New Inactive Probate Records. LTRO Program Manager shall retire new inactive probate records and any new documents added during the appeals process by following the IARMM 4.1.
- C. OTR Director. OTR Director shall:
 1. Review, approve or disapprove, and return the request to withdraw original inactive probate records within 5 working days from date of receipt to LTRO.
 2. Forward approved requests to the Division Chief, DRMO, or designee, to fulfill the request for withdrawal.
- D. Division Chief, DRMO. Division Chief, DRMO, or designee, shall:
 1. Complete the approved written request within 5 working days from the date of receipt.
 2. Update database to reflect the withdrawal of inactive probate records from the AIRR.
 3. Ship the records being withdrawn to the LTRO Program Manager via shipping carrier with a tracking number; signature will be required for confirmation of delivery.