**Section 4170.210 Determination of Kinship or Related Group**

a) After grave contents from the unregistered grave are encountered the Department shall attempt to identify kinship related to the grave contents. The Department shall review any adequate historical documentation that is available to the Department to determine kinship. If kinship is established, the Department shall notify, by registered mail, those people or entities that have a kinship relation with the grave contents. Repatriation or care of the human remains shall be subject to the written permission of the kin who notify the Department within 30 days after the mailing notification that kinship is accepted.

b) If kinship cannot be established, then the Department shall attempt to determine if there is a related group or groups that would have an affiliation with the grave contents through adequate historical documentation.

c) If the Department determines that the grave contents are affiliated with a related group that is Native American in origin, the Department will notify any and all related Tribal Nations of the encounter of the grave contents or unregistered grave and invite the Tribal Nations to consult on the proposed treatment plan pursuant to Section 4170.220. If no Tribal Nation accepts the invitation or no Tribal National responds in writing within 30 days after receiving the invitation, then the Department will proceed with its determination as to any permit application. If a Tribal Nation or Nations accept the invitation, then the Department will consult with the Tribal Nation or Nations within 30 days after the acceptance of the invitation, unless a later date is agreed to by the Department and all of the Tribal Nation or Nations. Such consultation shall occur if the invitation is accepted before the Department issues a permit pursuant to this Part. Repatriation or reinterment is subject to Section 14 of the Act.

d) If the Department determines that the grave contents are affiliated with a related group or groups that is not Native American in origin, the Department will notify any and all related groups of the encounter. Such notification may be by mail or by publication. Repatriation or care of the human remains and grave contents shall be subject to the written permission of the related group who notify the Department in writing within 30 days after the mailing of the notification that the related group status is accepted by a group notified by the Department.

e) If the origin of the grave contents cannot be determined, the Department may, at its discretion, give public notice of any excavation of grave contents subject to the jurisdiction of the Department pursuant to the Act. Such public notice shall include, but not be limited to, notice in a newspaper of general circulation in the county where the unregistered grave or grave contents are situated for two consecutive weeks, in an effort to determine the identity of the kin or related group of the grave contents. Any person or group claiming kinship or a related group relationship to the grave contents must produce adequate historical documentation establishing that relationship. The Department shall review and verify the claim before grave contents are transferred to the person or group claiming kinship or related group status with the grave contents.

(Source: Amended at 48 Ill. Reg. 2189, effective January 25, 2024)