



Title XV– Tribal Enrollment Ordinance

Alabama-Coushatta Tribe of Texas Comprehensive Codes of Justice

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Title XV- Tribal Enrollment Ordinance is comprised of substantive and procedural Tribal statutes relevant to Enrollment in the Alabama-Coushatta Tribe.

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CHAPTER 1. GENERAL PROVISIONS

Sec. 101 Statement of Purpose

(A) This is an ordinance to define and regulate membership in the Alabama-Coushatta Tribe of Texas in accordance with the authority contained in Article II, Section 9, of the Alabama-Coushatta Tribe of Texas, Constitution and By Laws, and to establish an orderly enrollment procedure.

Sec. 102 Short Title

This ordinance shall be cited as the Alabama-Coushatta Tribe of Texas Enrollment Ordinance.

Sec. 103 Definitions of Terms

(A) ADULT. The term "adult" shall mean a person who is eighteen (18) years of age or older.

(B) APPELLANT. The term "appellant" shall mean a person who is appealing the decision of the Alabama-Coushatta Tribe's Enrollment Committee's rejection of an application for enrollment.

(C) APPLICANT. The term "applicant" shall mean a person seeking enrollment in the Alabama-Coushatta Tribe of Texas.

(D) BURDEN OF PROOF. The term "burden of proof" shall mean the burden the applicant must meet before either the Tribal Enrollment Committee or the Tribal Council approves the application for enrollment, and the burden shall be by a clear and convincing standard.

(E) DESIGNATED OFFICIAL CENSUS ROLLS OF THE ALABAMA-COUSHATTA TRIBE OF TEXAS. The term "designated official census rolls of the Alabama-Coushatta Tribe of Texas" shall mean the December 6, 1910 census roll, the June 1, 1936 census roll, the January 1944 census roll, the June 16, 1971 census roll, the August 18, 1987 census roll, and the June 19, 2013 census roll. Official copies of said census rolls shall be kept in the Tribal Enrollment Department and shall be available for use by individuals applying for membership in the Alabama-Coushatta Tribe of Texas.

(F) DNA. The term "DNA" shall mean the acronym for deoxyribonucleic acid, which is that nucleic acid that carries the genetic information in the cell and is capable of self-replication and synthesis of ribonucleic acid.

(G) DIRECT LINEAL DESCENT. The term "direct lineal descent" shall mean tracing an applicant's direct lineage from parent to child, generation to generation, without interruption.

(H) ENROLLMENT. The term "enrollment" shall mean the lawful placement of a person's name on the tribal census roll of the Alabama-Coushatta Tribe of Texas in accordance with this Ordinance.

(I) **TRIBAL ENROLLMENT COMMITTEE.** The term "**Tribal Enrollment Committee**" shall mean the committee established by this Ordinance to review and make decisions regarding applications for membership in the Alabama-Coushatta Tribe of Texas.

(J) **TRIBAL ENROLLMENT DEPARTMENT.** The term "**Tribal Enrollment Department**" shall mean the department of the Alabama-Coushatta Tribe of Texas authorized to receive and process applications for membership in the Tribe, to maintain records and documents regarding Tribal membership, and to serve as a resource center on information regarding Tribal membership.

(K) **INCOMPETENT PERSON.** The term "**incompetent person**" shall mean an adult who has reached the age of eighteen (18) years and who, because of a physical or mental condition, is substantially unable to provide food, clothing or shelter for himself or herself, to care for their own physical health, or to manage their own financial or personal affairs.

(L) **MINOR.** The term "**minor**" shall mean a person who has yet to reach the age of eighteen (18) years of age.

(M) **NON-RESIDENT TRIBAL MEMBER.** The term "**non-resident tribal member**" shall mean all enrolled members of the Alabama-Coushatta Tribe of Texas not domiciled on the territory of the Tribe, as defined by Article I, Section 1 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas.

(N) **PARENT OR PARENTS.** The term "**parent**" or "**parents**" shall mean the biological parent or parents.

(O) **QUARTER.** The term "**quarter**" means a three-month period that consists one-fourth of a calendar year. The four quarters that make up the calendar year are: January, February and March (Quarter One (1)); April, May and June (Quarter Two (2)) , July, August and September (Quarter Three (3)); and October, November and December (Quarter Four (4)).

(P) **RESIDENT TRIBAL MEMBER.** The term "**Resident Tribal Member**" shall mean all enrolled members of the Alabama-Coushatta Tribe of Texas living on the territory of the Tribe, as defined by Article I, Section 1 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, with the intent to make the territory their fixed and permanent home.

(Q) **SPONSOR.** The term "**sponsor**" shall mean a parent, or a court ordered legal guardian who is filing an application for membership on behalf of a minor or an incompetent person.

(R) **TRIBAL COUNCIL.** The term "**Tribal Council**" shall mean the duly elected and recognized governing body of the Alabama-Coushatta Tribe of Texas as defined in Article V, Section 1 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas.

(S) **TRIBAL MEMBER; MEMBER.** The term "tribal member" or "member" shall mean any person who is a duly enrolled member of the Alabama-Coushatta Tribe of Texas.

CHAPTER 2. ENROLLMENT

Sec. 201 Confidentiality and Access to Information

(A) The Tribal Enrollment Department, Tribal Enrollment Committee and the Tribal Council shall protect and preserve the confidentiality of membership applications and enrollment records.

Sec. 202 Enrollment Eligibility

(A) The following persons as established by Article II, Section 2(b)(1), (2) and (3), are deemed eligible for membership in the Alabama-Coushatta Tribe of Texas;

(1) All persons whose names appear on the official census roll of the Alabama-Coushatta Tribe of Texas as of June 19, 2013; and

(2) All persons who meet all of the following requirements:

(a) The ability to show direct lineal descent from an ancestor whose name appears on any of the designated official rolls of the Alabama-Coushatta Tribe of Texas;

(b) At least one-fourth degree of Alabama Tribe and/or Coushatta blood as referenced in Article II, Section 2(b)(1); and

(c) Applies for and is granted membership in the Alabama-Coushatta Tribe of Texas in accordance with this Ordinance.

Sec. 203 Application and Criteria for Enrollment

(A) The Application for Enrollment may be obtained on written request from the Alabama-Coushatta Tribal Enrollment Department.

(B) The burden of proof for establishing the right to membership in the Alabama-Coushatta Tribe of Texas is on the person applying for membership or a sponsor.

(C) Each application must be completed in its entirety and must contain sufficient personal information to properly determine the applicant's eligibility for enrollment. The enrollment application shall include but not be limited to the following:

(1) All names by which the applicant is known or has ever been known;

(2) The mailing address of the applicant;

(3) The applicant's telephone number;

(4) The name of the ancestor and designated census roll through whom the applicant is claiming eligibility for membership;

(5) The requirement of a "yes" or "no" answer to the question: Is the applicant an enrolled member of another tribe or band;

- (6) Certification that the information given in the application is true and accurate to the best of the applicant or sponsor's knowledge;
- (7) Notarized signature of applicant or sponsor (noting the relationship to applicant); and
- (8) Date the application was signed.

(D) An application will not be considered complete unless the following documentation (if applicable) is attached:

- (1) A family tree chart tracing direct lineal descent from Relative/Anccestor as listed on the designated official census of the Alabama-Coushatta Tribe of Texas;
- (2) A copy of applicants social security card;
- (3) The applicant's state certified birth certificate with a raised seal;
- (4) The results of DNA testing to determine the probability that the individual(s) tribal member(s) identified as an applicant's parent(s) are in fact the applicant's parent(s). The testing must show that there is a 97% or greater probability of parentage. Only certified lab results from any independent, certified laboratory shall be acceptable. Furthermore, the lab results will be mailed directly from the certified lab to the Tribal Enrollment Department. All costs associated with the cost of performing the test shall be the responsibility of the applicant or the applicant's sponsor. The results of the DNA testing is not determinative on the issue of eligibility for enrollment but, rather, will be one factor used in making the eligibility decision. If an issue concerning the reliability of the test results is raised the party seeking to have the DNA results considered must establish that the testing procedures and results were consistent with the authorizing laws of the jurisdiction in which the test was performed;
- (5) If the applicant has ever been an enrolled member in any other tribe, band or Indian community, proof of the intent to relinquish membership in that other tribe, band or Indian community; and
- (6) A certified copy of Court Order awarding custody or guardianship if application is being submitted on behalf of minor or incompetent person by sponsor other than applicant's parents.

(E) Applications for Enrollment will be reviewed on a quarterly basis and submitted no later than the last Friday of the quarter to be considered.

Sec. 204 Duties of Tribal Enrollment Department

(A) The Tribal Enrollment Department shall number and date all incoming applications.

(B) The Tribal Enrollment Department shall review all applications for adequacy of documentation.

(C) After reviewing applications for adequacy of documentation, the Tribal Enrollment Department shall inform applicants of any deficiencies in documentation.

(D) The Tribal Enrollment Department shall submit completed applicant files to the Tribal Enrollment Committee for review and determination of eligibility for membership in the Alabama-Coushatta Tribe of Texas. The Enrollment Department shall provide the completed applicant files to the Enrollment Committee no later than fifteen (15) calendar days after the last day of the immediate preceding quarter.

(E) The Tribal Enrollment Department shall present applications approved by the Tribal Enrollment Committee before the Tribal Council for official record.

Sec. 205 Tribal Enrollment Committee

(A) The Tribal Council shall appoint a Tribal Enrollment Committee consisting of three (3) adult members of the Tribe. The Committee Members shall serve staggered terms of two (2) years, and are eligible for re-appointment at the end of their terms. The Tribal Council shall also appoint two (2) alternate Committee Members to serve when there is a conflict of interest involving a Committee Member.

(B) Any person who holds an elective or appointive Tribal Office, or is a candidate for elective office, shall be ineligible to serve on the Tribal Enrollment Committee. Any committee member who seeks elective office shall automatically forfeit the remainder of said Member's term on the date the Member becomes a candidate for elective office. Any committee member who is appointed to Tribal office shall forfeit the remainder of said Member's term on the date the Member is appointed to Tribal Office.

(C) A conflict of interest occurs when a Committee Member is asked to review an application in which the applicant is either the Committee Member's child or grandchild. A conflict of interest also occurs when a Committee Member believes that he or she has a personal bias or prejudice concerning an applicant. Where such a conflict of interest exists, the affected Committee Member shall be recused from all involvement with the application at issue.

(D) Members of the Tribal Enrollment Committee shall select a member to be the Chairman of the Committee.

(E) The Tribal Enrollment Committee shall be responsible for reviewing applications for membership in the Alabama-Coushatta Tribe of Texas and making a decision regarding approval or denial of applications.

(F) Depending on the availability of funds, the Tribal Council may, at its sole discretion, provide compensation for the members of the Tribal Enrollment Committee. In the absence of such action by the Tribal Council, Committee Members will receive no compensation for service on the Committee.

Sec. 206 Determination of Eligibility for Tribal Membership

(A) On receipt of an application from the Tribal Enrollment Department, the Tribal Enrollment Committee will review the application and determine whether the applicant is eligible for membership in the Alabama-Coushatta Tribe of Texas. Such action will be taken no later than thirty (30) calendar days of receiving an application from the Tribal Enrollment Department.

(B) The Tribal Enrollment Committee shall express its determination in writing. The writing shall state whether the Committee approved or rejected the applications. In cases where an application is rejected, the Committee shall state which membership requirement(s) the Committee determined the applicant failed to establish.

(C) When the Tribal Enrollment Committee approves an application, it shall notify the Tribal Enrollment Department of the Enrollment Committee's decision and direct the Enrollment Department to contact the applicant and to finalize the applicant's inclusion on the Alabama-Coushatta Tribe of Texas census roll.

(D) When the Tribal Enrollment Committee rejects an application, it shall notify the Tribal Enrollment Department and direct the Enrollment Department to provide the applicant written notice of the applicant's right to appeal the Committee's decision.

(E) The written notice shall:

(1) State the tribal membership requirement(s) that the applicant failed to establish or other reasons why application was rejected;

(2) Inform the applicant that an appeal must be filed within fourteen (14) calendar days of the written notice;

(3) Indicate that the applicant or the applicant's sponsor may appear before the Tribal Enrollment Committee at the time and place designated for such hearing to provide additional evidence and oral testimony in support of the applicant's application for tribal membership; and

(4) Advise the applicant that it is the applicant's duty to furnish the Tribal Enrollment Committee with adequate evidence to establish the applicant's right to enrollment in the Alabama-Coushatta Tribe of Texas.

(F) The hearing on the applicant's appeal shall be informal, closed to the public and shall be presided over by the Tribal Enrollment Committee Chairman. The applicant shall have the burden of proof in establishing to the satisfaction of the Committee that such applicant meets the requirements for membership. The Committee shall consider all relevant evidence regarding the applicant's eligibility for enrollment, but the weight and

sufficiency of such evidence shall be determined by the Tribal Enrollment Committee. The Committee, at its sole discretion, may elect to receive oral testimony.

(G) No later than fourteen (14) calendar days after the hearing on the applicants appeal, the Tribal Enrollment Committee shall make its final decision in writing. If the Committee again rejects the application, it shall state the basis for its finding that the application should be rejected and notify the applicant of the applicant's right to appeal the decision to the Tribal Council.

CHAPTER 3. APPEAL PROCESS

Sec. 301 Right of Appeal to Tribal Council

(A) Any person whose application for enrollment has been rejected by the Tribal Enrollment Committee after an appeal to the Committee, may appeal the Committee' decision to the Tribal Council. The applicant has fourteen (14) calendar days to file an appeal.

(B) To commence an appeal, the appellant must clearly express in writing such an intent to the Tribal Council. The appellant must further state why the appellant asserts that the Tribal Enrollment Committee acted arbitrarily, unreasonably, or contrary to the law in rejecting the application.

(C) On notice from the Tribal Council that it has accepted the appellant's notice of appeal, the Tribal Enrollment Committee shall transmit to the Tribal Council the complete record of the application for enrollment together with all evidence presented concerning the eligibility for membership. The Tribal Enrollment Committee may defend its decision before the Tribal Council.

(D) The burden of proof shall be on the appellant to show that the Tribal Enrollment Committee acted arbitrarily, unreasonably, or contrary to the law in rejecting the application.

Sec. 302 Decision of the Tribal Council

(A) The Tribal Council shall consider the record as presented, together with any legal authority that it may consider pertinent, and the Council may, at its own discretion, allow oral argument to be made.

(B) The Tribal Council shall issue its decision on appellant's appeal in writing. The decision of the Tribal Council shall be final and non-appealable.

CHAPTER 4. RELINQUISHMENT OF TRIBAL MEMBERSHIP

Sec. 401 Relinquishment

(A) If a member of the Alabama-Coushatta Tribe of Texas is an enrolled member of another tribe or band, then such enrollment shall constitute a voluntary relinquishment of membership in the Alabama-Coushatta Tribe of Texas.

(B) Any adult member of the Alabama-Coushatta Tribe of Texas may voluntarily relinquish his or her membership in the Tribe. Such relinquishment must be in writing, and the member's signature must be notarized. Said relinquishment shall be conditional for one hundred and eighty (180) calendar days from the date the relinquishment is submitted to the Tribal Enrollment Department. After the one hundred and eighty-first (181) calendar day, the relinquishment shall become effective with no formal action required by any Tribal body, however, the Tribal Enrollment Department will present the relinquishment before the Tribal Council for official record.

(C) Any adult member of the Alabama-Coushatta Tribe of Texas who has ever voluntarily relinquished his or her membership in the Tribe shall not be re-enrolled into the Alabama-Coushatta Tribe of Texas.

(D) A minor's membership in the Alabama-Coushatta Tribe of Texas may be voluntarily relinquished by his or her parent(s) or by his or her legal guardian. The relinquishment must be in writing, and the signature of the parents or legal guardian must be notarized. In the case where one parent is deceased, then only the signature of the surviving parent is required. In the case where the parents are divorced, then both parents' signatures are required unless a court has provided an order establishing that one parent has sole parental rights and responsibilities for the minor in issue. In such cases, only the parent with sole parental rights and responsibilities signature is required. Said relinquishment shall be conditional for one hundred and eighty (180) calendar days from the date the relinquishment is submitted to the Tribal Enrollment Department. After the one hundred and eighty-first (181) calendar day, the relinquishment shall become effective with no formal action required by any Tribal body, however, the Tribal Enrollment Department will present the relinquishment before the Tribal Council for official record.

(E) A minor member of the Alabama-Coushatta Tribe of Texas whose membership has been relinquished by a parent or guardian may submit an application for re-enrollment in the Tribe after that minor has reached the age of eighteen (18) years. A minor who has reached the age of eighteen (18) must submit an application for re-enrollment prior to the minor reaching twenty-five (25) years. Any application for re-enrollment submitted after a minor has reached the age of twenty-five (25) will be deemed ultimately filed and automatically denied. All applications for re-enrollment shall be processed as though the individual had not previously been a member of the Alabama-Coushatta Tribe of Texas.

CHAPTER 5. TRIBAL CENSUS ROLLS

Sec. 501 Maintenance of Tribal Census Rolls

(A) The Tribal Enrollment Department shall create and maintain an annual census roll of all members of the Alabama-Coushatta Tribe of Texas, and said roll will identify if a member is a resident tribal member or a non-resident tribal member.

(B) The Tribal Enrollment Department shall publish the annual census roll of all members of the Alabama-Coushatta Tribe of Texas annually, no later than 120 days prior to the Annual Election held on the first Wednesday of November. This roll will be posted in the Tribal Enrollment Department, Tribal Council Office, and the Tribal Administration Department.

(C) The Tribal Enrollment Department shall publish on a quarterly basis the names of all new tribal members added to the census roll of the Alabama-Coushatta Tribe of Texas. This roll will be posted in the Tribal Enrollment Department, Tribal Council Office, and the Tribal Administration Department.¹

¹ Sec. 501 – Revised on November 23, 2015, by ACITC Resolution #2015-67; ACITC# Resolution #2015-67 rescinded by ACITC#2016-10 and (B) revised to be consistent with Article II, Section 10 of the Alabama-Coushatta Tribe of Texas Constitution and By-Laws.