



Title XV- Tribal Enrollment Ordinance

**Alabama-Coushatta Tribe of Texas
Comprehensive Codes of Justice**

Adopted on February 12, 2024, by ACITC Resolution #2024-14.

***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 citizenship 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 (“Constitution”), and to establish an orderly enrollment procedure. For purposes of this Ordinance, “citizen” or “citizenship” shall mean “member” or “membership” as those terms are used in Article II of the Tribe’s Constitution.

CHAPTER 2. ENROLLMENT

Sec. 201 Confidentiality and Access To Information

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

Sec. 202 Enrollment Eligibility

(A) The following persons as established by Article II, Section 2(b)(1), (2), (3) and (4) of the Constitution, are deemed eligible for citizenship 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 1, 2023; and

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

(a) Have either a biological mother or a biological father who is currently an enrolled member of the Alabama-Coushatta Tribe of Texas, or who was an enrolled member at the time of their death;

(b) At least one-fourth (1/4) degree of Alabama and Coushatta Indian Tribes of Texas blood as referenced in Section 201(1) and Section 202 of the Ysleta Del Sur Pueblo and Alabama and Coushatta Tribes of Texas Restoration Act (Public Law 100-89 August 18, 1987); and

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

(d) Absent special circumstances, a valid application for membership must be received by the Tribe when the applicant is either between 0-2 years of age, or between 18-20 years of age; and

(e) For purposes of this section, "Special Circumstances" shall exist when an applicant demonstrates in writing, and with supporting evidence, that the applicant was unable to apply during the required timelines of Sec. 202(A)(2)(d) of this Ordinance due to a reason that was entirely outside of the applicant's control, and that but for the stated reason, the applicant would have met the deadline. The burden of proof shall always remain on the applicant to demonstrate his/her Special Circumstance. The applicant must apply within 12 months from the date that the claimed Special Circumstance ended, or reasonably should have been discovered or known to end in order to be enrolled into the Tribe.

As a guide:

1. The fact that an applicant aged out at a time when enrollment was closed or the Tribe was not taking applications, shall be a Special Circumstance.

2. An applicant under 18 shall be bound by the action(s) or inaction(s) of the person tasked with applying on the applicant's behalf.

3. Emancipation of a minor will NOT be considered as a Special Circumstance. An emancipated minor must still wait until they are 18 years of age before being allowed to apply for Citizenship.

Sec. 203 Application and Criteria For Enrollment

(A) An application for enrollment may be obtained on request from the Alabama-Coushatta Tribal Enrollment Department.

(B) The burden of proof for establishing the right for citizenship in the Alabama-Coushatta Tribe of Texas is at all times on the applicant.

(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) All information needed to determine eligibility for citizenship as spelled out in the Constitution;
- (5) The requirement of a "yes" or "no" answer to the question: "Is the applicant an enrolled citizen 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 the applicant's parent or legal guardian's knowledge;
- (7) Notarized signature of applicant or applicant's parent or legal guardian (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 copy of applicant's social security card;
- (2) The applicant's state certified long form birth certificate with a raised seal;
- (3) The results of DNA testing. DNA testing determines the probability that the Tribal citizen(s) is in fact the applicant's biological parent(s). The testing must show that there is a 97% or greater probability of parentage. "Collateral testing" (testing of a relative that is not the biological parent), will NOT be allowed. Only independent certified lab results from a pre-approved facility 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 parent or legal guardian. The results of DNA testing does not determine 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.

If it is impossible to obtain the DNA of a biological parent, the DNA testing requirement may be waived as long as the applicant:

- a. Requests in writing a waiver of the DNA requirement. The written request must spell out specifically why collecting DNA from the biological parent(s) is impossible; AND
- b. The applicant supplies overwhelming documentation evidencing that the biological parent(s) is indeed the biological parent beyond a reasonable doubt.

(4) If the applicant has ever been an enrolled citizen in any other tribe, band or Indian community, proof of the intent to relinquish citizenship in that other tribe, band or Indian community; and

(5) A certified copy of a court order awarding custody or guardianship if applicable.

(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 Who May File an Application on Behalf of a Minor Child or Incompetent Person

(A) If both biological parents are enrolled citizens in the Tribe, and have not lost such right by court order, either biological parent can file an application on a minor or incompetent person's behalf.

(B) If an applicant has only one biological parent, who has not lost such right by court order, who is an enrolled member in the Tribe, that biological parent must be the one applying on the minor or incompetent person's behalf.

(C) If the only enrolled biological parent is deceased, the non-enrolled biological parent, who has not lost such right by court order, may then apply.

(D) If both biological parents are deceased or have lost parental rights by court order, the court appointed legal guardian may apply on behalf of the minor child or incompetent person.

Sec. 205 Duties of the Tribal Enrollment Department

(A) The Tribal Enrollment Department shall 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 Board for review and recommendation of eligibility for citizenship in the Alabama-Coushatta Tribe of Texas. The Enrollment Department shall provide the completed applicant files to the Enrollment Board no later than fifteen (15) calendar days after the last day of the immediately preceding quarter.

Sec. 206 Tribal Enrollment Board

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

(B) Any person currently on or elected to serve on Tribal Council shall be ineligible to serve on the Tribal Enrollment Board. Any Board member who is appointed or elected to serve on Tribal Council shall forfeit the remainder of said Member's term on the date the Member is appointed or elected to Tribal Council.

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

(D) Members of the Tribal Enrollment Board shall select a member of the Board to be the Chairman and Secretary of the Board, who each shall serve one-year terms.

(E) The Tribal Enrollment Board shall be responsible for reviewing applications for citizenship in the Alabama-Coushatta Tribe of Texas and making a record of applications it approves or denies.

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

Sec. 207 Determination of Eligibility for Tribal Citizenship

(A) On receipt of an application from the Tribal Enrollment Department, the Tribal Enrollment Board will review the application and determine whether it believes the applicant is eligible for citizenship in the Alabama-Coushatta Tribe of Texas.

(B) The Tribal Enrollment Board shall express its determination in writing. The writing shall state whether the Board recommends for approval or disapproves each application. In cases where an application is disapproved, the Board shall state which citizenship requirement(s) it determined the applicant failed to establish.

(C) When the Tribal Enrollment Board recommends an application for approval, it shall notify the Tribal Enrollment Department of the its recommendation. The Board and the Enrollment Department will then meet and confer with the Tribal Council in an informal, closed to the public setting, to review the applications that were recommended for approval.

(D) After conferring with the Tribal Council, the Enrollment Board will then confirm whether it approves or disapproves an application for enrollment. If an application is approved, the applicant's name will be presented during the next Tribal Council Meeting for acceptance.

(E) The Enrollment Department will contact the applicant and finalize the applicant's inclusion on the Alabama-Coushatta Tribe of Texas census roll.

(F) When the Tribal Enrollment Board disapproves 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 Board's decision.

(G) The written notice shall:

- (1) State the tribal citizenship requirement(s) that the applicant failed to establish or other reasons why application was disapproved;
- (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 parent(s) or legal guardian may appear before the Tribal Enrollment Board at a time and place designated for such hearing to provide additional evidence and oral testimony in support of the application for tribal citizenship; and
- (4) Advise the applicant that it is the applicant's duty to furnish the Tribal Enrollment Board with adequate evidence to establish the applicant's right to enrollment in the Alabama-Coushatta Tribe of Texas.

(H) The hearing on the applicant's appeal shall be informal, closed to the public and shall be presided over by the Tribal Enrollment Board Chairman. The applicant shall have the burden of proof in establishing, to the satisfaction of the Board, that such applicant meets the requirements for citizenship. The Board 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 Board. The Board, at its sole discretion, may elect to receive oral testimony.

(I) No later than fourteen (14) calendar days after the hearing on the applicant's appeal, the Tribal Enrollment Board shall make its final decision in writing. If the Board again disapproves the application, it shall state the basis for its finding 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 was initially disapproved by the Tribal Enrollment Board, and the again during an appeal to the Board, may then appeal the Board's decision to the Tribal Council. The applicant has fourteen (14) calendar days from the date of the denial letter 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 they feel that the Tribal Enrollment Board acted arbitrarily, unreasonably, or contrary to the law in disapproving the application.

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

(D) The burden of proof shall be on the appellant to show that the Tribal Enrollment Board 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 the appellant's appeal in writing. The decision of the Tribal Council shall be final and non-appealable.

CHAPTER 4. RELINQUISHMENT OF TRIBAL CITIZENSHIP

Sec. 401 Relinquishment

(A) If a citizen of the Alabama-Coushatta Tribe of Texas is or becomes an enrolled member of another tribe or band, then such enrollment shall constitute an immediately effective voluntary relinquishment of citizenship, or the rights to citizenship, in the Alabama-Coushatta Tribe of Texas.

(B) Any adult citizen of the Alabama-Coushatta Tribe of Texas may also voluntarily relinquish his or her citizenship in the Tribe in writing by notarized signature. 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. Voluntary relinquishment by a citizen 18 years of age or older shall be permanent.

(C) A minor's citizenship 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 parent(s) 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 minor's 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.

(D) Tribal Citizens who have their citizenship relinquished before they are 18 years of age, may reapply and have their citizenship restored should they apply when they are 18-20 years of age and meet all the other enrollment requirements.

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 citizens of the Alabama-Coushatta Tribe of Texas and said roll will identify if a citizen is a resident Tribal citizen or a non-resident Tribal citizen.

(B) The Tribal Enrollment Department shall publish the annual census roll of all citizens of the Alabama-Coushatta Tribe of Texas on or about June 1st of each year, but 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 citizens 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.