

## **TITLE XI - TRIBAL ENROLLMENT**

### **SECTION 1.        AUTHORITY**

This Chitimacha Enrollment Ordinance is enacted pursuant to the authority contained in Article III, Section 4, of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana.

(Created by Ordinance # 10-93; Adopted: September 7, 1993; Effective: February 4, 1994; Added by Resolution CHI-TC #3-95 on January 19, 1995; Revised by Ordinance #02-13; Adopted: November 7, 2013; Effective: November 7, 2013)

### **SECTION 2.        ENROLLMENT ELIGIBILITY**

The following persons are eligible for membership in the Chitimacha Tribe of Louisiana:

(A) All Chitimacha Indians living on the date of approval of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana, whose names appear on either;

1. the Annuity Pay Roll of 1926, Claim 374514, which was received and recorded by the Office of Indian Affairs on October 18, 1926, or
2. the revised Census Roll of June 1959, of record at the Choctaw Indian Agency, Philadelphia, Mississippi, or
3. Who are lineal descendants of such persons and provided such descendants apply for membership and furnish birth certificates or other sufficient evidence to prove their ancestry consistent with the Tribal Constitution and the processes in this Ordinance.

(B) Any lineal descendants of any person described in sub-section (a) above shall be entitled to membership provided such descendants apply for membership and furnish birth certificates or other sufficient evidence to prove their ancestry.

(Created by Ordinance # 10-93; Adopted: September 7, 1993; Effective: February 4, 1994; Added by Resolution CHI-TC #3-95 on January 19, 1995; Revised by Ordinance #02-13; Adopted: November 7, 2013; Effective: November 7, 2013)

### **SECTION 3. DETERMINING DEGREE OF CHITIMACHA BLOOD**

(A) For the purpose of computing the blood quantum in determining eligibility for certain state, federal and Tribal programs, the degree of Chitimacha blood, of the applicant's ascendants listed on the Annuity Pay Roll of 1926, Claim 374514 or, the Census Roll of June 1959 shall be used.

(Created by Ordinance # 10-93; Adopted: September 7, 1993; Effective: February 4, 1994; Added by Resolution CHI-TC #3-95 on January 19, 1995; Revised by Ordinance #02-13; Adopted: November 7, 2013; Effective: November 7, 2013)

### **SECTION 4. APPLICATIONS FOR ENROLLMENT**

(A) Application forms may be obtained upon oral or written request from the Chitimacha Tribal Enrollment Officer.

(B) Applications for minors or incompetents shall be filed by their Chitimacha parent(s) or a member of the family who is an enrolled adult member of the Chitimacha Tribe of Louisiana, acting as their sponsor.

(C) All applications for Tribal membership shall be fully completed and contain the following items:

- (1) Date of Application.
- (2) Applicant's name, address and phone number completing application, if other than person seeking enrollment, and their relationship to same.
- (3) The name, address, phone number and alleged degree of Chitimacha blood of applicant.
- (4) Applicant's date of birth, place of birth, natural Mother's and Father's name.
- (5) All the names by which the applicant is known.
- (6) The name of any other Tribe for which the applicant may be either eligible for or currently enrolled with, along with the degree of blood quantum of that Tribe.
- (7) The signature of the applicant or sponsor.
- (8) An ancestral chart with the names of all Chitimacha ancestors whose names may appear on the Annuity Pay Roll of 1926, Claim 374514 and/or the Census

Roll of 1959 , together with the names of all other Chitimacha ancestors subsequent to those Rolls and the birth of the applicant.

(9) A certified copy of the applicant's birth certificate.

(10) The application must be accompanied by the non-refundable application fee as set forth in Section 9 below.

(11) In cases where the applicant is claiming descentcy through a parent whose name does not appear on the original birth certificate, or if such evidence is unavailable, the following documentation must be presented:

(a) An Affidavit (Acknowledgment) of Paternity signed by both natural parents along with legal documentation of DNA testing proving paternity, if it has been more than six (6) months since the birth of the child. It will be the responsibility of the parents to provide this documentation at their own expense, or

(b) In cases where one or both of the natural parents are deceased, an Affidavit can be executed on behalf of the applicant by an enrolled adult member of their family, who can also provide legal documentation proving paternity.

(11) Any other documentary evidence by which membership is claimed.

(12) In all cases where the applicant's mother is not a member of the Chitimacha Tribe of Louisiana or is a member of another Indian Tribe and the applicant is claiming eligibility for enrollment based on the status of his/her father as an enrolled member of the Tribe. The applicant must submit legal documentation of DNA testing proving paternity. This requirement applies even where the original birth certificate lists the father or where the birth certificate is unavailable. The Chitimacha Tribe of Louisiana will pay the costs of one DNA test per applicant.

(c) In the event the Chitimacha Enrollment Officer determines an application to be incomplete or the required filing fee not paid, the applicant or the party applying on their behalf shall be notified so that the required documentation or fee can be provided.

(Created by Ordinance #10-93; Adopted: September 7, 1993; Effective: February 4, 1994; Added by Resolution CHI-TC #3-95 on January 19, 1995; Revised by Ordinance #5-01; Adopted: December 18, 2001; Effective: November 8, 2002; Revised by Ordinance #02-13; Adopted: November 7, 2013; Effective: November 7, 2013).

**SECTION 5. DETERMINATION OF ENROLLMENT**

(A) The Chitimacha Enrollment Officer shall review for accuracy all applications according to the criteria as set forth in this Ordinance and compute the degree of Chitimacha blood of the applicant.

(1) If the Chitimacha Enrollment Officer determines the application is accurate and all criteria for enrollment has been met and sufficiently documented and the required filing fee paid, it shall be submitted along with an Action of Enrollment and Degree of Chitimacha Blood to the Chitimacha Tribal Council for their consideration. If the action is approved, the documents shall be executed by the Chairman and Secretary/Treasurer with the Tribal seal endorsing same. The applicant shall then be notified of the Chitimacha Tribal Council's decision by the Chitimacha Enrollment Officer, confirming that they have been approved for membership in the Chitimacha Tribe of Louisiana and shall be eligible to enjoy all the rights and privileges thereof.

(2) If the Chitimacha Tribal Council determines that the application for enrollment does not meet all the required criteria or that the information supplied is inaccurate, the Chitimacha Enrollment Officer shall notify the applicant or the party applying on their behalf that the application has been denied. Said notice shall be sent certified/restricted mail, return receipt requested, and shall include a statement of the reasons for denial and notice of the right to seek reconsideration of the Chitimacha Tribal Council's decision.

(B) Any person whose application is denied may, within thirty (30) days of the date of receiving the notice of denial, submit a request for reconsideration of the decision, together with any supporting evidence or material, to the Chitimacha Tribal Council. In deciding the request for reconsideration, the Chitimacha Tribal Council shall base its decision solely upon documentary evidence presented with the application and the request. If the Chitimacha Tribal Council determines that the applicant is qualified for membership, the applicant shall be notified, and thereafter be a member of the Chitimacha Tribe of Louisiana, and eligible to enjoy the rights and

privileges thereof. Otherwise, the denial of the application shall stand, and the applicant shall be so notified by certified/restricted mail, return receipt requested. The decision of the Chitimacha Tribal Council shall be final and conclusive, and not subject to any appeal.

(Created by Ordinance #10-93; Adopted: September 7, 1993; Effective: February 4, 1994; Added by Resolution CHI-TC #3-95 on January 19, 1995; Revised by Ordinance #02-13; Adopted: November 7, 2013; Effective: November 7, 2013)

## **SECTION 6.           LOSS OF MEMBERSHIP**

(A) Any adult member of the Chitimacha Tribe of Louisiana may voluntarily relinquish his or her membership. However, the membership of any minor member of the Chitimacha Tribe of Louisiana can only be relinquished by his or her Chitimacha parent(s), guardian(s) or an enrolled member of an enrolled adult member of the family of the minor, who can show just cause for the relinquishment. In addition, verification of legal custody must be supplied along with written approval of both, natural parents or legal guardians.

(1) A request for relinquishment must be in writing and executed before a notary and two (2) witnesses.

(2) The relinquishment shall become effective after hearing on the merits and approval by the Chitimacha Tribal Council, documented by a resolution. The Council may request an investigative report to be conducted by the Chitimacha Human Services Department.

(3) Relinquishment of Tribal membership by an adult shall be final. However, a minor whose membership has been relinquished by his or her parent or other sponsor may re-apply for membership after reaching the age of eighteen (18).

(B) A Tribal member who is found by the Chitimacha Tribal Court, acting pursuant to the procedures established in Title IV, Chapter 5, Section 501, et seq. of the Chitimacha Code of Justice to have been erroneously enrolled or not now eligible for Tribal membership pursuant to the Chitimacha Tribe of Louisiana's membership criteria, shall be subject to dis-enrollment by the Chitimacha Tribal Council.

(1) Such member shall be notified by certified/restricted mail, return receipt requested, of the Chitimacha Tribal Council's intent to dis-enroll. Included in the

notice shall be the date set for a hearing before the Chitimacha Tribal Council to consider the matter, which date shall be not less than twenty (20) days from receipt of the notice, and a copy of the Chitimacha Tribal Trial Courts' Findings of Fact. Following the hearing, irrespective of whether the affected member makes any appearance or response, the Chitimacha Tribal Council shall determine if the member shall be dis-enrolled.

(2) The decision of dis-enrollment by the Chitimacha Tribal Council is final and conclusive, and not subject to any appeal. The decision shall be documented in a resolution.

(C) Under no circumstances shall the Chitimacha Tribal Council exhume or cause to be exhumed a person's body to verify information related to enrollment. This provision does not alter any person's right to undertake an exhumation in accordance with all other appropriate laws.

(Created by Ordinance #10-93; Adopted: September 7, 1993; Effective: February 4, 1994; Added by Resolution CHI-TC #3-95 on January 19, 1995; Revised by Ordinance #5-01; Adopted: December 18, 2001; Effective: November 8, 2002; Revised by Ordinance #02-13; Adopted: November 7, 2013; Effective: November 7, 2013)

## **SECTION 7.           RECORDS**

(A) The Chitimacha Enrollment Officer shall maintain a list of persons whose applications are granted according to the criteria set forth above.

(B) The Chitimacha Enrollment Officer shall establish a file for each Tribal member that shall contain information regarding such person's enrollment in the Chitimacha Tribe of Louisiana. The records contained therein shall be deemed confidential and not be released without just cause to third parties.

(C) A Tribal member's enrollment file may be updated upon receipt of appropriate documentation of the following:

- (1) Name change;
- (2) Address change; or
- (3) Death

The following documentation is deemed adequate for such actions to be taken:

- (1) Marriage License;
- (2) Divorce Decree;
- (3) Court Order changing name;
- (4) Death Certificate;
- (5) Obituary Notice from newspaper; or
- (6) In the event of an address change: a written statement signed by the Tribal member, but if a minor, by his/her parent(s) and/or legal guardian(s).

(Created by Ordinance #10-93; Adopted: September 7, 1993; Effective: February 4, 1994; Added by Resolution CHI-TC #3-95 on January 19, 1995; Revised by Ordinance #02-13; Adopted: November 7, 2013; Effective: November 7, 2013)

#### **SECTION 8. DUAL ENROLLMENT PROHIBITED**

Names of persons enrolled as members of any other tribes, bands or groups of Indians shall not be included on the Chitimacha Tribal Membership Roll.

(Added by Ordinance CHI-TC #02-13 on November 7, 2013; Adopted: November 7, 2013; Effective: November 7, 2013)

#### **SECTION 9. APPLICATION FEES**

A standard application fee shall be paid to the Chitimacha Enrollment Officer at the time of the filing of the completed application and prior to lineage research being conducted to determine eligibility of Chitimacha Tribal Membership.

(Added by Ordinance CHI-TC #02-13 on November 7, 2013; Adopted: November 7, 2013; Effective: November 7, 2013)