Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Office of the Tribal Chairman

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CITIZENSHIP STATUTE REGULATIONS
REG-WOS 2008-006 072809-002

I. **Introduction and explanation.** The Regulations below are not required by the Citizenship Statute, WOS 2008-06. However, the Executive may develop Regulations for such statutes that the Executive deems necessary for the implementation of the intent of the law and shall forward such Regulations to the Tribal Council for approval in accordance with WOS 2008-001, the Administrative Procedures Statute.

II. **Definitions:**

A. **Adopted Child (ren):** refers to children given up by their natural parents and adopted by others – it does not refer to adoption into the tribe.

B. **Amended Birth Certificate:** (aka: adopted birth certificate) A term used to refer to the new birth certificate that is issued for an adopted child after an adoption becomes final, which shows the new name of the adopted child and the adoptive parents as the parents of the child, as though they are its biological parents. This new birth certificate is placed in the public records in place of the child's original birth certificate. The original birth certificate is then stored in a separate secure location that is not accessible to the public, and may be viewed only by court order.

C. **Certificate Degree of Indian Blood:** (also abbreviated CDIB) is an official U.S. document that certifies an individual possesses a specific degree of Native American blood of a federally recognized Indian tribe, band, nation, pueblo, village, or community. They are issued by the Bureau of Indian Affairs.

D. **Certified funds:** means an amount of money in the form of a money order or certified check from a banking institute.

E. **Degree of Indian Blood:** (also abbreviated DIB) means a letter from a federally recognized Tribe including Canada that lists the degree or amount of Indian ancestry, signed by the Enrollment Office or designee.

F. **Directory:** (a.k.a as the Tribal Directory) means a complied list, in the form of a booklet, of the Little Traverse Bay Bands of Odawa Indians adult citizens who have not declined to be included in the directory.

G. **Directory Labels:** means mailing labels created from the tribal directory.

H. **Immediate Family:** means: wife, husband, son, daughter, mother, father, brother, sister, step-mother, step-father, step-brother, step-sister, father-in-law, mother-in-law, child and step-child, grandmother, grandfather, brother-in-law and sister-in-law.

I. **Little Traverse Bay Bands of Odawa Indians:** means the "Tribe" or "LTBB".

J. **Length of Residency:** For the purpose of this regulation, a resident is defined as an individual who is a full-time occupant of a dwelling located within the 1855 Reservation for a cumulative total of 15 years and who is likely to be at their stated address when not at work or school. A person who owns property within the 1855 Reservation, but does not reside in the 1855 Reservation, is not considered a resident for the purpose of this regulation.

K. **Natural Parent:** This is also known as biological father or mother.

L. **Roll:** means a comprehensive list of all of the Little Traverse Bay Bands of Odawa Indians living citizens, deceased citizens are not included.

M. **Strong Commitment to LTBB:** This is defined as participation or volunteerism in tribal functions such as Tribal sports, Tribal jiingtamok (pow-wow- celebratory gatherings), Tribal language studies and/or Tribal ghost suppers or other ceremonies.

N. **Substantial Community Ties**: means a combination of the length of Residency and evidence of a Strong Commitment to the Little Traverse Bay Bands of Odawa Indians.

III. Adoption.

Demonstration of Substantial Community Ties for Non – LTBB Indians. Applicant must be at least one-fourth (¼) North American Indian blood quantum and provide proof of Indian blood, i.e., CDIB or DIB. The applicant must provide documentation that demonstrates substantial community ties.

A. **Documentation Requirements.**

1. **Length of Residency.** The records or affidavit must include the name, street address, and length of residency of the person applying under Substantial Community ties. The residence of a minor child is presumed to be the legal residence of the parent(s) or guardian(s) who have physical custody of the child. Length of

Residency will be determined by one or more of following listed below:

a. A lease or rental agreement consisting of written evidence that the agreement is valid and current, and a current utility bill (gas, electric, water, home telephone, or cable) or;

b. Notarized affidavit by landlord, Employer, Personal Tax Accountant with length of residency or;

c. Any other documents which are similar in nature listed above verifying length of residency, approved by the Enrollment Officer.

2. **Immediate Family Member by Marriage.** Will be determined by the following listed below:

a. The applicant must provide identification such as a Driver's License, State Identification, School Identification, Military Identification, Pictured Tribal Identification or any pictured identification with a signature, and;

b. A copy of his/her marriage license to the immediate family member.

3. **Proof of Strong Commitment to the LTBB.** This includes a Notarized Affidavit signed by an LTBB Elder stating the applicant's strong commitment to LTBB. The applicant may use an affidavit form generated by the Enrollment Office or any other written notarized document.

4. **Proof of North American Indian Blood.** Proof must be provided of North American Indian blood, i.e., CDIB or DIB to the Enrollment Office. The Enrollment Office will verify the proof of blood quantum via phone.

IV. **Enrollment Eligibility for non-LTBB Indian minor children who are legally adopted by Citizens of the Little Traverse Bay Bands of Odawa Indians.** The minor must be at least one-fourth (¼) North American Indian blood quantum and provide proof of Indian blood by submitting the following documentation:

A. Must provide order of adoption that lists the LTBB Citizen's name(s).

B. Must provide an amended birth certificate or original birth certificate.

C. Must provide proof of North American Indian blood i.e., CDIB or DIB. The Enrollment Office will verify the proof of blood quantum.

V. **Enrollment eligibility of LTBB Indian Children or Adult adopted by Non-member Indian or Non-Indian Families.** A minor child or adult who is eligible for citizenship under Section (A) (3) LTBB Constitution must submit the following documentation:

A. A copy of the adoption decree together with either the original birth certificate identifying the natural parent(s) or a legal document identifying the natural parent(s).

B. Certification from the Secretary of the Interior or his/her authorized representative pursuant to the Indian Child Welfare Act of 1978 (P.L. 95-608) of the relationship between an applicant and the natural parent(s); and

C. When necessary, the Enrollment Department shall petition a government or government agency or department, or private adoption agency for the information necessary to establish the identity of the natural parents of the applicant.

1. The Enrollment Department will complete the Petition for Adoption Information and Order form, or any other necessary forms, and submit it to the respective state court or private adoption agency where the adoption was finalized.

2. A copy of the Adoptive Birth Certificate, Order of Adoption and self-addressed return envelope will be submitted with the Petition. If required by the respective state court or private adoption agency, a copy of the applicant's request for LTBB Tribal citizenship will also be submitted.

3. If the respective state court requires a fee to file the Petition, the Enrollment Department shall notify the applicant of the amount. Certified funds made out to the respective state court will be needed before the Petition can be filed.

4. Upon receipt of the birth parent(s) information from the respective state court or private adoption agency, the research to determine degree of Indian blood and tribal affiliation will be done and if appropriate, a confidential Degree of Indian blood (DIB) will be issued and maintained in the applicant's file. No birth parent information will be listed on the DIB. Procedures for enrollment pursuant to Article V of the LTBB Constitution shall apply.

5. If the information received from the respective state court or private adoption agency does not trace to the Little Traverse Bay Bands of Odawa Indians, a denial letter stating that the applicant is not traceable will be issued to the applicant. In cases of denial the Enrollment Department will destroy information received from the respective state court or private agency after two (2) years.

6. If the Enrollment Department cannot continue with the blood quantum research because the natural parent(s) were not enrolled with LTBB, the Enrollment Department shall release the records to the Bureau of Indian Affairs, Midwest Agency, Sault Ste. Marie, MI for further research and attempted verification of blood quantum.

   a. In circumstances where the Enrollment Department is unable to receive the information necessary to issue a Certificate Degree of Indian Blood, documentation along with the enrollment application will be submitted to the Bureau of Indian Affairs requesting a CDIB. If the respective state court or private agency requires a fee to file the Petition, the Enrollment Department will notify the applicant that certified funds made out to the respective state court or private agency will be needed before the Petition can be filed.

   b. All fees are the responsibility of the applicant.

VI. **Requests for Increasing Blood Quantum.** Tribal citizens may file a request with the Enrollment Department to adjust their blood quantum; or the LTBB Enrollment Department may request a change in blood quantum if additional documentation is discovered.

A. **Submission by Tribal Citizens.** Tribal citizens requesting an adjustment to their blood quantum shall provide the Enrollment Department with documents supporting an adjustment to determine eligibility.

1. Supporting documents may be any of the following:

   a. Birth Certificate; or

   b. Baptismal record; or

   c. Bureau of Indian Affairs records; or

   d. Marriage license if blood is derived through the father; or

e. School Record(s); and/or

f. Any other documents that are accepted by the Citizenship Commission.

2. **Submission by Enrollment Office.**

a. The Enrollment Department shall submit received documents to the Citizenship Commission for approval.

b. In cases where the Enrollment Department discovers documents which support a change in blood quantum, these documents shall also be submitted to the Citizenship Commission for review.

3. **Review by Citizenship Commission**. The Citizenship Commission shall review submitted documents and make a determination on whether the submitted documents support a change in blood quantum.

a. If the Citizenship Commission determines that the submitted documents do not support a change in blood quantum, the Citizenship Commission shall pass a motion stating that a change in the individual's blood quantum is not warranted and inform the individual of the reasons why their request for a blood quantum change was denied.

b. If the Citizenship Commission determines that the submitted documents do support a change in blood quantum, the Citizenship Commission shall pass a motion stating that a change in the individual's blood quantum is warranted and the reasons why such a change is warranted.

4. **Effective Date**. A blood quantum adjustment shall be effective upon the date of the motion by the Citizenship Commission supporting the blood quantum change.

a. Enrollment Staff will notify the LTBB Citizen of the decision made via first class mail.

VII. Access to Electronic Computer Enrollment Records. Pursuant to WOS 2008-006, Section XIX(A)(4) access to electronic computer enrollment records is limited to LTBB enrollment staff/personnel.

VIII. Tribal Roll. The Executive Branch shall maintain the official roll of all Tribal members.

A. **Contents of Roll.**

1. First, Middle, Last Name, Suffix and where applicable Maiden Name;

2. Date of Birth;

3. Enrollment Number; and

4. Address, City, State and Zip; and Phone Number.

B. **Safeguards of Roll.** The roll of LTBB Citizens shall only contain the information listed in Section A above shall be subject to the safeguard provisions contained in WOS# 2008-006 Citizenship Statute, Section XIX, (C). Each person, department/program who receives a copy of the roll must control access to the roll so as to conform to the safeguards provisions cited above.

C. **Requests for Copies of the Roll.**

1. Requests from the executive branch departments/programs for copies of the roll are made using a form generated by the Enrollment Office or in writing and must state the reason for the request and shall be authorized by one of the following: the Tribal Chairperson, Tribal Vice-Chairperson, or the Tribal Administrator.

2. Requests for copies of the roll from the judicial branch must be submitted using the form generated by the Enrollment Office or in writing and must state the reason for the request. Judicial requests shall be authorized by the Chief Judge or designee.

3. Requests from the Legislative Branch must be submitted using the form generated by the Enrollment Office or in writing and must state the reason for the request. Legislative Branch requests shall be authorized by the Legislative Leader or designee.

4. If labels are required by any of the requesters under this Section (C), 1, 2, and 3 above, the requesting party must provide the labels to the Enrollment Office.

IX. Public Access to Enrollment Data.

A. **LTBB List of Citizen Names.** A list containing the names of all adult Tribal Citizens shall be public and available to Tribal Citizens upon request.

1. A request for the list must be on a form generated by the Enrollment Office accompanied by identification. Requests will be accepted by mail with the proper form and identification. A fee shall apply. See Section XI,(B)(e) of these regulations.

B. **Tribal Directory.** The Directory of Citizens ("Directory") shall contain the name and address of each adult Tribal citizen, unless they decline to be included pursuant to procedures set out below. The Enrollment Department shall use the most current list of adult enrolled citizens to compile the directory. Only LTBB citizens enrolled prior to one (1) month of publication of the Tribal Directory will be included.

1. **Compilation**.

a. **Frequency.** The Directory shall be compiled at least once every four (4) years, but may be compiled more frequently, if so directed by the Executive.

b. **Notification.**

i. The Enrollment Department shall post a Preparation of Tribal Directory Form Notice on the LTBB website, in the Odawa Register, in Tribal governmental office buildings, and other readily available methods of publication, which may include a mailing, at least one (1) month prior to publication.

ii. The Tribal Directory Form Notice shall contain a statement that the Tribal Citizen's name and address will be published in the Directory and also a statement that Tribal Citizens may choose to have their information excluded from the Directory. The notice must contain a deadline for receipt of declination notices by the Enrollment Office. Citizens must notify the Enrollment Office directly by mail if they want to be excluded from the Directory.

2. **Tribal Directory Labels**. Mailing labels may be generated from the Tribal Directory for any Tribal citizen or LTBB employee making such request. The mailing labels must be provided by the requestor. A fee shall apply. See Section XI,(B)(e) of these regulations.

3. **Availability.** The Directory shall be available to Tribal Citizens or LTBB employees and may be picked up at the Enrollment Office

or upon request may be sent via U.S. mail. A fee shall apply. See Section XI,(B)(e) of these regulations.

4. **Fees.** The Enrollment Office shall apply the following fees for public access to enrollment data:

Tribal Directory = $5.00, plus shipping costs, if applicable.

Tribal Directory Labels = $5.00, plus shipping costs, if applicable.

LTBB List = $5.00, plus shipping costs, if applicable.

CERTIFICATION

As Chairperson, I approve these Citizenship Statute Regulations.

Date: 7-28-2009

Frank Ettawageshik, Tribal Chairperson

Received by the Tribal Council Office on 07/28/09 by: _____

As the Legislative Leader and Tribal Council Secretary, we certify that these Citizenship Statute Regulations were approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on, 8-9-09 at which a quorum was present, by a vote of 6 in favor, 1 opposed, 0 abstentions, and 2 absent.

Date: 8/9/09

Beatrice Law, Legislative Leader

Date: 8-9-09

Regina Gasco Bentley, Secretary