



Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Office of the Tribal Chairperson

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CITIZENSHIP STATUTE REGULATIONS

REG-WOS 2023-002 031324-01

- I. Introduction and explanation.** The Regulations below are not required by the Citizenship Statute, WOS 2023-002. However, the Executive may develop Regulations for such statutes as the Executive deems necessary for the implementation of the law and request Tribal Council approval in accordance with the Administrative Procedures Statute, WOS 2015-019.
- II. Definitions:**
- A. **Adopted Child(ren):** refers to children given up by their natural parents and adopted by other parents – it does not refer to adoption into the Tribe.
 - B. **Amended Birth Certificate or adopted birth certificate:** refers 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 or CDIB:** is an official document issued by the Bureau of Indian Affairs that certifies an individual possesses a specific degree of Native American blood of a federally recognized Indian tribe, band, nation, pueblo, village or community.
 - 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 or 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. **Degree of North American Indian Blood:** means the total degree of North American Indian blood of all tribes recognized by the United States Federal Government or by the Canadian Federal Government plus the degree of North American Indian blood derived from non-federally recognized tribes that is able to be certified by the Bureau of Indian Affairs.

- G. **Directory or Tribal Directory:** means a compiled 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.
- H. **Directory Labels:** means mailing labels created from the tribal directory.
- I. **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.
- J. **LTBB or the Tribe:** means the Little Traverse Bay Bands of Odawa Indians.
- K. **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.
- L. **Natural Parent:** This is also known as biological father or mother.
- M. **North American Indian Tribe:** means any Tribe located within the continental United States, Alaska and/or Canada.
- N. **Roll:** means a comprehensive list of all of the Little Traverse Bay Bands of Odawa Indians living citizens, deceased citizens are not included.
- O. **Strong Commitment to LTBB:** means participation or volunteerism in tribal functions such as Tribal sports, Tribal jingtamok (pow-wow-celebratory gatherings), Tribal language studies and/or Tribal ghost suppers or other ceremonies.
- P. **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 into the Tribe.

Demonstration of Substantial Community Ties for Non – LTBB Indians. Applicant must be at least one-fourth (1/4) 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.

1. Documentation Requirements.

- a. **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 the following:

- i. 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
 - ii. Notarized affidavit by landlord, employer, personal tax accountant with length of residency; or
 - iii. Any other documents similar in nature to those listed above that verify the length of residency, as approved by the Enrollment Officer.
- b. **Immediate Family Member by Marriage.** Will be determined by the following:
- i. 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
 - ii. A copy of his/her marriage license to the immediate family member.
- c. **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.
- d. **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 (1/4) North American Indian blood quantum and provide proof of Indian blood by submitting the following documentation:

- A. Order of adoption that lists the LTBB Citizen's names(s).
- B. Amended or original birth certificate.
- C. Proof of North American Indian blood, i.e., CDIB or DIB.

V. Enrollment eligibility of LTBB Indian Children adopted by Non-Member Indian or Non-Indian Families. A minor child or a minor who becomes an adult and who is the subject of an application for citizenship under section V(B)(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. When necessary, the Enrollment Department will petition a governmental entity 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 the 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 documentation from the respective state court or private adoption agency regarding the birth parent(s), the Enrollment Department will conduct research to determine the degree of Indian blood and tribal affiliation. If warranted, 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 the 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 the applicant is not traceable will be issued to the applicant and the declination process will begin. In cases of denial the Enrollment Department will destroy information received from the respective state court or private agency after two (2) years.
 - 6. Where there is insufficient evidence that the natural parent(s) were enrolled with LTBB to research blood quantum, the Enrollment Department shall release the records to the Bureau of Indian Affairs' Midwest Agency Office in Sault Ste. Marie, Michigan for further research and attempted verification of blood quantum.
 - a. In circumstances where the Enrollment Department is unable to obtain sufficient documentation 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 the certified funds made out to the respective state court or private agency will be needed before the petition can be filed. 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. The Enrollment Officer may submit a petition for adoption information; all fees are the responsibility of the LTBB Citizen. The citizen's adoption records shall not be made available to any other person.

i. Supporting documents may be an of the following:

1. Birth Certificate; or
2. Baptismal record; or
3. DNA test results; or
4. Bureau of Indian Affairs records; or
5. Marriage license if blood is derived through the father; or
6. School Records(s) and/or
7. Any other documents that are accepted by the Citizenship Commission.

ii. **Submission by Enrollment Office.**

1. The Enrollment Department shall submit received documents to the Citizenship Commission for approval.
2. 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.

iii. **Review by Citizenship Commission.** The Citizenship commission shall review submitted documents and make a determination as to whether the submitted documents support a change in blood quantum.

1. 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 blood quantum change was denied.

2. If the Citizenship Commission determines that the submitted documents support a change in blood quantum, the Citizenship Commission shall pass a motion stating a change in the individual's blood quantum is warranted and the reasons why such a change is warranted.
 3. If additional documents are required the Citizenship Commission shall pass a motion stating of such and the applicant\tribal citizen will be notified.
- iv. **Effective Date.** A blood quantum adjustment shall be effective upon the date of the motion by the Citizenship Commission supporting the blood quantum change.
1. Enrollment Staff will notify the LTBB Citizen of the decision via first-class mail.

VII. Report Requirement. It is the responsibility of all Tribal Citizens and non-Citizen guardians of minor or incompetent Tribal Citizens to report all status changes to the Enrollment Office including address and name changes and close family deaths. The Enrollment Office may publish in the Odawa Trails newsletter the names of Tribal Citizens and non-citizen guardians and parents of Tribal Citizens or take other reasonable steps to obtain accurate and current information.

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

a. Contents of Roll.

- i. First, Middle, Last Name, Suffix, and where applicable, maiden name;
- ii. Date of birth and/or age;
- iii. Enrollment number; and
- iv. Contact information including mailing address, physical address, phone number and email address.

b. Request for Copies of the Roll.

- i. 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 reasons for the request and shall be authorized by the Tribal Chairperson, Tribal Vice-Chairperson, Tribal Executive Branch services, Enterprise.
- ii. Request 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 request shall be authorized by the Chief Judge or designee.

- iii. 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.
 - iv. Requests from the LTBB Tribal Prosecutor shall be authorized by the Tribal Prosecutor or designee.
 - v. The list or labels will be emailed in PDF or Excel.
 - vi. If printed labels are requested under this Section, the requesting party must provide the labels to the Enrollment Office.
- c. **Mandatory Disclaimer.** When a third party obtains access to the Roll and is not subject to contractual provisions governing permissible uses of the Roll, a disclaimer must accompany the Roll containing the following information:
- This list of addresses is the property of the Little Traverse Bay Bands of Odawa Indians. The Enrollment Department attempts to ensure that it is accurate and current but does not represent it to be error-free. The list may not be published, reproduced, copied, displayed, used to create derivative works, distributed over any network, sold or offered for sale, nor used to construct any kind of database without the express written consent of the Little Traverse Bay Bands of Odawa Indians.
 - i. Contracts providing for access to the Roll will include a statement restricting permissible uses and imposing conditions of access to the Roll.

IX. Public Access to Enrollment Data.

- a. **LTBB List of Citizens.** A list containing the names of all adult Tribal Citizens shall be public and available to Tribal Citizens upon request.
 - i. A request for the list must use a form generated by the Enrollment Office and be accompanied by personal identification. Requests will be accepted by mail with the proper form and identification. The list may be printed or emailed in Excel or PDF. A fee shall apply.
- b. **Tribal Directory.** The Directory shall contain the name, address, and email addresses 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.
 - i. **Compilation.**

1. **Frequency.** The Directory shall be compiled at least one every four (4) years, but may be compiled more frequently, if so directed by the Executive.
2. **Notification.**
 - a. The Enrollment Department shall post a Preparation of the 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.
 - b. The Tribal Directory Form Notice shall contain a statement that the Tribal Citizen's name, email address and address will be published in the Directory and also a statement that the 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, email or via phone if they want to be excluded from the Directory.

Tribal Directory Labels. Mailing labels may be generated from the Tribal Directory for any Tribal citizens or LTBB employee making such request. The mailing labels may be printed or sent via email in excel or PDF format to the requestor. The mailing labels must be provided by the requestor. A fee shall apply.

- ii. **Availability.** The Directory shall be available to Tribal Citizens and to LTBB employees. It may be emailed in PDF or Excel file formats or picked up at the Enrollment Office or upon request may be sent via U.S. mail. A fee shall apply.
- iii. **Fees.** The Enrollment Office shall apply the following fees for public access to enrollment data hard copy or excel, pdf formats:

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 certify that I approve of these Citizenship Statute Regulations. These Citizenship Statute Regulations will be posted for public comment and may be amended pursuant to public or staff comments before submission to Tribal Council.

Date: 03/13/2024

Regina Gasco
Regina Gasco, Tribal Chairperson

Received by the Tribal Council Office on: by Martin Taylor 3/20/2024

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 March 21, 2024 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 3 absent.

Date: 3/21/2024

Marella R. Reyes
Marella Reyes, Legislative Leader

Date: 3/21/2024

Emily Proctor
Emily Proctor, Secretary

