

Cherokee Nation Code Annotated

Title 1: Administrative Procedure

Chapter 3: Procedural Rules

§ 312. Declaratory judgment

Cite as: 1 CNCA § 312

A. The validity or applicability of a rule may be determined in an action for declaratory judgment in the District Court if it is alleged the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff.

B. The agency shall be made a party to the action.

C. Rules promulgated pursuant to the provisions of the Administrative Procedure Act are presumed to be valid until declared otherwise by a District Court of the Nation.

D. A declaratory judgment may be rendered whether or not the plaintiff has requested the agency to pass upon the validity or applicability of the rule in question.

Historical Data

LA 13-07, eff. March 19, 2007.