

Cherokee Nation Code Annotated

Title 11: Citizenship

Chapter 1: General Provisions

§ 3. Definitions

Cite as: 11 CNCA § 3

A. **"Adopted person"** means a person whose biological parents' parental rights have been awarded to another or other persons pursuant to court order, judgment or decree, or an orphaned person who has been formally adopted by another person or other persons in accordance with the law. **"Adoptive parent"** means a person who has been awarded permanent care, custody and parental rights of another person pursuant to a final court order, judgment or decree of adoption.

B. **"Applicant"** means a person submitting an application for enrollment in Cherokee Nation.

C. **"Base roll"** means a specific list of individuals used for determining tribal citizenship. One must prove back directly to an individual who is listed on a base roll. The base roll as used herein means those final rolls otherwise known as the Dawes Commission Rolls or the Final Rolls. The Final Rolls were closed in 1907. Those Final Rolls used for citizenship purposes are (1) Cherokees, (2) Cherokee Minors, (3) Delaware Cherokees, and (4) Shawnee Cherokees.

D. **"Certificate of Degree of Indian Blood"** means the official document issued by the Bureau of Indian Affairs (BIA) stating a person's degree of Indian blood. The CDIB is an acceptable document used to meet the necessary evidence requirements. The CDIB is not an enrollment/citizenship document.

E. **"Cherokee Register"** means the current citizenship roll of the Nation and is maintained by the Registrar.

F. **"Citizen," "enrolled citizen"** and **"tribal citizen"** mean any person who, having met all requirements to be a citizen of Cherokee Nation under Article III of the Constitution [now Article IV], is enrolled on the Cherokee Register in accordance with the provisions of this Title, except that the term **"citizen"** also includes any original enrollee and any newborn child who qualifies for citizenship under the provisions of 11 CNCA § 11A, whether or not such enrollee or child has been enrolled on the Cherokee Register. Provided, however, any such newborn child shall no longer be a citizen when the period of his or her temporary citizenship expires as provided in 11 CNCA § 11A unless the child is otherwise enrolled on the Cherokee Register in accordance with the provisions of 11 CNCA §§ 11, 12, 13 and 14.

G. **"Direct ancestors"** means those persons who are the biological parents, grandparents, great-grandparents, etc., through whom enrollment rights are claimed. Collateral relations such as brothers, sisters, nieces, nephews, cousins, etc., are not direct ancestors. **"Direct descendant"** means a person who is the biological child, grandchild, great-grandchild, etc., of a direct ancestor who is or was an original enrollee.

H. **"Enrollment"** means the process for applying to be formally recognized or registered as a citizen of Cherokee Nation.

I. **"Member"** means, for the purposes of this title, a citizen as defined in this section.

J. **"Nation"** means Cherokee Nation.

K. **"Necessary evidence"** means the documents that clearly establish relationships from one generation to another and that the person has a direct ancestor on the Dawes Rolls. These documents must be state-certified copies of the original birth and/or death records. These records are issued by state vital statistics offices. Other acceptable records are court-ordered determinations or a CDIB issued by the BIA.

L. **"Original enrollee"** means an individual whose name is listed on the Final Rolls.

M. **"Registrar"** means the person who has the immediate administrative jurisdiction over the affairs of registration for enrollment/citizenship.

N. **"Registration Committee"** means the Registrar and two assistants.

O. **"Sponsor"** means a person who is acting on behalf of a minor or an incompetent adult in (i) submitting an application for tribal citizenship, (ii) requesting the release of records or information pursuant to 11 CNCA § 33, (iii) requesting and submitting a tribal citizenship relinquishment form pursuant to 11 CNCA § 34, or (iv) any other dealings with the Registrar which relate in any respect to tribal citizenship; and

1. in the case of a minor, a biological parent of such minor whose parental rights relating to the minor have not been terminated by a court of law, or a duly-appointed legal guardian, adoptive parent, child welfare social worker, or other representative with power and authority over the care, custody and welfare of such minor; or

2. in the case of an incompetent adult, a duly-appointed legal guardian or other representative with power and authority over the affairs, care, custody and welfare of such incompetent adult; or

3. whenever acting on behalf of either a minor citizen or an incompetent adult citizen, and subject to the provisions of 11 CNCA § 34(A), any adult person determined by the Registrar to have unambiguous authority in writing to act on behalf of the minor or incompetent adult

for tribal citizenship purposes signed by a person who is qualified to be a sponsor under paragraph (1) or (2) of this subsection.

The Registrar may require any person purporting to be the Sponsor of a minor or incompetent adult to furnish any and all documents, written or oral statements, affidavits, or court records which, at the discretion of the Registrar, may be necessary to demonstrate that the person is qualified to act as a Sponsor pursuant to this subsection. Provided, however, the Tribal citizenship of any person who otherwise meets the requirements of citizenship in Cherokee Nation and has been enrolled on the Cherokee Register pursuant to this Title shall not be revoked or rendered invalid for the reason that his or her application for Tribal citizenship was submitted by a person not qualified to act as a Sponsor under this section.

P. **"Tribal citizenship relinquishment form"** means any form approved for use by the Registrar in connection with the relinquishment of a person's citizenship pursuant to the provisions of this Title.

Q. **"Tribal membership"** and **"tribal citizenship"** mean a person's status as a citizen of Cherokee Nation.

Historical Data

LA 6–92, eff. September 12, 1992. Amended LA 2–93, eff. August 11, 1993; LA 16–02, eff. May 21, 2002; LA 20–05, eff. May 19, 2005.