

Cherokee Nation Code Annotated

Title 11: Citizenship

Chapter 3: Appeal from Adverse Enrollment Action

§ 27. Action by the District Court of Cherokee Nation—Standard of review

Cite as: 11 CNCA § 27

A. When an appeal is from an adverse enrollment action taken by the Registrar, the District Court of Cherokee Nation will consider the record as presented together with such additional information as may be considered pertinent. The standard of review by the District Court will be de novo. Any additional information relied upon shall be specifically identified in the decision. The appellant may request a hearing, the granting of which shall be discretionary with the Court. The District Court shall make a decision on the appeal which shall be final for the Nation, unless appealed to the Supreme Court, and which shall so state in the decision. The appellant or sponsor will be notified in writing of the decision, provided that the District Court may waive his or her authority to make a final decision and forward the appeal to the Supreme Court of Cherokee Nation. The District Court shall provide the appellant information and instructions pursuant to Title 20, Courts, for filing a petition before the Supreme Court.

B. When an appeal is from an adverse enrollment action taken by the District Court of Cherokee Nation, the District Court shall acknowledge in writing receipt of the appeal and shall forward the appeal and petition to the Supreme Court for final action together with any relevant information or records, the recommendations of the Registrar, when applicable, and the ruling of the District Court of Cherokee Nation.

C. The Supreme Court shall make a decision on the appeal, which shall be final for Cherokee Nation and which shall so state in the decision. The appellant or sponsor will be notified in writing of the decision.

Historical Data

LA 6–92, eff. September 12, 1992.