

Cherokee Nation Code Annotated

Title 10: Children

Chapter 1B: Indian Child Welfare Act

§ 40.4. Indian child custody proceedings—Notice

Cite as: 10 CNCA § 40.4

In any Indian child custody proceeding under the Cherokee Nation Indian Child Welfare Act the Court or party initiating the action, if it is a private action, shall send notice to the parents or to the Indian custodians, if any, and to the tribe that may be the tribe of the Indian child, by registered mail return receipt requested, personal service by a court-approved process server, or after an affidavit of due diligence to locate, publication as provided for elsewhere in this title. The notice shall be written in clear and understandable language and include the following information:

1. The name and tribal affiliation of the Indian child;
2. A copy of the petition by which the proceeding was initiated;
3. A statement of the rights of the biological parents or Indian custodians, and the Indian tribe:
 - a. to intervene in the proceeding,
 - b. to request an additional twenty (20) days from receipt of notice to prepare for the proceeding; further extensions of time may be granted with court approval;
4. A statement of the potential legal consequences of an adjudication on the future custodial rights of the parents or Indian custodians or in a private proceeding, the legal consequences of failure to appear and contest the proceeding;
5. A statement that if the parents or Indian custodians are unable to afford counsel, counsel will be appointed to represent them; and
6. A statement that tribal officials should keep confidential the information contained in the notice.

Historical Data

Amended LA 26–07, eff. June 15, 2007; LA 24–12, eff. July 24, 2012.