

Cherokee Nation Code Annotated

Title 10: Children

Chapter 1B: Indian Child Welfare Act

§ 40.10. Involuntary custody placement orders—Evidence—Determination of damage to child

Cite as: 10 CNCA § 40.10

No involuntary custody placement may be ordered in an involuntary custody proceeding, in the absence of a determination, supported by clear and convincing evidence, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or custodian is likely to result in serious emotional or physical damage to the child, provided that nothing in this section shall prohibit a default order being entered by the Court in cases where a parent or custodian fails to appear for a hearing after receiving proper notice of that hearing; and provided further that nothing in this section will require the specified testimony if a parent or custodian appears before a Judge and admits, stipulates, or enters a no-contest stipulation to the allegations in a petition.

Historical Data

LA 26–07, eff. June 15, 2007.