

Cherokee Nation Code Annotated

Title 10: Children

Chapter 1B: Indian Child Welfare Act

§ 40.11. Parental rights termination orders—Evidence—Determination of damage to child

Cite as: 10 CNCA § 40.11

No termination of parental rights may be ordered in the absence of a determination, supported by evidence beyond a reasonable doubt, 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 or relinquishes parental rights for the purpose of an adoption not arising out of a deprived case.

Historical Data

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