

Cherokee Nation Code Annotated

Title 10: Children

Chapter 3: Paternity

§ 112. Persons eligible to bring paternity actions

Cite as: 10 CNCA § 112

A. The mother, putative father, guardian or custodian of the child, the Office of Child Support Services, a public or private agency or authority chargeable with the support of the child, or the child may bring an action in a civil proceeding in District Court or by an administrative action through the Office of Child Support Services, to determine paternity and the amount of child support due and owing for the maintenance of the child.

B. Venue of an action to determine the paternity of a child pursuant to this section shall be, at the option of the plaintiff, in either the District Court in Tahlequah or the closest site of a Cherokee Nation child support enforcement court docket.

C. A Court may exercise personal jurisdiction over a person, whether or not a resident of Cherokee Nation, who is the subject of a paternity action. When a person who is subject to the jurisdiction of the Court is outside Cherokee Nation, the person may be served outside of Cherokee Nation by any method that is authorized by the statutes of this Nation.

D. The petition shall be verified as true by the affidavit of the plaintiff. A summons may be issued thereon and shall be served or publication made as in other civil cases.

E. The practice, pleading, and proceedings in such action shall conform to the rules prescribed by the Judicial Branch of Cherokee Nation.

F. If the defendant fails to answer the petition of the plaintiff or appear for show cause hearing, then the Court shall proceed to determine issues of paternity, support, custody and visitation if service on the defendant was made pursuant to the Cherokee Nation Code.

G. Attorneys representing the Office of Child Support Services may appear or initiate an action brought under this section on behalf of:

1. A recipient of Temporary Assistance for Needy Families; or
2. A person not receiving Temporary Assistance for Needy Families, including but not limited to the putative father, upon the request of such person and proper application pursuant to rules and regulations adopted by the Office of Child Support Services.

H. In a proceeding brought under subsection (G) of this section by the Office of Child Support Services, the Court may, and unless it is not in the best interests of the child, shall, limit the issues in that proceeding to issues of paternity and support, unless issues of

custody and visitation are specifically and affirmatively pled by the father. All contested issues of custody and visitation shall be addressed by the District Court.

Historical Data

LA 11-05, eff. March 21, 2005. Amended LA 08-11, eff. May 19, 2011; LA 04-17, eff. March 25, 2017.

2017 Legislation

LA 04-17, Section 2, provides:

"Section 2. Purpose. The purpose of the Act is to make technical amendments to the Cherokee Nation Paternity Code, codified at 10 CNCA § 100 et seq."