

Cherokee Nation Code Annotated

Title 10: Children

Chapter 51: Delinquent, Dependent and Neglected Children

Article I: Dependent and Delinquent Children

§ 1102. Jurisdiction of District Court—Transfer or consolidation of proceedings

Cite as: 10 CNCA § 1102

A. Upon the filing of a petition, or upon the assumption of custody pursuant to the provisions of 10 CNCA § 1107, the District Court shall have jurisdiction of any Indian child who is or is alleged to be delinquent, in need of supervision, in need of treatment, or deprived, who is found within Indian country within Cherokee Nation; and of the parent, guardian or legal custodian of said child, regardless of where the parent, guardian or legal custodian is found. When jurisdiction shall have been obtained over a child in need of supervision, a child in need of treatment, or a deprived child, such may be retained until the child becomes eighteen (18) years of age and when jurisdiction shall have been obtained over a delinquent child, jurisdiction may be retained until the child becomes nineteen (19) years of age. For the convenience of the parties and in the interest of justice, a proceeding under this chapter may be transferred to the district court in any other jurisdiction.

B. The District Court in which a petition is filed or the district court in which custody has been assumed pursuant to the provisions of 10 CNCA § 1107 may retain jurisdiction of a delinquent child in such proceeding notwithstanding the fact that the child is subject to the jurisdiction of another court. Any adjudication and disposition made by the Court in which said petition is filed shall control over prior orders in regard to the child.

C. The District Court in which a petition is filed which alleges that a child is in need of supervision, in need of treatment, or is deprived can issue any temporary order or grant any interlocutory relief authorized by this chapter notwithstanding the fact that another court has jurisdiction of the child or has jurisdiction to determine the custody or support of the child.

D. If the District Court in which a petition is filed pursuant to either subsection (B) or subsection (C) of this section sustains the petition, the District Court shall have the jurisdiction to make a final determination on the juvenile petition or to transfer the proceedings to a court having prior jurisdiction over the child.