

Cherokee Nation Code Annotated

Title 10: Children

Chapter 51: Delinquent, Dependent and Neglected Children

Article I: Dependent and Delinquent Children

§ 1103. Preliminary inquiry—Verified petition—Contents—Filing by Prosecuting Attorney

Cite as: 10 CNCA § 1103

A. The Court may provide by rule who shall make a preliminary inquiry to determine whether the interests of the public or of the child who is within the purview of this chapter require that further court action be taken. If it is determined that no further action be taken, said person or the Court may make such informal adjustment as is practicable without a petition.

B. A petition in a juvenile proceeding may be filed by the Prosecuting Attorney or the person who is authorized to make a preliminary inquiry to determine if further action is necessary. The proceeding shall be entitled:

"In the matter of ____, an alleged (delinquent) (deprived) child or (a child alleged to be in need of supervision) or (a child alleged to be in need of treatment)".

The petition shall be verified and may be upon information and belief. It shall set forth (1) with particularity facts which bring the child within the purview of 10 CNCA § 1101; (2) the name, age and residence of the child; (3) the names and residences of his parents; (4) the name and residence of his legal guardian, if there be one; (5) the name and residence of the person or persons having custody or control of the child; (6) the name and residence of the nearest known relative, if no parent or guardian can be found; (7) the relief requested; and (8) the specific law or ordinance under which the child is charged, and an endorsement of witnesses intended to be called by the petitioner, where the child is sought to be adjudged a delinquent child under 10 CNCA § 1101. If a termination of parental rights is desired, it must be stated in the petition and summons, and if an order for the payment of funds for the care and maintenance of the child is desired, it must be stated in the petition and summons. If any of the facts herein required are not known by the petitioner, the petition shall so state, along with the reasons why said facts are not known to petitioner.

C. A petition alleging a child to be a child in need of treatment shall be filed by a prosecuting attorney and may be filed by a prosecuting attorney only after receipt and review of a report of a mental health examination of the child by an independent qualified mental health professional.

D. Nothing in this section shall prevent the filing of a petition alleging a child to be a child in need of treatment and delinquent, in need of supervision or deprived.

E. A copy of the petition shall be attached to and delivered with the summons.