

Cherokee Nation Code Annotated

Title 10: Children

Chapter 51: Delinquent, Dependent and Neglected Children

Article I: Dependent and Delinquent Children

**§ 1108. Temporary detention of children—Reimbursement of transportation costs—
Detention facilities—Detention services and centers—Standard for certification of
facilities used to detain juveniles**

Cite as: 10 CNCA § 1108

A. Provision shall be made for the temporary detention of children in a juvenile detention facility or the Court may arrange for the care and custody of such children temporarily in private homes, subject to the supervision of the Court, or the Court may provide shelter or may enter into a contract with any institution or agency to receive, for temporary care and custody, children within the jurisdiction of the Court.

B. 1. **"Juvenile detention facility"** shall mean a secure facility, entirely separate from any prison, jail, adult lockup, or other adult facility, for the temporary care of children. All juvenile detention facilities shall be required to meet standards for certification by Cherokee Nation or the Oklahoma Commission for Human Services.

2. **"Alternatives to secure detention"** means those services and facilities which are included in the State Plan for the Establishment of Juvenile Detention Services adopted by the Commission for Human Services pursuant to subsection (C) of this section or those designated by Cherokee Nation and which are used for the temporary detention of juveniles in lieu of secure detention in a juvenile detention facility.

3. In order to operate juvenile detention facilities Cherokee Nation may:

a. operate the juvenile detention facility subject to the supervision of the District Court; or

b. operate the juvenile detention facility by employing a manager who may employ personnel and incur other expenses as may be necessary for its operation and maintenance; or

c. contract with a public agency, private agency or single or multi-county trust authority for the operation of the juvenile detention facility. Cherokee Nation is authorized to directly contract with and pay such public or private agency for provision of detention services.

4. Management contracts for privately operated detention facilities shall be negotiated with the firm found most qualified by Cherokee Nation. However, no private management contract shall be entered into by the nation unless the private contractor demonstrates to the satisfaction of the board:

- a. that the contractor has the qualifications, experience, and personnel necessary to implement the terms of the contract;
- b. that the financial condition of the contractor is such that the term of the contract can be fulfilled;
- c. that the ability of the contractor to obtain insurance or provide self-insurance to indemnify the Nation against possible lawsuits and to compensate the nation for any property damage or expenses incurred due to the private operation of the juvenile detention facility; and
- d. that the contractor has the ability to comply with applicable court orders and rules and regulations of the Oklahoma Department of Human Services and/or Cherokee Nation.