

Cherokee Nation Code Annotated

Title 10: Children

Chapter 51: Delinquent, Dependent and Neglected Children

Article I: Dependent and Delinquent Children

§ 1115.1. Placement plan filing—Preparation—Approval—Contents—Substance abuse treatment program for parents—Child born dependent on controlled dangerous substance

Cite as: 10 CNCA § 1115.1

A. A placement plan shall be filed and prepared by the legal custodian of a child with the Court within the thirty (30) days after any deprived child has been removed from the custody of its lawful parent or parents.

B. Except as otherwise specified by the Court, the placement plan shall contain but not be limited to the following information:

1. A history of the child and family;
2. A statement of the conditions that the intervention is designed to alleviate and a statement of the methods to be used to correct those conditions or to achieve permanent placement of the child or, when the child is sixteen (16) years of age or older, and as appropriate for the child, the services to be provided for the purpose of assisting the child to make the transition from foster care to independent living;
3. A description of the appropriate special programs available and to be used by the parent, legal guardian, legal custodian, or stepparent or other adult person living in the home as well as the child which are in the best interests of the child or will prevent further harm to the child;
4. A statement as to the unavailability or inappropriateness of local placement, or other good cause for any placement more than forty (40) miles from the child's home;
5. A description of acts and conduct that would be expected of the parent or parents, legal guardian, legal custodian, or stepparent or other adult person living in the home before the child should be returned home; and
6. The name and business address of the attorney representing the child, if any.

C. In addition to the information required pursuant to subsection (B) of this section, when a child born in a condition of dependence on a controlled dangerous substance has been removed from the home, Cherokee Nation, subject to Court approval:

1. may require, as part of the placement plan, that the mother of such child complete a treatment program approved by Cherokee Nation for alcohol and drug abuse prevention, training, treatment and rehabilitation prior to the return of the child to the home;

2. may require, as part of the placement plan, that the father of the child, legal guardian, legal custodian, stepparent or other adult person living in the home who is a drug-dependent person, as such term is defined by 43A O.S. § 3-403, as amended, and whose conduct has contributed to the dependency of such child or mother on the controlled dangerous substance, or to the conditions which caused the child to be adjudicated deprived, complete a treatment program approved by Cherokee Nation for alcohol and drug abuse prevention, training, treatment and rehabilitation prior to the return of the child to the home; and

3. may require testing for substance abuse of the mother, father, legal guardian, legal custodian, stepparent or other adult person living in the home, on a monthly basis for a twelve-month period following completion of the substance abuse program and after return of the child to the home. A positive test of any such person shall be presented to the Court and the prosecuting attorney.

D. Testing ordered by the Court pursuant to subsection (C) of this section shall be admissible only for the purposes of juvenile and custody proceedings.