

**Cherokee Nation Code Annotated**

**Title 10: Children**

**Chapter 51: Delinquent, Dependent and Neglected Children**

**Article I: Dependent and Delinquent Children**

**§ 1135.1. Child in need of treatment—Care and placement—Evaluation—Inpatient care and treatment**

Cite as: 10 CNCA § 1135.1

A. Cherokee Nation may provide for the care of a child adjudicated to be a child in need of treatment who is in the custody of Cherokee Nation:

1. in the home of the child, the home of a relative of the child, a foster home, a group home or in any other community-based child care facility under the jurisdiction or licensure of Cherokee Nation or the Department of Human Services appropriate for the care of the child and shall provide for the outpatient care and treatment of the child; or
2. Cherokee Nation may place a child in need of treatment and found by a Court to be eligible to receive inpatient care and treatment as provided in 10 CNCA § 1116 in a government-operated treatment center or other public or private mental health facility. Cherokee Nation may place such child in a Cherokee Nation-approved inpatient treatment facility or with the Department of Mental Health and Substance Abuse Services upon the consent of the Commissioner of Mental Health and Substance Abuse Services or his designee. The Department shall establish a system for the regular review by a qualified mental health professional, at intervals of not more than sixty (60) days, of the case of each child in need of treatment in the custody of Cherokee Nation and receiving inpatient care and treatment to determine whether or not continued inpatient treatment is required and appropriate for the child. When such child no longer requires inpatient care and treatment in a mental health treatment facility, Cherokee Nation shall place the child as provided in paragraph 1 of this subsection.

B. In providing for the outpatient care and the treatment of children in its custody who have been adjudicated in need of treatment, Cherokee Nation shall utilize to the maximum extent possible and appropriate the services available through:

1. the guidance centers operated by Cherokee Nation, the federal government, or State Department of Health; and
2. the Department of Mental Health and Substance Abuse Services or Cherokee Nation; and
3. community-based private nonprofit agencies and organizations.

C. Nothing in this section shall be interpreted to require Cherokee Nation to place a child found by a Court to be eligible for inpatient mental health treatment in a mental health facility when Cherokee Nation determines that such placement is inappropriate or unnecessary for the treatment needs of the child.