

Cherokee Nation Code Annotated

Title 10: Children

Chapter 51: Delinquent, Dependent and Neglected Children

Article I: Dependent and Delinquent Children

§ 1138. Delinquent children—Intent of Tribal Council—Powers and duties of Cherokee Nation

Cite as: 10 CNCA § 1138

A. It is the intent of the Tribal Council of this Nation to provide for the creation of all reasonable means and methods that can be established by the Nation for the prevention of delinquency and for the care and rehabilitation of delinquent children. It is further the intent of the Tribal Council that this Nation, through Cherokee Nation, establish, maintain and continuously refine and develop a balanced and comprehensive program for children who are potentially delinquent or are delinquent.

B. Whenever a child who has been adjudicated by the Court as a delinquent child has been committed to Cherokee Nation, Cherokee Nation may:

1. Place the child in a training school or other institution or facility maintained by a government for delinquent children if the child has:

a. exhibited seriously violent, aggressive or assaultive behavior; or

b. committed a crime which if committed by an adult under the laws of a state would be a felony involving violent, aggressive and assaultive behavior; or

c. habitually committed serious delinquent acts; or

d. committed multiple serious delinquent acts; to the extent that it is necessary for the protection of the public; or

2. Place the child in a facility maintained by Cherokee Nation or the State of Oklahoma for children, or in a foster home, group home, transitional living program or community residential center; or

3. Allow the child his liberty, under supervision, in an independent living program; or

4. Allow the child his liberty, under supervision, either immediately or after a period in one of the facilities referred to in paragraphs 1 and 2 of this subsection; or

5. Place the child in a school for mentally retarded, if the child is eligible for admission thereto; or

6. Place the child in any licensed private facility deemed by Cherokee Nation to be in the best interest of the child; or

7. Place the child in a government-operated treatment center or other mental health facility if the delinquent child has been found to be in need of treatment and to be eligible for residential care and treatment, as provided in 10 CNCA § 1116, by the Court.