

Cherokee Nation Code Annotated

Title 10: Children

Chapter 51: Delinquent, Dependent and Neglected Children

Article I: Dependent and Delinquent Children

§ 1139. Discharge of children adjudicated delinquent—Retaining custody

Cite as: 10 CNCA § 1139

A. All children adjudicated delinquent and committed to Cherokee Nation shall be discharged at such time as Cherokee Nation determines there is a reasonable probability that it is no longer necessary, either for the rehabilitation and treatment of the child, or for the protection of the public, that Cherokee Nation retain legal custody. Following a hearing, the Court may also order that a child adjudged delinquent and committed to Cherokee Nation shall be discharged by Cherokee Nation provided the child is on parole status and the Court deems the discharge in the best interest of the child and public.

B. All children adjudged delinquent and committed to Cherokee Nation and not discharged under subsection (A) of this section shall be discharged when the child becomes eighteen (18) years of age, unless Cherokee Nation is authorized by the Court to retain custody of the child until nineteen (19) years of age. Upon motion of Cherokee Nation the Court, after notice to the delinquent child and to the parents and attorney of said child, may authorize Cherokee Nation to retain custody of the child until he reaches nineteen (19) years of age. If the Court sustains the motion of Cherokee Nation, the delinquent child during the extended period shall be considered as a child for purposes of receiving services from Cherokee Nation. If a criminal offense is committed by the individual during the extended period, said offense shall be considered as having been committed by an adult. Except to the extent necessary to effectuate the purposes of this section, an individual after age eighteen (18) is considered an adult for purposes of other applicable law.

C. Cherokee Nation shall not place a child under ten (10) years of age in an institution maintained for delinquent children.