

Cherokee Nation Code Annotated

Title 12: Civil Procedure

Chapter 10: Harassment

§ 1504. Protection Order--Petition

Cite as: 12 CNCA § 1504

A person who has suffered harassment as defined in Section 1502 may seek a temporary restraining order and an order after a hearing prohibiting harassment as provided in this section.

There shall exist an action known as a petition for a civil anti-harassment protection order under this chapter.

1. A petition for relief shall allege the existence of harassment, shall allege an appropriate jurisdictional basis for relief under Section 1512 of this chapter, and shall be accompanied by an affidavit made under penalty of perjury stating the specific facts and circumstances from which relief is sought.
2. A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.
3. No filing fee may be charged for a petition filed in an existing action or under an existing cause number brought under this chapter.
4. A person is not required to post a bond to obtain relief in any proceeding under this section.
5. The parent or guardian of a child under age eighteen may petition for an order of protection to restrain a person age eighteen years or over from contact with that child upon a showing that contact with the person to be enjoined is detrimental to the welfare of the child.
6. The parent or guardian of a child under the age of eighteen may petition the District Court for an order of protection to restrain a person age eighteen years or over.

Historical Data

LA 28-21, eff. June 14, 2021.