

Cherokee Nation Code Annotated
Title 21: Crimes and Punishments
Part II. Crimes Against Public Justice

Chapter 19: Other Crimes Against Public Justice

§ 566. Punishment for direct or indirect contempt—Guidelines for determination of sentence and purge fee for failure to comply with certain orders regarding children

Cite as: 21 CNCA § 566

A. Unless otherwise provided for by law, punishment for direct or indirect contempt shall be by the imposition of a fine in a sum not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not exceeding six (6) months, or by both, at the discretion of the Court.

B. 1. In the case of indirect contempt for the failure to comply with an order for child support, other support, visitation, or other court orders regarding minor children the Supreme Court shall promulgate guidelines for determination of the sentence and purge fee. If the Court fails to follow said guidelines, the Court shall make a specific finding stating the reasons why the imposition of the guidelines would result in inequity. The factors that shall be used in determining the sentence and purge fee are:

- a. the proportion of the child support or other support that was unpaid in relation to the amount of support that was ordered paid;
- b. the proportion of the child support or other support that could have been paid by the party found in contempt in relation to the amount of support that was ordered paid;
- c. the present capacity of the party found in contempt to pay any arrearages;
- d. any willful actions taken by the party found in contempt to reduce factor c;
- e. the past history of compliance or noncompliance with the support or visitation order; and
- f. willful acts to avoid the jurisdiction of the Court.

2. When a court of competent jurisdiction makes an order compelling a parent to furnish monetary support, necessary food, clothing, shelter, medical attention, medical insurance or other remedial care for the minor child of the parent:

- a. proof that:
 - i. the order was made, filed, and served on the parent, or
 - ii. the parent had actual knowledge of the existence of the order, or

- iii. the order was granted by default after prior due process notice to the parent, or
 - iv. the parent was present in Court at the time the order was pronounced; and
- b. proof of noncompliance with the order, shall be prima facie evidence of an indirect civil contempt of court.

Historical Data

LA 10–90, eff. November 13, 1990.