

Cherokee Nation Code Annotated

Title 10A: Cherokee Nation Juvenile Code

Article 2

Chapter 2: Custody and Court Proceedings

§ 2-2-105. Order removing child from home prohibited absent certain determinations

Cite as: 10A CNCA § 2-2-105

No order of the court providing for the initial or continued removal of a child alleged or adjudicated delinquent or in need of supervision from the child's home shall be entered unless the court finds that the continuation of the child in the home of the child is contrary to the welfare of the child. The order shall include either:

1. A determination as to whether or not reasonable efforts have been made to prevent the need for the removal of the child from the home or, as appropriate, reasonable efforts have been made to provide for the return of the child to the home; or
2. A determination as to whether or not an absence of efforts to prevent the removal of the child from the home is reasonable upon consideration of the family circumstances, the safety of the child and the protection of the public; or
3. A determination that reasonable efforts to prevent the removal of the child from the home or to reunify the child and family are not required because:
 - a. the Cherokee Nation District Court has determined that the parent has subjected the child to one of the following aggravated circumstances: abandonment, torture, chronic abuse, sexual abuse or chronic, life-threatening neglect of the child,
 - b. the Cherokee Nation District Court has determined that the parent has been convicted of one of the following:
 - (1) murder of another child of the parent,
 - (2) voluntary manslaughter of another child of the parent,
 - (3) aiding or abetting, attempting, conspiring, or soliciting to commit such a murder or such a voluntary manslaughter, or
 - (4) a felony assault that results in serious bodily injury to the child or another child of the parent, or
 - c. the parental rights of the parent with respect to a sibling have been terminated involuntarily.

Historical Data

LA 11-21, eff. March 15, 2021.