

Cherokee Nation Code Annotated
Title 10A: Cherokee Nation Juvenile Code
Article 2
Chapter 2: Custody and Court Proceedings
§ 2-2-404. Deferral of delinquency proceedings
Cite as: 10A CNCA § 2-2-404

A. A court may defer delinquency adjudication proceedings for one hundred eighty (180) days, plus an additional one hundred eighty (180) days as provided in subsection C of this section, if the child:

1. Is alleged to have committed or attempted to commit a delinquent offense that if committed by an adult would be a misdemeanor or a felony;
2. Enters into a stipulation that the allegations are true or that sufficient evidence exists to meet the burden of proof required for the court to sustain the allegations of the petition; and
3. Has not been previously adjudicated a delinquent.

If the child is alleged to have committed or attempted to commit a delinquent offense that if committed by an adult would be a felony, the deferral shall be upon agreement of the Attorney General.

B. During such period of deferral, the court may require the following:

1. Participation in or referral to counseling, a period of community service, drug or alcohol education or treatment, vocational training or any other legal activity which would be beneficial to the child and the family of the child;
2. Require the child to undergo a behavioral health evaluation and, if warranted by the mental condition of the child, undergo appropriate care or treatment;
3. Restitution providing for monetary payment by the parents or child, or both, to the victim who was physically injured or who suffered loss of or damage to property as a result of the conduct alleged;
4. An alternative diversion program; or
5. Any other programs and services that may be provided through public or private agencies and as approved by the court.

C. The court shall dismiss the case with prejudice at the conclusion of the deferral period if the child presents satisfactory evidence that the requirements of the court have been

successfully completed. The court may order a one hundred eighty-day extension of the deferral period if the court determines that the child has made satisfactory progress and that such extension is necessary to accomplish treatment goals and objectives.

D. As used in this section, "alternative diversion program" means a program for juveniles who have been identified by law enforcement personnel, the Attorney General, or the court as having committed acts which are not serious enough to warrant adjudication through the juvenile court process, but which do indicate a need for intervention to prevent further development toward juvenile delinquency. The program shall be administered, pursuant to contract with the Department of Juvenile Justice, by organizations designated as youth services agencies by law.

Historical Data

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