

Cherokee Nation Code Annotated

Title 10A: Cherokee Nation Juvenile Code

Article 2

Chapter 2: Custody and Court Proceedings

§ 2-2-703. Expenses for care and maintenance of child

Cite as: 10A CNCA § 2-2-703

A. If, after notice to the parent or parents of the child or other persons legally obligated to care for and support the child, and after affording said person or persons an opportunity to be heard, the court finds that the parent or parents of the child or other person is able to pay all or part of the costs and expenses set forth in paragraphs 1 through 4 of this subsection, the court may order the person or persons to pay the same and prescribe the method of payment, as follows:

1. Reimburse the court fund, in whole or in part, for any disbursements made from the court fund in conjunction with the case, including, but not limited to, court-appointed attorney fees, expert witness fees, sheriff's fees, witness fees, transcripts and postage;
2. Pay for the care and maintenance of the child, including, but not limited to, all or some part of placement services, medical care, behavioral health services, outcome incentive payments for providers and reasonable monthly expenses, as authorized by law;
3. Reimburse the Department of Juvenile Justice, in whole or in part, for any costs and expenses incurred by the Office in providing any services or authorized actions taken pursuant to the Cherokee Nation Juvenile Code for the child; and
4. Reimburse any law enforcement agency, in whole or in part, for any costs or expenses incurred by the law enforcement agency for custodial services or other authorized actions taken pursuant to the Cherokee Nation Juvenile Code.

The court may also order the assignment of benefits of medical insurance coverage for the child to the Department of Juvenile Justice for the period of time the child is in the custody of the Department of Juvenile Justice.

B. The court shall use the child support guidelines provided for in Section 118 of Title 43 of the Cherokee Nation Statutes in determining the amount a parent is to pay for care and maintenance of a child. If any parent is financially able but has willfully failed to pay any costs or reimbursements as ordered by the court pursuant to this section, the parent may be held in indirect civil contempt of court and, upon conviction, shall be punished pursuant to Section 566 of Title 21 of the Cherokee Nation Statutes.

C. The court shall have the right, upon conducting an evidentiary hearing, to modify its orders for care and maintenance, as the conditions or needs of the child or children may require and the ability of the person or persons held to pay may afford.

Historical Data

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