

Cherokee Nation Code Annotated
Title 30: Guardianship and Conservatorship
Chapter 1: Guardianships

§ 4. Definitions

Cite as: 30 CNCA § 4

A. As used in the Cherokee Nation Guardianship and Conservatorship Act:

1. **"Confidential information"** means medical records, physical, psychological or other evaluations of a ward or subject of the proceeding, initial and subsequent guardianship plans, reports of guardians, limited guardians and conservators, and financial records and information submitted to the Court in connection with a proceeding pursuant to this chapter.

2. **"Court"** means the District Court of Cherokee Nation.

3. **"Estate"** means the property of the person whose affairs are subject to a guardianship proceeding.

4. **"Guardian"** means a person appointed as general or limited guardian of the person, general or limited guardian of the property, special guardian and temporary guardian, but does not include a person appointed as guardian ad litem.

5. **"Guardian ad litem"** means, with respect to a guardianship proceeding, a person appointed by the Court to assist the subject of the proceeding in making decisions with regard to the guardianship proceeding, or to make said decisions when the subject of the proceeding is wholly incapable of making said decisions even with assistance.

6. **"Guardianship of the person"** means legal custody or the duty and authority vested by law to make major decisions affecting a child including, but not limited to:

a. the authority to consent to marriage, enlistment in the armed forces, and to extraordinary medical and surgical treatment; and

b. the authority to represent a child in legal actions and to make other decisions of substantial legal significance concerning a child; and

c. the authority to consent to the adoption of a child when the parent-child relationship has been terminated by judicial decree or the death of the parents; and

d. the rights and responsibilities of the physical and legal care, custody, and control of a child when legal custody has not been vested in another person, or agency, or institution; and

e. the duty to provide food, clothing, shelter, ordinary medical care, education, and discipline for the child. Guardianship of the person of a child, or legal custody of a child, may be taken from its parents only by Court action, notwithstanding the emergency protection of a child.

7. **"Guardianship plan"** means the plan for the care and treatment of a ward, the plan for the management of the financial resources of a ward, or both.

8. **"Guardianship proceeding"** means a proceeding for the appointment of a guardian, or for other orders regarding the condition, care or treatment or for the management of the financial resources of a minor.

9. **"Guardianship report"** means any report required by the provisions of 30 CNCA § 23.

10. **"Initial review hearing"** means the first hearing held by the Court for review of the guardianship proceeding after entry of the order appointing a guardian for a minor.

11. **"Letters"** means a document issued by the Court subsequent to the appointment of a guardian which designates the name of the guardian and specifies the authority and powers of said guardian. Such document shall be endorsed thereon with the oath of the guardian that he or she will perform the duties of their office as guardian according to law.

12. **"Minor"** means a person less than eighteen (18) years of age.

13. **"Person"** means an individual.

14. **"Property"** means real property, personal property, and income, any interest in such real or personal property and includes anything that may be the subject of ownership.

15. **"Subject of the proceeding"** means a minor:

a. who is the subject of a petition requesting the appointment of a guardian, limited guardian, or temporary guardian; or

b. for whom a guardian or limited guardian has been appointed by the Court.

16. **"Ward"** means the person over whom, or over whose property, a guardian is appointed.

B. Nothing contained in this Act shall prevent the Court from immediately assuming custody of a minor, pursuant to the Cherokee Nation Children's Code, 10 CNCA § 1 et seq., and ordering whatever action may be necessary, including medical treatment, to protect the minor's health or welfare.

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