

Cherokee Nation Code Annotated

Title 30: Guardianship and Conservatorship

Chapter 1: Guardianships

§ 8. Jurisdiction of Court over guardians and guardianship proceedings

Cite as: 30 CNCA § 8

A. In all cases the Court making the appointment of a guardian has exclusive jurisdiction to control such guardian in the management and disposition of the person and property of the ward.

B. The Court has jurisdiction over guardianship proceedings and cases, and has the following powers, which must be exercised in the manner prescribed by this chapter, to:

1. appoint and remove guardians for minors;
2. issue and revoke letters of guardianship;
3. control the conduct of guardians with regard to the care and treatment provided to their wards;
4. control the conduct of guardians with regard to the management of the financial resources of their wards;
5. compel guardians to submit plans, reports, inventories and accountings, to the Court;
6. compel payment and delivery by guardians of property belonging to their wards;
7. order the payment of debts, the sale of property, and order and regulate the distribution of property which has been placed under the control or management of a guardian;
8. settle the accounts of guardians;
9. appoint appraisers of the property of wards;
10. compel the attendance of witnesses and the production of documents and property;
11. after a petition has been filed for appointment of a guardian for a minor, make or modify any temporary order of guardianship during the progress of the proceedings that would be in the best interest of the ward. Any such temporary order may be entered ex parte with written notice sent to all parties directing them to appear before the Court at a time and place therein specified, not more than thirty (30) days from the time of making such order, to show cause why the order should not be granted for guardianship; and

12. exercise all powers conferred by this chapter and to make such orders as may be necessary for the exercise of said powers.

Historical Data

LA 39-12, eff. October 16, 2012.