

Cherokee Nation Code Annotated

Title 30: Guardianship and Conservatorship

Chapter 1: Guardianships

§ 15. Appointment of guardian of minor—Notice—Intervention

Cite as: 30 CNCA § 15

A. Before making the appointment, the Court must cause notice of the hearing on the petition for appointment of a guardian for a minor to be given in the form required by the Court to the following persons:

1. the minor himself if the minor has attained the age of fourteen (14) years as of the date the petition is filed;
2. the Cherokee Nation Department of Youth and Family Services;
3. the Cherokee Nation Office of Attorney General;
4. the then-living parents of the minor and any other person having care of the minor;
5. if the minor has no then-living parent, then to one of the then-living grandparents who is not one of the petitioners and who is not married to one of the petitioners; and
6. if there is no such then-living grandparent or if there is no such then-living grandparent whose address is known to the petitioner, then notice shall be given to an adult relative, if any, of the minor, who resides within the territorial jurisdiction of Cherokee Nation.

B. Such notice shall be mailed to each person entitled to notice at that person's address as last-known to the petitioner, at least ten (10) days prior to the date set by the Court for hearing on the petition. Provided, the Court may direct a shorter notice period if the Court deems such shorter notice period to be appropriate under the circumstances.

C. If there is no person, other than the minor, who is entitled to notice, or if the address of any person entitled to notice is not known to the petitioner, the petition shall so allege. The Court may direct that notice be waived or be given to any person or persons by publication or in any such manner as the Court determines and directs.

D. Cherokee Nation may intervene in any case subject to the requirements of this act.

Historical Data

LA 39–12, eff. October 16, 2012.