

Cherokee Nation Code Annotated

Title 30: Guardianship and Conservatorship

Chapter 1: Guardianships

§ 45. Civil liability of guardians or petitioners—Damages—Willful or malicious filing of false petition or application

Cite as: 30 CNCA § 45

A. Any guardian who willfully violates the duties or willfully misuses the powers assigned by the Court and thereby causes injury to the ward or damages to the financial resources of the ward shall, in addition to any criminal penalties, be liable in a civil action for any actual damages suffered by the ward. Nothing in this subsection shall limit the authority of the Court to surcharge a guardian as otherwise provided by law.

B. Any person who willfully or maliciously files a false petition or application pursuant to the provisions of this chapter or a petition or application without a reasonable basis in fact for such a petition pursuant to the provisions of this chapter may be liable in a civil suit for any actual damages suffered by the subject of the petition or application.

Historical Data

LA 39–12, eff. October 16, 2012.