

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 11: Rules of the Road

Article XI. Miscellaneous Rules

§ 11-1120. Removing a child from a vehicle—Immunity

Cite as: 47 CNCA § 11-1120

A. A person shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a child from the motor vehicle if the person:

1. Determines the motor vehicle is locked or there is otherwise no reasonable method for the child to exit the motor vehicle;
2. Has a good-faith belief that forcible entry into the motor vehicle is necessary because the child is in imminent danger of suffering harm if not immediately removed from the motor vehicle and, based upon the circumstances known to the person at the time, the belief is a reasonable one;
3. Has contacted the local Law enforcement agency, the fire department or the 911 emergency telephone service prior to forcibly entering the motor vehicle;
4. Places a notice on the motor vehicle windshield with the person's contact information, the reason the entry was made, the location of the child and that the authorities have been notified;
5. Remains with the child in a safe location, out of the elements but reasonably close to the motor vehicle, until law enforcement, fire or other emergency responder arrives; and
6. Used no more force to enter the motor vehicle and remove the child from the motor vehicle than is necessary under the circumstances.

B. Nothing in this act shall affect the person's civil liability if the person attempts to render aid to the child in addition to what is authorized by this act.

Historical Data

LA 02-21, eff. January 11, 2021.