

Cherokee Nation Code Annotated

Title 10: Children

Chapter 1B: Indian Child Welfare Act

§ 40.5. Emergency removal of Indian child from parent or custodian—Order

Cite as: 10 CNCA § 40.5

A. When a court order authorizes the emergency removal of an Indian child from the parent or Indian custodian of such child in accordance with 25 U.S.C. § 1922, the order shall be accompanied by an affidavit containing the following information:

1. The names, tribal affiliations, and addresses of the Indian child, the parents of the Indian child and Indian custodians, if any;
2. A specific and detailed account of the circumstances that lead the agency responsible for the removal of the child to take that action; and
3. A statement of the specific actions that have been taken to assist the parents or Indian custodians so that the child may safely be returned to their custody.

B. No pre-adjudicatory custody order shall remain in force or in effect for more than thirty (30) days without a determination by the Court, supported by the preponderance of the evidence that the placement is in the best interest of the child. However, the Court may, for good and sufficient cause shown, extend the effective period of such order for an additional period of sixty (60) days.

Historical Data

Amended LA 26–07, eff. June 15, 2007.