

Cherokee Nation Code Annotated

Title 10: Children

Chapter 2A: Uniform Adoption Act

§ 60.7. Notice and hearing in cases of adoption without consent of parents—Procedure

Cite as: 10 CNCA § 60.7

A. Prior to a court hearing on a petition for adoption without the consent of a parent or parents, as provided for in 10 CNCA § 60.6, the consenting parent, legal guardian, or person having legal custody of the child to be adopted shall file an application stating the reason that the consent of the other parent or parents is not necessary. The application shall be heard by the Court and an order entered thereon in which said child is determined to be eligible for adoption pursuant to the provisions of 10 CNCA § 60.6.

B. Prior to a hearing on the application, notice shall be given the parent whose consent is alleged to be unnecessary. The notice of the application shall contain the name of each child for whom application for adoption is made, the date for hearing on the application, and the reason that said child is eligible for adoption without the consent of said parent. Notice shall be served upon said parent in the same manner as a summons is served in civil cases, not less than ten (10) days prior to the hearing. If said parent resides outside of the Nation, said notice shall be served upon said parent in the same manner as a summons is served in civil cases, not less than fifteen (15) days prior to the hearing. If the location of said parent is not known and this fact is attested to by affidavit of the consenting parent, legal guardian, or person having legal custody of the child, notice by publication shall be given by publishing notice one (1) time in a newspaper qualified as a legal newspaper, pursuant to the laws relating to service of notice by publication, in the county where the petition for adoption is filed. The publication shall not be less than fifteen (15) days prior to the date of the hearing.

C. The provisions of this section shall not be construed to require notice to a parent whose parental rights have been previously terminated pursuant to 10 CNCA § 29.1, 1130 or 1131.