

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part IV. Crimes Against Public Decency and Morality

Chapter 31: Abandonment and Neglect of Wife or Children

§ 852.1. Child endangerment—Knowingly permitting physical or sexual abuse—Good faith reliance on spiritual healing—Penalties

Cite as: 21 CNCA § 852.1

A. In this section "**abandon**" means to leave a child in any place without providing reasonable and necessary care for the child under circumstances under which no reasonable similarly situated adult would leave a child of that age and ability.

B. A person commits a crime if, having custody, care or control of a child younger than fifteen (15) years, he intentionally abandons the child in any place under circumstances that expose the child to an unreasonable risk of harm.

C. A person commits a crime if he intentionally, knowingly, recklessly, or with criminal negligence, by act or omission, engages in conduct that places a child younger than fifteen (15) years in imminent danger of death, bodily injury or physical or mental impairment.

D. A person who is the parent, guardian, or person having custody or control over a child as defined in 10 CNCA § 1101, commits the crime of child endangerment when the person knowingly permits physical or sexual abuse of a child or who knowingly permits a child to be present at a location when a controlled dangerous substance is being manufactured or attempted to be manufactured as defined in 21 CNCA § 2101. However, it is an affirmative defense to this paragraph if the person had a reasonable apprehension that any action to stop the abuse would result in substantial bodily harm to the person or the child.

E. The provision of this action shall not apply to any parent, guardian or other person having custody or control of a child for the sole reason that the parent, guardian or other person in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care for such child.

This subsection shall in no way limit or modify the protections afforded said child in 21 CNCA § 852 or 10 CNCA § 1130.

Historical Data

LA 10–90, eff. November 13, 1990. Amended LA 10–06, eff. June 16, 2006.