

Committee: Rules

Date: 01-05-17

Committee Date: 01-26-17

Author: Chrissi Nimmo, Assistant Attorney General

Sponsor: Victoria Vazquez

An Act

Legislative Act 03-17

A LEGISLATIVE ACT AMENDING THE GUARDIANSHIP CODE

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the Guardianship Amendment Act of 2017 and codified as Title 30 Section 10(F) of the Cherokee Nation Code Annotated.

Section 2. Purpose

To amend the Guardianship and Conservatorship Code to eliminate annual reviews for guardianships of minor unless ordered by the Court. This change will allow the District Court to more efficiently review guardianships of minors and save Guardians time while still allowing the Court to have oversight of the cases.

Section 3. Legislative History

This Act amends Title 30 Section 10(F) of the Guardianship and Conservatorship Code.

Section 4. 30 C.N.C.A. § 10(F)

The Court shall hold annual review hearings in guardianship cases, unless the Court provides a summary review upon written application of the Guardian, which shall be accompanied by a "Guardianship Review" form approved by the Court. A minute order reflecting summary review and the Guardianship Review form should be filed in each case where there is a summary review. Upon request by the Court, a guardian shall file a progress report with the Court at least thirty (30) days prior to the any required annual review hearing. At any time, any person with an interest in a current Guardianship may request a review before the Court.

Section 6. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.

Section 7. Severability

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

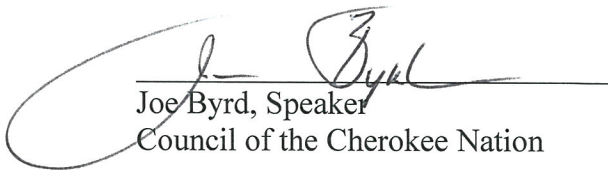
Section (code section) 8. Effective Date

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

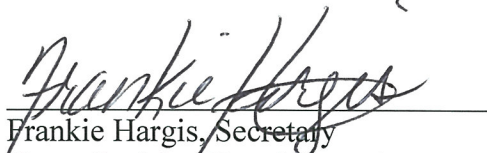
Section (code section) 9. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.


Enacted by the Council of the Cherokee Nation on the 21st day of February, 2017.


Joe Byrd, Speaker
Council of the Cherokee Nation


ATTEST:


Frankie Hargis, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23 day of February, 2017.


Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:


Chuck Hoskin, Jr., Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Janees Taylor	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Bryan Warner	<u>Yea</u>	Frankie Hargis	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Don Garvin	<u>Yea</u>	Wanda Hatfield	<u>Yea</u>
Keith Austin	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		

Rules

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

ADMINISTRATIVE CLEARANCE

Dept/Program:

Office of the Attorney
General

Chrissi Nimmo *WN* 12/19/16

Signature/Initial Date

Executive Director:

Todd Hembree, Attorney General

Todd Hembree 12/19/16

Signature/Initial Date

**Treasurer: (Required:
Grants/Contracts/Budgets)
Not required**

Signature/Initial Date

Government Relations:

Signature/Initial Date

Administration Approval:

Bill John Fisher 12-27-16

Signature/Initial Date

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Brittani 1/5/17

Signature/Initial Date

Standing Committee & Date:

Rules 1/26/17

Chairperson:

Byrd

Signature/Initial Date

Returned to Presenter:

Date

TITLE: Guardianship Amendment Act of 2017

DEPARTMENT CONTACT: Chrissi Nimmo

ACT PRESENTER: Chrissi Nimmo

COUNCIL SPONSOR: Victoria Vazquez

NARRATIVE:

There are currently, 660 open juvenile guardianships in Cherokee Nation District Court. The current law requires annual review of those Guardianships. The annual review creates an extreme burden on the District Court Docket as well as the Guardians who have to take time off work and travel to Tahlequah to simply inform the Court everything is fine with the Guardianship and no changes are needed. The Act would allow summary review based on a form completed and returned by the Guardian of the child prior to the court date. Unless the Guardian or some other interested party requests, or the Court sees a need based on the response, a summary review would be done by the Court upon review the information provided by the Guardian.