

**A COUNCIL BILL AMENDING THE CHOCTAW NATION
TRIBAL GUARDIANSHIP AND CONSERVATORSHIP ACT**

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION
JAMES DRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO AMEND the Choctaw Nation Tribal Guardianship and Conservatorship Act, specifically Section 1-102, relating to jurisdiction and applicable law; Section XXXX, relating to UCCJEA; Section 1-116, relating to confidential information; Section 2-109, relating to appointment conditions and parent expectations; and Section 2-113, relating to guardians ad litem and Children and Family Services Representatives.

WHEREAS, Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma (the “Nation”) provides that the Tribal Council (the “Council”) shall enact legislation, rules, and regulations not inconsistent with the Constitution for the general good of the Choctaw Nation and for the administration and regulation of the affairs of the Choctaw Nation;

WHEREAS, the Council has previously adopted the Choctaw Nation Tribal Guardianship and Conservatorship Act, which establishes the statutory framework governing guardianship and conservatorship proceedings within the Choctaw Nation of Oklahoma Reservation; and

WHEREAS, the Nation, as a sovereign nation, possesses the right to enact laws and regulations governing guardianship and conservatorship proceedings within its jurisdiction, including the protection, care, and oversight of minors and other protected individuals.

THEREFORE, BE IT ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma, that the Choctaw Nation Tribal Guardianship and Conservatorship Act is amended as follows:

SECTION 1. AMENDATORY. Section 1-102 of the Choctaw Nation Tribal Guardianship and Conservatorship Act is amended to read as follows:

Section 1-102. Jurisdiction and Applicable Law; Force of Common Law and Effect of Tribal Custom.

A. Jurisdiction and Applicable Law

1. Territorial jurisdiction, subject matter jurisdiction and personal jurisdiction shall be in accordance with the Choctaw Nation of Oklahoma Code of Civil

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Procedure, The Uniform Child Custody Jurisdiction and Enforcement Act of the Choctaw Nation Marriage Act (§500-101 through 500-402), and the Intergovernmental Agreement Between the State of Oklahoma and the Choctaw Nation of Oklahoma Regarding Jurisdiction Over Indian Children Within the Tribe's Reservation (2020).

2. Applicable law shall be in accordance with the Choctaw Nation of Oklahoma Code of Civil Procedure, The Uniform Child Custody Jurisdiction and Enforcement Act of the Choctaw Nation Marriage Act (§500-101 through 500-402), and the Intergovernmental Agreement Between the State of Oklahoma and the Choctaw Nation of Oklahoma Regarding Jurisdiction Over Indian Children Within the Tribe's Reservation (2020).

B. Force of Common Law and Effect of Tribal Custom

1. The common law, as modified by constitutional and statutory law, judicial decisions and the condition and wants of the people, shall remain in force in aid of the general statutes of the Choctaw Nation of Oklahoma; but the rule of the common law, the statutes in derogation thereof, shall be strictly construed, shall not be applicable to any general statute of the Choctaw Nation of Oklahoma; but all such statutes shall be liberally construed to promote their object. In matters not covered by statute, traditional tribal customs and usages may be applied.

SECTION 2. AMENDATORY. Section XXXX of the Choctaw Nation Tribal Guardianship and Conservatorship Act is amended to read as follows:

Section XXXX. Jurisdiction and Applicable Law.

A. Territorial jurisdiction, subject matter jurisdiction and personal jurisdiction shall be in accordance with ~~Title 12 of the laws of~~ the Choctaw Nation of Oklahoma Code of Civil Procedure, The Uniform Child Custody Jurisdiction and Enforcement Act of the Choctaw Nation Marriage Act (§500-101 through 500-402), and the Intergovernmental Agreement Between the State of Oklahoma and the Choctaw Nation of Oklahoma Regarding Jurisdiction Over Indian Children Within the Tribe's Reservation (2020).

B. Applicable law shall be in accordance with ~~Title 12 of the laws of~~ the Choctaw Nation of Oklahoma Code of Civil Procedure, The Uniform Child Custody Jurisdiction and Enforcement Act of the Choctaw Nation Marriage Act (§500-101 through 500-402), and the Intergovernmental Agreement Between the State of Oklahoma and the Choctaw Nation of Oklahoma Regarding Jurisdiction Over Indian Children Within the Tribe's Reservation (2020).

SECTION 3. AMENDATORY. Section 1-116 of the Choctaw Nation Tribal Guardianship and Conservatorship Act is amended to read as follows:

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Section 1-116. Confidential Information.

A. Confidential information filed with or submitted to the court in conjunction with any proceeding pursuant to the Act, shall not constitute a public record and shall be sealed by the court. Access to confidential information shall be strictly controlled. Except upon court order, no confidential information shall be disclosed to persons other than:

1. The subject of the proceeding and the subject's attorney;
2. The guardian ad litem;
3. If the subject of the confidential information is a ward, the guardian or conservator of such ward;
4. If the subject of the confidential information is the guardian or conservator, the ward and his/her attorney, and the attorney of such guardian or conservator;
5. An authorized representative of a Tribal ~~Social~~ Special Services, including the Children and Family Services Department upon proper identification.

SECTION 4. AMENDATORY. Section 2-109 of the Choctaw Nation Tribal Guardianship and Conservatorship Act is amended to read as follows:

Section 2-109. Appointment Conditions.

A. When any person is appointed guardian of a minor, the court ~~may~~ shall include in the order of appointment conditions providing for the care, treatment, education and welfare of the minor.

B. The performance of such conditions shall be part of the duties of the guardian, for the faithful performance of which he and the sureties on his bond are responsible.

C. For each parent whose parental rights have not been previously terminated, the Court shall include in the order a List of Expectations that it will consider should a proceeding be initiated to discharge a guardianship under Section 4-137 of this Act.

1. The List of Expectations shall be:
 - a. Proposed by the Children and Family Services Representative in accordance with Section 2-113(B)(7); and

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- b. Tailored to the facts and circumstances that necessitated the Guardianship and any obstacles to safe and appropriate parenting that have been identified throughout the proceedings; and
- c. A collaboration by the CFS Representative, parties, and child, if deemed appropriate.

SECTION 5. AMENDATORY. Section 2-113 of the Choctaw Nation Tribal Guardianship and Conservatorship Act is amended to read as follows:

Section 2-113. Children and Family Representatives – Power to Appoint – Appointment and Authorizations.

A. In any proceeding involving a guardianship of a minor, the Court may appoint a Children and Family Services Representative to assist the Court in accordance with this section. The Court may adopt, modify, or reject any recommendation of The Children and Family Services Representative.

B. The Role of the Children and Family Services Representative

1. The Children and Family Services Representative shall provide the Court with a Recommendation as to whether a guardianship should be granted. The Recommendation will include a proposed List of Expectations that the Court should consider when a party files to dissolve the Guardianship as being no longer necessary.

2. If a party petitions the Court to dissolve a Guardianship, the Children and Family Services Representative shall be assigned to the proceeding and shall provide the Court with a recommendation as to whether the guardianship should be dissolved. The Recommendation will address the List of Expectations previously provided in the Guardianship order. If a List of Expectations was not included, the Recommendation will address the initial facts and circumstances that led to the need of a Guardianship and the progress or changes in those circumstances.

3. If during the review stage of the Guardianship, an issue of whether the guardianship should continue or be terminated arises, the Court may order the Children and Family Representative to submit an updated Recommendation to the Court. If there is a concern as to child neglect or abuse, the Children and Family Services Representative shall ensure a referral is submitted to the Indian Child Welfare Tribal Custody Department and ensure updates are provided to the Court.

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4. Children and Family Services is authorized to create and implement policy and procedures regarding the duties and responsibilities of Representatives assigned to the Guardianship cases.

5. The Children and Family Services Representative is authorized to receive case information and filings for their assigned cases.

6. The Children and Family Services Representative is authorized to conduct home assessments and interviews in preparing Recommendations to the Court. Parties shall not prohibit or interfere with that process. In conducting the assessment and interviews, the Children and Family Services Representative is authorized to:

a. Assess the circumstances of the minor, parents, and any proposed guardian(s);

b. Interview the guardian(s), parents, minor (if the minor is of a sufficient age), and any other person the Children and Family Services Representative determines to have relevant information; and

c. Review relevant records as reasonably necessary to evaluate the suitability of the proposed guardianship and the needs of the minor including educational, medical, criminal, and child welfare records.

7. The Children and Family Services Representative shall address the following in preparing the proposed List of Expectations:

a. The conditions or concerns that led to the guardianship proceedings that must be addressed prior to reunification and any obstacles to safe and appropriate parenting that have been identified throughout the proceedings;

b. Specific services and steps to correct the conditions and concerns such as stable housing, employment or income, counseling, substance abuse treatment, domestic violence services, parenting education, and compliance with Court orders; and

c. Suggested visitation between the parents and the child (minor).

8. The Children and Family Representative will ensure their filed documents

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are provided to all parties or their counsel and are subject to any confidentially protections
ordered by the Court.

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CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council in Tvshka Homma, Oklahoma on August 8th, 2026.. I further certify that the foregoing Council Bill CB- 90 -26 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.


James Dry, Secretary
Choctaw Nation Tribal Council


Thomas Williston, Speaker
Choctaw Nation Tribal Council


Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 8-10-26