

**Yurok Tribal Code, Adult Guardianship**

**YUROK TRIBE ADULT GUARDIANSHIP CODE**

*Pursuant to its authority under Article IV, Section 5 of the Yurok Constitution, as certified on November 24, 1993, the Yurok Tribal Council hereby enacts the following ordinance establishing/regulating Adult Guardianships.*

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## **GENERAL PROVISIONS**

### **Section 4001. Short Title**

This ordinance shall be referred to as the “Yurok Adult Guardianship Ordinance.”

### **Section 4002. Purpose**

The Yurok Tribal Council, in accordance with the Constitution of the Yurok Tribe and in the exercise of the Yurok Tribe’s sovereign power to safeguard and provide for the health, safety and welfare of the members of the Yurok Tribe, hereby enacts this Code in furtherance of our values and cultural mandates to care for elders and vulnerable adults in our community. With the enactment of this Code, the Yurok Tribal Council is expressing their sovereign intent to create a system that honors and respects its duties and responsibilities to its elders, vulnerable adults, and other adults with estate planning needs. These duties and responsibilities include provision for their basic needs and ensuring their continued participation in the Yurok community, including creation of Adult Guardianships for individuals in need of assistance with their property, finances, care and/or other personal needs.

### **Section 4003. Scope**

This Code provides the legal process of establishing an Adult Guardianship. The careful selection process of a Guardian and the ongoing oversight of the Adult Guardianship by the Yurok Tribal Court will ensure adults within jurisdiction of this Code will be able to thrive and avoid becoming victims of financial, psychological, physical abuse and/or neglect. Any conflicts of law shall be settled by the Yurok Tribal Court according to the best interests of the elder or vulnerable adult.

### **Section 4004. Jurisdiction**

The Courts of the Yurok Tribe shall have jurisdiction over all cases arising under the provisions of this Code and all cases arising under similar provisions of any state or country that arise under that jurisdiction’s codes as related to any Conservatorship, Adult Guardianship, or similar civil law matter that may concern a Yurok adult.

The jurisdiction of the Yurok Tribal Court shall include, but not necessarily be limited to: (1) all Yurok Tribal members, both present and future; (2) any elder or vulnerable adult related to a Yurok Tribal member; (3) all territory within the Yurok Indian Reservation, as defined by Article I of the Constitution of the Yurok Tribe, including, but not limited to: all real property, including fee patents, allotments, and assignments; and all roads, waters, and bridges used or maintained for Tribal purposes; and (4) existing and future lands outside the boundaries of the currently federally recognized Reservation owned or controlled by the Yurok Tribe for the benefit of its members.

Any elder or vulnerable adult Guardianship created pursuant to Chapter 11.05 Elder and Vulnerable Adult Protection Code Section 11.05.120(a)(7) will be subject to the provisions of this Chapter.

All Adult Guardianship cases, Conservatorship cases, and elder or adult protection cases involving any member of the Yurok Tribe that may arise outside the Yurok Reservation are subject to the

assertion of concurrent jurisdiction by the Yurok Tribe and shall be subject to the provisions of this Code which hereby allows for transfer of such cases to the Yurok Tribal Court.

The Court shall construe this section liberally to exercise maximum jurisdiction consistent with applicable Tribal law and custom.

**Section 4005. Sovereign Immunity Preserved**

This Code provides the legal process of establishing an Adult Guardianship. The careful selection process of a Guardian and the ongoing oversight of the Adult Guardianship by the Yurok Tribal Court will ensure adults within jurisdiction of this Code will be able to thrive and avoid becoming victims of financial, psychological, physical abuse and/or neglect. Any conflicts of law shall be settled by the Yurok Tribal Court according to the best interests of the elder or vulnerable adult.

**Section 4006. Severability**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of its provisions to other persons or circumstances shall not be affected, and to this end, the provision of this ordinance are severable.

**Section 4007. Effective Date**

This ordinance shall take effect immediately after its adoption by Council.

**Section 4008. Repeal of Conflicting Ordinance Provisions**

All prior ordinance provisions previously enacted by the Tribal Council and inconsistent with the provisions of this ordinance are hereby repealed. If the provisions of this ordinance conflicts with the provisions of any other previously enacted ordinance, the provisions of this ordinance shall control.

**CHAPTER 1. ADULT GUARDIANSHIP**

**Section 4009. Definitions**

This Chapter will be governed by the following definitions, and all other terms shall be taken at their plain meaning:

“Accounting” means the entire document that must be filed with the court, including a narrative report of the Ward’s current financial circumstances and the schedules of income and expenses and property on hand that show the financial condition of the Ward’s estate.

“Adult” means a person aged 18 years or older.

“Adult Guardianship” means a type of court proceeding that may create different kinds of Guardianships or Conservatorships for the benefit of an adult.

“Advisor to the Court” means a person, not party to the case, with specialized expertise or knowledge selected by the Court for their assistance in, or recommendations for, resolving some aspect of the case.

“Certified Copy” means a copy of a document filed with a court to which the court clerk has attached a certificate which includes a statement that the original of the document has been filed with the court, and that the copy is a true and correct copy of the original. A certified copy of a document filed with a court is often required by government agencies and others as proof that the original document exists and has been filed with the court.

“Court Investigator” means an investigator employed or appointed by the court to assist judges in Adult Guardianship cases. A court investigator visits and speaks with people involved in a guardianship, including the Proposed Ward and the Proposed Guardian, and reports their findings back to the court. Once a Guardianship has been created, the court investigator may visit the Ward periodically to see how things are going.

“Duty of Care” means the requirement that a person act toward others and the public with the watchfulness, attention, caution, and prudence that a reasonable person in the circumstances would. If a person’s actions do not meet this standard of care, then the acts are considered negligent, and any damages resulting may be claimed in a lawsuit for negligence.

“Elder” means

- 1) A citizen of the Yurok Tribe who is 55 years of age or older; or,
- 2) a person who resides on the Yurok Reservation who is 55 years of age or older to whom a Yurok Tribal member owes a duty of care because of traditional or familial ties.

“Good Faith” means an honest and reasonable belief or purpose and the lack of intent to harm, defraud or injure.

“Guardian of the Estate” means a person appointed by a court to manage another adult person’s financial resources to prevent and resist fraud or undue influence. A Guardian of the Estate manages a Ward’s income, money, real property, or other property.

“Guardian of Legal Affairs” means a person that has “power of attorney” for another adult person.

“Guardian of the Person” means a person appointed by a court to provide for another adult person’s personal needs such as medical, dental, the provision of food, clothing, and shelter.

“Guardianship of the Estate” means removal of control over a person's assets and financial affairs, and gives it to a third-party Guardian.

“Guardianship of the Person” means removal of decision-making authority and responsibility for personal decisions, including, but not limited to, choosing a residence, consenting to medical treatment, and making end-of-life decisions, and gives such authority to a third-party Guardian.

“Immediate Family” means any of the following: spouse, domestic partner, child, step-child, parent, sibling, grandparent, grandchild, parent’s sibling, and other persons considered immediate family as otherwise determined by law, including, but not necessarily limited to, Yurok Tribal law, custom, or traditions.

“Least Restrictive Alternative” means whenever it is necessary to protect an elder or vulnerable adult, the least restrictive method of intervention consistent with protecting their freedom and independence, while ensuring they are protected from harm, will be utilized.

“Letters of Guardianship/Conservatorship” means an order of the Court that identifies an appointed Guardian, states that the Guardian is authorized to act on the Ward’s behalf, and indicates that the Guardian has qualified for the position.

“Limited Guardian” means a person that has Guardianship responsibilities that are smaller in scope than a Guardian of the Person or Guardian of the Estate, typically an insular area(s) of responsibility. The scope of a Limited Guardian’s responsibilities will be on a case-by-case basis as ordered by the Yurok Tribal Court. For example, a Limited Guardian may be appointed to handle medical treatment but other duties under “Guardianship of the Person,” such as choosing a residence, may be assigned to another Guardian or remain with the Ward.

“Limited Guardianship” means something created when a tailored solution is needed to fit the limited nature of the incapacity of the Ward, limited capacity of the Guardian, or division of responsibilities across multiple Guardians. For example, a Limited Guardianship is appropriate if the Proposed Ward’s incapacities are limited in scope and the ability to function is only partially diminished. Because of the importance of self-autonomy and the fact that limited self-autonomy may be attained in these instances, the goal of a Limited Guardianship is to assist the incapacitated person in developing and attaining maximum self-reliance and independence. Limited Guardianships can also be used to help divide responsibilities across multiple guardians.

“Power of Attorney” means when an adult person is granted the power to act as an official agent for another adult person. This power may be expansive or limited in scope; for example, the power of attorney can be limited to the sale of a home or as expansive as power over all business and financial affairs. Power of attorney may also be limited in duration; for example, only while a person is medically incapacitated. Finally, power of attorney may take effect immediately or upon the occurrence of a future event.

“Proposed Ward” means an adult person that is alleged to be incapacitated in a Guardianship or Conservatorship proceeding *or* an adult person that is seeking to use this Chapter for estate planning in case of future incapacitation.

“Representative Payee” and “Financial Guardian” means a representative payee can be a person or an organization. A representative payee can receive financial benefits (such as elder payments, per capita payments, and Social Security benefits) for anyone who cannot manage or direct the management of their benefits. A representative payee’s main duties are to use the benefits to pay for

the current and future needs of the beneficiary and properly manage any benefits not needed to meet current needs. A representative payee must also keep records of expenses and must provide an accounting of how the benefits were used or managed to Tribal Court upon request and/or as required by the Court.

“Retaliation” means intimidation/harassment or a threat to cause bodily harm or causing bodily harm to a reporter or family of a person reporting elder abuse; causing or attempting to cause the reporter or reporter’s family to be terminated, suspended, or reprimanded by an employer; or causing property damage to real or personal property belonging to a reporter’s family.

“Status Review Hearing” means a status review hearing is a regular reoccurring/scheduled hearing to check on the status of the Ward and Guardianship, including the need to continue the wardship/guardianship status. It is used to determine whether court orders are being followed, address any issues that have occurred, and plan for future changes to court orders.

“Temporary Guardian” means an adult person appointed by a court to manage some aspect of another adult person’s medical, legal, business, financial, or other affairs on a temporary basis.

“Temporary Guardianship” means a Guardianship that can encompass some or all aspects of a Guardianship of the Estate and/or Guardianship of the Person. However, a Temporary Guardianship may only be created for emergency situations or in situations of temporary incapacity and may last no longer than three months.

“Vulnerable Adult” means an adult who exceeds the age of 18 and is unable to protect themselves from abuse, neglect, or exploitation. This includes the person who is unable to make responsible decisions for themselves because of mental illness or deficiency, physical disability or illness, age-related capacity issues, or the effects of chronic use of alcohol and/or drugs.

“Ward” means an adult person that has been appointed a Guardian, or is subject to a type of Guardianship or Conservatorship by a court.

#### **Section 4010. Rights of Proposed Ward, Ward, and Impacted Family**

The Yurok Tribe’s Constitution was adopted in part to ensure peace, harmony, and protection of individual human rights among our members and among others who may come within the jurisdiction of the Yurok Tribe. In the spirit of that constitutional mandate, this Adult Guardianship Code recognizes the following rights on matters within the scope of this Chapter:

- (a) Proposed Wards may refuse to accept services provided, including a Guardianship, if there is good cause to believe that they can care for themselves and the elder or vulnerable adult knows of the services offered.
- (b) Immediate family may refuse services for themselves but cannot refuse services for the Ward or Proposed Ward.

(c) Proposed Wards and immediate family may refuse to allow investigators into their home without a court order and must be told of the right of an investigator to seek a warrant should entry be denied.

(e) Personal service of notice to the Proposed Ward, Ward, and immediate family is required when a petition is filed pursuant to this Code.

(f) The Proposed Ward and immediate family have the right to attend all proceedings. If the Court determines the Proposed Ward is at risk in attending such proceedings, the Court shall, if feasible, make accommodations as the Court sees fit to facilitate the Proposed Ward's participation.

(g) The Proposed Ward, Ward, immediate family, and Guardian have the right to independent medical, psychological, or psychiatric evaluations at their own expense, but must submit to any Court-ordered evaluation or suffer a possible adverse inference from the failure to cooperate.

(h) Any party to an action pursuant to this Code may nominate a member of their family or of another person known to them to act as an advisor to the Court, or the Court may nominate a person to serve in this role for the Proposed Ward, Ward, or immediate family. The advisor's role is not designated to replace a party's advocate but is to help the Court reach a disposition in each case that is consistent with the purposes of this Code to protect elders and vulnerable adults' rights to basic needs and community participation that are consistent with Yurok cultural imperatives. For that purpose, the advisor is allowed to address the Court with a nonbinding recommendation or, with the permission of the parties, address the Court in chambers in an unreported hearing for the purpose of making nonbinding recommendations.

(i) The Proposed Ward, Ward, and immediate family have the right to present evidence at any hearing.

(j) The Proposed Ward, Ward, and immediate family retain all other rights under Yurok law not in conflict with this Chapter.

(k) The Proposed Ward, Ward, and immediate family have the right to retain legal counsel.

#### **Section 4011. Creating an Adult Guardianship**

Generally, there are two methods for creating an Adult Guardianship; 1) by Court order pursuant to Chapter 11.05 Elder and Vulnerable Adult Protection Code or 2) by Court order pursuant to this Chapter.

Unless otherwise stated, any action taken under this Chapter must comply with the Yurok Tribal Code Chapter 2.10 Yurok Tribal Court – Rules of Court.

#### **Section 4012. Petitions**

The petition to create an Adult Guardianship may be filed with the Yurok Tribal Court by a Proposed Ward, immediate family member of a Proposed Ward, Yurok Tribe social worker or

similarly situated Yurok Tribe staff, or the Yurok Tribe. The petition must include all of the following information:

- (a) The name, date of birth, residence and address of the Proposed Ward, and confirmation of Yurok tribal membership, confirmation of membership of another tribe, or confirmation of status as a non-Indian;
- (b) The type of Guardianship sought: Guardian of the Estate, Guardian of the Person, Guardian of Legal Affairs, Limited Guardian, or any combination of the preceding;
- (c) Documentation, if available, or other information regarding the approximate value and inventory of the Proposed Ward's property and assets;
- (d) The Proposed Ward's income and source(s) of the income;
- (e) Any other income, compensation, pension, insurance or allowance to which the Proposed Ward may be entitled;
- (f) The name and address of the person(s) nominated as Guardian by the proposed Ward, including whether they are selected to be Guardian of the Estate, Guardian of the Person, Legal Guardian, Limited Guardian, or any combination of the preceding;
- (g) The names and addresses of the Proposed Ward's immediate family members known to the Petitioner or that can with reasonable diligence be ascertained;
- (h) The name and address of the person or institution currently having the care and custody of Proposed Ward, if applicable;
- (i) If applicable, why the Proposed Ward is unable to attend the requested hearing(s) and attached proof of inability to attend;
- (j) If applicable, why the Proposed Ward is unable to participate in the requested hearing(s) and attached proof of incapacitation;
- (k) Timing: Whether the Guardianship is to begin immediately or upon the occurrence of some event(s);
  - 1) Duration of Adult Guardianship;
  - 2) Whether the Adult Guardianship sought is voluntary or involuntary; and,
  - 3) Whether the Petitioner is requesting an expedited timeline, and if so, a statement explaining the urgency.

**Section 4013. Hearings**



(a) *Notice Requirements.* The following parties must be provided with notice of the filed petition and/or subsequent motion(s): Proposed Ward, immediate family members of the Proposed Ward, Yurok Tribe Health and Human Services, Yurok Office of Tribal Attorney, and any other department, agency, staff, or individual designated to generally receive notice by the Yurok Tribal Court or Ordinance.

(b) *Required Parties.* The Proposed Ward named in the petition shall be present at all hearings, even when the Proposed Ward has legal representation, unless the person is incapacitated and unable to appear or the Court has otherwise waived the Proposed Ward's appearance based upon declaration of Proposed Ward's Counsel. Proof of incapacitation must be filed with the petition for Adult Guardianship and be documented by a physician and/or medical records stating a factual basis explaining why the Proposed Ward is incapable of participating in the hearing. The Yurok Tribal Court may request additional supporting evidence of incapacitation.

(c) *Absence of Proposed Ward.* If the Proposed Ward cannot participate in the hearing(s), the Court may waive the appearance of the person if an attorney, advocate, or guardian ad litem will be present at every hearing on the merits of the petition on behalf of the Proposed Ward.

(d) *Evidence.* Any evidence offered must comport with Chapter 2.10 Yurok Tribal Court –Rules of Court. All material and relevant evidence that is reliable and trustworthy may be admitted and relied upon by the Court to the extent of its probative value, including hearsay contained in a written investigative report, provided that the preparer of the report is present and available to provide testimony. Further, the parties, including the elder and/or vulnerable adult, shall be afforded an opportunity to examine and controvert written reports and cross-examine any individual testimony presented. The Court may rely on conference telephone or other electronic devices that permit all those appearing or participating to hear and speak to each other.

(e) *Hearing Process.* At the hearing(s), the Yurok Tribal Court shall evaluate the merits of the petition and determine whether a Guardianship is appropriate by taking such testimony and evidence any interested party wishes to present and any evidence requested by the Court. As part of this evaluation, the Yurok Tribal Court must order an investigation by the Yurok Health and Human Services Department, court investigator, or other appropriate agency designated by Yurok law or the Court to evaluate the claims in the petition, evaluate the Proposed Ward, and gather any evidence needed for the hearing(s), as determined by the Court, including, but not necessarily limited to, the following:

- 1) The Yurok Health and Human Services Department, court investigator, or other appropriate Tribal agency designated by Yurok law or the Court to investigate the abuse of elders and vulnerable adults shall conduct an investigation and file a report with the Yurok Tribal Court detailing their findings and recommendations concerning the claims in the petition and the suitability of each Proposed Guardian(s). Prior to ruling on the petition for Adult Guardianship, the Court shall read and consider all reports submitted pursuant to this Chapter.

- 2) All reports authorized by this Chapter are confidential and shall only be made available to persons who have been served in the proceedings or their attorneys and/or proposed service providers or service partners.
- 3) The court investigator or Tribal agency designated to investigate the potential Guardianship shall serve all parties a copy of the confidential report as expeditiously as possible. For purpose of writing a report authorized by this Chapter, the person making the investigation and report shall have access to the Proposed Ward's school records, probation records, public and private social services records, oral or written summary of medical records, and psychological records prepared by any physician, psychologist, or psychiatrist who made or who is maintaining those records.
- 4) The report shall include, but not be limited to, an investigation and discussion of all of the following:
  - A. Social history, including education and employment, general financial status, history of criminal law proceedings, and history of any Yurok Tribal Court proceedings of the Proposed Guardian(s);
  - B. If Proposed Ward is to live with Proposed Guardian(s), a criminal background check for each adult living in the home;
  - C. Social history of the Proposed Ward, including, to the extent feasible, an assessment of any relevant identified needs of the Proposed Ward and the capability of the proposed Guardian(s) to meet those needs through the proposed Guardianship;
  - D. The relationship of the Proposed Guardian(s) and Proposed Ward, including duration and character of relationship;

(f) Establishing the Guardianship. The Yurok Tribal Court may establish a Guardianship at the conclusion of the hearing process if the Petitioner proves by a preponderance of the evidence that:

- 1) The Proposed Ward is unable to manage their own affairs at issue in the petition due to:
  - A. Incapacitation;
  - B. Impairing mental illness;
  - C. Acute alcoholism, misuse of drugs, and/or abuse of drugs;
  - D. Other impairing medical condition; and,
  - E. Abuse and/or neglect according to YTC Chapter 11.05.
- 2) The Proposed Ward lacks the ability to manage their own affairs at issue in the petition to such a degree that the person's health, welfare, security, education, legal affairs, or financial security are threatened beyond that which is acceptable to a similarly situated member of the community;
- 3) There are no less restrictive alternatives available to remedy the issue(s) identified in the evidence presented; and,

- 4) The type(s) of Guardianship sought is appropriately tailored to the issue(s) identified.

#### **Section 4014. Findings**

The Yurok Tribal Court shall make specific findings pursuant to the *Establishing the Guardianship* section of this Chapter, including findings specific to the particular type of Guardianship ordered, where applicable.

#### **Section 4015. Judgement and Court Orders**

The Court shall issue a decision at the conclusion of the hearing(s) and make orders, including ordering a specific party to draft the temporary or permanent orders for the Court's review and signature. The Court may enter further orders for evaluation, assessment, or other orders to protect the Proposed Ward. Any Court order establishing a Guardianship must include orders that address the following:

- (a) Whether an Adult Guardianship is established;
- (b) Identity of the Ward and the Ward's address and contact information;
- (c) Identity of the Guardian(s) and the address and contact information of the Guardian(s);
- (d) Type(s) of Adult Guardianship established;
- (e) Duration of Guardianship(s);
- (f) Event(s) that will trigger the beginning or end of the Guardianship being established, where applicable;
- (g) Responsibilities of the Guardian, which at a minimum include those duties and responsibilities listed in this Chapter. The Court may make specific orders to better tailor the Guardian(s) responsibilities to the practical realities of the Guardian(s) and Ward, in accordance with the best interests of the Ward;
- (h) Status review hearings, including:
  - 1) When status review hearings begin;
  - 2) How frequently status review hearings will occur, which must at a minimum occur at the beginning of the Guardianship and once per year thereafter, but the Court may order more frequent hearings at its discretion; and
  - 3) Parties required to participate in status review hearings; and
- (i) How often the Guardian must provide an accounting to the Court for review. At a minimum, the Court must order the Guardian to provide an accounting within one (1) year of their appointment and at least every two (2) years thereafter.

#### **Section 4016. Status Review Hearings**

- (a) The status of all Wards shall be reviewed by the Tribal Court at least every 365 days.
- (b) A Ward shall remain subject to the Guardianship(s) unless the Tribal Court finds a reason for terminating the Guardianship(s) or assigning a new Guardian(s). The Court will use the status review hearing to receive updates and accountings from the Guardian and relevant interested parties. The Court may order services and supervision, as appropriate.
  - 1) If appropriate, the Court may refer issues identified to the Yurok Tribe's peacemaker mediation forum or for family unity conferencing.
  - 2) At the status review hearing, the Court will:
    - A. Evaluate the safety of the Ward and the continued appropriateness of the Guardianship(s);
    - B. The extent of legal compliance by all relevant parties;
    - C. Consider whether the actions taken on the Ward's behalf have been appropriate and provided in a timely manner;
    - D. Determine whether additional services are needed for the Ward and/or Guardian(s), and order such services;
    - E. Review the accounting report and any other agency reports ordered;
    - F. Provide a forum for the concerns of any interested party, including, but not necessarily limited to, the immediate family of the Ward, the Ward, the Guardian(s), the Yurok Tribe and its designated agencies or officials; and,
    - G. Determine when the next status review hearing will occur.

**Section 4017. Guardian(s) Duties and Responsibilities**

Any Guardian appointed pursuant to this Chapter has the following duties and responsibilities:

- (a) Sign an oath or affirmation that the Guardian acknowledges and understands that responsibilities and duties will be performed according to the law.
- (b) Duty of Care. Requirement that a person act toward others and the public with the watchfulness, attention, caution, and prudence that a reasonable person in the circumstances would.
- (c) Good Faith. An honest and reasonable belief or purpose and the lack of intent to defraud or injure.
- (d) Evaluate the Ward's needs and create a plan for meeting those needs.
- (e) Preserve and promote the Ward's relationship with Yurok culture, language, religion and practices, where applicable.

- (f) Provide for the health, education, economic, and social wellbeing of the Ward, where applicable.
- (g) Any duty or responsibility, as ordered by the Yurok Tribal Court.

**Section 4018. Duties of Guardian of the Estate**

The Guardian of the Estate duties include, but are not necessarily limited to, the following:

- (a) Notice Responsibility. Obtain Letters of Guardianship from the Court and use certified copies of the letters to notify relevant parties of the Adult Guardianship. For example, depending on the scope of the Adult Guardianship, a Guardian may need to notify the Ward's banks, creditors, service providers, and benefits providers (such as the Yurok Tribe, Social Security Administration, Department of Veterans' Affairs, etc.) of the Guardian's authorization to act on the Ward's behalf.
- (b) Accounting Responsibility. Make an accounting of the Ward's assets, locate the assets, and take immediate steps to protect the assets. The Guardian may work with the Yurok Tribe to identify any urgent steps that may be necessary to prevent loss, including freezing assets and changing mailing addresses.
- (c) Prepare an inventory and appraisal of the Ward's assets and file it with the Court within 90 days after being appointed Guardian. The Tribal Court may order a Yurok department or agency to provide assistance with this duty, where feasible and appropriate.
- (d) Evaluate the Ward's needs and create a plan for meeting those needs.
- (e) Create a simple, accurate system for keeping records of the Ward's income and expenditures and file that accounting with the Court annually.
- (f) Protect and manage the Ward's finances by:
  - 1) Controlling the Ward's assets;
  - 2) Collecting income due to the Ward;
  - 3) Making a budget for the Ward;
  - 4) Paying the Ward's bills with the Ward's money;
  - 5) Investing the Ward's money, where appropriate and upon approval of the Court;
  - 6) Protecting the Ward's assets; and
  - 7) Keeping the Ward's assets in a separate account that is solely used to benefit the Ward.
- (g) Maintain all duties and responsibilities as listed in this Chapter and ordered by the Yurok Tribal Court until the Court discharges the Guardianship and a final accounting has been filed with the Court.

**Section 4019. Duties of Guardian of the Person**

The Guardian of the Person duties include, but are not necessarily limited to, the following:

(a) Providing for the Ward's personal needs such as medical, dental, the provision of food, clothing, and shelter.

(b) Maintain all duties and responsibilities as listed in this Chapter and ordered by the Yurok Tribal Court until the Court discharges the Guardianship and a final accounting has been filed with the Court.

**Section 4020. Terminating a Guardianship**

At any time, a Proposed Ward, immediate family member, Guardian, or the Court may make a motion to terminate the Guardianship(s). At such time, the Court shall order an investigation and commence a hearing to evaluate the petition and any evidence offered. The Court may grant termination of the Guardianship(s) upon a showing that the Guardianship(s) is no longer necessary or convenient, or that the conditions underlying the necessity of the Guardianship(s) have ceased to exist, and/or that termination of the Guardianship(s) is in the best interest of the Ward. The best interest consideration must include the wishes and estate planning efforts of the Ward.

The Guardian(s) may wish to terminate their responsibility of the Ward due to a change of capacity or circumstances. In such circumstances, the Guardian(s) may petition the Court for relief, but there must be an appropriate adult to take over the care and custody of the Ward, and the Ward may be placed in protective custody of the Yurok Tribe until such an adult is identified.

**Section 4021. Transferring Cases to Yurok Tribal Court**

The Tribal Court may petition tribal, state, and federal courts, as appropriate, to bring its Adult Guardianship case before those courts for any reason. The Tribal Court may accept transfer of any case filed in a non-Yurok court that would be governed by the provisions of this Chapter, had it originally been filed in Tribal Court; any such transfer will be subject to all provisions of this Chapter and amended filings will be allowed to the extent necessary to comply with this Chapter.

**Section 4022. Exclusivity**

Actions concerning Limited or Full Guardianship of elders and/or vulnerable adults shall be brought exclusively within this Chapter. This chapter does not otherwise amend provisions contained in Chapter 11.05 Elder and Vulnerable Adult Protection Code, or Chapter 13.60 Family Law Guardianships.