



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 16- 53

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council finds that protection of incapacitated persons from neglect, abuse, and exploitation is essential to the health and welfare of the Squaxin Island Tribe and its members.


NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts changes to the existing Elder and Vulnerable Adult Protection Code, SITC §12.04.200 and SITC §12.04.210, as reflected in the attached redline version.

CERTIFICATION

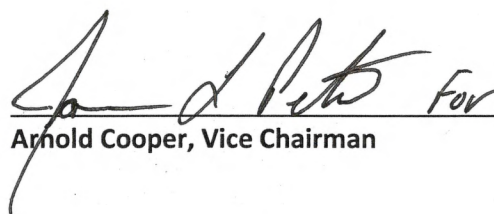
The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 21st day of July, 2016, at which time a quorum was present and was passed by a vote of 4 for and 0 against, with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Charlene Krise, Secretary



Arnold Cooper, Vice Chairman

Title 12
Elder and Vulnerable Adult Protection Code

12.04.010	Title.
12.04.020	Authority.
12.04.030	Policy.
12.04.040	Purpose and Scope.
12.04.050	Jurisdiction.
12.04.060	Civil Nature of Code.
12.04.070	Definitions.

Subchapter I – Reporting and Investigation of Suspected Abuse, Exploitation or Neglect of Vulnerable Adults

12.04.080	Vulnerable Adult Protection Program and Vulnerable Adult Protection Court.
12.04.090	Vulnerable Adult Protection Worker (VAPW).
12.04.100	Presenting Officer.
12.04.110	Duty to Report Abuse, Neglect or Exploitation.
12.04.120	Consequences of Reporting.
12.04.130	Investigation and Written Report.
12.04.140	Voluntary Protective Services.
12.04.150	Rights of Vulnerable Adults, and Their Families and Caregivers During an Investigation.
12.04.160	Retaliation and Interference with Investigation Prohibited.

Subchapter II –The Vulnerable Adult Protection Team (VAPT)

12.04.170	The Vulnerable Adult Protection Team and Decision Making.
12.04.180	Voluntary Protection Orders for Vulnerable Adults.
12.04.190	Emergency Involuntary Protection Orders.
12.04.200	Involuntary Protection Orders.
12.04.210	Rights of Vulnerable Adults, Their Families and Caregivers During a Hearing.

Subchapter IV – Vulnerable Adult Protection Plan and Protective Services.

12.04.220	Vulnerable Adult Protection Plan.
12.04.230	Services for the Family or Caregiver.
12.04.240	Payment for Services.

Subchapter V – Appeal

12.04.250	Appeal
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- C. Required procedure and findings. The Tribal Court shall hold a hearing on the petition within twenty-four (24) to forty-eight (48) hours of its receipt. The vulnerable adult shall receive notice of the hearing and be given the opportunity to be heard. The Tribal Court shall issue an emergency involuntary protection order if the petitioner establishes by a preponderance of the evidence that the vulnerable adult (1) is incapacitated and (2) is in imminent danger of serious harm.
- D. Relief. The Tribal Court may order the following relief:
 - 1. Services. The emergency protection order shall set forth the services to be provided through the VAPP. Emergency services shall include only those services necessary to remove the risk of immediate harm.
 - 2. Access to and removal of vulnerable adult. The Tribal Court may issue a warrant for forcible entry to gain access to a vulnerable adult if attempts to gain voluntary access have failed. If a VAPP representative or law enforcement officer has good cause to believe that a vulnerable adult is at risk of immediate or irreparable harm upon personal observation, the VAPP representative or law enforcement officer may immediately protect the vulnerable adult, including by transporting the vulnerable adult to a different location. As soon as the investigator or officer has acted to protect the vulnerable adult, standard emergency protection order procedures must be followed.
 - 3. Removal of perpetrator. If the alleged perpetrator of abuse, neglect or exploitation is known and he or she resides in the home of the vulnerable adult, such perpetrator may be ordered removed from the home.
 - 4. Other relief. The Tribal Court may order other relief as it deems necessary for the protection of the elder, including orders or directives to the police department.
- E. Full hearing. A full hearing, as provided in Section 12.04.200, shall be set for not later than fourteen (14) days from the issuance of the emergency order.
- F. Set aside. Emergency involuntary protection orders may be set aside by the Tribal Court upon petition of any party showing good cause.
- G. Denial. If the court declines to issue an ex parte, emergency involuntary protection order, the court shall state the particular reasons for the court's denial. The court shall schedule a full hearing, as provided in Section 12.04.200 no later than twenty (20) days from the issuance of the denial.

12.04.200 Involuntary Protection Orders.

- A. Any person may petition the Tribal Court on behalf of an vulnerable adult for an involuntary protection order. The tribal attorney may seek the relief provided in this Section on behalf of any vulnerable adult after the completion of an investigation and a written report in accordance with Section 12.04.130.
- B. Petition. The petition shall include the name and interest of the petitioner; the name and address or location of the vulnerable adult; a description of the vulnerable adult's situation; the proposed protective services; attempts to get the vulnerable adult's consent for protection; and any other facts that will assist the Tribal Court.
- C. Required findings. Upon notice and after hearing, the Tribal Court shall issue an involuntary protection order authorizing involuntary services upon a finding (1) by clear and convincing evidence that the vulnerable adult is incapacitated and (2) by a preponderance of the evidence that the vulnerable adult has been abused, neglected or exploited or is at imminent risk of abuse, neglect, or exploitation.-
- D. Relief.
1. The court shall require the VAPP to develop and administer an vulnerable adult protection plan;
 2. The court may appoint a protective payee for the vulnerable adult;
 3. The court may remove the vulnerable adult from the location where the vulnerable adult has been harmed to a location where the vulnerable adult can be protected;
 4. The court may remove the person(s) who have harmed the vulnerable adult from the vulnerable adult's home;
 5. The court may issue a restraining order against the person(s) who have harmed the vulnerable adult;
 6. The court may require any person with a fiduciary duty to the vulnerable adult to account for the vulnerable adult's funds or property;
 7. The court may order any person who has abused, neglected or exploited a vulnerable adult to pay restitution for damages resulting from the abuse, neglect or exploitation;
 8. The court may order other relief as it deems necessary for the protection of the vulnerable adult, including orders or directives to the police department.
 9. The court may appoint a guardian ad litem for the vulnerable adult.
- E. Denial. If the court declines to issue an involuntary protection order, the court shall state the particular reasons for the court's denial. If the Court has previously issued an

Emergency Protection Order, and an ongoing Involuntary Protection Order is not issued, the Order shall clearly state that the Emergency Protection Order is no longer in effect.

- F. Modification or set aside. An involuntary protection order may be modified or set aside by the court upon petition of any party showing a substantial and continuing change of circumstances that warrants a modification of the order and after a hearing.
- G. The protection order shall remain in effect for six (6) months, after which it may be extended as many times as necessary to protect the vulnerable adult. It shall be extended upon petition, notice, opportunity to be heard, and a determination based on a preponderance of the evidence that an extension is necessary to protect the vulnerable adult.

12.04.210 Rights of Vulnerable Adults, Their Families and Caregivers During a Hearing.

- A. The vulnerable adult, ~~and the individual's family,~~ and any legally appointed caregiver, shall receive personal service of notice and a copy of the petition when a petition is filed under this Chapter.
- B. The vulnerable adult, and the individual's family and caregiver may attend any proceedings pertaining to the incapacity of the vulnerable adult.
- C. The vulnerable adult has the right to be represented by counsel or a spokesperson at all proceedings at the vulnerable adult's expense.
- D. The vulnerable adult, and the individual's family or caregiver has the right to seek independent medical or psychological evaluations at their own expense, to present any other evidence, to cross-examine witnesses, and to remain silent.
- E. Confidentiality. All court proceedings under this Chapter shall be confidential and closed to the public. The vulnerable adult, the vulnerable adult's family, the vulnerable adult's caregiver, the suspected perpetrator(s), Tribal Court officials, employees of the VAPP, and the parties' attorneys may attend. Other people may attend only to testify.

Subchapter IV – Vulnerable Adult Protection Plan and Protective Services.

12.04.220 Vulnerable Adult Protection Plan.

- A. Pursuant to an order of the Tribal Court. If the Tribal Court determines that a vulnerable adult needs protective services, the VAPP shall write a plan for provision of those services necessary to provide for the vulnerable adult's basic needs in the least restrictive manner available. A VAPP representative shall serve the plan on all interested parties and file the plan with the Tribal Court for adoption. The plan shall remain in effect for a fixed time.
- B. Pursuant to voluntary agreement. If an agreed upon protection plan is created pursuant to an agreement of the parties, it shall be set forth in writing, including any conditions or requirements to be performed, and cover a fixed period. The vulnerable adult and/or the

APPLICANTS WHO APPEAR TO BE ELIGIBLE FOR REGULAR MEMBERSHIP

Date: 6.21.16

To: Tribal Council

From: Enrollment Committee

Re: Applicants who appear to be eligible for regular membership

As a result of the Enrollment Committee's meeting held on **June 21, 2016**

We recommend that the following persons be approved for regular membership in the Squaxin Island Tribe and that their names be placed on the Supplemental Roll pending final approval of the Tribal Council. The Resolutions for the applicants appear attached to this memo. These Resolutions show data on the applicants including how they are eligible for membership.

Applicants Recommended for Approval

Tucker Blaine Hindley	Marlo Lynice Andrews	Jaelynn Elise Moligna
Kyler Matthew Guzman	Abigail Mae Bell	Jose Francisco-Coley
Finn Michael Dorland	Bear Jon Lewis	Xavien Malosi Manu-Saenz
Walter Ray Hall		

COMMITTEE RECOMMENDATIONS

DATE: June 21, 2016

We recommend that the above-named persons be put on the Squaxin Island Tribal Roll, by consensus of _____ for and _____ against.

For

Against

absent or not voting

<i>MAH</i>		
<i>Liz Yarbrough</i>		
<i>Joann J. Decaris</i>		
<i>John Kruger</i>		
<i>Paula Kelsey</i>		
<i>Diane Deyette</i>		

APPLICATIONS FOR MEMBERSHIP

23-Jun-16

Name	Date of Application	Date of Birth	DNA Collection	DNA Received	Degree of Blood	Eligible THROUGH	Full Benefit	5yr Wait
Hindley, Tucker Blaine	10/29/2015	3/24/15	4/8/16	4/21/16	1/8	Sec.1 (E)		
Andrews, Marlo Lynice	12/8/2015	2/23/15	2/24/16	3/8/16	7/32	Sec.1 (E)		
Moligna, Jaelynn Elise	3/21/2016	3/24/15	5/24/16	6/1/216	25/64	Sec.1 (E)		
Guzman, Kyler Matthew	3/24/2016	11/9/15	6/14/16	Pending	1/8	Sec.1 (E)		
Bell, Abigail Mae	3/26/2016	3/12/16	6/14/16	Pending	7/32	Sec.1 (E)		
Francisco-Coley, Jose	5/20/2016	3/22/16	5/31/16	6/6/16	27/128	Sec.1 (E)		
Dorland, Finn Michael	5/25/2016	3/9/16	5/26/16	6/2/16	45/128	Sec.1 (E)		
Lewis, Bear Jon	5/26/2016	4/26/16	6/1/16	6/8/16	1/8	Sec.1 (E)		
Manu-Saenz, Xavien Malosi	6/1/2016	5/3/16	6/10/16	Pending	1/8	Sec.1 (E)		
Hall, Walter Ray	6/7/2016	4/19/16	6/20/16	Pending	7/16	Sec.1 (E)		

Total Enrollment: 1075 + (today 10) = 1085

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