



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 19- 13

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;

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;

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

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;

WHEREAS, the Squaxin Island Tribal Council finds that Title 13, Elder and Vulnerable Adult Protection Code is essential to the health and welfare of the Squaxin Island Tribe and its members;

WHEREAS, there the Squaxin Island Tribal Council adopted Title 13 (Title 12 was approved but per the code writers it is Title 13) per resolutions 18-13;

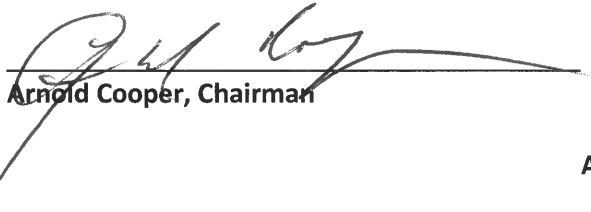
WHEREAS, the Squaxin Island Tribal Council would like to include a new section to the Code to allow for the transfer of guardianship cases involving Squaxin members from state court to tribal court and to add dates that should have been included when the original code was enacted;

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts the following section and to add dates to Title 13, Elder and Vulnerable Adult Protection Code (see attached revision).

NOW THEREFORE BE IT FINALLY RESOLVED, the Squaxin Island Tribal Council hereby adopts the attached new section to Title 13, Elder and Vulnerable Adult Protection Code.

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 14 day of March, 2019, at which time a quorum was present and was passed by a vote of 5 for and 0 against, with 0 abstentions.


Arnold Cooper, Chairman

Attested by: 
Jeremie Walls, Secretary


Charlene Krise, Vice Chairman

13.04.255 Transfer of Guardianship Cases from State Court

A. Transfer permitted. Where a state court proceeding has established and is maintaining a guardianship of the person and/or estate of member of the Squaxin Island Tribe, the Squaxin Island Tribe Adult Court may accept jurisdiction of the matter in a transfer from state Court.

B. Standard. The Court shall accept the transfer of jurisdiction if such transfer is in the best interests of the incapacitated person.

C. Process for transfer.

(1) Any party to the guardianship in state court or the presenting officer may present a request to the Squaxin court to accept transfer of the matter. The petition to accept jurisdiction shall lay out the reasons for transfer, and the facts establishing that transfer is in the best interests of the incapacitated person.

(2) The petition to accept jurisdiction shall be served, pursuant to this code, on all parties to guardianship, including any person entitled to special notice under the law of the jurisdiction of the original guardianship court, and the presenting officer.

(3) A hearing on the petition shall be set by the Court within 30 days of the petition.

(4) The presenting officer shall secure the recommendation regarding the transfer from Tribal Council and inform the Court of that recommendation before or at the hearing.

(5) All parties to the guardianship, including any person entitled to special notice, shall have the right to object to the acceptance of jurisdiction.

(6) If the Court finds that it is in the best interests of the incapacitated person to transfer the matter to Squaxin Court, it shall issue an order indicating: (1) its acceptance of jurisdiction; (2) its finding that transfer is in the incapacitated persons best interests; (3) a statement that all parties to the guardianship were given notice, and an opportunity to be heard.

(7) After acceptance, the petitioning party may move the state court for transfer of the matter to Squaxin Court.

D. Procedure after transfer.

(1) If the matter is transferred, all standing orders from the original court shall remain in effect until and unless altered by order of the Squaxin court. Letters of guardianship under this code shall be issued as soon as practicable to the guardian(s).

(2) A status hearing shall be held within 30 days of transfer.

(3) Moving forward, the guardianship shall in all other ways comply with this code.

2. Clean up missing dates:

13.04.470 Effective Date.

This Chapter shall be effective February 8, 2018.

13.04.470 Savings Clause

Each protection order or guardianship order as in effect before February 8, 2018, shall remain in effect according to its terms, except to the extent otherwise provided under this chapter or if inconsistent with any provision of this chapter.