



MUCKLESHOOT TRIBAL COUNCIL

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ORDINANCE NO. 11-090

TO ADOPT THE MUCKLESHOOT ELDER AND VULNERABLE ADULT CODE ORDINANCE

WHEREAS, the Muckleshoot Indian Tribal Council is the duly constituted governing body for the Muckleshoot Indian Reservation by authority of and is herein acting solely pursuant to its constitution and bylaws approved May 13, 1936 by the Secretary of the Interior, and as amended June 28, 1977 and not pursuant to its Indian Reorganization Act Corporate ratified October 31, 1936: and

WHEREAS, Article VI.1.g. of the Tribal Constitution and By-Laws empowers the Tribal Council to appropriate and expend Tribal funds; and

WHEREAS, the Elder's Committee is requesting to have the Muckleshoot Elder and Vulnerable Adult Code approved; and

WHEREAS, the Elder's Committee and the Legal Department have reviewed and approved the attached Muckleshoot Elder and Vulnerable Adult Code, and

NOW, THEREFORE BE IT RESOLVED by the Tribal Council of the Muckleshoot Indian Tribe that the Muckleshoot Elder and Vulnerable Adult Code is hereby approved and no further action is needed.

CERTIFICATION

As Secretary of the Muckleshoot Indian Tribal Council, I hereby certify that the above resolution was duly adopted at a regular meeting of the Tribal Council on the 13^m day of May, 2011, held on the Muckleshoot Indian Reservation, Auburn, WA, at which a quorum was present by a vote of 8 for, 0 against and 0 abstentions.

Virgil Soren
Tribal Council Secretary

Virginia Owa
Tribal Council Chairman/Vice-Chairman



Muckleshoot Elders Committee Minutes

Wednesday, April 21, 2011

Meeting called at: **9:45^{am}** by **Elaine Baker**
Minutes taken by: **Wendy Burdette**
Minutes typed by: **LeOta Berry**

Committee

Virginia Cross

Elaine Baker

Lorraine Cross

Norma Dominick

Mark James

Norma Rodriguez

Raymond Pete Jerry Sr.

Les Nelson

Connie Courville

Janice Maurice

Marie Starr – TC Liaison

Staff

Sharon Curley

Wendy Burdette

LeOta Berry



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CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

To: Sharon Curley
Human Services Director

From: Rob Otsea 

Date: May 6, 2011

Re: Elder and Vulnerable Adult Protection Code

This Office has reviewed the attached Elder and Vulnerable Adult Protection Code, and it is approved as to form. There were some minor technical corrections that were made to the version that was approved by the Committee, such as changing references to the Seniors Committee to the Elders Committee, adding commas, deleting spaces, etc. I do not believe that this version with technical corrections needs to go back to the Committee.

I have also attached a memo that Laura Weeks prepared some months ago that gives a brief overview of the Code that should accompany the Code to the Tribal Council.



MUCKLESHOOT INDIAN TRIBE

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Memo to: Tribal Council, Rob Otsea
From: Laura Weeks
Date: October 22, 2010
RE: Elder and Vulnerable Adult Protection Code

The Seniors ad hoc Committee has completed work on this Elders Code, as requested by Council. The proposed code allows the Tribe to act in its Court to protect elders from abuse in emergencies, and also provides for nonemergency proceedings for voluntary or involuntary full or limited guardianship and conservatorship. It has been reviewed by Chief Dan Morrow and Tribal Prosecutor Annie Harlan for consistency with their procedures.

The Tribe educates and encourages voluntary means for protecting elders and vulnerable adults where appropriate. These include representative payee appointments, and powers of attorney in trusted family members. However, the Seniors ad hoc Committee found that self help methods have been abused in some cases, so are not sufficient to protect elders and vulnerable adults and their resources.

Fiscal impacts: Implementation will require additional Court hearings including prosecutor time, and may occasionally require appointment of a guardian ad litem in Court proceedings. A team approach, staffed by appropriate MIT program representatives, is proposed in this code to plan for individual protective services.

The Tribe may decide to eventually fund or seek grants for its own qualified investigator, voluntary protection planning facilitator, or other Adult Protective Services staff. At present, MIT Social Services Division is working with the Washington State APS to provide investigations and support. A Guardianship assistant position, which could be contracted for scheduled service days on the Reservation has been recommended to assist adult (and also ICW and other child guardians) to identify and access appropriate services, and to prepare required annual reports for the Court. This position is not incorporated at this time into the code.

Initial Jurisdiction for Tribal members: This draft is conservative in that jurisdiction in the Muckleshoot Court of Justice initially extends only to Tribal members or those eligible for membership. The Committee discussed extending jurisdiction by consent of all parties, for other elders and vulnerable adults within the Tribal Community, including spouses and children of Tribal members, especially where services are already provided by the Tribe, and where the nexus of relationships on the Muckleshoot Reservation make Tribal Court the most appropriate forum.

The Committee concluded that expanded access to the Court could be extended by amendment once the impacts of the new code on Tribal resources are clear. Meanwhile, Muckleshoot Social

Services Division continues to work with Washington Adult Protective Services and State courts to report and investigate, and follow through with voluntary protection planning and services for Community members where appropriate and where Tribal resources are available.

Transfer to MIT of guardianships established in other courts: Where guardianships for Tribal members are already established in state courts, family members may petition that court for transfer to the Muckleshoot Tribal Court. The provisions for transfer are consistent with State requirements, and should facilitate appropriate transfers.

Reporting adult abuse and neglect; investigations: Mandatory reporters include paid caregivers, health care providers including pharmacists, law enforcement and counselors, and Tribal Council members and other elected officials of the Tribe. Most of these persons already have professional responsibilities to report abuse. The Committee wanted Tribal penalties and discipline to be significant. Muckleshoot now provides, and will continue to provide annual free training to mandated reporters as well as family member caregivers. If adopted, the reporting requirements will be publicized through the Muckleshoot Monthly and by other means.

Emergency Protective Orders, Guardianships arising from abuse or neglect: These petitions may be filed only by the Tribal Prosecutor.

Voluntary (Agreed) Protection Plans, other Guardianships: Any interested party, family member or caregiver, or the elder or vulnerable adult, may get help with voluntary plans, and petition the Court for guardianships not arising from abuse or neglect.

Rights of Elders and Family Members: This enumeration of rights and responsibilities are intended to protect all parties during investigations and proceedings, but make responsibilities and limitations clear so that elders and vulnerable adults are not injured by isolation from investigation and provision of services.

MUCKLESHOOT ELDER AND VULNERABLE ADULT PROTECTION CODE

 .010 **Policy and Purpose.** The Muckleshoot Tribe holds its elders in high esteem for their efforts and endurance holding Tribal government and community intact during difficult years, and for protecting and preserving history, culture, traditions, and resources. This title is intended to identify and protect elders and vulnerable adults within the jurisdiction of the Muckleshoot Indian Tribe who are subject to abuse, neglect, or exploitation, and thereby promote the health and welfare of the Muckleshoot Tribal Community. The ordinance establishes requirements and procedures for reporting and investigating abuse, neglect, and exploitation of elders and vulnerable adults. It establishes procedures for securing Court ordered protective services for elders and vulnerable adults where necessary, but is intended to provide for least restrictive alternatives, to the extent necessary to prevent harm. It provides for the Tribe to request protective guardianships, and for other interested persons, in the absence of any allegation of abuse or neglect, to petition for the Court to make a determination of competency so that a guardian may be appointed as determined appropriate, in order to assist an elder or vulnerable adult.

.020 **Nature and construction of this Code Title.**

(a) This title provides for civil remedies in the form of elder and vulnerable adult protection orders to address abuse, neglect, or exploitation as defined in this code. The code shall be liberally interpreted in order to achieve its purposes.

(b) Nothing in this title shall preclude a criminal prosecution in addition to a civil penalty, or affect applicable provisions of Title 5 Criminal Offenses, if a crime has also been committed.

(c) Any section or portion of this code containing the word “elder” may be construed to include and mean a “vulnerable adult” or “incapacitated adult”.

(d) This title does not apply to actions to withhold or withdraw life-sustaining treatment in accordance with a person’s health care directive that is executed in compliance with applicable law.

(e) Unless otherwise stated, the standard of proof in all protection order and guardianship proceedings shall be a preponderance of the evidence.

 .030 **Jurisdiction.** Jurisdiction resides in the Muckleshoot Court of Justice to enforce this title in order to provide for involuntary protective services or protective placements by court order for Muckleshoot Tribal members or persons eligible for membership, and to make determinations of competency and provide for voluntary or involuntary limited and full guardianships. Protective orders filed in any other court of competent jurisdiction that pertain to Tribal members or other persons within the jurisdiction of the of the Tribe, shall be recognized in the Muckleshoot Court of Justice, in order to protect the health, safety or welfare of an elder or vulnerable adult. As an initial matter in all cases brought before the Court, the Court shall:

(a) Make a determination of Muckleshoot Tribal membership or eligibility for membership, if the elder or vulnerable adult does not have an enrollment card, in consultation with the Enrollment Manager;

(b) Determine whether there has been a guardian or conservator previously appointed by a court of competent jurisdiction. However, completing such determination shall not prevent the Court from acting under part .100 to provide an emergency protection order.

(c) In the event that a guardian or conservator has previously been appointed for a Tribal member elder or vulnerable adult in another court of competent jurisdiction, the Court shall, upon request

of a person required to have notice of a guardianship hearing concerning that elder or vulnerable adult under part ____ .150 of this title, confirm the Court's concurrent jurisdiction, and provide notice to such court that transfer of jurisdiction to the Muckleshoot Court of Justice would be accepted if provisionally ordered upon the other courts own motion, or pursuant to a petition for transfer by the elder or vulnerable adult, the guardian or conservator, or another person wishing to assume the guardianship or conservatorship.

____ 040 Procedures for Transfer of Jurisdiction to the Muckleshoot Court of Justice.

(a) To confirm transfer of a guardianship or conservatorship of an elder or vulnerable adult Tribal member provisionally transferred to the Muckleshoot Court of Justice from another state or tribal court, the party who petitioned for and obtained the provisional order of transfer shall petition the Court to accept the guardianship or conservatorship. The petition must include a certified copy of the other court's provisional order of transfer.

(b) Notice of a petition under subsection (a) of this section must be given to those persons that would be entitled to notice if the petition were for the appointment of a guardian or issuance of a protective order under part ____-150 of this title.

(c) On request of the guardian or conservator, the elder or vulnerable adult, or any other person required to be notified of the proceeding, the Court shall hold a hearing on a petition filed pursuant to subsection (a) of this section.

(d) The Court shall issue an order provisionally granting a petition filed under subsection (a) unless an objection is made, and the objector establishes that transfer of the proceeding would be contrary to the interests of the elder or vulnerable adult.

(e) The Court shall issue a final order accepting the proceeding and appointing the guardian or conservator upon its receipt from the court from which the proceeding is being transferred of a final order transferring the proceeding to the Muckleshoot Court of Justice.

(f) In granting a petition under this section, the Court shall recognize a guardianship or conservatorship order from the other state, including the determination of the incapacitated or protected person's incapacity and the appointment of the guardian or conservator.

(g) Not later than 30 days after issuance of the final order accepting transfer of a guardianship or conservatorship, the Court shall determine whether the guardianship or conservatorship needs to be modified to conform to the laws of the Muckleshoot Indian Tribe.

____ 050 Procedures for Transfer of Jurisdiction from the Muckleshoot Court of Justice

(a) A guardian of the person or estate of an elder or vulnerable adult may petition the Court to transfer the guardianship to another tribal or state court.

(b) Notice of a petition under subsection (a) of this section must be given to the persons that would be entitled to notice of a petition in this Court for the appointment of a guardian of the person or estate.

(c) On the Court's own motion or on request of the guardian or conservator, the elder or vulnerable adult, or other person required to be notified of the proceeding, the court shall hold a hearing on a petition filed pursuant to subsection (a) of this section.

(d) The Court shall issue an order provisionally granting a petition to transfer a guardianship and shall direct the guardian of the person or estate to petition for guardianship in the other court if the Court is satisfied that the guardianship will be accepted by that court, and the Court also finds that:

- (1) The elder or vulnerable adult is physically present in or is reasonably expected to move permanently to the other state or tribal jurisdiction;
- (2) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that transfer of the proceeding would be contrary to the interests of the elder or vulnerable adult;
- (3) Plans for care and services for the elder or vulnerable adult are reasonable and sufficient, and include means and assurances to provide continuing relationship with the elder or vulnerable adult's extended family, traditional cultural institutions, and the Muckleshoot Tribal Community;
- (4) Adequate arrangements consistent with the Muckleshoot law and policies will be made for management of the protected person's real and heritage personal property, if any, located on the Muckleshoot Reservation.

(e) The Court shall issue a final order confirming the transfer and terminating the guardianship of the person or estate of the elder or vulnerable adult upon its receipt of:

- (1) A provisional order accepting the proceeding from the court to which the proceeding is to be transferred; and
- (2) Documentation including an inventory and accounting of resources and property at the time of the transfer such as required under part ___ 150 (g) and (h) of this title.

 .060 **Definitions.** Terms not otherwise specifically defined in this part or in Chapter 12.02 of this Title, are defined in Title 5 of the Muckleshoot Code of Justice, Criminal Offenses.

“Abuse” means:

(a) intentional or negligent infliction of bodily injury; unreasonable confinement, including chemical or physical restraints; isolation; ridicule, coercion, harassment or stalking, including unwanted electronic contact, intimidation; verbal abuse; emotional abuse; or punishment of an elder or vulnerable adult that results in physical harm, pain, or mental anguish. If an elder or vulnerable adult is unable to express the fact of physical harm, pain, or mental anguish, the abuse is presumed if it would cause such in a person of like age or condition;

(b) Sexual abuse including non consensual contact with an elder or vulnerable adult with the purpose of obtaining sexual gratification; consent is not voluntary if it is obtained by threat, coercion, intimidation, or fraud, or if the elder or vulnerable adult is not competent or does not have the capacity to consent;

(c) Exploitation including the use of an elder or vulnerable adult's funds, property, credit, utilities, services, or other resources for another person's profit or advantage, through improper or unauthorized means including coercion, force, deception, extortion, fraud, forgery, undue influence, violation of a fiduciary duty, or theft. Exploitation includes use of an elder's home or resources to engage in illegal activities. The use, for another person's profit or advantage, of the elder or vulnerable adult's funds, property, credit, services, or other resources when such person knows this use will leave the elder

or vulnerable adult unable to pay for food, clothing, shelter, health care or a safe environment, may be deemed exploitation.

“Adult Protection Team” means representatives of Tribal law enforcement, housing, health, senior and other service agencies or the Elders Committee, who are brought into consultation by Muckleshoot Adult Protective Services in order to create a Protection Plan for an elder or vulnerable adult under this title.

“Care Provider” means an adult person, or institution or agency required by law, contract, or tribal custom to provide services or resources to an elder or vulnerable adult; or an adult person who volunteers to provide such services; or a person or agency who has undertaken authority to act for an elder or vulnerable adult under a power of attorney, or guardianship, representative payee, or similar relationship.

“Elder”, for purposes of this Tribal Court jurisdiction under this title, means a person who is an enrolled member of the Muckleshoot Tribe who is 50 years of age or older. For provision of available services, an elder may also be a member of the Muckleshoot Tribal Community as designated by the Elders Committee and approved by the Tribal Council.

“Emergency” means a situation where an elder or vulnerable adult is immediately at risk of death or injury (including substantial financial loss through exploitation or unfair dealing) and is unable to consent because of physical or mental impairment, to services which would remove the risk. **“Family Member”**, for purposes of this title, shall mean immediate family including children, parents, and siblings, and grandparents or grandchildren of an elder or vulnerable adult, as well as extended family members with significant contacts with or responsibilities to care for, an elder or vulnerable adult.

“Guardian” means a person or agency appointed by the Court to exercise rights including conservatorship of property, and provide for basic needs of an elder or vulnerable adult; a “Limited Guardian” may be appointed to exercise rights and provide for basic needs to the extent that the elder or vulnerable adult is incapacitated from performing those functions without the assistance of a guardian.

“Heritage Personal Property” includes traditional cultural handwork created by the elder or an ancestor, handed down into the possession and care of the elder or vulnerable adult, including but not limited to, beadwork, basketry, carvings, tools, or other items of material culture.

“Incapacity” is the functional inability of a person to sufficiently understand, make, and communicate responsible decisions about him or herself, and to understand the consequences of any such decision, as a result of mental illness, mental deficiency, physical illness or disability, or chronic use of drugs or alcohol. Incapacity may vary in degree and duration and shall not be determined solely on the basis of age.

“Muckleshoot Adult Protective Services” or “Muckleshoot APS” means the Tribe’s Social Services Division, or another Tribal or State agency as may be authorized by the Tribe to act under part _____ 050 of this Title to carry out investigations and provide reports to the Court regarding alleged abuse; to assist elders, vulnerable adults, and their families by convening an Adult Protection Team; to provide protective services and protective plans; and to assure that responsibilities for Adult Protective Services under this title are carried out by qualified professional staff or contractors, or by cooperative contracts or agreements with Washington State Adult Protective Services.

“Muckleshoot Elders Committee” consists of policy representatives appointed by the Tribal Council to provide recommendations regarding proposals and services to promote the well being of elders or vulnerable adults and their families; Elders Committee members shall be deemed qualified to advise Muckleshoot APS or the Court regarding protective plans or orders under this title.

“Muckleshoot Tribal Community Member” means a person residing on or within the service area of the Muckleshoot Reservation who has been determined to be a Member of the Muckleshoot Tribal Community by the Elders Committee and approved by the Tribal Council, for purposes of receiving services as available and as resources permit, from the Muckleshoot Indian Tribe.

“Neglect” including “Self Neglect” means any action or inaction by a caregiver, or failure by the elder or vulnerable adult, which leaves the elder or vulnerable adult without the means or ability to obtain food, clothing, shelter, a safe environment, or health care, or to maintain minimum physical and mental health. Neglect may also include, but is not limited to, interference with delivery of necessary services and resources, including reasonable accommodation for the elder’s practice of religion, tradition, or custom, and a caregiver or required reporter failing to report abuse or neglect of an elder or vulnerable adult. “Self neglect” does not include the conscious and voluntary decisions made as a matter of personal choice of a mentally competent elder or vulnerable adult, to live in circumstances that may threaten his or her own health or safety.

“Protective Placement” means placement or transfer of an elder or vulnerable adult in a hospital, nursing home, residential care facility, family or community members home, designated tribal housing, or other suitable placement with the elder’s consent or by appropriate legal authority.

“Representative (Protective) Payee” means a person or agency appointed by the Court to receive payment of funds, to secure the elder or vulnerable adult’s funds, property, services or other resources, and to expend funds so that the elder or vulnerable adult’s needs for food, clothing, shelter health care, and a safe environment are met.

“Vulnerable Adult” means, for purposes of Tribal Court jurisdiction under this title, a person 18 years of age or older who is an enrolled member of the Muckleshoot Tribe and who does not have the functional, mental, emotional or physical ability to protect him or herself from abuse or neglect. For provision of available services, this may also include any person who does not have the functional mental, emotional, or physical ability to protect him or herself from abuse or neglect and who has been determined to be a member of the Muckleshoot Tribal Community.

___.070 Responsibilities of Muckleshoot Adult Protective Services (a) Muckleshoot APS shall promptly investigate, or cause to be investigated, reported allegations of abuse, neglect, or exploitation, and may request Tribal law enforcement and/or Washington Adult Protective Services under cooperative agreement to assist in such investigations. All investigations shall be documented in written reports.

(b) Muckleshoot APS shall, upon completion of an investigation, determine whether a Muckleshoot elder or vulnerable adult is in imminent danger of harm and whether an emergency exists; whether the elder or vulnerable adult should be immediately removed from the current situation by emergency order, and shall identify appropriate shelter placement; and shall determine, in consultation with the Tribal Prosecutor, whether further legal action to assure protection of an elder or vulnerable adult should be initiated by the Tribe. If a legal action is not warranted, whether voluntary family counseling and provision of services may address the problems that led to the report, or whether the report was unwarranted.

(c) Muckleshoot APS shall identify available resources and services in order to draft voluntary and involuntary protection plans in cooperation with Tribal programs and other agencies, and is authorized to convene an Adult Protection Teams where appropriate to accomplish this purpose. Protective services are provided to an elder or vulnerable adult with consent, or by appropriate legal authority and include, but are not limited to: social case work, psychiatric and health evaluations, home

care, day care, housing assistance, social services, health care, case management, guardianship and other services consistent with this title.

(d) Muckleshoot APS shall address the potential for abuse, neglect, or exploitation in the Tribal community proactively through the assistance of family members and use of available services, including, where appropriate, by means of voluntary plans including voluntary protective services and guardianships. Muckleshoot APS may convene family group meetings to accomplish this purpose. Group meetings which may result in an Agreed Voluntary Protective Plan to be presented to the Court under part ___.110, shall be facilitated by a trained neutral third party.

(e) Muckleshoot Adult Protective Services shall report to the Muckleshoot Elders Committee at each regular meeting, and the Committee shall provide recommendations regarding plans or proposals to promote the long term well-being of elders or vulnerable adults and their families in the Muckleshoot Tribal Community.

(f) Muckleshoot APS shall provide for annual training sessions regarding elder abuse reporting and available assistance and resources, on or near the Muckleshoot Reservation and free of charge, for the benefit of all mandated reporters, family members with responsibilities for elders and vulnerable adults, and other interested persons.

(g) Muckleshoot APS may seek grants and funds through cooperative agreements with federal, state, tribal and local governments in coordination with the the Director of the Health and Human Services Division, the Tribal Court, and/or the Director of the Tribal Senior Services Program.

(h) Muckleshoot APS shall coordinate with Washington Adult Protective Services when an investigation involves an elder or vulnerable adult who is not a Tribal member, but a member of the Muckleshoot Tribal Community residing on or within the service area of the Muckleshoot Reservation, and who is eligible for Tribal services. Subject to the Tribe's available resources and current policies regarding availability of services, appropriate services provided by the Tribe may be incorporated into a protection plan approved by Muckleshoot APS and ordered by a Court of competent jurisdiction for such an elder or vulnerable adult.

(i) Muckleshoot APS shall maintain confidentiality as to all matters involving elders or vulnerable adults, except as necessary to carry out its functions under this title.

__.080 Duty to Report Abuse or Neglect of an Elder or Vulnerable Adult. Any person may report, and all persons are encouraged to report, suspected abuse or neglect of any elder or vulnerable adult who resides on the Muckleshoot Indian Reservation or is a member of the Muckleshoot Indian Community, to the Director of the Muckleshoot Human Services Division, the Director of the Muckleshoot Senior Services Program, to Muckleshoot Tribal law enforcement, or to an elected Tribal official.

(a) **Mandated Reporters.** The following persons must immediately report suspected abuse or neglect .

(1) a licensed or paid adult care provider for the elder or vulnerable adult;

(2) an elected official of the Tribe;

(3) any health care provider including a pharmacist, who is providing services for the elder or vulnerable adult on the Muckleshoot Reservation;

(4) Tribal law enforcement officers, social workers, counselor, or school personnel,

(5) Any person or agency, and including its employees, with fiduciary duties to elders or vulnerable adults who is employed, licensed or contracted by the Tribe to provide such services to Tribal members or do business on the Muckleshoot Reservation.

(b) **Persons Receiving Reports.** The Muckleshoot Human Services Department Director, Senior Services Program Director, and Tribal law enforcement are appropriate agencies to take reports of elder or vulnerable adult abuse.

(c) **Contents of Report.** A report must include the identification, tribal status if known, and location or last known whereabouts of the elder or vulnerable adult; the nature of the suspected abuse or neglect and the date, time, and location of the events; names and identification where available of those suspected of abuse and/or neglect; the name and contact information for the person making the report; and any other helpful information.

(d) **Civil Infraction for failure to report for mandated reporters.** Any person who is a mandated reporter and fails to report abuse or suspected abuse or neglect of an elder or vulnerable adult shall be subject to a civil penalty of up to \$5,000, and may be subject to other appropriate discipline if the mandated reporter is a contractor or employee of the Tribe. Muckleshoot APS shall report to the appropriate licensing agency or the Director of a Tribal program concerns that a person regulated by that agency or supervised by the Director has failed to comply with mandatory reporting requirements. The Court shall assess the civil penalty after petition by the Tribal prosecutor, notice and an opportunity for hearing, and a determination that the person had a mandated duty to report, had good reason to suspect abuse or neglect, and failed to report as required by this title.

(e) **Confidentiality and immunity of reporting party.** A person acting in good faith shall be immune from any claim or cause of action stemming from or arising out of making a report under this section. The identity of the reporter of abuse or neglect under this Title is confidential and shall not be released unless the reporter consents, or the Court determines that the need of the elder or vulnerable adult exceeds the reporter's right to privacy and mandates disclosure. The reporter has the opportunity to petition and be heard at a closed evidentiary hearing with regard to any such disclosure, and disclosure shall be limited to the extent necessary to protect the elder or vulnerable adult.

(f) **Penalties for bad faith reporting, retaliation, or intentionally interfering with an investigation.** A person who makes a report of alleged abuse or neglect knowing it to be false has committed a civil infraction. Any person who retaliates by intimidating, threatening to cause or causing bodily, emotional, property, or financial harm against a person who reports or investigates abuse or neglect, has committed a civil infraction. It is a civil infraction to interfere intentionally with a lawful investigation of suspected abuse or neglect of an elder or vulnerable adult. The Court shall assess the appropriate civil penalty of up to \$5,000 after petition by the Tribal prosecutor, notice, an opportunity for hearing, and a determination that the person made a report in bad faith, or that interference or retaliation as set out in this section has occurred. Notice of such determination shall also be provided to the person's Tribal employer, and appropriate licensing agencies for appropriate discipline. This title does not change or affect penalties that may be imposed upon mandatory reporters pursuant to other applicable law or licensing requirements.

.090 **Investigation and Written Investigative Report.**

(a) The Senior Services Director, Tribal law enforcement, or other person who receives reports of alleged elder abuse or neglect and shall refer all such reports to Muckleshoot Adult Protective Services for investigation.

(b) Muckleshoot APS shall conduct an initial investigation within 24 hours if the situation appears to be emergency, and prepare a written summary of the investigation results which shall include all information in part C below, as well as the results of interviews, observations, and assessments and other fact finding. If the situation is not emergent, the investigation shall be initiated within 72 hours, and completed within 10 days. The investigator shall conduct in person interviews with the elder, elder's family, caretaker, the person suspected of having committed the abuse, and other persons or agencies with knowledge of the elders circumstances. The existence and content of medical records shall be ascertained as may be made available by permission of the elder; other reports of abuse or neglect shall be ascertained. The investigator shall assess the elder or vulnerable adult's living conditions. The investigator shall inform all parties of the rights enumerated under part ____140 below.

(c) Tribal agencies, departments, and programs, including the Muckleshoot Health Services, shall provide in a timely manner all relevant reports, files, medical records, welfare check reports, and any other relevant information to the authorized Muckleshoot APS investigator upon request during the investigation of alleged abuse or neglect of an elder or vulnerable adult. Muckleshoot APS shall not further disseminate or release such information except as authorized by applicable Tribal or federal statute. Access to other relevant medical and treatment records for purposes of investigation shall be obtained with a duly executed waiver, or by Court order.

(d) If there is good cause for the investigator or law enforcement officer to believe that an emergency exists and an elder or vulnerable adult is at risk of immediate or irreparable harm upon personal observation, the investigator and/or a law enforcement officer (if Muckleshoot APS is not available to assist) shall take immediate steps to protect the abused person, including transporting him or her to adequate shelter facilities. Once the person is protected, the prosecutor shall immediately initiate the procedures set out in part ____100 for obtaining an emergency protection order.

(e) A copy of the Investigative Report shall be provided to the Tribal Prosecutor and Tribal law enforcement. A copy of the Investigative Reports shall remain confidential and filed with Muckleshoot APS for a period of five years, even if it is determined that no abuse or neglect has occurred in the present instance.

(f) An elder, the elder's immediate family members, adult household members, and caretaker shall be informed about an investigation within 72 hours unless an emergency exists, in which case they shall be informed no later than 24 hours after the investigation is initiated.

(g) The Investigative Report may recommend that a petition for elder protection be filed, or that no such action is warranted. If the investigation concludes that the situation does not warrant a petition for protective services or guardianship, and the Tribal Prosecutor concurs, informal resolution services such as family group conferencing or formation of an Adult Protection Team may be recommended and initiated by Muckleshoot APS in order to develop appropriate voluntary plans for elder support to assist the elder under part ____110. Such voluntary protective services or placements are provided subject to available resources and only as determined necessary by Muckleshoot APS and with elder's consent.

____100 Emergency Involuntary Orders and Temporary Protection Plan.

(a) If an initial investigation of a report of abuse or neglect indicates that the abuse or neglect is substantiated, and there is probable cause to believe that an emergency exists involving danger or threat of immediate and serious harm to person or property, and no competent person is authorized by law or court order to take necessary steps to protect the elder or vulnerable adult, then upon petition of the prosecutor the Court shall issue a temporary protection order, pending a full hearing. The Court may order any emergency remedy it deems proper including:

- 1) Restrain a person from committing acts of abuse, neglect, or exploitation with respect to the elder/vulnerable adult;
- 2) Exclude a person from the residence of the elder/vulnerable adult, even if this is a residence they share;
- 3) Prohibit contact, including by mail, telephone, e-mail, or through third parties, with the elder/vulnerable adult except by further order of the Court;
- 4) Prohibit any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;
- 5) Order emergency removal of the elder or vulnerable adult to protective placement;
- 6) Implement a Temporary Protection Plan, if one is available, from Muckleshoot APS in consultation with and Adult Protection Team, pending the a full hearing.

(b) Parties entitled to service of emergency orders, and notice and opportunity to appear at hearings and other non-voluntary procedures under this title are: the elder or vulnerable adult; any third party person or persons restrained or otherwise subject to an emergency order; adult children, parents, or siblings of the elder or vulnerable adult; or in the absence of such, the closest known relative of the elder or vulnerable adult; and any guardian or primary caregiver with responsibility for the elder of vulnerable adult.

(c) An emergency protection order shall be effective for a fixed period not to exceed 14 days, except for good cause shown. A hearing shall be set within 72 hours from the issuance of the emergency protection order, and shall be held within 10 days, unless good cause exists to grant a delay. Any person restrained or otherwise subject to the emergency protection order shall be personally served with a copy of any temporary restraining order along with a copy of the petition and notice of the date for the hearing, and all parties, and any attorneys that have been retained by a party, are permitted to attend the hearing. At the hearing the sufficiency of the petition will be determined on a totality of circumstances. The Court may continue a temporary protection order for good cause. The Court shall state all good cause on the record.

(d) If a party cannot be located for service, the emergency order of protection shall be sent by certified mail to the party's last known address. If service of process was not successful within 7 days, the Court and the elder or vulnerable adult respondent shall be notified of the fact. The Court may continue the hearing if the party is deemed a necessary party, and the emergency protection order shall remain in effect for an additional term of 14 days unless good cause exists to terminate it.

.110 Agreed Voluntary Protective Service Plan: family conference. Protective services will be provided through the Muckleshoot APS on a voluntary basis when requested by an elder who the Muckleshoot APS determines to be in need, or when such services are consented to by a non-incapacitated elder who the Muckleshoot APS determines to be in need. An Agreed Voluntary Protection Plan incorporating such services shall be developed as follows:

(a) Muckleshoot APS shall convene an Adult Protection Team and a neutral facilitator to conference with the elder, and members of the elder's family and/or caregiver as they are determined to be necessary and appropriate parties. If a voluntary protection plan is created, it shall be set forth in writing, including any conditions or requirements to be performed, within agreed time periods. The protection plan shall include services for the elder or vulnerable adult's family and care provider, as Muckleshoot APS determines is necessary to protect the elder or vulnerable adult. The elder, and as

applicable, involved family members and the elder's caregiver shall also sign the voluntary protection plan.

(b) If no agreement is reached, or the parties to a voluntary agreement fail to comply with its terms, a petition for an elder protection order hearing may be filed by the Tribe's Prosecutor or the elder. If Muckleshoot APS determines that the facts before it during a conference would be more appropriately handled by the Tribal Court, it may refer the case to the Prosecutor for an elder protection order.

(c) Proceedings of the family conference shall be confidential and closed to the public. No information obtained at such a conference may be admitted into evidence at a subsequent Court hearing unless all parties agree; provided that the terms of an agreed upon protection plan are admissible as evidence at any subsequent proceeding for an elder protection order.

.120 **Procedures for Involuntary Protection Orders**

(a) Elder or vulnerable adult protection order.

(1) The Muckleshoot Indian Tribe's Prosecutor, after consultation with Muckleshoot APS, and based on the results of an Investigation and report provided under part .090 above, or at the request of an elder or vulnerable adult, may file a Petition with the Muckleshoot Court of Justice seeking a Protection Order. The petition shall include the name and interest of the petitioner, the name and address or location of the elder or vulnerable adult with a description of the elder's situation, including a statement of the specific facts or circumstances from which relief is sought, including date(s), times(s) and locations(s) at which the alleged facts occurred; the proposed protective services; previous attempts to get the elder's consent for protection; and any other facts that will assist the Court.

(2) The Court shall order a medical or other professional evaluation, at the Petitioners expense, if such would assist the Court to determine degree of capacity or incapacity, and any relevant evidence of abuse or neglect, once the Petition is filed.

(3) Muckleshoot APS shall prepare a proposed protection plan in consultation with the elder and relevant family members and/or caregiver, and the Adult Protection Team. With the elder's consent, appropriate voluntary services may be initiated pending the fact finding hearing.

(4) The Court may appoint a guardian ad litem to advise the Court on the best interests of the elder or vulnerable adult and to advise the Court regarding any protection plans that are proposed. The guardian ad litem shall meet, at a minimum, with the elder or vulnerable adult, family members, caregivers, and other persons or agencies that may be designated by the Court. A guardian ad litem shall be a person familiar with the Muckleshoot Tribal Community; with training or experience working with elders or vulnerable adults with demonstrated ability to exercise good judgment and discretion; with no personal interest in the outcome of the proceeding; and who has passed the Tribe's required background check.

(b) **Notice and Service of Process for Hearing.** Upon the receipt of the Petition the Court shall order a Fact Finding Hearing on the Petition, which shall be held not later than 14 days from the date of the order. Personal service shall be made upon all parties not less than five days prior to the hearing date. In the event that personal service cannot be timely made, the Court may set a new hearing date.

(c) Fact Finding Hearing.

(1) The Court shall first address the issue of capacity, and upon a finding based on clear and convincing evidence that the elder or vulnerable adult is incapacitated and unable to consent to necessary services or to protective placement, the Court shall proceed with the issue of whether judicial intervention is necessary because the elder or vulnerable adult has been or is at risk of abuse or neglect. All 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 that is corroborated by other evidence. All parties shall be afforded an opportunity to examine and controvert written reports, and cross examine individuals whose testimony is presented. The Court may rely on conference by telephone or other electronic device that permits all those appearing or participating to hear and speak to one another.

(2) The Court shall make a decision at the conclusion of the hearing. If the allegations of the petition regarding abuse or neglect are not sustained by a preponderance of the evidence, the Court shall dismiss the matter. If the allegations of the petition are sustained, the Court shall find the elder or vulnerable adult is in need of protection, and enter orders to protect the elder or vulnerable adult. At the Court's discretion, a hearing to determine the provisions of an order may be conducted immediately or at an appropriate interval following the fact finding hearing.

(3) The Fact Finding Hearing under this title shall be a closed proceeding.

(d) A Protection Order shall incorporate any appropriate and/or Agreed Protection Plan. The Protection Order shall incorporate, as appropriate, services according to any Protection Plan created by Muckleshoot APS or Agreed Order developed in consultation with the elder or vulnerable adult's family and extended family. Such order shall provide for the least restrictive alternatives while meeting the elder or vulnerable adult's needs. The Protection Plan shall include services for the elders' family or caregiver as necessary to protect the elder. Necessity shall be determined by the Court. An order may also:

(1) Secure removal of the elder or vulnerable adult to a safe location;

(2) Appoint a representative, guardian, limited guardian, or a representative payee for the elder or vulnerable adult, subject to a criminal background check. The Court may set terms and conditions for a representative payee, guardian, or limited guardian including an oath, bond, insurance, or other provisions to protect the elder or vulnerable adult. Any such person appointed has fiduciary responsibility toward the elder or vulnerable adult. The Court shall set documentation and reporting requirements for any person given authority to receive payments of funds, to secure the elder or vulnerable adults' funds, property, services, or other resources, or to expend funds.

(3) If the Court determines that an elder or vulnerable adult has been abused or neglected by a third party, the Court may make an order against the third party if that person has had notice and opportunity to be heard at the hearing, including opportunity to cross examine individuals whose testimony is presented. As the Court deems appropriate, the order for protection of the elder or vulnerable adult may:

a. Restrain the abuser from committing any act of harm to and elder or vulnerable adult; and exclude the abuser from the residence of the elder or vulnerable adult for a specified period or until further ordered by the Court, and prohibit contact, including by mail, email, telephone, or by using third parties, for a specified period or until further ordered by the Court;

- b. Require an accounting of the elder or vulnerable adult's income or other resources at the abuser's expense;
- c. Restrain the transfer of the elder or vulnerable adult's property for a specified period of time;
- d. Require the abuser to pay the costs incurred with bringing the action;
- e. Order per cap attachment of the abuser to pay for restitution costs; and/or
- f. Require the abuser to do community service; or
- g. Impose any other financial or other civil penalties as may be provided by Tribal law.

(e) **Denial, Appeals.** If the Court declines to issue a protection order, the Court shall state the particular reasons for the Court's denial in writing. An order for protection is a final order subject to appeal.

(f) **Review Hearings, Modification of Protection Order.** Review by the Court of the need to continue a protection order shall occur every six months or earlier upon motion for good cause shown. The review shall include an accounting for the elder or vulnerable adult's funds, property, credit, services, or other resources if the Court has designated a representative payee or guardian with fiduciary responsibility for safeguarding or expending resources. The Court shall review all available information provided by Muckleshoot APS about the elder or vulnerable adult including services provided, mental and physical status, living conditions, and other information that may be helpful to the Court. After each such review, the Court may extend or amend the protection order if cause is shown by clear and convincing evidence.

 130. Confidentiality of Investigative Reports and Court Records. Records of investigations and Court proceedings under this title are confidential. Only the elder or vulnerable adult, Muckleshoot APS, Tribal law enforcement, court officials, attorneys for the parties, the Tribal prosecutor, medical staff treating the elder or vulnerable adult, and other persons determined by the Court to have good cause, may view the records.

 140. Rights of Elders, Their Families, and Caretakers

(a) An elder or vulnerable adult may refuse protective services provided that Muckleshoot APS finds there is good cause to believe that the person can take care of him or herself, and knows of the services offered, and no emergency exists.

(b) Family members or caregivers may refuse services for themselves, but cannot refuse services for the elder or vulnerable adult.

(c) Elders, vulnerable adults, or caregivers may refuse to allow investigators into their own home, but the investigator shall provide information that he or she may obtain a Court order for entry by showing good cause for entry. A caregiver may not prevent an investigator from having any access to privately communicate with an elder.

(d) When a petition is filed with the Court under this title, the petitioner must make diligent efforts to provide service of notice to the elder or vulnerable adult, the primary caregiver, and any adult children, parents, or siblings, or in the absence of children, parents, or siblings, to the closest known relative of the elder or vulnerable adult.

(e) The elder or vulnerable adult and the primary caregiver are required parties to any Court proceeding under the title. A family member, including an extended family member, may also attend closed Court proceedings under this title unless the Court determines that the person does not have sufficient ties with the elder or vulnerable adult, or the person's presence is not in the elder or vulnerable adult's best interests.

(f) The Court may exclude a person, including a party other than the elder or vulnerable adult, from Court proceedings if the Court finds that the attendance of the person is not in the elder or vulnerable adult's best interests, but may not issue an order against that person unless the person has had an opportunity to be heard. Separate hearings may be ordered upon a finding of good cause, including to protect the health and safety of the elder or vulnerable adult.

(g) A family member, including an extended family member, may seek to intervene as a party upon a showing that the family member has sufficient interest in the outcome of the case that that party status is necessary to protect the rights of the family member or would be helpful in protecting the best interests of the elder or vulnerable adult.

(h) The Court may limit a party's access to medical or other confidential records as necessary to protect the health, safety, or welfare of the elder or vulnerable adult. A party may petition the Court for the Court to order a medical, psychological, or psychiatric evaluation of the elder or vulnerable adult at the party's own expense.

150 Full or Limited Guardianships. An elder or vulnerable adult on his or her own behalf, or any interested person who is seeking a guardianship, including the Tribe, may petition for a limited or full guardianship of an elder or vulnerable adult residing on the Muckleshoot Reservation or in an institution on or off the Muckleshoot Reservation, who is unable to manage all or some of his or her own affairs. A guardianship must promote and protect the well being of the elder or vulnerable adult, and be designed to encourage maximum self reliance and independence in the elder or vulnerable adult, and may be ordered to the extent that the elder or vulnerable adult's physical or mental limitations require assistance.

(a) **Petition Requirements:** The Guardianship Petition shall state:

- (1) The elder or vulnerable adult's name, birth date, residence, Tribal affiliation and enrollment number, address of the person's own home, or locations or institution (name and address) where the elder or vulnerable adult has resided and is now located, if not at his or her own home;
- (2) The petitioners name, birth date, residence, tribal affiliation, and relationship to the elder or vulnerable adult;
- (3) A description of the physical and/or mental problems or limitations that make the elder or vulnerable adult unable to manage his or her own affairs;
- (4) A doctor's report or letter, under oath, to the effect that the vulnerable adult is not presently able to handle his or her property and affairs; the anticipated duration of the incapacity, and any prior judicial finding of incapacity, if available;
- (5) If a limited guardianship over the elder or vulnerable adult's person is requested, then a description of the particular powers that the limited guardian is proposed to exercise and the particular areas of protection and assistance required;
- (6) If a limited or full guardianship over any or all real property is requested, then a general description of the personal or non-trust property of the elder or vulnerable adult;
- (7) If a limited or full guardianship over any or all of the financial affairs is requested, then a general description of the income or other financial resource or personal property of the elder or vulnerable adult;

(8) The names, addresses, and relationship, if reasonably available, of the elder or vulnerable adult's spouse, children, parents, and any siblings, grandchildren or other persons who have been significantly involved in the care of the elder or vulnerable adult during the past three years, and the name or any other person(s) and relationship to the elder or vulnerable adult who may be available to share the guardianship responsibilities with the petitioner;

(9) Whether a limited or full guardian has been appointed for the elder or vulnerable adult in any other tribal or state court;

(10) Whether the elder or vulnerable adult has provided for powers of attorney or appointment of representative payee on his or her own behalf;

(11) The requested length of time for which the petitioner is requesting the guardianship.

(b) Service of the Petition and Notice of Hearing shall be provided as follows:

(1) Notice of the guardianship hearing and a copy of the petition shall be personally served upon the elder or vulnerable adult for whom the guardianship is requested, his or her spouse, parents, and any adult children, and any guardian, if applicable, who reside within the service area of the Muckleshoot Indian Tribe.

(2) Notice and a copy of the petition shall be served by certified US mail shall be given to: parents and any adult children of the elder or vulnerable adult; the spouse of the elder or vulnerable adult if residing outside the service area of the Muckleshoot Indian Tribe, and any other person with whom the elder or vulnerable adult is living or who is serving as a care provider or undertaking fiduciary responsibilities pursuant to a power of attorney or representative payee appointment.

(3) A hearing on the Petition for Guardianship shall be held not less than 14 days or more than 45 days from the service of the notice and petition unless good cause is shown.

(c) Guardian ad Litem. The Court may appoint a Guardian ad Litem at its discretion in order to represent the elder or vulnerable adult, if it appears from medical or other reports submitted with the petition that his or her interests will not be adequately represented, or that he or she may not be able to participate in or assist counsel during guardianship hearings.

(d) Emergency appointment of Temporary Guardian. In the event of an emergency, where serious harm to the allegedly incapacitated elder or vulnerable adult's health or property is likely to occur before a hearing can be held, the Court may appoint with or without notice, a temporary guardian for the allegedly incapacitated elder or vulnerable adult, for a specified period not to exceed 2 months. The Court shall not invest the temporary guardian with more powers than are required by the circumstances necessitating the appointment.

(e) Initial finding of jurisdiction. The Court shall make an initial determination regarding its jurisdiction over the elder or vulnerable adult, and whether another court of competent jurisdiction has previously issued orders of capacity, guardianship, or conservatorship.

(f) Hearings and Appointment.

(1) The elder or vulnerable adult named in the petition shall be present at all hearings unless the person is incapacitated and unable to appear as documented by a physician, or files a declaration with Court the requesting that the hearing proceed without them. An

appointed guardian ad litem may file an affidavit with the Court stating that a) he or she has fully explained the nature of the hearing to the elder or vulnerable adult and to the best of their belief the elder or vulnerable adult has understood the nature of the hearing and has clearly expressed a desire not to be present; or b), that to the best of his or her information and belief, the elder or vulnerable adult is incapable of understanding the nature of the hearing or participating in the hearing. Upon a finding from the evidence that the elder or vulnerable adult cannot participate in the hearing(s), the court may waive his or her appearance, provided that counsel or a guardian ad litem is present at every hearing on the merits of the petition, in the elder or vulnerable adult's behalf.

(2) At the hearing, the Court shall examine the petition and take such testimony as any interested party wishes to present. The petitioner must prove by a preponderance of the evidence that the elder or vulnerable adult is unable to manage his or her own affairs due to loss of memory or reasoning ability, acute alcoholism or abuse of drugs; mental illness; other medical condition or incapacity, and that elder or vulnerable adult lacks the ability to manage his or her own affairs to the extent that his or her personal health, or physical or financial security is measurably threatened, and there are no less restrictive alternatives reasonably available to remedy these problems.

(3) The Court shall make specific findings as to the above. If the Court determines that a limited or full guardianship is necessary to protect the person or property of the elder or vulnerable adult, the Court shall further make written findings regarding the scope of the guardianship, and as to whether the limited or full guardianship should be shared among one or more family members or interested persons. The guardian powers shall extend only to such areas specifically states in the findings and order, and such powers shall be no more extensive than is necessary to address the facts proven by the petitioner. The preference of the elder or vulnerable adult as contained in an unrevoked durable power of attorney or as otherwise clearly stated, shall control selection of the limited or full guardian or guardians except for good cause or disqualification.

(4) The order shall clearly state the time of guardianship review, and reporting requirements.

(g) Guardian Inventory.

(1) Persons appointed a limited or full guardianship over the income or personal or non-trust real property of the elder or vulnerable adult shall file an inventory with the Court of all such income and personal or non trust real property prior to the appointment or at such time as may be extended by the court upon a showing good cause of requesting such extension. The inventory shall include all heritage personal property, which means any baskets, beadwork, regalia, tools, or other material of extended family origin that is in the possession of the elder or vulnerable adult.

(2) The Court may require certain limited or full guardianship funds be placed into a judicially blocked account or bank account.

(h) Guardianship requirements and reports, Guardianship review hearings. Every guardian shall provide a written report at least once a year or more frequently upon order of the Court, upon the actions of the guardian on behalf of the elder's or vulnerable adult's person and/or estate. The Report shall include, but not be limited to, the following:

- (1) Actions taken to provide the elder or vulnerable adult with continued access to his or her accustomed spiritual and religious community;
- (2) Actions taken to provide the elder or vulnerable adult with access to appropriate Muckleshoot Tribal Community social and cultural activities, and to family and extended family gatherings;
- (3) Actions taken to provide necessary and appropriate medical or therapeutic treatment, and other services that the elder or vulnerable adult is receiving, along with names of service providers;
- (4) The current address and living situation, including names, contact information, and responsibilities of all caregivers and/or family members providing assistance to the elder or vulnerable adult; and
- (5) Proposed or anticipated changes, including changes of residence, in order to improve the elder or vulnerable adult's living situation; or additional assistance or services deemed required;
- (6) Proposed transfers of property, or making of a Will;
- (7) Within 30 days of the death of the elder or vulnerable adult, a final report shall be filed with the Court including the above information, and including additional information regarding the transfer of remaining resources to the estate of the elder or vulnerable adult.

(i) **Disposition of Property.** No guardian may transfer, encumber, or dispose of the elder or vulnerable adult's real estate or heritage personal property interests, or prepare or have prepared by another a Will on behalf of the elder or vulnerable adult for any property, including trust property, without a finding and order of the Court that such action is in the best interest of the elder or vulnerable adult, after consultation with the Director of Trust and Realty Services and other knowledgeable persons.

(j) **Termination of Guardianship.**

- (1) Failure to file an initial inventory or to appear and file a written report at the time of a scheduled review pursuant to part (f) (4) above, shall constitute grounds for terminating the limited or full guardianship, provided that the limited or full guardian is given fifteen (15) days notice and an opportunity to request a rescheduling of his or her appearance, and request to file a late report, but not later than 15 days (15) from receipt of notice unless extended by the Court for good cause, in order to avoid termination of the guardianship.
- (2) A finding of failure to fulfill limited or full guardianship duties in a reasonable and responsible manner after a review hearing, shall be cause to terminate the limited or full guardianship. A hearing on the proposed termination may be filed on the Court's own motion or on the motion of any interested party, and shall be scheduled no less than fifteen (15) days from the filing and service to all interested parties, of the motion to terminate.
- (3) The limited or full guardianship shall automatically terminate on the death of an elder or vulnerable adult. The guardian shall provide an accounting of resources and property at the time of death to the Court not later than 30 days from the death of the elder or

vulnerable adult, and the Court may require the guardian to appear at a hearing on the matter.

(4) If the Court terminates a limited or full guardianship and the elder or vulnerable adult continues to be in need of a guardian, the Court will appoint a Temporary Guardian per part __.120(d) above, and Muckleshoot APS will provide assistance and services to protect and care for the health, safety, and welfare of the elder or vulnerable adult pending a hearing for appointment of another full or limited guardian.

(5) If the Court terminates a limited or full guardianship and the elder or vulnerable adult continues to be in need of a guardian, the Court may consider transfer of guardianship to another court of competent jurisdiction per part ___050 (f) this title as is necessary and appropriate.

(k) **Guardianship Records.** The clerk of the Court shall keep a permanent file of all records pertaining to each limited or full guardianship proceeding. Any limited or full guardian duly appointed shall be entitled to receive, without charge, certified copies of letters of limited or full guardianship.