

IN THE TRIAL COURT OF THE
 SAC & FOX TRIBE OF THE MISSISSIPPI IN IOWA TRIBAL COURT
 Meskwaki Settlement
 307 Meskwaki Road
 Tama, Iowa 52339-9629

<p>In RE the Guardianship of:</p> <p>_____</p> <p>DOB _____,</p> <p><input type="checkbox"/> A Minor Child</p> <p><input type="checkbox"/> Adult</p>	<p>Case No. _____</p> <p style="text-align: center;">DUTIES OF A GUARDIAN AND ACKNOWLEDGEMENT OF RECEIPT</p>
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When you are appointed by the Meskwaki Tribal Court as a guardian of a minor or vulnerable adult, you become an officer of the Court and assume certain duties and obligations. It is in your best interest to consult a private attorney to advise you in these matters. In order to assist you in your new role as a guardian, below is a summary of some important duties and obligations.

1. **Role as a Guardian.** The guardian of a ward has the care, custody, and control of the ward. As guardian, you are responsible for providing the food, clothing, shelter, education, and all the medical and dental needs of the ward. You must provide for the safety, protection, and physical and emotional growth of the ward. This means you are responsible for the care, comfort, and maintenance of the ward, including the appropriate training and education to maximize the ward's potential. You are responsible for assisting the ward in developing maximum self-reliance and independence.
2. **Custody.** As the guardian of the ward, you will have legal and physical custody of the ward and are responsible for all decisions relating to the ward. If the ward is a child, the child's parents can no longer make decisions for the child while there is a guardianship in place. The parents' rights are suspended- not terminated- as long as a guardian is appointed for a minor.
3. **Education.** If you are a guardian of a child, you are responsible for the child's education. You determine where the child should attend school. It shall be your responsibility to attend conferences, meetings, and play an active role in the child's education. If the child has special education needs, you must assist the child in obtaining the appropriate resources or assistance. You should help the child in reaching his or her educational goals.

4. **Residence.** You must obtain the Court's approval if you want to change the ward's permanent residence if the proposed residence is more restrictive of the ward's liberties than the current residence.
5. **Cultural Attendance.** As a guardian of a Meskwaki ward, it is your responsibility to ensure that the ward remain as connected as possible to his or her Meskwaki family, clan, and Tribe. It is important to keep track of what type of social or religious activities the ward has attended so that you may include these on your reports to the Court.
6. **Medical Treatment.** It is your duty to ensure the ward receives necessary emergency medical services. You must also ensure that the ward receives professional care, counseling, treatment, or services as needed. If necessitated by the physical or mental disability of the ward, the provision of professional care, counseling, treatment, or services limited to the provision of routine physical and dental examinations and procedures under anesthesia is included, if the anesthesia is provided within the scope of the health care practitioner's scope of practice.

You **MUST** have prior Court approval if you wish to arrange for the provision of major elective surgery or any other non-emergency major medical procedure. This does not include provision to the ward of professional care, counseling, treatment, or services limited to the provision of routine physical and dental examinations and procedures under anesthesia, if the use of anesthesia is necessitated by the physical or mental disability of the ward, and if the anesthesia is provided within the scope of the health care practitioner's scope of practice.

You **MUST** have prior Court approval to consent to the withholding or withdrawal of life-sustaining procedures.

7. **Financial Support.** If the ward is a child, the parents are still obligated to financially support the child. The guardian may take action to obtain child support.
8. **Visitation.** If the ward is a child, the Court may require that you allow visitation or contact between the child and his or her parents. It is important that the bond between the parent and child be continued and the relationship maintained. However, the Court may place restrictions on the visits, such as supervised visitation, or there may be other conditions placed on the visits in the child's best interest.
9. **Change of Address.** A guardian must notify the Court of any change in the address of either the ward or the guardian. You must always obtain Court permission before moving the child to another state or country.
10. **Additional responsibilities.** The court may place other conditions on the guardianship or upon you as the guardian. For example, the Court may require the guardian to complete counseling or parenting classes to obtain specific services for the child, or to

follow a scheduled visitation plan between the child and the child's parents or relatives. As guardian, you must follow all court orders.

11. **Guardianship of Estate.** If the Court appoints you as a guardian of the ward's estate, you will have additional duties and obligations. The money and other assets of the ward are called the "estate". Appointment of as a guardian of a child's estate is taken very seriously by the Court. The guardian of the estate is required to manage the child's funds, collect and make an inventory of the assets, keep accurate financial records, and regularly file financial accountings with the Court.

GENERAL INFORMATION

1. **Legal Effect of Appointment.** All property coming into the guardian's and/or conservator's control or possession as a result of the guardianship and/or conservatorship appointment is subject to the jurisdiction of the Tribal Court. The guardian and/or conservator shall be subject to the jurisdiction of the Tribal Court in all actions and proceedings against the guardian and/or conservator arising from or grown out of the guardianship and/or conservatorship relationship and activities.
2. **Compensation of the Guardian or Conservator.** The guardian or conservator may be compensated from the estate of the ward at such reasonable amount as may be determined by the Court for services rendered and for good cause shown upon application to the Court and after hearing and determination and order by the Court as to the request for compensation.
3. **Self-Dealing by Guardian or Conservator.** No guardian or conservator shall in any manner engage in self-dealing, except on order of the Court after notice to all interested parties, and shall derive no profit other than the amounts to be paid to said conservator or guardian after application by the guardian/conservator and after approval by and order of the Court.
4. **Liability of the Guardian or Conservator.** Guardians and conservators shall not be held personally liable for actions or omissions taken or made in the official discharge of the guardian's or conservator's duties, except for a breach of fiduciary duty imposed by the Tribal Code or for willful or wanton misconduct in the official discharge of the guardian's or conservator's duties.
5. **Termination of a Guardianship.** A guardianship shall cease if the ward is a minor who reaches the age of majority; or upon the death of the ward; or if the Court determines that the ward no longer meets the requirements necessary for a guardianship; or upon the finding that the guardianship is no longer necessary for any other reason.
6. **Removal of a Guardian.** A guardian may be removed for specific reasons or when it is in the ward's best interest. A guardian may be removed either on the Court's own motion or by a petition filed by the ward or other appropriate party. If necessary, the Court may

appoint a successor guardian, or the Court may return the child to a parent if that is found to be in the child's best interest.

7. **Legal Documents.** For your appointment as guardian to be valid, the Order Appointing Guardian of a Minor must be signed. Once the Court signs the order, the Clerk of Court must issue Letters of Guardianship. Letters of Guardianship is a legal document that provides proof that you have been appointed and are serving as the guardian of the ward. You should obtain several certified copies of the Letters from the Clerk. These legal documents will be of assistance to you in the performance of your duties, such as enrolling the ward in school, obtaining medical care, and taking care of estate business.
8. **Attorneys and Legal Resources.** If you have an attorney, the attorney will advise you on your duties and responsibilities, the limits of your authority, the rights of the child, and your dealings with the Court. If you have legal questions, you should consult your attorney. Court staff cannot give you legal advice.

NOTICE: This is a summary of general duties of a guardian and is not intended to be a complete statement of the law. Your conduct as a guardian is governed by the law and not by this summary.

ACKNOWLEDGEMENT OF RECEIPT

1. I have petitioned the Court to be appointed as a guardian.
2. I acknowledge that I have received a copy of this summary statement of the duties and obligations of the position of a guardian.

Date: _____

(Type or Print Name)

(Signature of Petitioner)

Date: _____

(Type or Print Name)

(Signature of Petitioner)

Please return this form to the Clerk of Court for filing and keep a copy for your records