

IN THE TRIAL COURT OF THE SAC & FOX TRIBE OF THE MISSISSIPPI IN IOWA

<p>In RE the Guardianship and/or Conservatorship of: _____,</p> <p>DOB: _____</p> <p><input type="checkbox"/> Minor Child <input type="checkbox"/> Adult</p>	<p>Case No. _____</p> <p>DUTIES OF A GUARDIAN AND ACKNOWLEDGEMENT OF RECEIPT</p>
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When you are appointed by the Meskwaki Tribal Court as Guardian of a minor or a vulnerable adult (further referred to as a “ward”), 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 a Guardian, you are responsible for taking care of the ward. This includes making sure they have food, clothing, a safe place to live, education, and medical and dental care. You must keep them safe and support their physical and emotional well-being. Your job is to provide comfort, care, and the right training or education to help them grow and reach their full potential. You also need to help them become as independent and self-reliant as possible.
2. **Custody.** As the Guardian, you have both legal and physical custody of the ward, which means you make all decisions for them. If the ward is a child, the parents no longer have the right to make decisions while the Guardianship is active. The parents' rights are put on hold—but not permanently taken away—as long as a Guardianship is in place.
3. **Education.** If you are a Guardian of a child, you are in charge of the child’s education. You decide which school the child should go to. You need to go to meetings and be involved in the child’s learning. If the child needs special education help, you must make sure they get the right support. Your job is to help the child reach their educational goals.
4. **Residence.** You must get the Court’s approval if you want to change the residence that the ward permanently lives, if the new residence limits the ward’s freedom.
5. **Cultural Attendance.** As a guardian of a Meskwaki ward, you must help the ward stay connected to their Meskwaki family, clan, and Tribe. It’s important to keep notes about the social or religious activities the ward takes part in, so you can include this information in your reports to the Court.
6. **Medical Treatment.** You must make sure the ward gets emergency medical care when needed. You also need to make sure they receive any professional care, counseling, or treatment they require. If the ward has a physical or mental disability, this care can include routine physical and dental exams or procedures with anesthesia, as long as the anesthesia is given by a qualified health care provider.

You MUST have prior Court approval if you wish to arrange for any major elective surgery or any other non-emergency medical procedure. This doesn't include regular physical or dental exams or treatments with anesthesia if the ward needs anesthesia because of a physical or mental disability, and the anesthesia is given by a qualified health care provider.

You MUST have prior Court approval to consent to withholding or the 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 might require you to let the child visit or have contact with their parents. It's important to keep the parent-child relationship strong. But the Court can also set rules for these visits, like having them supervised or adding other conditions to protect the child's best interests.
9. **Change of Address.** A Guardian must tell the Court if either the ward or the Guardian move to a new address. You also need to get permission from the Court 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 makes you the guardian of the ward's estate, you will have extra responsibilities. The ward's money and belongings are called the "estate." The Court takes this role very seriously. As guardian of the estate, you must manage the ward's money, list all their assets, keep clear financial records, and regularly report to the Court about the money.

GENERAL INFORMATION

1. **Legal Effect of Appointment.** Any property that the Guardian or Conservator manages because of their role is under the Tribal Court's control. The Guardian or Conservator must follow the Tribal Court's rules and can be involved in court cases related to their duties as Guardian or Conservator.
2. **Compensation of the Guardian or Conservator.** The Guardian or Conservator can be paid from the ward's estate for their work. The amount must be reasonable and decided by the Court after a request, a hearing, and the Court's approval.
3. **Self-Dealing by Guardian or Conservator.** A Guardian or Conservator cannot use the ward's property for their own benefit unless the Court allows it after notifying everyone involved. They shall gain no profit other than the amounts to be paid to said Conservator

or Guardian after request by the Guardian or 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 responsible for actions they take while doing their duties, unless they break their legal responsibilities imposed by the Tribal Code or act with intentional wrongdoing or carelessness.
5. **Termination of a Guardianship or Conservator.** A Guardianship or Conservatorship shall end if the ward reaches the age of majority, passes away, the Court decides the ward does not need a Guardian or Conservator anymore, or if the Court finds the Guardianship or Conservatorship is no longer necessary for any other reason.
6. **Removal of a Guardian or Conservator.** A Guardian or Conservator may be removed for a specific reason or when it is in the ward's best interest. A Guardian or Conservator 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 another Guardian or Conservator, 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 or Conservator to be official, the Order Appointing Guardian or Conservator must be signed. Once the Court signs the Order, the Clerk of Court must issue Letters of Guardianship or Conservatorship. Letters of Guardianship or Conservatorship is a legal document that provides proof that you have been appointed and are serving as the Guardian or Conservator of the ward. It is recommended to obtain several certified copies of the Letters from the Clerk. These legal documents will help with enrolling the ward in school, getting medical care, and managing the ward's estate.
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 ward, and your dealings with the Court. If you have legal questions, you should consult your attorney. The Court Staff cannot give you legal advice to assist you with these matters.

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.

Signature

Date