



How does a Guardianship End?

As a parent, once a guardianship order is entered and you later want the children back, you will need to discharge the Guardian by going to Court. You will likely have to show that circumstances have changed, that you are ready to be your child's primary caretaker, or have gained stability.

If the Guardian contests the discharge, the process will be much longer and can be quite difficult. If there is a disagreement about the discharge, the Court will hold a hearing and decide whether there has been a sufficient change in circumstances and decide what is in the best interest of the ward. You should always keep records and written documentation during the term of the guardianship to assist you later in the event you need to testify or need evidence for Court.

As an appointed Guardian, you must serve as such until the Court finds the guardianship is no longer necessary and releases you from your duties, or upon the death of the ward, or, if a minor, upon their reaching the age of 18. A Guardian's responsibility for the ward can only be severed by an Order from the Court.

A ward may also petition the Court to have the Guardianship terminated, but must prove to the Court that the guardianship is no longer necessary.



Please use the area below to keep track of vital information

Case Number(s)

Social Workers

Name	Phone #
_____	_____
_____	_____

Attorneys

Name	Phone #	Atty For
_____	_____	_____
_____	_____	_____

Hearing Dates	Time	Day of Week
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other people important to me or my case

Name	Phone #
_____	_____
_____	_____
_____	_____

Sac and Fox Tribe of the Mississippi in Iowa Tribal Court

Located on the Meskwaki Settlement

Mailing Address: Clerk of Court
307 Meskwaki Road
Tama, IA 52339

Phone: 641-484-9300
Fax: 641-484-2221

Court Website: www.meskwakicourt.org



THE GUARDIANSHIP PROCESS IN MESKWAKI TRIBAL COURT

Sac and Fox Tribe of the Mississippi in Iowa
Tribal Court



FREQUENTLY ASKED QUESTIONS

What is a Guardianship?

A guardianship is where the Court orders a person to take care of a minor child or vulnerable adult. Guardianship of a person means taking care of that person's needs such as food, clothing, medical appointments and shelter, as well as managing the ward's personal property and effects.

If you are seeking a Guardian for your children or for a vulnerable adult, choosing that person is a critical decision. You should speak with the proposed Guardian at length so that you are both in agreement as to your expectations. You may believe you only want a guardianship for a short period, while the Guardian may believe it is permanent.

For someone who is willing to be a Guardian, assuming the role of a Guardian can be a stressful, yet rewarding responsibility. There are also legal consequences or liabilities to be aware of when becoming a Guardian. A Guardian **must meet the qualifications set forth in Title 23 of the Tribal Code, as well as submit an affidavit of Guardian and/or Conservator in accordance with Title 23.**

The Judge will also consider the proposed Guardian's ability and willingness to provide meaningful connections between the ward and the Tribe, and possibly all or some of the ward's immediate or extended family. Guardians are required to report on this type of activity for the Judge's review. A Guardian should be prepared to exercise good communication skills and a sincere effort to encourage and support the ward's connection to the Tribe's unique cultural heritage.

OK, I Want a Court-Ordered Guardianship ... What Are the Steps?

Generally, parties start the process by filing a Petition for Appointment of a Guardian with the Clerk. If you wish to file a Petition for Appointment of a Guardian without the help of an attorney, there are self-help court forms available from the Clerk of Court.

If the proposed ward has assets over \$25,000, you will need to file a petition for a conservatorship. Petitions for the appointment of a guardian and a conservator may be combined and the cause tried in the same manner as a petition for the appointment of a conservator.

What is the "Petition for Appointment of a Guardian"?

This is the petition that you must submit to the Court that states the factual and legal basis for your request to appoint a Guardian in this matter. Your petition asks the Court to issue an Order Appointing a Guardian and "Letters of Guardianship".



Once this Petition is filed and notice is given to all the appropriate parties, a hearing shall be held before the Judge. At the hearing, the burden is on the party requesting the guardianship to prove that a guardianship is necessary. The **proposed ward may be entitled to a court appointed attorney, or Guardian ad Litem (GAL)**, who may dispute or recommend that the guardianship is necessary. A GAL will advocate for the best interests of the proposed ward by submitting information and motions to the court supporting their own view and may not necessarily agree with the views of the parent/s or proposed guardian or any other party.

How much does it cost to file a Petition for Appointment of a Guardian?

The fee for filing a petition is \$50.00, check or money order, made payable to the Clerk of Tribal Court.



If the Court grants the Petition, What's Next?

If the Court grants your petition for appointment of a Guardian, the Judge will issue an Order Appointing a Guardian. This order will contain the Judge's findings and state, among other things, the conditions under which the Guardian shall serve and the events that will terminate the Guardianship. The Judge's order will also direct the Clerk of Court to issue Letters of Guardianship. These Letters serve as proof of the Guardian's appointment.

Where do I find the "Guardianship Code"?

If you decide to proceed on your own without assistance of an attorney, you are responsible for making sure your documents comply with the Sac & Fox Tribal Court Rules and in accordance with the **Guardianship laws (code) in Title 23 of the Tribal Code** of the Sac and Fox Tribe of the Mississippi in Iowa. You may contact the Clerk of Court to obtain a copy for a copying charge, or view the Code provisions at the Tribe's official website (www.meskwaki.org) by clicking on the "Meskwaki Menu" button and then again on the "Constitution, Bylaws, and Code" button. The Tribal Court's Rules of Procedure can be found on the Court's own website: www.meskwakicourt.org. Please note the Tribe's website is different than the Court's.

What if I have legal questions?

The Clerk of Court or any other court staff **cannot give you legal advice. It is in your best interest to contact a private attorney to obtain advice on establishing a guardianship.** The Clerk of Court has a directory of attorneys licensed to practice in the Meskwaki Tribal Court. If you decide to proceed without an attorney, the Court shall hold you to the same standard that attorneys are held to.

If there are any statutory deficiencies in the documents you submit, it may affect the granting of the guardianship at the hearing. **You must seek your own legal counsel if you have any questions.**