

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 CONSERVATOR AND ACKNOWLEDGEMENT OF RECEIPT</p>
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When you are appointed by the Meskwaki Tribal Court as Conservator 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 Conservator, below is a summary of some important duties and obligations.

1. **Role as a Conservator.** The Conservator must protect and manage the ward’s estate carefully, make smart investments, keep accurate records, and follow all legal duties. When the conservatorship ends, the conservator must give the ward’s assets to the person who is legally entitled to receive them.
2. **Powers of Conservator WITHOUT further Court Order.** Once the Court appoints a Conservator, they have the authority to manage the ward’s estate. This includes collecting money or property, giving receipts, and handling legal claims for or against the ward. The Conservator can sell perishable items or things that are commonly bought and sold, vote in company meetings, accept new property, and keep any investments or property they receive—along with any growth—until the first annual report is timely filed.
3. **Powers of Conservator subject to approval of the Court.** Once the Court appoints a Conservator, they shall have the following powers subject to prior approval of the Court after hearing on such notice;
 - A. Investing the ward’s money.
 - B. Signing leases.
 - C. Making payments for the ward’s needs in these ways:
 1. Directly to the ward,
 2. For the ward’s care, support, or education,
 3. To the ward’s legal guardian, or
 4. To the person currently taking care of the ward.
 - D. Using the ward’s money to support anyone the ward is legally responsible for.
 - E. Making decisions on behalf of the ward if the ward is a surviving spouse.
 - F. Doing anything else the Court decides is in the best interest of the ward and their estate.
 - G. With Court approval, canceling contracts the ward made before the conservatorship began, even if it causes financial loss to the ward’s estate—if it’s for a good reason.

- H. With Court approval and good reason, selling, mortgaging, exchanging, or leasing the ward's property—including their home—if it's in the ward's best interest and allowed by law.

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 Conservatorship.** 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 Conservator and is not intended to be a complete statement of the law. Your conduct as a Conservator is governed by the law and not by this summary.

ACKNOWLEDGEMENT OF RECEIPT

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

Signature

Date