

**WAGANAKISING ODAWAK STATUTE 2005-07**  
**WELFARE OF ADULTS**

**SECTION I.           PURPOSE**

Purpose of the Welfare of Adults statute is to protect the welfare of Adult Tribal Members that have been victims of abusive situations, abandonment, medical incapacitation, declared incompetent by a court of competent jurisdiction, or have been declared by a court of competent jurisdiction to be unable to take care of their own personal, medical, or financial matters.

**SECTION II.          DEFINITIONS**

- A.     “Adult” means any enrolled or eligible member of the Little Traverse Bay Bands of Odawa Indians not declared a child under the jurisdiction of the Tribe’s Indian Child Welfare Laws.
- B.     “Guardian” means a person assigned by a court of competent jurisdiction to exercise the duty and authority to provide care and control of a person under the Tribal Court’s jurisdiction.
- C.     “Tribe” means the Little Traverse Bay Bands of Odawa Indians.
- D.     “Tribal Member” means any enrolled or eligible member of the Little Traverse Bay Bands of Odawa Indians.

**SECTION III.         AUTHORITY GRANTED**

- A.     The Tribal Court may take the following actions upon petition by an interested party: determine competency, appoint guardianships, grant power of attorney, order foster care, order financial guardianship and/or order medical care. Active court cases under this Statute shall require review on an annual basis and shall include input provided by family members and an assessment of cultural appropriateness.
- B.     The Tribal Administration shall have the authority to advocate for and act on behalf of Adult Tribal Members that have been victims of abusive situations, abandonment, medical incapacitation, declared incompetent by a court of competent jurisdiction, or have been declared by a court of competent jurisdiction to be unable to take care of their own personal, medical, or financial matters. These actions can include but are not limited to foster care advocacy, or petitioning for court actions.
- C.     Any other interested party may petition the Tribal Court for any action authorized by this statute.
- D.     The Tribal Administration shall develop procedures for implementing this statute.

**SECTION IV.         JURISDICTION**

There may be various jurisdictions covering each case and it shall be left to the Tribal Administration to determine which jurisdiction to work in and when it is appropriate to request transfer

of jurisdiction to the Tribal Court.

**SECTION V. SEVERABILITY**

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, paragraph, sentence, phrase or portion of this Statute shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION VI. EFFECTIVE DATE**

This Statute takes effect thirty days from adoption.

**CERTIFICATION**

As Tribal Chairman and Tribal Secretary, we certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 26, 2005 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Ettawageshik	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>
Beatrice Law	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>
Alice Yellowbank	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>
Dexter McNamara	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>
Fred Harrington, Jr.	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>
Rita Shananaquet	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>
Regina Gasco Bentley	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>

Date: June 26, 2005

\_\_\_\_\_  
Frank Ettawageshik, Tribal Chairman

\_\_\_\_\_  
Dexter McNamara, Tribal Secretary