



## SHINGLE SPRINGS BAND OF MIWOK INDIANS TRIBAL COURT

P.O. Box 1340, Shingle Springs, CA 95682

Telephone: (530) 698 – 1446

Website: <https://www.shinglespringsrancheria.com/tribal-court/>

### PUBLIC GUIDE INFORMATION SHEET

#### TOPIC: Conservatorship of Estate/Per Capita/Elders Stipend Payments

#### Changes to the Tribal laws concerning Conservatorships

On August 6, 2020 the Conservatorship Ordinance of the Family Code was amended to clarify the duties of a Conservator. **All conservators must read this handout to learn about the changes.** Conservators will be expected to understand and comply with these changes.

#### Conservatorships of the Estate/For Per Capita/Elders Stipend Payments

The changes amend Article 7(A) Conservatorship of the Estate as follows:

- A conservator of the Estate has always had the duty to manage the money for a Conservatee. However, the changes to the code clarify that the Conservator must open a bank account, called a Conservatorship account. The account is for the benefit of the Conservatee. In a Court order the Court will specifically state that all of a Conservatee's Per Capita Distributions and/or Elder Stipends will be made to the Conservator by direct deposit into the Conservatorship account.
- The Court will also order the Conservator to maintain an accounting of all expenses and payments made with the money from the Per Capita Distributions/Elder Stipends. For a sample accounting form Conservators may use form FL-525, *Conservatorship Report & Accounting*.

The Court might Order new duties for Conservators including to:

- Make a budget to show what the Conservatee can afford with their Per Capita Distributions/Elder Stipend;
- Pay the Conservatee's bills from the Conservatee's Per Capita Distribution/Elder Stipend.
- Invest the Conservatee's Per Capita Distribution/Elder Stipend.
- Protect the Conservatee's Per Capita Distribution/Elder Stipend.
- Respond to the Tribal Court and to the Conservatee for the management decisions made by the Conservator on the Conservatee's Per Capita Distributions/Elder Stipends.

#### Conservatorships of the Person

Other changes to the law add specific duties that the Tribal Court may order the Conservator to:

- Arrange for the Conservatee's care and protection.
- Decide where the Conservatee will live.



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- Make arrangement for the Conservatee's healthcare, meals, clothing, personal care, housekeeping, transportation, and recreation.
- Report to the Tribal Court on the Conservatee's current status.

### **Tribal Services Advocate**

A Tribal Court will also appoint an advocate from the Tribal Services Department. The advocate will:

- Meet quarterly with the Conservator and the Conservatee, separately, to check on whether the Conservator is living up to their duties towards the Conservatee.
- If the advocate does not think the Conservator is living up to their duties, the advocate can ask the Tribal Court for a hearing to review the case.
- Ask the Conservator for a quarterly report.

### **The Reports and Accounting**

The Conservator has the duty to write and file reports and accountings as follows:

**Timing of Reports/Accountings:** *Must* be filed once a year with the Tribal Court and every three months (quarterly) with the Court-appointed advocate. Must also be filed when the Conservator's duties end and otherwise when the Tribal Court orders a Report.

All Reports should:

- Be typewritten or prepared on a computer and submitted in a document called Conservator's Report. Legible handwritten reports will also be accepted; or Conservators can use the Tribal Court form known as the *Conservator's Report & Accounting*, form number FL-525 and
- Describe how the Conservator has fulfilled his or her duties during the previous year; and
- For Conservator's of Person/General Conservators, describe the general physical condition, type of residence, level of care, and other circumstances of the Conservatee; and
- For Conservator's of the Estate/General Conservators, provide a detailed accounting of all transactions involving the Conservatee's Per Capita Distribution/Elders Stipend during the previous year. Including:
  - an accounting of all expenses made on behalf of the Conservatee, with copies of receipts; and
  - the status of the Estate in dollar figures (providing details of Estate deposits and expenses/payments); and
  - an explanation of any entries in the accounting that cannot be fully understood; and
  - copies of the Conservator Account bank statements.



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**Important Penalty:** If the Conservator does not file the required Report, the Conservator can be fined up to \$1,000 from their own money (not from the Conservatee's funds.)

**Questions**

If you have any questions about how to fill out the Conservator's Report form, or about the conservatorship process in general, contact the Tribal Court:

**Tribal Court Office Address:**

Shingle Springs Band of Miwok Indians Tribal Court  
5281 Honpie Road  
Placerville, CA 95667

**Telephone:** (530) 698 – 1446

**Website:** <https://www.shinglespringsrancheria.com/tribal-court/>

**Self Help Center:**

Open 8:00 am to 5:00pm Monday - Friday.

Attorney consultation by appointment only. Contact the Tribal Court to make an appointment.