



Pauma Band of Luiseño Mission Indians

P.O. Box 369 • Pauma Valley, CA 92061 • (760) 742-1289 • Fax (760) 742-3422

Established 1893

Resolution No. 091826-01

Affirmation of Standard Operating Procedure for Conservatorships and Guardianships

WHEREAS, the Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation, California (the “Tribe”) is a federally recognized Indian tribe organized pursuant to the Articles of Association formally adopted and approved in 1968; and

WHEREAS, the governing body known as the General Council elects a Business Committee (“Tribal Council”) to represent the Tribe in all matters that concern the general welfare of the Tribe; and including the power to enact ordinances, procedures and legislation to promote tribal general welfare; and

WHEREAS, the Pauma General Council received federal grant funds to improve public safety, justice, and victim services for the benefit of its members and the tribal community, for use in working with legal counsel to develop conservatorship and guardianship procedures in matters before the Intertribal Court of Southern California; and

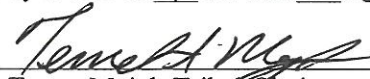
WHEREAS, the Tribal Council has reviewed the Standard Operating Procedure and fully supports the commitments, goals, and implementation plans outlined in the Standard Operating Procedure for Conservatorships and Guardianships.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Pauma Band of Mission Indians hereby formally authorizes the execution and implementation of the Standard Operating Procedure for Conservatorship and Guardianship matters before the Intertribal Court of Southern California; and that it be submitted to the Intertribal Court of Southern California.

BE IT FINALLY RESOLVED, that this resolution shall remain in full force and effect and rescinded only by subsequent action of the Pauma Band of Mission Indians as determined by the Articles of Association.

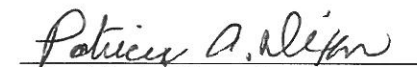
CERTIFICATION

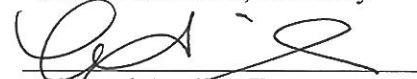
We the undersigned, the duly elected officers of the Pauma Band of Luiseño Mission Indians, do hereby certify that the foregoing resolution was adopted at a Tribal Council meeting, at which a quorum was present, held on September 18, 2026, by a vote of 4 for and 0 against, 0 abstain.


Temet Majel, Tribal Chairman


Sophia Salgado-Cantabrana, Vice Chairwoman


Martina Garcia, Committee Member at Large


Patricia A. Dixon, Secretary


Chrystal Aguilar, Treasurer

STANDARD OPERATING PROCEDURE FOR CONSERVATORSHIPS AND GUARDIANSHIPS

I. PURPOSE

This Standard Operating Procedure (SOP) is designed for future Tribal government officials to have a working knowledge of how the Pauma Band of Luiseño Mission Indians (Tribe) handles Conservatorships and Guardianships to protect Tribal members, and other Native individuals subject to this SOP, that are not capable of caring for themselves.

In order to follow Tribal policy, all conservatorships and guardianships are first presented to the Tribal Judicial Committee and then brought before the Tribal Council which is the elected body established pursuant to Section 3 of the Tribe's Articles of Association, referred to from time to time as the "Business Committee".

II. POLICY

The Pauma government works in collaboration with the Intertribal Court of Southern California, and Superior Courts of the State of California ("the courts"). The Pauma Tribal Government, along with Tribal families, have selected to designate two entities to act as conservators to look after the Person and the Estate of Tribal members that are no longer capable of caring for themselves, which will include (a) the Pauma Sexual Assault Response Team ("SART") & Wellness; and (b) a third-party private fiduciary. In addition, the Tribe requires, if needed, that the conservatee's Tribal income and benefits shall be:

- Held in a Tribal account for distribution process to cover all expenses for the Tribal member.
- Placed in the Tribe's secured fiscal department safe. Any funds not used will be placed in a trust account not distributed.

The Business Committee, in collaboration with the Tribe's attorney(s), will make sure all transactions are in compliance with applicable Tribal laws for the sole benefit of the conservatee. The following provision will also be followed in accordance with the Tribal Revenue Allocation Plan (TRAP):

- The Business Committee or its appointed agent shall make disbursements necessary for the health, education and welfare of any Tribal member who is declared legally incompetent from the proceeds of any per capita payment placed into trust, upon petition of the conservator of the Tribal member (s) and, or individual declared legally incompetent. Such petition should include a detailed budget of monies necessary for the health, education and welfare of the Tribal member (s) or individual declared legally incompetent. (TRAP Section 3 (F) (7)).

According to the TRAP, the Tribal Council, working with various Tribal Social Services such as Indian Child Welfare Tribal Commissioners, SART & Wellness, Indian Health Council (IHC), Tribal Board Members or its appointed agents has the discretion to allow payments or not. Consequently, no funds can be paid directly to the conservators unless and until the Tribal Council working with General Council approved Tribal representatives to the prior mentioned or its appointed agent. Because of TRAP, appointed knowledgeable agents will be determined by the Tribal Council according to the needs of the incapable Tribal members.

Pauma Tribal Council presently is guided by the two Tribal Justices as their appointed agents, working with Pauma ICWA Commissioners, IHC agents, and Pauma Traditional Legislative Council on a case-by-case basis.

III. DEFINITIONS

1. Conservator: A person appointed by Tribe or the courts for a person who is unable to properly provide for his or her personal needs for physical health, food, clothing, or shelter. In some cases, a conservatorship may be appointed for a developmentally disabled adult. The Conservator must meet one of the following qualifications:
 - a. Tribal member, approved and appointed by Tribal Judicial Committee and or ICWA representative to Tribal Council;
 - b. Non-Tribal member approved and appointed by Tribal Judicial Committee and/or ICWA representative to Tribal Council; or
 - c. A person appointed by the Intertribal Court of Southern California or State Superior Court. (For example a legally appointed person who has been recognized by an outside court to protect the well-being of the Tribal member.)
2. Conservatee: The conservatee is a Tribal member (regardless of whether the member lives on or off the Pauma Reservation) who is 18 years of age or older, and cannot properly manage or take care of themselves or their affairs without assistance. The conservatee can also be a Tribal elder who has been found to be the victim of physical, emotional, or financial abuse or for whom urgent/immediate medical or housing issues arise when no immediate family member or other competent adult is available. The Conservatee must meet one or more of the following qualities:
 - a. Is developmentally disabled or is otherwise incapacitated (by reason of dementia injury, or other mental health issues, etc.);
 - b. Has a legal disability;
 - c. Has a mental and adaptive limitation;
 - d. Is not able to provide for their own physical health, food, clothing or shelter;

- e. Is being taken advantage of and/or abused by a person, spouse, family member, or unknown person;
 - f. Is the victim of physical, emotional, or financial abuse; or
 - g. Is in need of urgent/immediate medical or housing assistance and no immediate family member or other competent adult is available to assume care.
3. **Conservatorship:** An arrangement where the Tribal Judicial Committee or court of competent jurisdiction appoints a responsible person (conservator) to manage the personal care, finances, or both, of an adult (conservatee) who is legally deemed unable to handle these matters themselves due to the factors listed in Paragraph 2, above. It involves granting significant legal authority over the conservatee's life, including decisions about housing, health, and financial assets, but is a serious step often requiring court oversight and may involve the loss of civil rights. However, the goal of the conservatorship is to protect the vulnerable individual/conservatee.
 4. **Conservatorship of the Person:** In a Conservatorship of the Person, the conservator is responsible for making sure that the conservatee has proper food, clothing, shelter, and health care. Depending on the conservatee's ability to understand and make decisions on their own, the conservator may need to make urgent/immediate medical or housing choices for him or her.
 5. **Conservatorship of the Estate:** In a Conservatorship of the Estate, the conservator handles the conservatee's financial matters. These duties include managing the conservatee's finances, including per capita payments, protecting income and property, paying bills, making investments, and preparing and filing taxes on behalf of the conservatee. The conservator is also required to make regular reports of the financial account to the Tribal Judicial Committee, courts and other interested parties depending on how and to whom the conservatorship was initiated.
 6. **General Conservatorship; Limited Conservatorship:** General conservatorships are often for elderly people who have been severely incapacitated or impaired due to aging or an underlying, progressive physical or mental health condition, such as dementia or schizophrenia. General conservatorships can also apply to younger people who have been seriously impaired due to an accident. Limited conservatorships are for adults with developmental disabilities that began before the adult reached the age of 18, such as cerebral palsy, severe autism, or mental retardation. Conservatees in limited conservatorships do not require the higher level of care that conservatees in general conservatorships need.
 7. **Temporary Conservatorship.** A temporary conservatorship may be set up when a person needs immediate or short-term help. The Tribal Judicial Committee or a judge, upon finding good cause, may appoint a temporary conservator of the

person or of the estate, or both, for a specific period until a permanent conservator can be appointed.

A temporary conservator arranges for temporary care, protection, and support of the conservatee and protects the conservatee's property and finances from loss or damage. A temporary conservator may also be appointed to fill in between permanent conservators, if, for example, the permanent conservator dies, or the judge has ordered his or her removal. The authority of a temporary conservator is much more limited than a permanent conservator.

8. Guardianship: A legal arrangement where the Tribal Judicial Committee or a court appoints a responsible person (guardian) to make personal and/or financial decisions for someone (the ward) who can't manage their own affairs, often due to age (minors) or incapacity (disabled adults, elderly). The guardian acts as a fiduciary, prioritizing the ward's best interests, with duties covering healthcare, living arrangements, and property management, depending on the type of guardianship (person, estate, or both).¹ There are different types of guardianships:

- Guardianship of Estate: responsible for financial and estate matters only.
- Guardianship of Person: responsible for non-financial decision making.
- Guardianship of Person and Estate: a full guardianship of person and estate.

9. Power of Attorney (POA): A legal document giving an agent the legal authority to act on behalf of the principal. Based on the contents of the POA, the agent possesses broad or limited authority to act on behalf of the principal. The agent can make decisions regarding medical care, financial matters, or property on behalf of the principal. The POA comes into effect in the event that the principal is incapacitated by an illness or disability. Depending on the type of POA, the agent may also act on behalf of the principal when the principal is not readily available to sign off on financial or legal transactions. There are some limitations to the POA:

- The POA, and the agent's authority, terminates when the POA dies, revokes it, or when it is
invalidated by a court of law.
- A POA terminates when the principal divorces a spouse who is designated as the agent, or when the agent is not able to continue carrying out their duties.

There are different types of Power of Attorney:

- a. General Power of Attorney: The general power of attorney transfers the authority to act on financial or legal matters from the principal to the agent. The agent is

¹ Guardianship is a court-ordered process differing from a power of attorney because the court appoints the guardian, while an individual can appoint their power of attorney.

charged with tasks, including but not limited to buying or selling real estate, handling stock of investment transactions, managing bank accounts, and entering into contractual relationships on the principal's behalf. A General POA is non-durable and is terminated if the principal dies or becomes mentally incompetent or incapacitated. A General POA does not authorize the agent to make medical or healthcare decisions on behalf of the principal.

- b. **Limited or Special Power of Attorney:** A limited or special POA restricts the scope of the agent's authority to specific tasks, transactions, or a defined time period. A limited or special POA can be durable (remains in effect after the principal becomes incapacitated) or nondurable (ends when the defined task, transaction, or time period is complete). An individual looking to limit how much the agent can do should choose limited or special power of attorney. Before signing to notarize a limited power of attorney, a person needs to be as detailed as possible about how much the agent should handle. If an individual is not clear what should fall under the special power of attorney, it is best to speak to legal counsel.
- c. **Durable Power of Attorney:** The durable power of attorney remains in effect if the principal becomes incapacitated or incompetent (by virtue of disability or dementia, etc.). A durable POA should contain express language stating that the agent's authority survives incapacity, or else the POA is presumed to be non-durable. A non-durable POA ends automatically if the principal becomes incapacitated, and is useful for time-limited or specific purposes.
- d. **Medical or Healthcare Power of Attorney:** If the principal becomes very ill, he or she reserves the right to decide the quality of care preferred. With a medical or health care POA, the principal authorizes the agent to make medical or healthcare decisions if the principal loses the ability to do so themselves. Medical decisions include but are not limited to consent to treatments, procedures, or hospitalization; end-of-life care; access to medical records; life-sustaining treatment. Most health POAs fall under the durable kind because they take into consideration the fact that the principal may be too sick to make their own decisions.

- 10. **Trustee.** The Tribal Judicial Committee or the courts may also appoint a professional trustee to help the conservator manage the finances of the ward. A trustee will have access to the conservatee's bank account and will pay bills, recommend investments and give the conservatee a small amount for personal spending per the court's order.

IV. PROCEDURE FOR GUARDIANSHIP

The general procedure for guardianship involves filing a petition or letter with the Tribal Judicial Committee, or a petition with Intertribal Court of Southern California or applicable state court, notifying interested parties, undergoing a court-ordered investigation (depending on the court including but not limited to interviews/home visits), attending a court hearing, and if granted, receiving Letters of Guardianship as legal proof, with the entire process focused on the ward's best interests, sometimes requiring legal counsel.

1. **File a Petition:** File formal paperwork (petition) with the Tribal Judicial Committee (depending on age of person ICWA would also be involved) or Intertribal Court of Southern California or applicable state court, asking the Tribal Judicial Committee or court to appoint a proposed guardian for a minor or incapacitated adult (the "ward"). Guardianship forms can be found on the Intertribal Court website and state superior court website.
2. **Gather Documents:** Collect necessary supporting documents, such as birth certificates, financial records, medical evaluations confirming incapacity (for adults), and proof of proposed guardian suitability.
3. **Notify Interested Parties:** Provide notice to family members and other interested parties about the pending guardianship request (this is called "giving notice").
4. **Tribal Judicial Committee Investigation:** The committee will
 - Interview proposed guardian, the ward, and others.
 - Visit the home.
 - Review records (medical, school).
 - Conduct background checks.
 - Submit a report with recommendations to the Tribal Council
5. **Court Investigation (depending on the court):** A court investigator or "Court Visitor" will be appointed to:
 - Interview proposed guardian, the ward, and others.
 - Visit the home.
 - Review records (medical, school).
 - Conduct background checks.
 - Submit a report with recommendations to the judge.
6. **Court Hearing:** Attend the scheduled hearing where the judge reviews evidence and reports to decide if guardianship is necessary and in the ward's best interest.
7. **Obtain Letters of Guardianship:** If approved, the court issues "Letters of Guardianship," a vital legal document proving the guardian with authority to act on the ward's behalf (e.g., enroll in school, manage finances).

V. DISOLVING GUARDIANSHIP

To dissolve a guardianship, a person must file a formal request (petition or letter) with Tribal Judicial Committee, notify interested parties, and wait for the decision of the Tribal Judicial Committee/Tribal Council. If the guardianship was established in a court, the party looking to dissolve a guardianship must file a formal request (petition) with the court, notify interested parties, attend a court hearing where a judge decides if it's in the ward's best interest, and potentially involve a court investigator (depending on the court), with key forms often including a Petition for Termination (like CA's GC-255) and an Order for Termination (like CA's GC-260). Tribal Courts may have other court forms that should be used. The process ends the guardian's duties, often when the ward becomes independent or reaches adulthood, but always requires court approval, even if automatic. Guardians or Wards must go before Tribal Council and request to dissolve guardianship before filing petition with any court. A 6-month to 2-year probationary period must be agreed upon to make sure the ward is able to handle their own finances, health care, and other day-to-day activities without aid. The ward will be required to take classes that will enhance their life and show capability of handling life situations. The specific procedures to terminate a guardianship are as follows:

1. **File a Petition:** Complete a "Petition for Termination of Guardianship" (e.g., Form GC-255 in California) or "Petition for Hearing, continuance or dismissal" (Intertribal Court form) and file it with the court that granted guardianship.
2. **Get a Hearing Date:** The court clerk will give you a hearing date when you file.
3. **Give Notice:** Send copies of the petition and hearing notice to all relatives and interested parties who were notified when the guardianship began, at least 15 days before the hearing.
4. **Tribal Judicial Committee:** The Tribal Judicial Committee will investigate the situation and determine whether ending the guardianship is in the best interests of the ward and report to the Tribal Council.
5. **Court Investigation:** The court may appoint an investigator to look into the situation and report on whether ending the guardianship is in the ward's best interest.
6. **Attend Court:** Go to the scheduled hearing; the judge will review the evidence, consider the ward's wishes (if old enough), and decide.
7. **File the Order:** If the judge approves, you'll file the "Order Terminating Guardianship" (e.g., Form GC-260) for the termination to become official.

VI. PROCEDURE FOR CONSERVATORSHIP

The conservatorship procedure involves filing a petition with the Intertribal Court of Southern California or applicable state court, detailing why a person (conservatee) needs

help managing personal or financial affairs, followed by a court investigation, formal notification to interested parties, and a hearing where a judge decides if the conservatorship is necessary, based on evidence and reports, to appoint a conservator to act in the conservatee's best interest. The process ensures the individual's safety, often requiring doctor's reports and appointing legal counsel for the conservatee.

A conservator can be a family member or a person recognized by the Tribal Judicial Committee, Tribal Council, or someone appointed by Tribal Court, or State Court. Tribal Judicial Committee and Tribal Council must keep in mind/consideration:

- **Types:** General conservatorship (person/estate) or limited (for developmental disabilities).
- **Proof Needed:** Must prove by "clear and convincing evidence" the conservatee's inability and that alternatives to a conservatorship are not suitable.
- **Temporary Conservatorship:** An option for immediate, short-term emergencies.

The procedure for establishing a conservatorship is as follows:

1. **Determine Need:** Assess if the proposed conservatee is unable to manage their own needs and consider options like powers of attorney first. If needed, a family member may to file a petition with the Intertribal Court or state court.
2. **Fill Out Forms:** Complete specific court forms (petition, confidential screening, capacity declaration) found on the court's website (Intertribal Court or State Court).
3. **File Forms & Get Hearing Date:** File documents with Tribal Judicial Committee or with the Intertribal or state, county court clerk and get a case number and hearing date.
4. **Serve Notice:** Formally notify relatives and the proposed conservatee (unless medically unable) by delivering copies of the filed papers.
5. **Tribal Judicial Committee:** The Tribal Judicial Committee will investigate the situation and determine whether a conservatorship is necessary and report to Tribal Council.
6. **Court Investigation (Depending upon the court):** A court investigator interviews the conservatee and others to assess the situation and report to the judge.
7. **Attend Hearing:** A judge reviews evidence, investigator's report, and decides if the conservatorship is justified and what powers to grant.
8. **Post-Appointment:** If granted, the conservator files an inventory and care plan, files periodic reports, and manages affairs as ordered by the court.

VII. DISOLVING CONSERVATORSHIP

To dissolve a conservatorship, you must file a formal Petition for Termination with the Tribal Judicial Committee, Intertribal Court, or other court of competent jurisdiction, detailing why the conservatorship is no longer needed, usually due to the conservatee's improved capacity. The process involves review by the Tribal Judicial Committee, Intertribal Court, or other court, scheduling a hearing, notifying interested parties, potentially an investigation by a court appointee, and ultimately a judge's decision based on evidence, often medical reports, that the person can manage their own affairs. The conservator, conservatee or interested family member must go before Tribal Council and request to dissolve conservatorship before filing the petition with any court (Conservatorship forms can be found on the Intertribal court website and state superior court website). A 6-month to 2-year probationary period must be agreed upon to make sure the conservatee is able to handle their own finances, healthcare, and other day-to-day activities without aid. The conservatee will be required to take classes that will enhance their life and show capability of handling life situations. Cultural classes, financial classes, goals and achievements must be tracked and demonstrated to a reliable source (SART team, IHC, etc.)

Procedures to dissolve a conservatorship are as follows:

1. **File a Petition:** Submit a formal petition (like California's form PC 676) to the relevant court, stating reasons why the conservatorship is no longer necessary and providing supporting facts, such as medical recovery or changed circumstances.
2. **Notify Interested Parties:** Inform the conservatee, relatives, and others involved about the petition and upcoming hearing at least 15 days prior.
3. **Court Review & Hearing:** The court schedules a hearing where a judge reviews evidence, hears testimony, and decides if termination is in the conservatee's best interest.
4. **Tribal Judicial Committee:** The Tribal Judicial Committee will investigate the situation and determine the conservatees' ability to manage affairs and submit a report to Tribal Council.
5. **Investigation (If needed):** A court investigator may assess the conservatee's living situation and ability to manage affairs, submitting a report to the judge.
6. **Evidence & Documentation:** Provide supporting evidence, such as medical evaluations or financial reports, proving the conservatee can now manage personal/financial matters independently.
7. **Court Order:** If satisfied, the judge issues an order to terminate the conservatorship, officially ending it.

VIII. EFFECTIVENESS

This SOP is subject to review every three years by the Policy Committee, in conjunction with the Tribal Judicial Committee, or sooner if mandated by Tribal Law. This SOP shall remain in full force and effect and rescinded only by subsequent action of the Pauma Band of Mission Indians as determined by the Articles of Association.

IX. CERTIFICATION

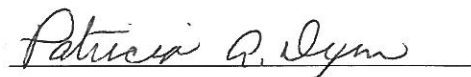
Approved by Resolution No. ⁰¹~~091826~~, adopted at a Tribal Council Meeting, at which a quorum was present, held on September 18, 2026.



Temet Majel, Tribal Chairman



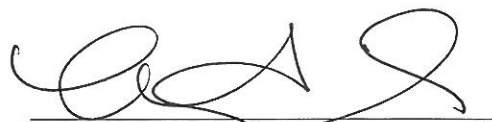
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