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3 **IN THE TULALIP TRIBAL COURT**
4 **TULALIP INDIAN RESERVATION**
5 **TULALIP, WASHINGTON**

6 **IN RE THE WELFARE OF**) **Case No. TUL-CV-EL**
7)
8) **PETITION FOR AN ELDER/VULNERABLE**
9) **ADULT ORDER FOR PROTECTION**
10 _____)
11 **TULALIP ELDER/VULNERABLE ADULT**) **Preliminary Hearing:** _____
12 **(PERSON TO BE PROTECTED)**) **(Within 5 Court days – Clerk shall set date)**
13)
14 **VS.**)
15) **Full Hearing**
16 _____) **(set by Clerk if ex parte Order not requested):**
17) _____
18 **RESPONDENT (PERSON TO BE RESTRAINED)**)

19 **1. IDENTIFICATION OF ELDER/VULNERABLE ADULT:**

20 The Elder/Vulnerable Adult who needs protecting is:

- 21 A Tulalip Tribal Member – TT no. _____.
- 22 A Tulalip Tribal Spouse. Please print name of Tulalip Tribal member Spouse and no.
23 _____.
- 24 Is a Tulalip Tribal Member or Tulalip Tribal Member Spouse who is 62 years of age or
25 older.
- 26 A Tulalip Tribal Member Vulnerable Adult, defined as: a person 18 years of age or older
27 who has the functional, mental or physical inability to care for himself. “Vulnerable
28 adult” shall include:
- 29 (a) A person found incapacitated or adult person who is eligible for the appointment of a
30 guardian under Tulalip Tribal Code, Chapter 4.30.
- (b) A Person who has a disability attributable to mental retardation, cerebral palsy,
epilepsy, autism or another neurological or other condition of an individual found by
a physician to be closely related to mental retardation, which disability originates
before the individual attains age 18, which has continued or can be expected to
continue indefinitely, and which constitutes a substantial handicap to the individual.
The Tribes may adopt criteria which define neurological or other conditions under
this subsection in a way that is not limited to intelligence quotient scores as the sole
determinant of these conditions; or
- (c) A person admitted to any long-term facility or receiving services from health, hospice
or home care agencies locating or operating or providing care to persons on the
Tulalip Reservation.

1 **2. IDENTIFICATION OF PETITIONER:**

2 My name is (please print) _____.

3 I am an Elder/Vulnerable Adult filing on my own behalf.

4 I am filing on behalf of an Elder/Vulnerable Adult and (select one of the options below):

5 I am the Elder's/Vulnerable Adult's guardian or legal fiduciary. (Please attach
6 current documentation of legal relationship. i.e., letter of guardianship, power of
7 attorney etc.). I have good faith belief that the court's intervention is necessary and
8 that the Elder/Vulnerable Adult is unable at this time to protect his or her own
9 interests, due to incapacity, abuse, neglect, or exploitation. I can provide support for
10 a finding of probable cause that the Elder/Vulnerable Adult is being abused,
11 neglected or exploited in accordance with Tulalip Tribal Code, Chapter 4.30.

11 The Elder/Vulnerable Adult:

12 Has consented to this petition. If consent has not been given, explain why not:

13 _____
14 _____

14 Lacks the capacity or ability to consent to this petition.

15 I am an interested person. I have good faith belief that the court's intervention is
16 necessary and that the Elder/Vulnerable Adult is unable at this time to protect his or
17 her own interests, due to incapacity, abuse, neglect, or exploitation. I can provide
18 support for a finding of probable cause that the Elder/Vulnerable Adult is being
19 abused, neglected or exploited in accordance with Tulalip Tribal Code, Chapter
20 4.30. Describe the length and nature of your relationship to the Elder/Vulnerable
21 adult:

22 _____
23 _____
24 _____

25 Describe the incapacity, abuse, neglect, or exploitation that makes the
26 Elder/Vulnerable Adult unable to protect his or her own
27 interestes: _____

28 _____
29 _____

30 (please attach additional documentation if necessary).

The Elder/Vulnerable Adult:

Has consented to this petition. If consent has not been given, explain why not:-

Lacks the capacity or ability to consent to this petition.

- The Tulalip Tribes Elder Protection Team – petitions on behalf of the Elder/Vulnerable Adult who:
 - Has consented to this petition. If consent has not been given, explain why not: _____
 - Lacks the capacity or ability to consent to this petition.
 - The TTEPT has completed an investigation and has attached a written report to this Petition that provides support for a finding of probable cause that the Elder/Vulnerable Adult is being abused, neglected or exploited in accordance with Tulalip Tribal Code, Chapter 4.30.

3. RESPONDENT’S RELATIONSHIP TO THE ELDER/VULNERABLE ADULT IS (CHECK ALL THAT APPLY):

- Spouse or former spouse
- Parent
- Child
- Other Family Member (describe) _____.
- Current or former intimate partner
- Care Provider
- Guardian (please attach Letter of Guardianship)
- Trustee/Payee (describe)_____. (Please attach a copy of relevant documentation confirming this relationship)
- Power of Attorney
- Other: _____.

4. PETITIONER’S ADDRESS. Petitioner’s address for receiving legal documents is: _____.

5. GUARDIAN/LEGAL FIDUCIARY. Do you know of any person who is or claims to be the guardian or legal fiduciary /(such as trustee, payee, power of attorney) of the vulnerable adult?
 No. Yes. Please provide name and address:
 _____.

6. RELATED MATTERS. Other court cases or other restraining, protection or no-contact orders involving Petitioner or Vulnerable Adult and Respondent(s), including guardianship orders:

| | | | |
|---------------------|--|--|--|
| CASE NAME | | | |
| CASE NUMBER | | | |
| COURT/COUNTY | | | |

7. REQUEST FOR ELDER/VULNERABLE ADULT ORDER.

I REQUEST AN ELDER/VULNERABLE ADULT PROTECTION ORDER THAT WILL GRANT THE RELIEF REQUESTED BELOW.

| | |
|--|---|
| | RESTRAIN Respondents from committing or threatening to commit any acts of abuse, neglect or exploitation as defined under Tulalip Tribal Code, Chapter 4.30. |
| | RESTRAIN Respondent(s) from coming near and from having any contact whatsoever, in person or through others, by phone, mail, email, social media or any means, directly or indirectly, except for mailing or service of process of court documents by a 3 rd party or contact by Respondent's lawyers. |
| | EXCLUDE Respondent(s) from any place the Vulnerable Adult resides. |
| | PROHIBIT the Respondent(s) from knowingly coming within or knowingly remaining within _____ (distance) of the Elder/Vulnerable Adult's <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> adult day program <input type="checkbox"/> the premises of a facility where the Elder/Vulnerable Adult resides <input type="checkbox"/> Other: _____ . |
| | GRANT the Elder/Vulnerable Adult possession of essential personal belongings, including the following: |
| | GRANT the Elder/Vulnerable Adult use of the following vehicle: Year, Make & Model: _____ License No. _____ |
| | REQUIRE the Respondent to provide an accounting of the disposition of the Elder/Vulnerable Adult's income or other resources. |
| | RESTRAIN the Respondent from transferring the Elder/Vulnerable Adult's property for up to 90 days. |
| | REQUIRE the Respondent to pay the fees and costs of this action. |
| | PROHIBIT the Respondent from accepting any money, including gift of money, in any capacity from Elder/Vulnerable Adult. |
| | PROHIBIT the Respondent from being involved in Elder's/Vulnerable Adult's finances in any capacity. |
| | OTHER RELIEF: _____ _____ _____ _____ |
| | REQUEST FOR AN EX PARTE TEMPORARY ELDER/VULNERABLE ADULT PROTECTION ORDER: An <i>emergency exists</i> as described in the statement below. The Elder/Vulnerable Adult needs a temporary protection order issued immediately, without prior notice to the Respondent that grants the relief requested above. |

- 1 **8. REQUEST FOR SPECIAL ASSISTANCE FROM LAW ENFORCEMENT AGENCIES.** I request the
2 Court order the appropriate law enforcement agency to assist the vulnerable adult in obtaining:
3 a. Possession of Vulnerable Adults' residence.
4 b. Use of designated vehicle.
5 c. Possession of Vulnerable Adult's essential personal belongings at:
6 d. Other:

- 7 **9. STATEMENT.** The Respondent has committed or threatened to commit acts of abuse, neglect or
8 exploitation as follows:

9 Describe in as much detail as possible the most recent incidents or threats of abuse, neglect or
10 exploitation and the date(s) of each incident:

11 _____
12 _____
13 _____
14 _____
15 _____
16 _____

17 Describe in as much detail as possible *past* incidents or threats of abuse, neglect or exploitation
18 and the date(s) of each incident:

19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____

- 27 **10. USE OF WEAPONS.** Does the Respondent use firearms, weapons or objects to threaten or harm
28 the Elder/Vulnerable Adult? Please describe:

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30 _____

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11. **REASONS FOR IMMEDIATE ORDER.** Please explain any additional reasons why this Order should be issued immediately. List any immediate and irreparable injury, loss or damage that would result to the Elder/Vulnerable Adult before the Respondent could be served and heard: _____

12. **EFFORTS TO GIVE NOTICE.** Did you make efforts to give notice of your request for temporary relief to Respondent Vulnerable Adult? If so, describe how and when notice was given. If no notice was given, explain why not:

I certify under penalty of perjury under the laws of the Tulalip Tribes and/or the State of Washington that the foregoing is true and correct.

DATED this _____ at Tulalip, Washington.

Signature of Petitioner

Petitioner's Printed Name