

Section 3-310 – Reserved.

ARTICLE VII. - VOLUNTARY CONSERVATORSHIP CODE

Sec. 3-311. Applicability.

This Code shall apply to Tribal Members living on the Mohegan Reservation or in the State of Connecticut.

(Res. No. 2023-13, 12 14 22)

Sec. 3-312----. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

(a) "Conservator of the Estate" means a person, corporation, limited liability company, partnership or other entity recognized under the laws of this Tribe, whether or not operated for profit, except a hospital, nursing home facility, or residential care home, to supervise the financial affairs of a person who voluntarily asks the Mohegan Tribal Court for the appointment of a conservator of the estate.

(b) "Conservator of the Person" means a person, corporation, limited liability company, partnership or other entity recognized under the laws of this Tribe, whether or not operated for profit, except a hospital or nursing home facility, to supervise the personal affairs of a person who voluntarily asks the Mohegan Tribal Court for the appointment of a conservator of the person.

"(e) "Conserved Person" means a person for whom Voluntary Representation is granted under this article.

(f) "Petitioner" means an adult person or representative who has requested Voluntary Representation "Voluntary Representation" means the appointment of a Conservator of the Person or a Conservator of the Estate, or both, upon request of the Petitioner, without a finding that the Petitioner is incapable of managing his or her affairs or incapable of caring for himself or herself.

(Res. No. 2023-13, 12 14 22)

Sec. 3-313. Recording of Proceedings Required.

The Mohegan Tribal Court shall cause a recording to be made of all proceedings held under this article. The recording shall be part of the court record and shall be made and retained in a manner approved by the Clerk of the Mohegan Tribal Court.

(Res. No. 2023-13, 12 14 22)

Sec. 3-314. Appointment of Successor Conservator.

Whenever the Mohegan Tribal Court appoints a Conservator of the Person or a Conservator of the Estate, at the request of the Petitioner, the court may also appoint a successor Conservator of the Person or successor Conservator of the Estate. The successor conservator shall act as conservator if the court accepts the resignation of the conservator or removes the conservator or if the conservator is

adjudicated incapable or dies. The successor conservator may assume the duties of conservator immediately upon the Mohegan Tribal Court's acceptance of the resignation of the Conservator of the Person or Conservator of the Estate or removing such conservator, upon such conservator being adjudicated incapable or upon the death of such conservator, provided a successor Conservator of the Estate may not assume the duties of Conservator of the Estate before furnishing a probate bond or providing proof of a restricted account if a bond or restricted account was required from the Conservator of the Estate. The successor conservator shall immediately inform the Mohegan Tribal Court that has jurisdiction over the Conservator of the Person or Conservator of the Estate that the successor conservator assumed the role of Conservator of the Person or Conservator of the Estate and the reasons for assuming such role. The Mohegan Tribal Court may issue a decree, without notice and hearing, confirming the successor conservator's appointment after the requirements of this section are met.

(Res. No. 2023-13, 12 14 22)

Sec. 3-315. Petition for Voluntary Representation.

Any person may petition the Mohegan Tribal Court, either for the appointment of a Conservator of the Person or a Conservator of the Estate, or both. If the petition excuses bond, no bond shall be required by the court unless later requested by the Petitioner or unless facts are brought to the attention of the court that a bond is necessary for the protection of the Petitioner. Upon receipt of the petition, the court shall set a time and place for hearing and shall give such notice as it may direct to the Petitioner, the Petitioner's spouse, if any, and to other interested parties, if any. After seeing the Petitioner in person and hearing his or her reasons for the petition and after explaining to the Petitioner that granting the petition will subject the Petitioner or Petitioner's property, as the case may be, to the authority of the conservator, the court may grant Voluntary Representation and thereupon shall appoint a Conservator of the Person or Conservator of the Estate or both. The Conservator of the Person or Conservator of the Estate or both, shall have all the powers and duties of a Conservator of the Person or Conservator of the Estate pursuant to Section 3.347. If the Petitioner subsequently becomes disabled or incapable, the authority of the conservator shall not be revoked as a result of such disability or incapacity.

(Res. No. 2023-13, 12 14 22)

Sec. 3-316. Release from Voluntary Representation.

Any person who is under Voluntary Representation as provided by Section 3-345 shall be released from Voluntary Representation upon giving written notice to the Mohegan Tribal Court.

(Res. No. 2023-13, 12 14 22)

Sec. 3-317. Duties of Conservator.

Duties of the Conservator shall be determined by the Court and articulated in the Court Decree at the time of the granting of the Conservatorship. A conservator may not terminate a tenancy or lease of a Conserved Person, sell or dispose of any real property or household furnishings of the Conserved Person, or change the residence of the Conserved Person unless the Mohegan Tribal Court finds, after a hearing, that such termination, sale, disposal or change is necessary or that the Conserved Person agrees to such termination, sale, disposal or change.

(Res. No. 2023-13, 12 14 22)

Sec. 3-318. Conflicts between Conservators.

If a person has both a Conservator of the Person and a Conservator of the Estate who are not the same person and a conflict arises between the two concerning the duties and responsibilities or authority of either, the matter shall be submitted to the Mohegan Tribal Court. Upon hearing, the court shall order the course of action which in the court's discretion is in the best interests of the Conserved Person.

(Res. No. 2023-13, 12 14 22)

Secs. 3-319-3-320. – Reserved.