



KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

KIOWA TRIBE RESOLUTION NO. KL-CY-2026-0XX

KIOWA ELDER ABUSE ACT OF 2026

At a duly called Legislative Regular Session _____ of the Legislature of the Kiowa Tribe held this _____ day of _____, 2026, the following resolution, was adopted.

WHEREAS, the Kiowa Tribe is a sovereign nation and has been so since time immemorial; and,

WHEREAS, the Tribe exercises full enjoyment of the inherent powers of government, including self-determination and autonomy over internal affairs encompassing Tribe citizens, lands, and resources; and,

WHEREAS, on April 17, 2017, qualified voters of the Tribe ratified the Kiowa Constitution as “the supreme law of the land;” and,

WHEREAS, the Kiowa Legislature’s duties include monitoring the actions of the government, assessing the needs of the People, and making laws toward better government to address the needs of the People under Article VI, Section 1 of the Kiowa Constitution; and,

WHEREAS, the Kiowa Legislature is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of same Constitution; and,

WHEREAS, the Legislature finds that the protection of Kiowa Elders from abuse, neglect, exploitation, abandonment, and other forms of mistreatment is an essential responsibility of the Kiowa government and is fundamental to preserving the strength, continuity, and well-being of the Kiowa Tribe; and,

WHEREAS, the Legislature finds that protecting Kiowa Elders from abuse, neglect, exploitation, and abandonment is necessary to preserve the health, safety, dignity, cultural continuity, and strength of the Kiowa Tribe.

NOW THEREFORE BE IT RESOLVED, that the Legislature of the Kiowa Tribe hereby amends Section 3.7.5 of the Kiowa Criminal Code to read as follows:

3.7.5 ABUSE.

- A. A parent, guardian, or other person who has assumed or been entrusted with the care of a minor ~~or vulnerable adult~~, who knowingly causes or permits physical injury to such minor is guilty of a felony.
- B. A caretaker who has abused a vulnerable adult or elder is guilty of a felony.
- C. For the purpose of this section, “caretaker” means the definition of “caretaker” in Section 108 of the Kiowa Elder and Vulnerable Adult Protection Act of 2026 as amended over time.

- D. For the purpose of this section, “elder” means the definition of “elder” in Section 108 of the Kiowa Elder and Vulnerable Adult Protection Act of 2026 as amended over time.
- E. For the purpose of this section, regarding the abuse of vulnerable adults or elders, “abuse” means the definition of “abuse” in Section 108 of the Kiowa Elder and Vulnerable Adult Protection Act of 2026 as amended over time.
- F. For purposes of this section, “vulnerable adult” means an individual eighteen years of age or older who, because of a mental or physical disability, is unable to protect himself from abuse or neglect.
- G. In addition to the ~~remedy in section A~~ the criminal punishment of the perpetrator, an injured minor, ~~or~~ vulnerable adult, or elder is entitled to all other available remedies.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Legislature of the Kiowa Tribe hereby adopts the **Kiowa Elder Abuse Act of 2026**, as set forth herein.

C E R T I F I C A T I O N

The foregoing resolution **KL-CY-2026-0XX** was duly voted upon by the Legislature on _____, 2026, at a Legislative Regular Session ____-(), with a vote of () in favor and () opposed, () abstain, and () absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Michael Q. Primus II
Speaker of the Legislature

LEGISLATURE - RESOLUTION NO. KL-CY-2026-0XX:

SPONSOR: Warren Queton, District 7

CO-SPONSOR(S):

LEGISLATORS	YES Hàu	NO Hàu:né	ABSTAIN Háun á	ABSENT Héñgyádàu
Ronnie Satepauhoodle District 1				
Michael Q. Primus II District 2				
Jolene Beartrack District 3				
Cole Kickingbird-DeLaune District 4				
Tiya Rosario District 5				
Ben Wolf District 6				
Warren Queton District 7				

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2026-0XX was presented to the Chairman of the Kiowa Tribe on the ____ day of _____, 2026, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.

Michael Q. Primus II
Speaker of the Legislature

CHAIRMAN’S ACTION:

☐ APPROVED

☐ VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this ____ day of _____, 2026.

David B. Sullivan
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the ____ day of _____, 2026.

LEGISLATURE’S ACTION:

Override of Chairman’s veto:

☐ YES

☐ NO

CERTIFICATION

The foregoing resolution Legislative Override Order KLO-CY-2026-00X was duly voted upon by the Legislature on _____, 2026, at a Legislative Order Session () with a vote of _____ in favor and _____ opposed, and _____ abstaining, and _____ absent. Pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Michael Q. Primus II
Speaker of the Legislature

Override Order KLO-CY-2026-00X

LEGISLATORS	YES Hàu	NO Hàu:né	ABSTAIN Háun á	ABSENT Héngyádàu
Ronnie Satepauhoodle District 1				
Michael Q. Primus II District 2				
Jolene Beartrack District 3				
Cole Kickingbird-DeLaune District 4				
Tiya Rosario District 5				
Ben Wolf District 6				
Warren Queton District 7				

Section 101. Title. This Act shall be known as the “Kiowa Elder and Vulnerable Adult Protection Act of 2026.”

Section 102. Authority. This Act is enacted pursuant to the inherent sovereign authority of the Kiowa Tribe and pursuant to the 2017 Constitution of the Kiowa Tribe, which empowers the Kiowa Legislature to “make laws and resolutions in accordance with the requirements of the Constitution” (Article VI, §6(a)); and to “monitor the actions of the government, access the needs of the People, and make laws toward better government to address the needs of the People” (Article VI, § 1).

Section 103. Purpose. The Kiowa Tribe, in accordance with the Constitution of the Kiowa Tribe and in the exercise of the Kiowa Tribe’s sovereign power to safeguard and provide for the health, safety and welfare of the members of the Kiowa Tribe, hereby enacts this Act in furtherance of the values and cultural mandates to care for elders and vulnerable adults in the Kiowa community. With the enactment of this Act, the Kiowa Tribe is expressing its sovereign intent to create a system that honors and respects its duties and responsibilities to its elders and vulnerable adults. These duties and responsibilities include provision for their basic needs and insuring their continued participation in the Tribal community.

Section 104. Jurisdiction.

- (a) The jurisdiction of the Kiowa Trial Court and the effective scope of this Act shall minimally include, but not necessarily be limited to, all Kiowa Tribal members, both present and future, any elder or vulnerable adult related to a Kiowa Tribal member, all territory within the historical boundaries of the Kiowa Tribe, including but not limited to the reservation of lands in the First and Second Treaties of Medicine Lodge, 15 Stat. 581, 589, including but not necessarily limited to all real property including fee patents, allotments, assignments; all roads, waters, and bridges used or maintained for Tribal purposes or for the benefit of its members.
- (b) The Courts of the Kiowa Tribe shall have jurisdiction over all cases arising under the provisions of this Act.
- (c) All cases of abuse of an elder or a vulnerable adult involving any member of the Kiowa Tribe that may arise outside the territorial jurisdiction of the Kiowa Tribe are subject to the assertion of concurrent jurisdiction by the Kiowa Trial Court and shall be subject to the provisions of this Act, which hereby allows for transfer of said case to the Kiowa Trial Court.
- (d) The Court shall construe this section liberally to exercise maximum jurisdiction consistent with applicable Tribal law and custom, state and federal law.

Section 105. Effective Date. The provisions of this Act shall be effective after enactment by the Legislature of the Kiowa Tribe, and upon the date signed by the Chairman of the Kiowa Tribe (or the override of the Chairman’s veto by the Legislature).

Section 106. Interpretation. The provisions of this Act shall be interpreted to be in accordance with tribal customary law. Whenever there is uncertainty or a question as to the interpretation of certain provisions of this Act, tribal law and custom shall be controlling, and KL-CY-2026-0XX was posted on the Kiowa Tribe website, October 06, 2026. Read into record by Warren Queton, District 7, on the Legislative Regular Session CXIV-(114), October 06, 2026.

where appropriate, may be based on the written or oral testimony of a qualified tribal elder, tribal historian, or tribal representative. If the traditions and customs of the Tribe are inconclusive in any matter, the Court shall construe it consistently with applicable textual tribal law. In the absence of applicable tribal customary law or textual tribal law, the Court shall construe it consistently with applicable federal law.

Section 107. Severability and Non-Liability. If any section, provision, or portion of this Act is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected thereby.

Section 108. Definitions. Any term not defined in this Section shall be given its ordinary meaning. The following terms, wherever used in this Act, shall be construed to apply as follows, except where the context indicates otherwise:

- (a) “Abuse” is an intentional or negligent infliction of bodily injury, including but not necessarily limited to sexual abuse or exploitation, unreasonable confinement, intimidation, emotional abuse or cruel punishment of an elder or vulnerable person which results in physical injury or pain, or mental anguish. “Abuse” also includes improper or unauthorized use of an elder or vulnerable adult’s funds, property (real or personal), including regalia, or any other resource in a manner not consistent with the elder or vulnerable adult’s interests and needs. “Abuse” also includes failure to care for an elder or vulnerable adult when a standard of care or need has been medically or legally established, which results in physical injury, pain or mental anguish; when said care has been communicated to the caregiver, who has accepted the duty to care for said person in need of care.
- (b) Advisor to Trial Court. Any party to an action pursuant to this Act may nominate a member of their family or of another person known to them to act as an advisor to the Court, or the Court may nominate a person to serve this role for the elder or family. The advisor’s role is not designated to replace a party advocate but is to help the Court reach a disposition in each case that is consistent with the purposes of this Act to protect elders and vulnerable adults’ rights to basic needs and community participation that are consistent with Kiowa cultural imperatives. For that purpose, the advisor is allowed to address the Court with a nonbinding recommendation or, with the permission of the parties, address the court in chambers in an unreported hearing for the purpose of making nonbinding recommendations.
- (c) “Care plan for protection” of a named individual must contain a safety plan as approved by the Court whenever a temporary or permanent Order of Protection is issued pursuant to this Act. The requirements for a plan are established in Section 113 of this Act.
- (d) “Caretaker” is a person who is required by Tribal or state law or Tribal custom to provide services or resources to an elder or vulnerable adult; a person who volunteers to provide services or resources to an elder or vulnerable adult; and/or an institution or agency and its employees who are required by Tribal, state or federal law, Tribal custom or through any other agreement to provide services or resources to an elder or vulnerable adult.

- (e) “Duty of care” requires that a person act toward others and the public with the watchfulness, attention, caution and prudence that a reasonable person in the circumstances would. If a person’s actions do not meet this standard of care, then the acts are considered negligent, and any damages resulting may be claimed in a lawsuit for negligence.
- (f) “Elder” is a citizen of the Kiowa Tribe who is 55 years of age or older or a person who resides within the territorial jurisdiction of the Kiowa Tribe who is 55 years of age or older to whom a Tribal member owes a duty of care because of traditional or familial ties.
- (g) “Emergency” is a situation in which an elder or vulnerable adult is put in immediate risk of death or physical injury or serious loss of property and is unable to consent to services and/or mitigate or remove the risk.
- (h) “Exploitation” is the improper or unauthorized use of an elder or vulnerable adult’s money, property, personal belongings, or other resources. A failure to use an elder or vulnerable adult’s funds, property or resources as the elder or adult desires, and/or for their benefit, shall be deemed as exploitation.
- (i) “Family” is as determined by law, including but not necessarily limited to Tribal law, custom or traditions.
- (j) “Good faith” is an honest and reasonable belief or purpose and the lack of intent to defraud or injure.
- (k) “Least restrictive alternative” is whenever it is necessary to protect an elder or vulnerable adult, the least restrictive method of intervention consistent with protecting their freedom and independence will be utilized.
- (l) “Neglect” is a failure to provide for the basic needs of an elder or vulnerable adult by not supplying resources, care or supervision necessary to secure the basic needs of the person, including interfering with delivery of necessary services or resources and failure to report abuse of said persons; said failure will not include any failure based on the lack of available resources to the caretaker.
- (m) “Protective placement” is the placement of an elder or vulnerable adult in a hospital, nursing home, residential care facility, other suitable placement or transfer from one placement to another with consent of that person or with appropriate legal authority.
- (n) “Protective services” are those services provided to an elder or vulnerable adult with consent or by order of appropriate legal authority which include but are not limited to: social services, mental and physical health examinations, home and day care, legal assistance, guardianship, case management and any other services consistent with the intent of this Act.
- (o) “Retaliation” is considered intimidation or a threat to cause bodily harm or causing bodily harm to a reporter or family of a person reporting elder abuse; causing or attempting to cause the reporter or reporter’s family to be terminated, suspended or

reprimanded by an employer; causing property damage to real or personal property belonging to a reporter's family.

- (p) "Substantiated report" is when there is probable cause to make a finding of abuse after an investigation has been conducted by a protective or social services worker. The report is sent to the Tribal Prosecutor's office for further action; said report will be kept by the prosecutor's/social services office/protective workers office for a period of five years.
- (q) "Unsubstantiated report" is when no probable cause exists to pursue further action after an investigation by the assigned protective or social services worker. Said reports will be kept for two (2) years.
- (r) "Vulnerable adult" is an adult who exceeds the age of eighteen (18) and is unable to protect themselves from abuse, neglect or exploitation. This includes the person who is unable to make responsible decisions for himself or herself because of mental illness or deficiency, physical disability or illness, age-related capacity issues, or the effects of chronic use of alcohol and/or drugs.

Section 109. Duty to report abuse or neglect of elder or vulnerable adult and immunity for good faith reporting.

- (a) Suspected abuse or neglect of an elder or vulnerable adult shall be reported to the Tribal protective services worker or social services worker by the following persons:
 - (1) The elder or vulnerable adult's family or caretaker;
 - (2) All elected and appointed officials of the Tribe;
 - (3) Any and all Tribal social workers, medical and dental staff, religious/cultural practitioners and/or any other Tribal employees who provide services and/or benefits to Tribal elders and/or vulnerable adults;
 - (4) Any person or agency, including employees, with fiduciary duties to elders or vulnerable adults; such as attorneys, accountants, property managers, or financial Institutions;
 - (5) The elder or vulnerable adult abused; and/or
 - (6) Any other person(s) who have reason to suspect that an elder or vulnerable adult is abused or neglected.
- (b) Said reports by these reporters are mandated and shall be presumed to be made in good faith
- (c) Any person who in good faith reports suspected abuse or neglect is immune from any recourse under the law if said report is found to be unsubstantiated

Section 110. Failure to report and/or false reporting.

- (a) Any person who is required to report pursuant to this statute and willfully fails to report suspected or actual abuse or neglect may be subject to a civil money penalty of up to \$5,000.00 and may suffer any other appropriate civil fine/order that might be necessary to ensure compliance with this Act and protect any individual who is entitled to protection pursuant to this Act. All persons required to report who fail to report are entitled to receive specific notice in a timely fashion and an opportunity for hearing in Trial Court prior to any penalty being assessed. Any penalty or order may only be assessed after determination of a duty to report is found at the hearing. A person failing to report suspected abuse or neglect may be subject to suit by or on behalf of abused persons for damages resulting from unreported abuse.
- (b) A person who makes a report of suspected abuse or neglect knowing such report to be false will be subject to a civil money penalty of up to \$5,000.00. Said fine or other appropriate civil orders to ensure compliance with this Act will not be assessed unless and until the accused false reporter receives specific notice in a timely fashion and an opportunity for hearing in Trial Court prior to any penalty being assessed. The false reporter may also suffer civil damages being assessed pursuant to an action by the person falsely accused.

Section 111. Confidentiality of reporter, reports, and hearings – Penalties for noncompliance. All proceedings under this Act are confidential unless otherwise provided. The Court and all individuals and agencies who are responsible for enforcing or participating in the enforcement of the provisions of this Act will ensure that disclosure of confidential personal information received or maintained in the course of actions brought under this Act shall be limited to purposes directly connected with the administration of this Act. Protections include but are not necessarily limited to the following:

- (a) The identity of the reporter of abuse or neglect under this Act is confidential and shall not be released unless the reporter consents or the Trial Court determines that the need of the elder or vulnerable adult exceeds the reporter's right to privacy and mandates disclosure. The reporter has the opportunity to petition and be heard at a closed evidentiary hearing with regard to any such disclosure. Any disclosure may be released only to the extent necessary to protect the elder or vulnerable adult. However, the investigating worker's name is not protected.
- (b) Records of investigations concerning abuse or neglect under this Act are confidential. Protective services, law enforcement, court officials, attorneys, coroner, medical staff and any other person whom the Court determines have reasonable cause to have access may view the record(s).
- (c) Anyone who violates this section shall be subject to a monetary penalty of up to \$5,000.00 per occurrence. A petition, notice and an opportunity for hearing in Trial Court will determine if a violation has occurred.

Section 112. Investigation Requirements.

- (a) A state or Tribal protective/social services worker shall initiate an investigation upon receiving a report of elder or vulnerable adult abuse or neglect. The protective/social services worker shall investigate the report of abuse or neglect within forty-eight (48) hours, the worker will immediately assess whether or not an

emergency situation exists and, if one does, will proceed under Section 113 of this Act. If an emergency situation does not exist then the worker shall prepare a written report within ten (10) days based upon:

- (1) Personal interviews with the abused, the immediate family and caretaker, suspected abuser, employees of agencies (if involved), and any other person who may have pertinent information;
- (2) Medical records and other evidence of abuse;
- (3) Assessment of the elder or vulnerable adult's living conditions using Tribal standards for housing; and
- (4) Any other observations, assessments, or documents that may aid in completing an accurate and complete report.

(b) The written report shall contain:

- (1) The elder or vulnerable person's name, address or location, and telephone number;
- (2) Name, address or location, and telephone number(s) of the person(s) or agency who is suspected of abuse or neglect under this Act;
- (3) The condition of the abused;
- (4) Names of witnesses and sufficient information to affect the subpoena power of the court over said witnesses;
- (5) Name, address or location, and telephone number of reported caretaker(s);
- (6) A description of the act(s) which are suspected of being abusive or neglectful; and
- (7) Any other information helpful in establishing abuse or neglect.

Section 113. Emergency situation investigations and procedures.

- (a) The Trial Court may issue an ex parte emergency protection order authorizing emergency services or protective placement upon clear and convincing factual statements and/or evidence that an elder or vulnerable adult:
 - (1) Is at risk of immediate physical harm or irretrievable or irreversible loss of valuable resources or benefits;
 - (2) No one is authorized by law or existing court order to give consent, or after reasonable efforts, no said person can be located; and
 - (3) The elder or vulnerable adult or authorized caretaker is incapacitated and cannot consent to services.

- (b) The emergency protection order shall:
- (1) State the name and interest (or relationship) of the petitioner;
 - (2) State the specific emergency services to be provided to convert the situation to nonemergency status;
 - (3) Allow protective placement only if the evidence indicates that it is absolutely necessary;
 - (4) Designate the person or agency required to implement the order;
 - (5) Be issued for 120 hours excluding weekends and holidays, and may only be renewed for a maximum of an additional 120 hours if evidence of a continuing emergency exists; said orders may be set aside upon a showing of good cause by any interested party (continuance may be granted for good cause at the discretion of the Court); and
 - (6) Present a transition plan for the at-risk elder or vulnerable adult for the period immediately following the expiration of the protective order until the order expires or a hearing is held pursuant to a permanent order request.
- (c) The Trial Court may issue a warrant for forcible entry by Tribal Law Enforcement if attempts to gain voluntary access have failed and a sworn declaration by a law enforcement officer or protective/social services worker sets forth emergent circumstances that establish probable cause that an elder or vulnerable adult is at risk. Note: this does NOT prohibit law enforcement from acting on probable cause at any scene where the officer personally observes and believes an at-risk situation exists; said officer may take the appropriate steps to secure the scene or mitigate the risk including but not limited to transporting the at-risk individual to a safe location.
- (d) An elder or vulnerable adult may be taken into temporary custody by a Tribal protective services worker or social services worker when the worker believes the elder or vulnerable adult is at risk and the Trial Court is closed for business. Such temporary custody shall continue until a reasonable time after the Trial Court reopens and allowing time for the filing of request for an emergency protection order pursuant to this Section.

Section 114. Rights of Elders, Vulnerable Adults, their Families and their Caretakers.

- (a) An elder, vulnerable adult, family, and/or caretaker shall be informed of an abuse investigation as soon as the investigation begins or as soon thereafter as is possible unless an emergency exists. If an emergency exists, notice must be given using a means reasonably calculated to give actual notice as soon as possible, but in any event, notice shall not be given later than seventy-two (72) hours after the investigation begins.
- (b) Elders or vulnerable adults may refuse to accept protective services provided there is good cause to believe that the abused can take care of themselves and the elder or vulnerable adult knows of the services offered.

- (c) Families or caretakers may refuse services for themselves but cannot refuse services for the elder or vulnerable adult unless alternate services have been established and no unusual risk remains.
- (d) Elders, vulnerable adults, family, or caretakers may refuse to allow investigators into their home and must be told of the right of investigator to seek a warrant should entry be denied.
- (e) Personal service of notice to the elder, vulnerable adult, family, and/or caretaker is required when a petition is filed pursuant to this Act.
- (f) The elder, vulnerable adult, family, or caretaker has the right to attend all proceedings pertaining to the capacity of the abused unless the Trial Court determines the elder or adult's health is at risk in attending such proceedings. However, the Court may make accommodations as the Court sees fit to facilitate an elder or vulnerable adult's participation.
- (g) The elder, vulnerable adult, family, or caretaker has the right to independent medical, psychological or psychiatric evaluations at their own expense, but must submit to any Court-ordered evaluation or suffer a possible adverse inference from the failure to cooperate.

Section 115. Standard of Proof. All matters at issue herein will be determined by the evidentiary standard of clear and convincing evidence, unless a statutory exception is specifically stated herein or in an applicable statute used to enforce this Act.

Section 116. Court Process Requirements. The Tribe will be represented by the Tribal Prosecutor in all matters pursuant to this Act. The prosecutor will review any and all cases prior to filing of a petition; if the prosecutor declines to prosecute, a private party may file a petition pursuant to this Act and the Court may ask the prosecutor for a recommendation which will include a summary of the reasons for initially declining prosecution.

- (a) Petition. The Tribal Prosecutor shall initiate proceedings on behalf of the Tribe, by filing a petition which contains the following information:
 - (1) The name, birth date, age, residence, and gender of the elder and/or vulnerable adult;
 - (2) The factual basis for the court's jurisdiction under this Act;
 - (3) A plain and concise statement of facts upon which the claim is made that the elder and/or vulnerable adult is in need of protection, including date(s), time(s), and location(s) at which the alleged facts occurred;
 - (4) The names, residences, and Tribal affiliation (if any), of the person(s) alleged to have neglected and/or abused the elder and/or vulnerable adult.

- (b) Notice of Petition Filing – Hearing. Any person who has an interest in the welfare of the elder and/or vulnerable adult, including but not necessarily limited to the immediate family and/or known caretakers, shall be provided notice of the filing of the petition and the date of hearing pursuant to the Tribe’s notice requirements as set out in the Rules of Court.
- (c) Hearings. The Court shall conduct a hearing on the petition as soon as reasonably practicable to determine whether the facts support a finding that the elder and/or vulnerable adult is in need of protection. In no event shall the hearing occur more than twenty-one (21) days after the filing of the petition. All material and relevant evidence that is reliable and trustworthy may be admitted and relied upon by the Court to the extent of its probative value, including hearsay contained in a written investigative report; provided, that the preparer of the report is present and available to provide testimony. The parties, including the elder and/or vulnerable adult, shall be afforded an opportunity to examine and controvert written reports, and cross-examine individuals whose testimony is presented. The Court may rely on conference telephone or other electronic devices that permit all those appearing or participating to hear and speak to each other.
- (d) Judgments. The Court shall make a decision at the conclusion of the hearing and make orders including ordering a specific party to draft the temporary or permanent orders for the Court’s review and signature. If the allegations of the petition are not sustained, the Court shall dismiss the matter. If the allegations of the petition are sustained, the Court shall find that the elder and/or vulnerable adult is in need of protection, and may enter further orders for evaluation, assessment, or other orders to protect the elder and/or vulnerable adult. The Court may also enter orders of mandatory review to check on the status of the protected individual.

Section 117. Elder and Vulnerable Adults Orders – Terms.

- (a) If the Trial Court determines that there is incapacity or evidence of abuse or neglect of an elder or vulnerable adult, a protection order will be issued which must contain a care plan for the protection (said care plan for the protection of a named individual must also be issued when temporary orders for protection are made) of the named individual and which shall contain protections addressing the care of the elder or vulnerable adult, but shall not necessarily be limited to the following:
 - (2) Removing the abuser from the place where abuse or neglect occurs, including the elder or vulnerable adult’s home;
 - (3) Securing the abused in a care facility;
 - (4) Enjoining the abuser from committing further abusive acts;
 - (5) Requiring any party having a fiduciary duty to the elder or vulnerable adult to account for the elder or vulnerable adult’s funds, and/or real or personal property;
 - (6) Requiring compensatory damages to be paid by an abuser or neglectful person to the elder or vulnerable adult for injuries, including financial injuries, resulting from abuser’s or neglectful person’s wrongful act(s);

- (7) Assessing a fine pursuant to this Act; and
 - (8) Appointing a representative, guardian, guardian ad litem, or appointing or ordering the securing of a representative payee for the elder or vulnerable adult's benefits, or to otherwise manage their personal resources.
- (b) All such orders must be reviewed at least every twelve (12) months, and should be set for such a review if earlier dates of review are not established at the conclusion of the order establishing the need for a protective order.

Section 118. State or Tribal Criminal Prosecutions. Criminal prosecution in any applicable jurisdiction does not bar an action pursuant to this Act. Criminal prosecution does not bar a defendant from receiving services pursuant to this Act. A criminal prosecution does not bar an investigation or petition/orders pursuant to this Act.