

ONEIDA NATION PUBLIC MEETING NOTICE

THURSDAY April 16 2026, 12:15 pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at

[Oneida-nsn.gov/government/register/public meetings](http://Oneida-nsn.gov/government/register/public%20meetings)

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920-869-4417



ELDER PROTECTION LAW

The purpose of the Elder Protection law is to uphold the Nation's responsibility to honor and protect its elders. This law establishes a process to safeguard elders from harm, including abuse, neglect, self-neglect, and exploitation.

The Elder Protection law will:

- ◆ Establish a comprehensive framework to prevent, identify, report, investigate, and respond to elder abuse, neglect, self-neglect, and financial exploitation.
- ◆ Establish an Interdisciplinary Team composed of multiple Nation departments to coordinate case review, guide investigations, recommend actions, promote cooperation, and identify resources.
- ◆ Create a duty to report by requiring any person with knowledge or reasonable suspicion of abuse, neglect, self-neglect, or exploitation of an elder to report immediately to Aging & Disability Services or the Oneida Police Department.
- ◆ Protect confidentiality and records. Departmental report forms and investigative records are confidential and may only be disclosed under limited circumstances, such as to the elder, suspect, service providers, law enforcement, auditors, and through court order.
- ◆ Create a broad class of mandated reporters, including family, caretakers, elected officials, employees, healthcare workers, mental health professionals, social workers, law enforcement, judicial staff, and fiduciaries.
- ◆ Establish civil penalties:
 - ◆ A mandated reporter who fails to report may be fined up to \$2,000.
 - ◆ Anyone who knowingly files a false report may be fined up to \$2,000.
 - ◆ Anyone who interferes with an investigation or retaliates against a reporter may be fined up to \$2,000 per occurrence.
- ◆ Provide investigation procedures requirements including that they must begin promptly and include required steps such as:
 - ◆ Visiting the elder's residence; Observing the elder; Conducting interviews; Reviewing healthcare and financial records; Interviewing guardians/caregivers; Requesting law-enforcement assistance; and offering or arranging needed services.



Individuals may attend the public meeting for the proposed Elder Protection law in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSSES THURSDAY APRIL 23, 2026

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



ELDER PROTECTION LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<p>Intent of the Legislation or Amendments</p>	<ul style="list-style-type: none"> ▪ Provide definitions to form the foundation for consistent enforcement. [7 O.C. 706.1-3]. ▪ Establish a comprehensive framework to prevent, identify, report, investigate, and respond to elder abuse, neglect, self-neglect, and financial exploitation. [7 O.C. 706.1-1(a)–(c)]. ▪ Establish an Interdisciplinary Team composed of multiple Nation departments to coordinate case review, guide investigations, recommend actions, promote cooperation, and identify resources. [7 O.C. 706.4-1; 706.4-5]. ▪ Establish a duty to report suspected elder abuse, neglect, and exploitation. The law requires any person with knowledge or reasonable suspicion of abuse, neglect, self-neglect, or exploitation of an elder to report immediately to Aging & Disability Services or the Oneida Police Department. [7 O.C. 706.5-2]. ▪ Create a broad class of mandated reporters, including family, caretakers, elected officials, employees, healthcare workers, mental health professionals, social workers, law enforcement, judicial staff, and fiduciaries. [7 O.C. 706.5-2(a)–(d)]. <ul style="list-style-type: none"> ▪ Good-faith reporters receive immunity. [7 O.C. 706.5-4]. ▪ Non-mandated reporters may remain anonymous. [7 O.C. 706.5-3]. ▪ Establish civil penalties: <ul style="list-style-type: none"> ▪ A mandated reporter who fails to report may be fined up to \$2,000. [7 O.C. 706.5-5(a)]. ▪ Anyone who knowingly files a false report may be fined up to \$2,000. [7 O.C. 706.5-6(a)]. ▪ Anyone who interferes with an investigation or retaliates against a reporter may be fined up to \$2,000 per occurrence. [7 O.C. 706.6-9(c)]. ▪ Provide investigation procedures requirements including that they must begin promptly and include required steps such as: <ul style="list-style-type: none"> ▪ Visiting the elder’s residence; ▪ Observing the elder; ▪ Conducting interviews; ▪ Reviewing healthcare and financial records; ▪ Interviewing guardians/caregivers; ▪ Requesting law-enforcement assistance;

	<ul style="list-style-type: none"> ▪ Offering or arranging needed services. [7 O.C. 706.6-1; 706.6-2; 706.6-4; 706.6-5]. ▪ Authorize medical examinations under specified consent conditions or by court order. [7 O.C. 706.6-3]. ▪ Authorize emergency protective actions, including protective placement, may be taken when necessary. [7 O.C. 706.6-6]. ▪ Protect confidentiality and records. Departmental report forms and investigative records are confidential and may only be disclosed under limited circumstances, such as to the elder, suspect, service providers, law enforcement, auditors, and through court order. [7 O.C. 706.6-7(a)-(i)]. ▪ Provide that records must be retained for five years. [7 O.C. 706.6-8(c)]. ▪ Affirm elders’ rights to: <ul style="list-style-type: none"> ▪ Notice of an investigation unless emergency conditions exist. [7 O.C. 706.7-1(a)]. ▪ Refuse services if they have capacity. [7 O.C. 706.7-1(b)]. ▪ Protect their property rights, including the right to deny entry. [7 O.C. 706.7-1(c)-(d)]. ▪ Representation by counsel at their own expense. [7 O.C. 706.7-1(e)]. ▪ Provide for rights of the accused to refuse services for themselves, refuse entry (subject to warrant), and obtain counsel at their own expense. [7 O.C. 706.7-2(a)-(c)]. ▪ Grant the Oneida Trial Court jurisdiction over all actions under this law. [7 O.C. 706.8-1]. Personal jurisdiction extends to members of the Nation and Nation employees. [7 O.C. 706.8-1].
<p>Purpose</p>	<p>The purpose of the Elder Protection law is to uphold the Nation’s responsibility to honor and protect its elders. This law establishes a comprehensive framework to prevent, identify, report, investigate, and respond to elder abuse, neglect, self-neglect, and financial exploitation and affirms the Nation’s cultural responsibility to honor, respect, and preserve elder wellbeing. [7 O.C. 706.1-1; 706.1-2].</p>
<p>Affected Entities</p>	<p>Comprehensive Health Division, Aging and Disability, Oneida Police Department, Oneida Judiciary, Oneida Law Office, Comprehensive Housing, Family Services.</p>
<p>Related Legislation</p>	<p>Judiciary law, Oneida Judiciary Rules of Civil Procedure, Public Peace law.</p>
<p>Enforcement</p>	<p>The Oneida Trial Court has jurisdiction over all actions under this law. [7 O.C. 706.8-1].</p> <ul style="list-style-type: none"> ▪ A mandated reporter who fails to report may be fined up to \$2,000. [7 O.C. 706.5-5(a)]. ▪ Anyone who knowingly files a false report may be fined up to \$2,000. [7 O.C. 706.5-6(a)]. ▪ Anyone who interferes with an investigation or retaliates against a reporter may be fined up to \$2,000 per occurrence. [7 O.C. 706.6-9(c)].

Due Process	<p>An accused person may refuse services for themselves, refuse entry (subject to warrant), and obtain counsel at their own expense. [7 O.C. 706.7-2(a)–(c)].</p> <p>An elder has the right to:</p> <ul style="list-style-type: none"> ▪ Notice of an investigation unless emergency conditions exist. [7 O.C. 706.7-1(a)]. ▪ Refuse services if they have capacity. [7 O.C. 706.7-1(b)]. ▪ Protect their property rights, including the right to deny entry. [7 O.C. 706.7-1(c)–(d)]. ▪ Representation by counsel at their own expense. [7 O.C. 706.7-1(e)]. <p>Penalties require petition, notice, hearing, and determination by the Court. [7 O.C. 706.5-5(b)–(c); 706.5-6(b)–(c); 706.6-9(c)].</p>
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Elder Protection law is a new addition to the Oneida Nation Code of Laws.
- B. **Request for Amendments.** The Elder Protection law was added to the AFL in January 2023 by request of the Governmental Services Division Director for the purpose of developing a law which would protect elders of the Oneida community from abuse, neglect, and exploitation.

SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments or entities participated in the development of the amendments to this Law and legislative analysis:
 - Oneida Law Office;
 - Oneida Police Department;
 - Oneida Judiciary;
 - Comprehensive Health Division;
 - Government Administration Office;
 - Oneida Nation Commission on Aging (ONCOA);
 - Aging and Disability; and
 - General Manager.
- The following laws of the Nation were reviewed in the drafting of this analysis:
 - Public Peace law;
 - Citations;
 - Judiciary law; and
 - Oneida Judiciary Rules of Civil Procedure.

SECTION 4. PROCESS

A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.

- On October 4, 2023, the Legislative Operating Committee added this Law to its Active Files List for amendments.
- On February 4, 2026 the LOC approved the draft of the Elder Protection law, with the noted change, and directed that a legislative analysis be completed.

At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to this law:

- November 27, 2023: LOC work session.
- December 6, 2023: LOC work session.
- December 6, 2023: Community Meeting.
- December 20, 2023: LOC work session.
- October 4, 2024: LRO work session with Oneida Law Office.
- October 7, 2024: LOC work session with ONCOA, CEO, Aging and Disability, and GAO.
- October 18, 2024: LOC work session.
- November 26, 2024: LOC work session at elder meal site with Aging and Disability, and community members.
- December 3, 2024: LOC work session with Aging and Disability, Oneida Police Department, Comprehensive Health Division, and Oneida Law Office.
- January 9, 2025: LOC work session with Aging and Disability, CEO, Comprehensive Health Division, and Oneida Law Office.
- January 17, 2025: LRO and Oneida Law Office work session.
- February 3, 2025: LOC work session.
- February 5, 2025: LOC work session.
- February 18, 2025: LRO, Comprehensive Health, Aging and Disability, CEO and Family Services work session.
- February 19, 2025: LOC work session.
- March 5, 2025: LOC work session.
- March 19, 2025: Community meeting.
- March 27, 2025: LOC work session with ONCOA and community members.
- April 18, 2025: LRO and Oneida Law Office work session.
- April 24, 2025: LRO and Oneida Law Office work session.
- June 6, 2025: LOC work session.
- June 12, 2025: LOC work session with Aging and Disability, CEO, Comprehensive Health Division, Oneida Police Department, and Oneida Law Office.
- July 29, 2025: LOC work session with Aging and Disability, CEO, Comprehensive Health Division, Oneida Police Department, and Oneida Law Office.
- October 8, 2025: LRO and Aging and Disability work session.

- November 5, 2025: LRO, Aging and Disability, Comprehensive Health, and CEO work session.
- November 21, 2025: LRO and Oneida Law Office work session.
- December 1, 2025: LOC work session with Aging and Disability, CEO, and Comprehensive Health Division.
- December 18, 2025:LRO, ONCOA and GAO work session.
- January 26, 2026: LOC work session with Aging and Disability, CEO, Comprehensive Health Division, and Oneida Police Department.

SECTION 5. CONTENTS OF THE LEGISLATION

- **Definitions.** The Law provides detailed definitions for abuse types (physical, emotional, sexual), financial exploitation, neglect, self-neglect, caregiver, elder-adult-at-risk, investigative agency, record, bodily harm, retaliation, and other key terms. [7 O.C. 706.3].
 - *Effect.* Establishing a precise set of definitions ensures consistent interpretation across agencies, strengthens enforceability, and minimizes legal ambiguity. Clear terminology also enhances training, reporting accuracy, and coordinated responses among investigative agencies and service providers.
- **Interdisciplinary Team (IDT).** The Law creates an Interdisciplinary Team composed of representatives from Aging & Disability Services, OPD, Health, Behavioral Health, Law Office, Community Resource and Economic Support, Housing, Family Services, and others as designated. [7 O.C. 706.4-1]. The Team is responsible for coordinating investigations, reviewing reports, recommending services or protective actions, determining the need for legal action, advising on placement decisions, identifying resources, and fostering multi-agency cooperation. [7 O.C. 706.4-5]. The Law imposes strict confidentiality, a HIPAA threat-prevention exception, a minimum-necessary standard, selective participation, and a prohibition on redisclosure. [7 O.C. 706.4-2].
 - *Effect.* The IDT brings together subject-matter experts to ensure holistic, culturally grounded, and coordinated responses to elder mistreatment. The confidentiality framework protects sensitive information while enabling essential information sharing. This integrated approach enhances investigative quality, reduces fragmentation, and ensures elders receive consistent, effective support.
- **Reporting Requirements.** Any person with knowledge or reasonable cause to suspect abuse, neglect, self-neglect, or exploitation must report immediately. [7 O.C. 706.5-1]. The Law identifies broad categories of **mandated reporters**, including family members, caretakers, elected officials, employees of the Nation (including health, mental health, legal, and judicial personnel), and fiduciaries. [7 O.C. 706.5-2]. Non-mandated reporters may remain anonymous. [7 O.C. 706.5-3]. Reporters acting in good faith are immune from liability. [7 O.C. 706.5-4].
 - *Effect.* The universal duty to report ensures that concerns are identified early, while mandatory reporting by key professionals increases accountability and detection of

- high-risk situations. Immunity provisions encourage reporting without fear of retaliation. This structure significantly enhances the Nation's ability to intervene promptly and protect vulnerable elders.
- ***Penalties for Failure to Report and False Reporting.*** Mandated reporters who fail to report may face civil penalties up to \$2,000. [7 O.C. 706.5-5]. Individuals who knowingly file false reports may face civil penalties up to \$2,000. [7 O.C. 706.5-6].
 - *Effect.* These provisions strengthen accountability by deterring both negligence and malicious misuse of the reporting system. Penalties promote integrity in reporting and ensure that the system remains focused on elder safety rather than misinformed or retaliatory allegations.
 - ***Investigation Procedures.*** The Law outlines minimum investigative actions, including home visits, observation of the elder, private interviews, review of healthcare and financial records, and interviews with guardians or caregivers. [7 O.C. 706.6-2]. It authorizes medical examinations under specific consent standards and includes protections when the suspected abuser is a guardian or agent. [7 O.C. 706.6-3]. Investigators may request law enforcement assistance during residence visits or as needed. [7 O.C. 706.6-4]. The Law allows emergency protective action, including protective placement. [7 O.C. 706.6-6]. Confidentiality requirements restrict access to investigative records, with limited exceptions. [7 O.C. 706.6-7]. Written investigative reports must be retained for five (5) years. [7 O.C. 706.6-8]. Interference with or retaliation against investigators or reporters is prohibited and subject to civil penalties. [7 O.C. 706.6-9].
 - *Effect.* Clear, detailed investigative procedures promote thorough, timely, and consistent responses to elder risk. The ability to access records, coordinate with law enforcement, and take emergency protective action ensures that investigators can protect elders quickly and effectively. Strong confidentiality rules protect sensitive information and reinforce trust in the system.
 - ***Rights of Elders.*** Elders have the right to be notified of investigations (except during emergencies), to refuse services if they have capacity, to control access to their property, to deny entry to investigators (subject to warrants), and to be represented by counsel at their own expense. [7 O.C. 706.7-1].
 - *Effect.* These rights preserve elder autonomy and self-determination, ensuring that interventions respect elders' dignity and legal protections. By safeguarding property rights and establishing clear procedures for entry, the Law reinforces due process while balancing safety needs.
 - ***Rights of the Accused.*** Accused individuals may refuse services for themselves, deny entry to investigators (subject to a warrant), and retain legal counsel at their own expense. [7 O.C. 706.7-2].
 - *Effect.* These provisions uphold fairness, reinforce due process, and prevent unlawful intrusions while maintaining protections for elders. They ensure that the investigation process respects individual rights without impeding protective actions required for elder safety

- **Jurisdiction.** The Oneida Trial Court has jurisdiction over actions brought under the Law, including review of penalties, hearings, and protective orders. Personal jurisdiction is established for Nation members and employees. [7 O.C. 706.8-1].
 - *Effect.* Centralizing jurisdiction within the Trial Court ensures consistent judicial oversight, clear enforcement mechanisms, and streamlined legal processes. This promotes uniform application of elder-protection standards and enhances legal clarity.

SECTION 6. EXISTING LEGISLATION

A. **Related legislation.** The following laws of the Nation are related to the proposed amendments to this Law:

- **Public Peace Law.** The Public Peace Law establishes community standards intended to preserve peace, harmony, safety, health, and general welfare within the Reservation [3 O.C. 309.1-1], with a stated policy goal of promoting peace and order through an orderly civil-infracton process [3 O.C. 309.1-2]. Within this framework, the law provides direct elder-abuse protections by defining and prohibiting civil infractions that harm “elders at risk,” including individuals age 55 or older who have experienced—or are at risk of—abuse, neglect, self-neglect, or financial exploitation [3 O.C. 309.3-1(g)]. It establishes substantive offenses such as assault [3 O.C. 309.8-1], harassment [3 O.C. 309.8-2], and abuse of individuals at risk, including physical, emotional, and sexual abuse, confinement, financial exploitation, and deprivation of basic needs [3 O.C. 309.8-3; 309.8-3(e)]. The law also authorizes the Oneida Police Department to investigate and issue citations for these violations, giving OPD essential enforcement authority to intervene in cases of elder abuse [3 O.C. 309.4-3].
 - In contrast to the Public Peace Law’s substantive offenses, the Elder Protection Law provides the procedural framework necessary to respond to suspected elder abuse. It mandates reporting of abuse or neglect concerns [7 O.C. 706.5-2], imposes civil penalties for failing to report or making false reports [7 O.C. 706.5-5; 706.5-6], and establishes minimum investigative requirements such as home visits, private interviews, record reviews, and coordination with law enforcement [7 O.C. 706.6-2; 706.6-4]. The Elder Protection Law further authorizes emergency protective actions including temporary protective placement [7 O.C. 706.6-6] ensures confidentiality of investigative records [7 O.C. 706.6-7], and creates the Interdisciplinary Team (IDT), a multi-agency group that coordinates supportive interventions across aging services, police, health, housing, behavioral health, legal services, and community resources [7 O.C. 706.4-1; 706.4-5]. Together, these laws operate as an integrated system: the Public Peace Law addresses the harmful act itself, such as assault [3 O.C. 309.8-1], financial exploitation [3 O.C. 309.8-3(e)], or confinement [3 O.C. 309.8-3(d)] while the Elder Protection Law triggers reporting, investigation, IDT coordination, and protective placement when necessary [7 O.C. 706.5; 706.6; 706.4]. This

coordinated structure enables OPD to enforce violations while the IDT simultaneously safeguards an elder's well-being, resulting in protection both before harm occurs, through early intervention, and after harm occurs through enforcement, penalties, and protective services.

- **Citation Law.** The Citations Law establishes the Nation's formal process for issuing and adjudicating civil citations, defining a citation as the legal instrument that initiates a civil action for collecting a fine or penalty for violations of Nation law [8 O.C. 807.1-1; 807.4-1]. Officers, including the Oneida Police Department, may issue citations when a law expressly authorizes civil penalties [8 O.C. 807.4-2; 807.3-1(h)]. This framework becomes directly relevant under the Elder Protection Law because that law creates enforceable civil penalties for failing to report suspected elder abuse, knowingly making false reports, interfering with an investigation, and engaging in retaliation—each subject to fines up to \$2,000 per violation [7 O.C. 706.5-5; 706.5-6; 706.6-9]. Since the Citations Law governs how civil penalties are issued, served, amended, heard, and enforced—including personal service, mail service, publication service, default judgments, and post-judgment remedies such as garnishment [8 O.C. 807.4-4; 807.6; 807.4-3(h)] any civil penalty embedded in the Elder Protection Law must be processed through the citation system. Thus, the Citations Law supplies the enforcement mechanism for the Elder Protection Law's penalty provisions.
 - The Elder Protection Law's penalty and enforcement structure relies on the citation process to ensure compliance and accountability. When a mandated reporter fails to report abuse, makes a knowingly false report, or interferes with or retaliates against an investigator, those violations must be enforced by issuance of a citation under Chapter 807, triggering a civil action in the Judiciary for the collection of fines [8 O.C. 807.4-1; 807.4-2]. OPD, already expressly empowered to investigate elder-abuse allegations under the Elder Protection Law [7 O.C. 706.4-4; 706.6-4] also functions as the authorized issuing agency for citations under the Citations Law. Once a citation is issued, all procedural aspects follow Chapter 807 requirements, including notice, service, pre-hearing rights, plea options, stipulations, hearings, burdens of proof (clear and convincing evidence), and remedies for non-payment such as wage or per-capita garnishment and suspension of rights or privileges [8 O.C. 807.4-4; 807.6-1; 807.6-2; 807.4-3(h)]. In this way, the Elder Protection Law creates the underlying violations, while the Citations Law provides the procedural and enforcement mechanism necessary to give those violations legal effect.
- **Oneida Judiciary Rules of Civil Procedure.** The Judiciary Rules of Civil Procedure in Chapter 803 govern all civil actions under the Nation's jurisdiction and ensure consistent procedural requirements for filing, service, hearings, motions, discovery, and appeals [8 O.C. 803.1-1; 803.4; 803.5–803.7]. Because the Elder Protection Law authorizes a variety of court-based actions, including petitions for protective placement, access orders, enforcement of investigation rights, and court review of substantiated abuse cases [7 O.C. 706.6-6; 706.7; 706.8] these matters fall squarely under Chapter 803 procedural

requirements. This means that all Elder Protection Law proceedings must comply with Chapter 803's rules on service of process, pleadings, pretrial meetings, motions, hearing procedure, standards of proof (preponderance unless another standard applies), and the rights of litigants to present evidence, request discovery, and engage in motion practice [8 O.C. 803.4-8; 803.7; 803.12; 803.38]. Chapter 803 therefore provides the legal infrastructure that governs how elder-protection cases move through the court system.

- Actions arising under the Elder Protection Law, such as protective placement petitions, requests to compel access to an elder, initiated by Aging & Disability or the Oneida Law Office activate the full range of civil-procedure requirements found in Chapter 803. For example, elder-protection cases must follow the rules governing summons and complaint, service deadlines, responsive pleadings, amended pleadings, and pretrial scheduling [8 O.C. 803.5; 803.7; 803.12]. Discovery rights apply to contested elder-protection matters, permitting interrogatories, document requests, depositions, and motions to compel, subject to the protective-order and confidentiality limitations set by both Chapter 803 and the Elder Protection Law's strict confidentiality provisions [8 O.C. 803.14-6; 7 O.C. 706.6-7]. When respondents violate court orders issued under the Elder Protection Law, such as access orders, service plans, or protective-placement directives, the Trial Court may use its civil-procedure enforcement powers, including contempt sanctions, fines, injunctions, wage or benefit garnishment, and other enforcement mechanisms [8 O.C. 803.26; 803.31–803.35]. In this way, the Elder Protection Law defines the substantive protections for elders, while the Judiciary Rules of Civil Procedure provide the procedural tools necessary to adjudicate, enforce, and uphold those protections.

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. Authority of the Interdisciplinary Team:** The Elder Protection law authorizes the Interdisciplinary Team to coordinate investigations, recommend protective actions, and advise the Court when legal intervention is necessary. The Team may request assistance from the Oneida Police Department and other investigative agencies as needed to carry out its responsibilities. [7 O.C. 706.4-4 and 706.4-5].
- B. Investigation and Protective Authority:** Investigative agencies, including Oneida Aging and Disability Services and law enforcement, are authorized to conduct visits, interviews, review records, and take other lawful actions necessary to investigate alleged elder abuse, neglect, self-neglect, or exploitation. Agencies may also request court orders, including warrants, emergency protective placements, or medical examinations when required to ensure an elder's safety. [7 O.C. 706.6-1 through 706.6-6].
- C. Issuance Citations and Civil Penalties:** Any person who violates a provision of this law may be subject to civil penalties issued through the Oneida Trial Court. [7 O.C. 706.5-5, 706.5-6, 706.6-9].

- D. Enforcement of Court Orders:** Any lawful order of the Oneida Trial Court issued under this law—including orders for access, services, protective placement, or prohibition of interference—may be enforced by the Oneida Police Department or another authorized investigative agency. Enforcement actions may include taking reasonable steps necessary to prevent continued harm to an elder. [7 O.C. 706.6-9].
- E. Law Enforcement Authority:** The Oneida Police Department is authorized to take any lawful and necessary action to prevent, mitigate, or respond to violations of this law, including providing investigative support, ensuring scene safety, enforcing court orders, and coordinating with Aging and Disability Services during protective interventions. [7 O.C. 706.6-4].
- F. Employment and Licensening Accountability:** If the Court determines that an employee of the Nation or a credentialed professional has violated this law through interference, or retaliation—the Court shall provide notice of the determination to the person’s employer and any relevant licensing or regulatory agencies. Employment-related discipline shall be imposed consistent with the Nation’s employment laws. [7 O.C. 706.6-9(d)].
- G. Recordkeeping and Compliance:** Aging and Disability Services, the Interdisciplinary Team, and all investigative agencies must maintain records in accordance with confidentiality standards in this law. Unauthorized disclosure of confidential information may be addressed through administrative discipline, civil penalties, or court action consistent with applicable Nation law. [7 O.C. 706.4-2 and 706.6-7].

SECTION 8. OTHER CONSIDERATIONS

Fiscal Impact. Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,*” provides further clarification on who the Legislative Operating Committee may direct complete a fiscal impact statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.

- *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact be completed.

Title 7. Children, Elders & Family - Chapter 706
ELDER PROTECTION

706.1. Purpose and Policy
706.2. Adoption, Amendment, Repeal
706.3. Definitions
706.4. Interdisciplinary Team

706.5. Reporting
706.6. Investigation
706.7. Rights of Parties
706.8. Jurisdiction

1 **706.1. Purpose and Policy**

2 706.1-1. *Purpose.* The purpose of this law is to uphold the Nation’s responsibility to honor and
3 protect its elders. This law establishes a process to safeguard elders from harm, including abuse,
4 neglect, self-neglect, and exploitation. This process includes:

- 5 (a) reporting concerns of abuse, neglect, self-neglect, and exploitation of elders;
6 (b) investigating reports to ensure the safety and well-being of elders; and
7 (c) providing services and support for elders who require protection from abuse, neglect,
8 self-neglect, and exploitation.

9 706.1-2. *Policy.* It is the policy of the Nation to honor, respect, and protect its elders. The Nation
10 recognizes that elders possess unique and irreplaceable stores of knowledge, skill, and experience
11 that enhance and enrich the lives of the entire Nation. The interests of the Nation, now and in the
12 future, are advanced when its elders are confident that they are protected from abuse, neglect, self-
13 neglect, and exploitation. In honoring these principles, the Nation embraces YukwatsístayΛ the
14 fire, the animating spirit within each of us as a reminder that protecting our elders is an
15 expression of who we are as a People and a reflection of The Good Mind we strive to uphold
16 as expressed by OnΛyote’a’ka, which includes:

- 17 (a) Kahletsyalúsla. The heartfelt encouragement of the best in each of us.
18 (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.
19 (c) Ka’nikuhli·yó. The openness of the good spirit and mind.
20 (d) Ka’tshatstásla. The strength of belief and vision as a People.
21 (e) Kalihwi·yó. The use of the good words about ourselves, our Nation, and our future.
22 (f) TwahwahtsílayΛ. All of us are family.
23 (g) YukwatsístayΛ. Our fire, our spirit within each one of us.
24

25 **706.2. Adoption, Amendment, Repeal**

26 706.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__-
27 __.

28 706.2-2. This law may be amended or repealed by the Oneida Business Committee or the General
29 Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

30 706.2-3. Should a provision of this law or the application thereof to any person or circumstances
31 be held as invalid, such invalidity shall not affect other provisions of this law which are considered
32 to have legal force without the invalid portions.

33 706.2-4. In the event of a conflict between a provision of this law and a provision of another law,
34 the provisions of this law shall control.

35 706.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.
36

37 **706.3. Definitions**

38 706.3-1. This section shall govern the definitions of words and phrases used within this law. All
39 words not defined herein shall be used in their ordinary and everyday sense.

- 40 (a) “Abuse” means any of the following:
41 (1) Physical abuse.

- 42 (2) Emotional abuse.
43 (3) Sexual abuse.
44 (4) Treatment without consent.
45 (5) Unreasonable confinement or restraint.
- 46 (b) “Bodily harm” means physical pain or injury, illness, or any impairment of physical
47 condition.
- 48 (c) “Caregiver” means a person who has assumed responsibility for all or a portion of an
49 individual’s care voluntarily, by contract, or by agreement, including a person acting or
50 claiming to act as a legal guardian.
- 51 (d) “Case management” means an assessment of need for direct services, development of
52 a direct service plan and coordination and monitoring of the provision of direct services.
- 53 (e) “Departmental report form” includes documentation of an elder-adult-at-risk agency’s
54 response to or investigation of a report and is the information required to be submitted to
55 the department.
- 56 (f) “Direct services” includes temporary shelter, relocation assistance, housing, respite
57 care, emergency funds for food and clothing and legal assistance.
- 58 (g) “Elder-at-risk” means any person aged Fifty-Five (55) or older who has experienced, is
59 currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial
60 exploitation.
- 61 (h) “Elder-adult-at-risk agency” means Oneida Aging and Disability, or an agency
62 designated by the county board of supervisors to receive, respond to, and investigate reports
63 of abuse, neglect, self-neglect, and financial exploitation.
- 64 (i) “Emotional abuse” means language or behavior that serves no legitimate purpose and is
65 intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing,
66 and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise
67 harass the individual to whom the conduct or language is directed.
- 68 (j) “Financial exploitation” means any of the following:
69 (1) Obtaining an individual’s money or property by deceiving or enticing the
70 individual, or by forcing, compelling, or coercing the individual to give, sell at less
71 than fair market value, or in other ways convey money or property against his or
72 her will without his or her informed consent.
73 (2) Theft.
74 (3) The substantial failure or neglect of a fiscal agent to fulfill his or her
75 responsibilities.
76 (4) Unauthorized use of an individual’s personal identifying information or
77 documents.
78 (5) Unauthorized use of an entity’s identifying information or documents.
79 (6) Forgery.
80 (7) Financial transaction card crimes.
- 81 (k) “Investigative agency” means Oneida Aging and Disability, a law enforcement or a
82 city, town, village, county, or state governmental agency or unit with functions relating to
83 protecting health, welfare, safety, or property, including an agency concerned with animal

84 protection, public health, building code enforcement, consumer protection, or insurance or
85 financial institution regulation.

86 (l) “Nation” means the Oneida Nation.

87 (m) “Neglect” means the failure of a caregiver, as evidenced by an act, omission, or course
88 of conduct, to endeavor to secure or maintain adequate care, services, or supervision for an
89 individual, including food, clothing, shelter, or physical or mental health care, and creating
90 significant risk or danger to the individual’s physical or mental health. “Neglect” does not
91 include a decision that is made to not seek medical care for an individual, if that decision
92 is consistent with the individual’s previously executed declaration or do-not-resuscitate
93 order as authorized by law.

94 (n) “Physical abuse” means the intentional or reckless infliction of bodily harm.

95 (o) “Record” includes any document relating to the response, investigation, assessment,
96 and disposition of a report made under this law.

97 (p) “Self-neglect” means a significant danger to an individual’s physical or mental health
98 because the individual is responsible for his or her own care but fails to obtain adequate
99 care, including food, shelter, clothing, or medical or dental care.

100 (q) “Sexual abuse” means a violation of Wisc. Stat. 940.225(1), (2), (3), or (3m).

101 (r) “Treatment without consent” means the administration of medication to an individual
102 who has not provided informed consent, or the performance of psychosurgery,
103 electroconvulsive therapy, or experimental research on an individual who has not provided
104 informed consent, with the knowledge that no lawful authority exists for the administration
105 or performance.

106 (s) “Unreasonable confinement or restraint” includes the intentional and unreasonable
107 confinement of an individual in a locked room, involuntary separation of an individual
108 from his or her living area, use on an individual of physical restraining devices, or the
109 provision of unnecessary or excessive medication to an individual, but does not include the
110 use of these methods or devices in entities regulated by the department if the methods or
111 devices are employed in conformance with state and federal standards governing
112 confinement and restraint.

113 (t) “Retaliation” means intimidating, threatening to cause or causing bodily, emotional,
114 property, or financial harm.

115 116 **706.4. Interdisciplinary Team**

117 706.4-1. *Composition.* The Interdisciplinary Team consists of representatives from Aging and
118 Disability Services, Oneida Police Department, Comprehensive Health Division, Oneida
119 Behavioral Health, Oneida Law Office, Oneida Community Resource and Economic Support,
120 Comprehensive Housing Department, Oneida Family Services, and any additional agencies
121 designated by the Team as necessary to fulfill its duties.

122 706.4-2. *Confidentiality.* All members of the Interdisciplinary Team shall maintain strict
123 confidentiality regarding all matters that come before the team. No member may disclose any
124 information except as expressly authorized under this law.

125 (a) *Purpose-Based Disclosure.* Members may use or disclose confidential information

126 only as necessary to perform duties under this law, including prevention, identification,
127 investigation, or mitigation of elder abuse, neglect, exploitation, or self-neglect.

128 (b) *HIPAA Exception for Harm Prevention*. When a member is subject to HIPAA, the
129 member may share protected health information with the Team under the exception
130 permitting disclosure to prevent or lessen a serious and imminent threat to the health or
131 safety, provided that:

132 (1) the disclosure is made in good faith to prevent or address abuse, neglect, or
133 exploitation; and

134 (2) the disclosure is limited to persons reasonably able to prevent or mitigate the
135 threatened harm, including members of the Interdisciplinary Team acting within
136 their authority under this law.

137 (c) *Minimum-Necessary Standard*. Any disclosure shall be limited to the minimum
138 information necessary for the Team to perform its duties.

139 (d) *Selective Participation*. Only members whose roles are relevant to a specific case
140 shall access confidential information for that case.

141 (e) *Redisclosure Prohibited*. Information received through the Team may not be further
142 disclosed except as required to perform professional duties related to the case or as
143 otherwise authorized by law.

144 (f) *Conflict of Interest*. Members with a personal conflict, familial relationship, or other
145 circumstance that may compromise confidentiality, or objectivity shall recuse
146 themselves from case discussions.

147 706.4-3. *Reporting to Licensing Agencies*. The Team may report to a licensing agency any
148 concerns that a regulated person has failed to comply with mandatory reporting requirements under
149 this law or has abused or neglected an elder. The Team may also report concerns to the person's
150 employer.

151 706.4-4. *Law Enforcement Assistance*. The Team may request assistance from the Oneida Police
152 Department in investigating allegations of elder abuse or neglect and shall notify the Department
153 of any allegations of criminal abuse or neglect.

154 706.4-5. *Duties*: The Team shall meet periodically and:

155 (a) guide investigations of reported elder abuse;

156 (b) review reports from adult protection workers and determine whether an Oneida elder is
157 in danger of harm;

158 (c) recommend actions to adult protection workers and to the Court to promote the care of
159 elders;

160 (d) determine whether a legal action should be initiated by the Nation;

161 (e) determine whether an elder should be removed from the person's home temporarily or
162 permanently;

163 (f) recommend placement options when an elder cannot remain in their home;

164 (g) identify available community resources, programs, and services;

165 (h) promote cooperation, communication, and consistency between agencies;

166 (i) assist in developing and implementing plans to promote the long-term wellbeing of

167 elders and their families.

168 706.4-6. *Decision-Making*. Decisions shall be made by consensus of members present at a duly
169 noticed meeting.

170 706.4-7. *Notice of Meetings*. Notice of regularly scheduled meetings is presumed complete upon
171 scheduling. Notice of emergency meetings shall be provided at least twenty-four (24) hours in
172 advance by email, text, or phone call/voicemail.

173 706.4-8. *Family and Community Engagement*. The Team shall prioritize resolving issues of abuse
174 or neglect through family and community assistance and may convene meetings with designated
175 family and community members for this purpose.

176 706.4-9. *Funding Authority*. The Team may solicit and accept grants or funds from federal, state,
177 tribal, and local governments and private sources to further the purposes of this law.

178 706.4-10. *Administrative Support*. Aging and Disability Services shall serve as the Team's primary
179 contact, organize meetings, and maintain records.

180 706.4-11. *Subject Matter Experts*. The Team may engage subject matter experts from any entity
181 necessary to access resources required to fulfill its duties.

182

183 **706.5. Reporting**

184 706.5-1. *Duty to Report*. Any person who knows or has reasonable cause to suspect that an elder
185 is being or has been abused, neglected, self-neglected, or exploited shall immediately report the
186 information to the Director or designee of Oneida Aging and Disability Services, unless prohibited
187 by a legally recognized privilege. Individuals bound by a privileged relationship may only make
188 an anonymous disclosure if there is an urgent need for hospitalization, guardianship, protective
189 services, or protective placement.

190 706.5-2. *Mandated Reporters*. The following individuals have a mandated duty to report suspected
191 abuse, neglect, self-neglect, and exploitation of elders:

192 (a) The elder's family members or caretakers;

193 (b) Any elected official of the Nation;

194 (c) Any employee of the Nation, including but not limited to:

195 (1) physicians, surgeons, dentists, podiatrists, chiropractors, nurses, dental
196 hygienists, optometrists, medical examiners, emergency medical technicians,
197 paramedics, or other health care providers;

198 (2) psychiatrists, psychologists, or psychological assistants;

199 (3) licensed or unlicensed social workers, professional counselors, or marriage and
200 family therapists;

201 (4) persons employed in the mental or behavioral health profession;

202 (5) persons employed as physical or occupational therapists, or their assistants;

203 (6) law enforcement officers;

204 (7) judges, attorneys, court counselors, clerks of court, and other judicial system
205 officials or staff;

206 (d) Any person or agency with fiduciary responsibilities to an elder, such as accountants,
207 property managers, financial advisors, or financial institutions.

208 706.5-3. *Anonymous Reports*. Except for mandated reporters identified in section 706.5-2, any

209 person reporting elder abuse, neglect, self-neglect, or exploitation may remain anonymous.

210 706.5-4. *Immunity from Liability.* Any person who in good faith, reports suspected abuse, neglect,
211 self-neglect, or exploitation of an elder shall be immune from any legal action arising from that
212 report.

213 706.5-5. *Civil Penalty for Failure to Report.*

214 (a) Any person required by this law to report suspected elder abuse, neglect, self-neglect,
215 or exploitation who fails to do so is subject to a civil penalty not to exceed two thousand
216 dollars (\$2,000).

217 (b) The Court shall impose the penalty only after petition, notice, an opportunity for
218 hearing, and a determination that the person had a mandated duty to report and failed to
219 comply.

220 (c) A person who fails to report may also be subject to civil liability for damages suffered
221 by the elder as a result of the failure to report, notwithstanding any determination by the
222 Court regarding violation of this law.

223 706.5-6. *Civil Penalty for Bad Faith Reports.*

224 (a) Any person who knowingly makes a false report of suspected abuse, neglect, self-
225 neglect, or exploitation is subject to a civil penalty not to exceed two thousand dollars
226 (\$2,000).

227 (b) The Court shall impose the penalty only after petition, notice, an opportunity for
228 hearing, and a determination that the person knowingly made a false report.

229 (c) A person making a false report may also be subject to civil liability for damages suffered
230 by the person(s) named in the false report.

231 706.5-7. *Report Requirements.* Reports of suspected elder abuse, neglect, self-neglect, or
232 exploitation shall be made to the Director or designee of Oneida Aging and Disability Services.

233 (a) Oral reports shall be immediately documented in writing by the Director or designee.

234 (b) Anonymous reports shall be investigated as required by this law.

235 (c) Written reports shall include, if available:

236 (1) The elder's name, address or location, and telephone number;

237 (2) The name, address or location, and telephone number of the person(s) or
238 agency suspected of abuse, neglect, or exploitation;

239 (3) The nature and degree of any limitations of the elder;

240 (4) The name, address or location, and telephone number of the elder's caretaker,
241 if applicable;

242 (5) The name, address or location, and telephone number of any witnesses;

243 (6) A description of the acts reported as abusive, neglectful, or exploitative;

244 (7) Any other information that may assist in determining abuse, neglect, self-
245 neglect, or exploitation;

246 (8) The name, address, and telephone number of the reporter for follow-up
247 purposes, unless the report is anonymous.

248

249 **706.6. Investigation**

250 706.6-1. *Initiation of Investigations.* Upon receipt of a report alleging abuse, financial

251 exploitation, neglect, or self-neglect of an elder adult at risk who is believed to be an Oneida Elder,
252 the Oneida Aging and Disability Designee shall promptly coordinate with appropriate elder-at-risk
253 agencies. The Oneida Aging and Disability Designee shall take all reasonable steps to ensure
254 timely and organized action to protect the elder while maintaining active involvement throughout
255 the investigative process.

256 706.6-2. *Minimum Investigative Actions.* The elder-adult-at-risk agency's response shall include
257 one or more of the following:

- 258 (a) A visit to the elder's residence;
- 259 (b) Observation of the elder, with or without consent of a guardian or agent under an
260 activated power of attorney for health care, if any;
- 261 (c) A private interview with the elder, to the extent practicable, with or without consent of
262 a guardian or agent under an activated power of attorney for health care, if any;
- 263 (d) An interview with the guardian or agent under an activated power of attorney for health
264 care, if any, and with any caregiver;
- 265 (e) A review of the elder's treatment and health care records;
- 266 (f) A review of the elder's financial records maintained by a financial institution, entity,
267 caregiver, or immediate family member. Financial records shall be released without
268 informed consent under either of the following circumstances:
 - 269 (1) To an elder-adult-at-risk agency or other investigative agency under this section,
270 including voluntary disclosure by the record holder;
 - 271 (2) Pursuant to a lawful court order.

272 706.6-3. *Medical Examination.* The elder-adult-at-risk agency may transport the elder adult at risk
273 for a medical examination by a physician if:

- 274 (a) The elder adult at risk or his or her guardian or agent under an activated power of
275 attorney for health care consents; or
- 276 (b) The elder is incapable of consenting and one of the following applies:
 - 277 (1) The elder has no guardian or agent under an activated power of attorney for
278 health care;
 - 279 (2) The guardian or an agent under an activated power of attorney for health care,
280 is suspected of abuse, neglect, or financial exploitation;
 - 281 (3) The examination is authorized by court order.

282 706.6-4. *Law Enforcement Assistance.* The elder-at-risk agency may request law enforcement
283 assistance during visits to the elder's residence or as otherwise necessary. Upon request, a law
284 enforcement officer shall accompany the agency investigator and provide assistance as needed.

285 706.6-5. *Offer of Services and Referrals.* Upon responding to a report, the elder-at-risk agency
286 shall determine whether the elder or any other individual involved requires services. The agency
287 shall provide or arrange for necessary services under the least restrictive conditions appropriate to
288 achieve the intended objectives.

289 706.6-6. If, after responding to a report, the elder-adult-at-risk agency has reason to believe that
290 abuse, financial exploitation, neglect, or self-neglect has occurred, the agency may:

- 291 (a) Request immediate assistance to initiate protective services or contact an investigative
292 agency;

- 293 (b) Take emergency protective action, including emergency protective placement, if in the
294 elder's best interests and the least restrictive intervention;
295 (c) Refer the case to law enforcement or the district attorney, if a crime is suspected.
296 (d) Refer the case to licensing or regulatory authorities if the residence, facility, or program
297 is or should be regulated;
298 (e) Refer the case to the Department of Safety and Professional Services if a credentialed
299 individual is involved;
300 (f) Refer the case to the Department of Financial Institutions if financial exploitation
301 involves a registered individual or entity;
302 (g) Petition for guardianship, protective services, or protective placement or seek review
303 of an existing guardianship if necessary to prevent harm.

304 706.6-7. *Confidentiality*. Departmental report forms are confidential and may not be released
305 except:

- 306 (a) To the elder, any person named as a suspect, and the suspect's attorney, excluding the
307 identity of the reporter or any person whose safety may be endangered.
308 (b) To agencies or entities providing assistance, subject to confidentiality requirements;
309 (c) To individuals or organizations designated for audits or program evaluation, provided
310 identifying information is not disclosed;
311 (d) Pursuant to a lawful court order;
312 (e) To agencies or individuals providing direct services, including attending physicians, for
313 purposes of diagnosis, treatment, or coordination of care;
314 (f) To the guardian of the elder adult at risk or the guardian of any person named in a report
315 who is suspected of abuse, neglect, or financial exploitation. These individuals may inspect
316 the report, except that identifying information about the reporter or any person whose
317 safety may be endangered by disclosure shall not be released;
318 (g) To law enforcement officials as necessary to carry out their duties, in accordance with
319 applicable internal policies and this law;
320 (h) To the Oneida Interdisciplinary Team, a federal agency, state or local governmental
321 unit, or an agency of another state that requires the report to fulfill its responsibility to
322 protect elder adults at risk from abuse, neglect, exploitation, or self-neglect;
323 (i) To the individual who made the report in a professional capacity, for the limited purpose
324 of informing them of actions taken to protect or provide services to the alleged victim.

325 706.6-8. *Written Investigative Report*.

- 326 (a) The Oneida Aging and Disability Designee shall provide a written investigative report
327 and file it with Oneida Aging and Disability Services.
328 (b) The report shall include all pertinent information obtained during the investigation,
329 including interviews, observations, assessments, and other relevant facts.
330 (c) The report shall remain on file for five (5) years, even if insufficient evidence exists to
331 pursue legal action.
332 (d) If the allegations are substantiated, Oneida Aging and Disability Services may mediate
333 a resolution or forward the matter to the Oneida Law Office for legal action.

334 706.6-9. *Interference with Investigation and Retaliation*.

335 (a) No person shall intentionally interfere with a lawful investigation of suspected elder
336 abuse, neglect, self-neglect, or exploitation.

337 (b) No person shall retaliate against any individual who, in good faith, reports suspected
338 abuse or cooperates with an investigation.

339 (c) Any person who interferes with or retaliates shall be subject to a civil penalty of up to
340 two thousand dollars (\$2,000) per occurrence. The Court shall impose the penalty only
341 after petition, notice, an opportunity for hearing, and a determination that interference or
342 retaliation occurred.

343 (d) Notice of the Court's determination shall be provided to the person's employer and any
344 relevant licensing agencies. If the violator is an employee of the Nation, disciplinary action
345 shall be imposed consistent with Nation employment laws.

346 706.6-10. *Criminal Investigation.* Any investigation or procedure under this law may continue
347 concurrently with a criminal investigation. Oneida Aging and Disability Services shall cooperate
348 with law enforcement to ensure the criminal investigation is not compromised.

349 **706.7. Rights of Parties**

351 706.7-1. *Rights of Elders.* An elder shall have the following rights:

352 (a) *Notice of Investigation.* An elder has the right to be informed about an elder abuse
353 investigation before it begins unless an emergency exists, in which case the elder shall
354 be informed as soon as possible, but not later than one (1) business day after the
355 investigation begins.

356 (b) *Refusal of Services.* An elder has the right to refuse to accept elder protective
357 services (even if there is good cause to believe that the elder has been or is being
358 abused, neglected, self-neglected, or exploited) provided that the elder is able to care
359 for himself or herself and/or has the capacity to understand the nature of the services
360 offered.

361 (c) *Property Rights.* An elder who owns or lawfully occupies property retains the right
362 to exclude others from their premises, subject to applicable law. This includes the right
363 to deny entry to any individual, except as otherwise authorized by court order or
364 warrant.

365 (d) *Right to Exclude Entry.* An elder has the right to refuse the Oneida Aging and
366 Disability Designee entrance into their home. The Oneida Aging and Disability Designee
367 shall inform the elder of this right before seeking entry and shall also inform the elder
368 of the Oneida Aging and Disability Designee's authority to seek a warrant to gain access.

369 (e) *Representation by Counsel.* The elder has the right to be represented by counsel at
370 his or her own expense at all proceedings.

371 (1) If the elder seeks to proceed independently, then the elder may retain private
372 counsel to represent himself or herself at his or her own cost or proceed without
373 counsel (pro se).

374 (2) If the elder seeks to have the assistance of the Oneida Aging and Disability
375 in filing the Petition, then Oneida Aging and Disability and the Oneida Law
376 Office shall make a determination on whether a legal claim exists and then

377 make a determination on how to proceed.

378 706.7-2. *Rights of the Accused.*

379 (a) *Refusal of Services.* The accused may refuse services offered by Oneida Aging and
380 Disability Services for themselves but may not refuse services offered to the elder.

381 (b) *Right to Deny Entry.* The accused may refuse entry to their home by the Oneida
382 Aging and Disability Designee. Before seeking entry, the Oneida Aging and Disability
383 Designee shall inform the accused of this right and shall also advise the accused that
384 the Oneida Aging and Disability Designee may seek a warrant to gain access if
385 necessary.

386 (c) *Representation by Counsel.* The accused has the right to be represented by counsel
387 at their own expense in all proceedings under this law.
388

389 **706.8. Jurisdiction**

390 706.8-1. The Oneida Trial Court has jurisdiction over any action brought under this law.
391 Personal jurisdiction over an individual under this law may be established where the parties
392 are members of the Nation, or employees of the Nation.
393

394 *End.*

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