

CERTIFICATE OF RESOLUTION

**GOVERNING COUNCIL OF THE YUHAAVIATAM OF SAN MANUEL NATION
(SAN MANUEL BAND OF MISSION INDIANS)**

Resolution No.: 2025-009

**Clarifying and Confirming the Power of the Tribal Court to Issue Extended
Injunctive Relief in Guardianship Proceedings, For Good Cause,
and Within Certain Protective Parameters**

WHEREAS, the Yuhaaviatam of San Manuel Nation ("**Nation**"), also referred to as the San Manuel Band of Mission Indians, is a federally recognized Indian tribe;

WHEREAS, the Nation occupies and exercises governmental jurisdiction over Tribal lands, including the San Manuel Reservation, and over such other property, persons and matters pursuant to Article I of the Yuhaaviatam of San Manuel Nation Constitution, effective January 1, 2022 ("**Constitution**");

WHEREAS, pursuant to Article II of the Constitution, the Governing Council ("**Governing Council**") is the duly authorized governing body of the Nation;

WHEREAS, the Governing Council also is referenced, and takes official action pursuant to the Constitution, as the Tribal Authorities when convened at a General Assembly ("**Tribal Authorities**");

WHEREAS, the Nation has established pursuant to Article XI of the Constitution a Judicial Branch of the Yuhaaviatam of San Manuel Nation ("**Judicial Branch**"), which shall be an independent judicial body subject to the administrative oversight authority of the Judiciary Board as set forth in Article XII of the Constitution;

WHEREAS, the Judicial Branch consists of a Supreme Court, an Appellate Court, a Trial Court and such other courts and dispute resolution forums as may be established by the Governing Council (collectively, the "**Tribal Court**");

WHEREAS, by action of the Governing Council, the Nation has vested the Tribal Court with certain defined powers to adjudicate specific types of cases, including guardianship matters pursuant to the San Manuel Guardianship Ordinance ("**Guardianship Ordinance**");



WHEREAS, Tribal Citizens and the minor children of Tribal Citizens are subject to the Tribal Court's authority under the Guardianship Ordinance, as are non-citizens so long as they (1) voluntarily submit to the jurisdiction of the Tribal Court, or (2) are a family member, spouse, or significant other of a Tribal Citizen and are domiciled within the boundaries of the San Manuel Indian Reservation;

WHEREAS, the Guardianship Ordinance empowers the Tribal Court to appoint a Guardian to protect minor children and adults who are "Incompetent" or "Vulnerable," as defined by the Ordinance, for the protection of their person and their estate;

WHEREAS, the Guardianship Ordinance addresses the standards by which the Tribal Court may appoint a Guardian for an "Incompetent Adult," which the Ordinance defines as someone who "is unable, without assistance, to properly manage or take care of himself or herself or their personal affairs as determined by an evaluation by a psychiatrist or physician, licensed in any state in the United States and who has observed the person for purposes of determining their ability to manage themselves";

WHEREAS, the Guardianship Ordinance clarifies that "Incompetent Adults" include "Vulnerable Adults," which the Ordinance defines as "adults who are unable to resist fraud or undue influence that has resulted, or will likely result, in demonstrable harm";

WHEREAS, there is currently pending a guardianship matter in which the Tribal Court has appointed a Guardian for a Tribal Citizen found to be an Incompetent Adult as defined by the Guardianship Ordinance ("**Ward**"), and the Tribal Court has determined that it is in the Ward's best interest, and indeed critical to the Ward's health and welfare, to issue a Temporary Restraining Order ("**TRO**") prohibiting a particular individual(s) from having contact with the Ward;

WHEREAS, the Guardianship Ordinance is silent with regard to the Tribal Court's power to issue any form of injunctive relief that imposes restraints upon individuals for the protection of a Ward subject to a guardianship; however, the San Manuel Code of Civil Procedure empowers the Tribal Court to issue a TRO for up to 60 days, and to issue a preliminary injunction during the pendency of proceedings;

WHEREAS, the Code of Civil Procedure also allows the Tribal Court to issue injunctive relief for longer periods if "good cause" is established; however, the Code fails to define "good cause" and omits the general judicial tool of a permanent injunction that might extend beyond the pendency of a particular proceeding;

WHEREAS, by Governing Council Resolution No. 2023-008, the Governing Council confirmed generally accepted practices of the Nation related to San Manuel Tribal Court Civil Procedure, and in so doing, confirmed that "the customs, traditions, and generally accepted practices" of the Nation include, but are not limited to, the issuance of Tribal Court-ordered injunctions and restraining orders;

WHEREAS, the Guardianship Ordinance is a law that is to be amended pursuant to the Nation's Constitutional Implementation process, but the needed amendments will not come soon enough, as the Tribal Court issued a 60-day TRO to protect the Ward in the pending guardianship proceeding, and it expires on **June 13, 2025**;

WHEREAS, there exists the need for clarity regarding the scope of the Tribal Court's powers to issue injunctive relief for the protection of Wards who are subject to guardianship proceedings;

WHEREAS, pending amendment of the Guardianship Act, it is in the best interest of the Nation for the Governing Council to clarify, confirm and specifically vest the Tribal Court with power to issue extended injunctive relief that the Tribal Court determines, based on the evidence presented, is necessary and appropriate to protect Wards in guardianship proceedings from risks of harm posed by any person or persons; and

NOW, THEREFORE BE IT RESOLVED, that the Nation, by and through the Tribal Authorities, hereby approves and confirms the scope of the Tribal Court's power to issue injunctive relief for the health, welfare and protection of Wards who are subject to pending guardianship proceedings, and who the Tribal Court determines to be at risk of harm in the absence of such injunctive relief;

BE IT FURTHER RESOLVED THAT, the Tribal Court's power to issue extended injunctive relief shall be subject to certain standards and parameters that must be met, for purposes of balancing the interests of the Ward with third parties who otherwise may be subject to unfair or unreasonable restraints;

BE IT FURTHER RESOLVED THAT, the Tribal Court may, pursuant to the Guardianship Ordinance:

1. Issue a non-appealable **Temporary Restraining Order** for up to 120 days after notice to the party to be restrained, subject to the presentation of evidence that the Tribal Court determines shows the individual(s) who is the subject of the proposed TRO poses a material risk of harm to the health and welfare of the Ward absent the restraint, with "health and welfare" defined herein to encompass both the Ward's physical well-being as well as the protection of the Ward's financial assets subject to any necessary expenditures for the Ward's benefit. The issuance of a TRO need not require prior notice to the party proposed to be restrained, and may issue based solely on evidence showing the prospect of immediate and irreparable harm to the Ward absent such restraint, as may be presented by an appointed Guardian or the moving party;
2. Issue a non-appealable **Preliminary Injunction** for the pendency of a guardianship proceeding, subject to the presentation of evidence that the Tribal Court determines shows the individual(s) who is the subject of the proposed injunction poses a material risk of harm to the health and welfare of the Ward absent the restraint. A Preliminary Injunction may only issue after notice to all parties and an opportunity to be heard in the Tribal Court, including an opportunity to present argument and affidavits that may be submitted without an appearance;
3. Issue a **Permanent Injunction** that may extend beyond the pendency of a guardianship proceeding, subject to the presentation of evidence that the Tribal Court determines shows the individual(s) who is subject to the proposed permanent injunction continues to pose a material risk of harm to the health and welfare of the Ward absent the restraint. The Permanent Injunction shall be subject to the following limitations:

- a. It may not exceed five years;
- b. It may only be issued if “good cause” is demonstrated to the Tribal Court by a preponderance of the evidence, with good cause defined as evidence showing any one, combination, or all, of the following acts;
 - i. Physical, emotional or psychological abuse of the Ward by the party to be restrained;
 - ii. Threats, intimidation, or stalking behavior towards the Ward by the party to be restrained;
 - iii. Harassment or behavior that causes the Ward to reasonably fear the party to be restrained;
 - iv. Efforts by the party to be restrained to keep the Ward from accessing needed health care, including but not limited to medical services, therapy, or mental health care services;
 - v. Abuse or neglect of the Ward by the party to be restrained;
 - vi. Receipt by the Ward of abusive, incessant or invasive communications (by email, text, telephone call) from the party to be restrained;
 - vii. Efforts by the party to be restrained to obstruct the Ward’s communication with other persons independent of, and/or not affiliated with, the party to be restrained, including but not limited to other Tribal Citizens, the Ward’s relatives or healthcare professionals;
 - viii. Efforts (whether or not successful) by the party to be restrained to access the Ward’s financial assets (whether real property or personal property, and whether tangible or intangible) for the benefit of a third party, or for the benefit the party to be restrained, for reasons that appear not to be in the Ward’s best interest;
 - ix. Any dependent or child of the Ward has been threatened by the party to be restrained (in which case injunctive relief may extend to protect such threatened persons); and/or
 - x. Proof that the party to be restrained has violated a previous protective order.
- c. The party to be restrained shall be entitled to notice of the potential issuance of a Permanent Injunction, and provided a meaningful opportunity to oppose the prospective relief, by appearing at a scheduled hearing to present argument and evidence to the Tribal Court for its consideration, or in the absence of an appearance, the opportunity to present argument and evidence (including affidavits) to the Tribal Court;
- d. The restrained party may appeal the issuance, and the Guardian or moving party may appeal the denial, of a Permanent Injunction to the Tribal Appellate Court, and then to the Supreme Court, although the injunction imposed by the Tribal Court shall remain in force pending such appeal;

- e. In the event a Permanent Injunction is issued, the Tribal Court shall maintain jurisdiction to enforce the Permanent Injunction, until such time as it expires by its terms or is rescinded if reversed on appeal by the Appellate Court or Supreme Court;
 - f. In the event a Permanent Injunction is issued (and upheld on appeal, if appealed), within sixty days of its expiration, any interested party may ask the Tribal Court to extend the injunction for a longer period, with proper notice to the restrained party and an opportunity by all parties to be heard by the Tribal Court. The Tribal Court may only further extend the Permanent Injunction if it concludes, based on the evidence presented, and after a noticed hearing at which all parties have the opportunity to appear and present argument and evidence, that "good cause" (as defined herein) supports its extension. When determining whether the Permanent should be extended, the Tribal Court may consider the severity of the actions on the part of the restrained party preceding the issuance of the Permanent Injunction, as well as the totality of the circumstances (including the then state of the Ward). An extended Permanent Injunction may not exceed two years absent an additional showing of "good cause" as defined herein.
4. The Tribal Court is hereby empowered to enforce the foregoing injunctive relief with the imposition of monetary fines against the person or persons who violate, or who otherwise fail to abide by, the restrictions set forth in the TRO or injunction to which they are subject. Such fines may not exceed \$5,000 for the first violation, but may be increased by up to \$10,000 increments with subsequent violations.

CERTIFICATION

By a vote of Tribal Authorities at a duly noticed meeting at which a quorum was present, held on the July 8, 2025, at the Nation's Community Center on the San Manuel Indian Reservation, the above-cited Resolution was passed by Tribal Authorities following a vote of 26 in favor, 0 against, and 5 abstentions.

Dated:

July 22, 2025

Certified:

Lynn R. Valbuena
Lynn R. Valbuena, Chairwoman

Dated:

July 22, 2025

Certified:

Audrey Martinez
Audrey Martinez, Secretary