

SAC AND FOX NATION TRIBAL CODE
TITLE 32 ARTICLE 4
TITLE 32
ADULT AND ELDERLY PROTECTIVE SERVICES ACT
ARTICLE 4
CIVIL VIOLATIONS AND CRIMINAL OFFENSES

Section 401. Interference with Investigation and Retaliation; Civil Penalty

(a) No person shall knowingly interfere with an official investigation of suspected Vulnerable Adult abuse or exploitation.

(b) No person shall retaliate by any means against any person who has made a good faith report of suspected Vulnerable Adult abuse or exploitation or who cooperates with an investigation of suspected Vulnerable Adult abuse.

(c) Any person who violates the provisions of the subsection (a) or (b) above, shall be enjoined from such activity and subject to a civil penalty of up to one-thousand dollars (\$1,000.00), per occurrence. The Court shall assess the penalty upon the petition of the Prosecutor or the person retaliated against (if under subsection (b) above).

[History: L. 2020, July 16; R-36-20:
PUBLIC LAW # T 32 §401]

Section 402. Civil Violation and Penalty for Failing to Report

(a) Any person who is required by the Ordinance to report suspected Vulnerable Adult abuse, neglect, or exploitation and fails to do so is subject to civil penalty not to exceed two thousand five hundred dollars (\$2,500.00), as determined by the Sac and Fox Nation Tribal Court upon petition of the Tribal Prosecutor. Further, the person failing to report is subject to any civil suit brought by or on behalf of the Vulnerable Adult for damages suffered as a result of the failure to report, including reasonable attorney's fees. However, nothing here shall constitute a waiver of the Nation's sovereign immunity.

(b) Privileged Communication. No evidentiary privilege except for the doctor-patient, attorney-client, or priest-penitent privilege may be raised as a defense or reason for failing to report suspected Vulnerable Adult abuse or neglect or for testifying as required by this Act.

[History: L. 2020, July 16; R-36-20:
PUBLIC LAW # T 32 §402]

Section 403. Civil Violation and Penalty for a Report Made in Bad Faith

Any person who makes a report of suspected abuse, neglect, or exploitation knowing it to be false is subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00), as

determined by the Sac and Fox Nation Tribal Court upon petition of the Tribal Prosecutor. Any person making a false report is subject to any civil suit for damages brought by or on behalf of the person(s) named as suspected abusers in the false report.

[History: L. 2020, July 16; R-36-20:
PUBLIC LAW # T 32 §403]

Section 404. Civil Investigation Not Effected by Criminal Investigation

Civil or social service investigations and any other procedure allowed under this Act may continue regardless of any criminal investigation or charges that might be instigated or pursued by the Tribe. In all instances, the safety and welfare of the Vulnerable Adult shall be paramount regardless of the nature or status of the investigation.

[History: L. 2020, July 16; R-36-20:
PUBLIC LAW # T 32 §404]

Section 405. Abuse, Neglect, or Exploitation of a Vulnerable Adult; Penalty

(a) A person commits abuse, neglect, or exploitation of a Vulnerable Adult, if he or she through a knowing and intentional act, causes or permits a Vulnerable Adult to be:

- (1) Physically injured;
- (2) Unreasonably confined;
- (3) Falsely imprisoned, as defined in the Sac and Fox Criminal Code;
- (4) Sexually abused;
- (5) Exploited;
- (6) Cruelly punished; or
- (7) Subject to neglect of essential services.

(b) Abuse, neglect, or exploitation of a Vulnerable Adult is a Criminal Offense, subject to the Criminal Code of the Sac and Fox Nation.

[History: L. 2020, July 16; R-36-20:
PUBLIC LAW # T 32 §405]

Section 406. Criminal Violation of Vulnerable Adult Protection Order

(a) A person commits the crime of violating a Vulnerable Adult Protection Order by knowingly and intentionally disobeys or disregards the Court's Vulnerable Adult Protection Order.

(b) Violation of a Vulnerable Adult Protection order is a crime, subject to the Criminal Code of the Sac and Fox Nation, punishable by a maximum sentence of up to ninety (90) days incarceration and/or a fine of up to one thousand dollars (1,000.00).

(c) The Vulnerable Adult may not be charged with violating the Vulnerable Adult Protection Order issued on his/her behalf.

[History: L. 2020, July 16; R-36-20:
PUBLIC LAW # T 32 §406]