

From the Probate Department

by Valerie Squiempfen
Public Administrator

The Probate Department is sensitive to the feelings of a deceased person's family and understands how the family is feeling at that time, but the probate department has been entrusted to get an inventory of all assets of the deceased.

Heirs must fill out the General Information for Probate form. If there is a home, we need to make sure someone is living there to protect the home and all utilities have changed names.

If there is a vehicle it must be parked and the keys and registration should come to the Probate Department. If there are other assets, they must be protected at all costs. In some cases, we've had deceased people belongings stored in the Probate Warehouse, that is an option to consider.

Children born out of wedlock

For purposes of intestate succession, a child born out of wedlock to a decedent mother will be regarded as an heir and take under the estate.

Any child who is born out of wedlock will not be held to be the heir of an alleged decedent father unless there was a paternity ac-

knowledge or court determination during the lifetime of the decedent. An illegitimate child who is recognized in the Will of a decedent father takes as directed by the Will.

Tribal member minor heirs

The Probate Department was given a directive by Tribal Council that any minor child (18 years old and younger) coming into monies on an estate, will be deposited into a Savings Account with the Cash Management Department.

Storage unit rented by deceased

There have been a few instances where the deceased had a storage unit in Madras. We don't normally know about the storage unit until we get the address changed for the deceased person. Sometimes it happens right away, other times, it doesn't. As soon as we find out, I will write a letter to the owner to let them know the renter is now deceased; sometimes they'll call me, in most cases they don't call me. As soon as I know about it, I try to contact someone in the family; it is up to them to make contact and get the storage unit paid for.

Probate does not have the budget for these instances. We're very limited in what we can do. Every-

thing costs money and we don't have the budget of yesteryear. We can only do some of these things if the deceased person has money in his/her Estate account.

In cases where we found out about a storage unit, we didn't know about it until, in most cases, it was too late. As with anything to do with Probate, you must have a court order to sell any personal property. When that happens, any monies made from the sale, the monies should come to the Probate Dept. so that it may be deposited into an estate account.

Estates with livestock

The Probate Department has had a few cases where livestock is involved. In some instances, the family wanted to keep the livestock. What's written in the code pertains to paying debts incurred by the deceased, which caused the Probate Dept. to have to sell their livestock. In that case, the code says that the Public Administrator must call for a livestock round-up to sell livestock in order to pay debts. In that case, the Public Administrator works with Natural Resources and the Police Department in getting that accomplished.

If the family decides to keep the livestock and they want to sell some livestock, they must get permission to "sell personal property". Probate works with Natural Resources and

Notice: Probate hearings scheduled from June and July will be rescheduled. Heirs will receive notice by mail.

they've been informed that if an order is signed by the Judge for selling livestock; this is a 'One time deal only!' Once that is accomplished, they will be unable to sell anymore until the probate is closed. Code pertaining to livestock:

320.043 Appointment, Qualifications and Duties of an Administrator:

(6) Livestock. Where assets of the estate consist of livestock ranging on the open range of the Warm Springs Reservation, the administrator shall cause roundup, inventory and disposition of such livestock. Where there is no pressing need for immediate roundup of estate livestock, the livestock will be rounded up during regular general livestock rides for the range district wherein the livestock are ranging. The administrator shall notify the Natural Resources Department, the Warm Springs Tribal Police Department, and the ride boss for the appropriate range district of the intent to have the estate livestock collected during the general livestock ride of the range district.

The administrator or the representative selected by the administrator shall participate in the ride to monitor collection, inventory and disposition of the estate livestock on behalf of the estate.

In the event of an emergency situation in which the estate livestock must be rounded up before a general ride, the administrator shall make such determination as he deems appropriate as to the method of roundup to be used and shall notify the Natural Resources Department, the Warm Springs Tribal Police Department and the ride bosses for the range district involved.

All necessary costs incurred in the roundup of estate livestock

shall be paid as a cost of administration of the estate. The Tribal Council may, or in the absence of Council action the Tribal court by rules may adopt a fee schedule for payment of costs of roundup of livestock in the estate.

Heirs: Please remember to pick up your check.

Native American Program, Legal Aid Services of Oregon

The contact person at NAPOLS is Rohan Hiatt, and he is taking over the estate planning for NAPOLS. The Native American Program, Legal Aid Services of Oregon—NAPOLS—is a non-profit law firm specializing in free civil legal services to income eligible Indian Tribal Members.

NAPOLS offers free will drafting services and other estate planning assistance to tribal members in Oregon who qualify. To qualify for NAPOLS services, you must be low income among other requirements that we verify during an initial intake meeting. A Will allows YOU to decide who will receive your property when you pass. Many tribal members own interests in property held in trust by the federal government. Without a Will, federal law controls who will inherit trust property. Also, without a Will, tribal and/or state law will control who inherits non-trust property.

NAPOLS will be in Warm Springs on July 26, and they will likely have about 5-8 appointments available for that day. To see if NAPOLS can assist you with estate planning or other legal services, please call 503-223-9483, to make an initial intake appointment. Office hours will be 9 am to 3 p.m. Appointments are scheduled on a first come, first serve basis.



D. McMechan/Spilyay

One of the Pi-Ume-Sha Treaty Days 20203 powwow drums, Saturday, June 24.

Two more Oregon tribes have hunting and fishing agreements with the state

Grand Ronde proposal delayed after objections

Two more tribes in Oregon made historic agreements with the Oregon Department of Fish and Wildlife this month that affirm the rights of their members to hunt, fish, trap and gather under tribal, rather than state licenses. The agreements apply to subsistence and ceremonial activities, not commercial enterprises.

Four tribes now operate under such agreements—The Confederated Tribes of Siletz Indians, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Cow Creek Band of Umpqua Tribe of Indians and the Coquille Indian Tribe.

The Confederated Tribes of Warm Springs, as an original treaty tribe, and the Umatilla have regulated membership hunting and fishing for many years now.

At the ODFW meeting this month, another tribe, the Grand Ronde, was requesting an agreement to issue its own hunting and fishing licenses to its members.

However, this proposal was delayed, as the Confederated Tribes of Warm Springs, the Umatilla and others objected to the idea.

Objections to the Grand Ronde agreement were raised by Austin Smith Jr., general manager of the Warm Springs Branch of Natural Resources, and Corinne Sams, an elected member of the Umatilla

board of trustees and vice chair of the Columbia River Inter-Tribal Fish Commission.

And in a June 5 letter to ODFW, Warm Springs Council Chairman Jonathan Smith Jr. expressed "strong opposition" to the department's proposed agreement with Grand Ronde.

The letter outlines the rights reserved under Warm Springs' 1855 treaty to fish off-reservation "at all usual and accustomed areas as our people have done since time immemorial."

It's a right that the U.S. Supreme Court has repeatedly affirmed, and one that Warm Springs, Umatilla and other tribes with treaty-reserved fishing rights actively exercise, both in terms of harvest and as leaders of work to protect and restore salmon populations and watershed health throughout the tribes' ancestral lands.

Chairman Smith Jr. called the inclusion of Willamette Falls in Grand Ronde's agreement with ODFW "deeply concerning."

"At Willamette Falls, in particular, we are the lead fisheries manager on lamprey catch monitoring and escapement projects," Mr. Smith wrote.

Grand Ronde's treaty rights were extinguished by the federal government in the 1950s. The tribe says the 1983 restoration of their federal status as a sovereign nation reinstated those rights. That, however, is a contested claim.

With the Willamette Valley

Treaty, 20 tribes and bands ceded the Willamette Valley to the U.S. government. This is the treaty that Grand Ronde says gives it rights at Willamette Falls. Congress ratified that treaty in March 1855.

A century later, during the Termination Era of federal Indigenous policy, the government enacted laws based on the idea that Indigenous people should assimilate into American society and give up their tribal identities and that the rights negotiated in treaties and codified in federal laws were preventing them from doing so.

In 1954, Congress passed the Western Oregon Termination Act, ending its recognition of Grand Ronde's tribal sovereignty (as well as Siletz, CLUSI and all other tribes west of the Cascade Mountains in Oregon).

Termination unilaterally dissolved tribal membership and ended the U.S. government's obligations toward terminated tribes, including the services guaranteed in treaties in exchange for land. Termination policies also allowed the government to seize millions of acres of tribal lands rich with minerals and timber.

The Grand Ronde Restoration Act of 1983, which at the time Warm Springs leaders supported, restored federal recognition to the Grand Ronde.

But the law also states that it "precludes the restoration of any hunting, fishing or trapping rights under this act."

Authorities search for missing child

Warm Springs Police are asking for the public's help in locating 12-year-old Aalyssa James who is missing. Law enforcement officers believe Aalyssa could be with her brother Quincey at the river.

Aalyssa was last seen on Sunday, June 18. She is described as 5-foot-4, with black hair and brown eyes.

Anyone who has information about their immediate whereabouts is asked to call the Warm Springs Police Department at 541-553-1171. Aalyssa was last seen June 18 2023 at Elmer Quinn Park.

MISSING

AALYSSA JAMES

Date of Birth: 04/26/2011
Age: 12
Sex or gender: Female
Race: Native American
Eyes: Brown
Hair: Black
Height: 5'4"
Weight: 110 Lbs.

Identifying Characteristics:
Last seen at Elmer Quinn Park, on Saturday.



LAST SEEN: June 18, 2023

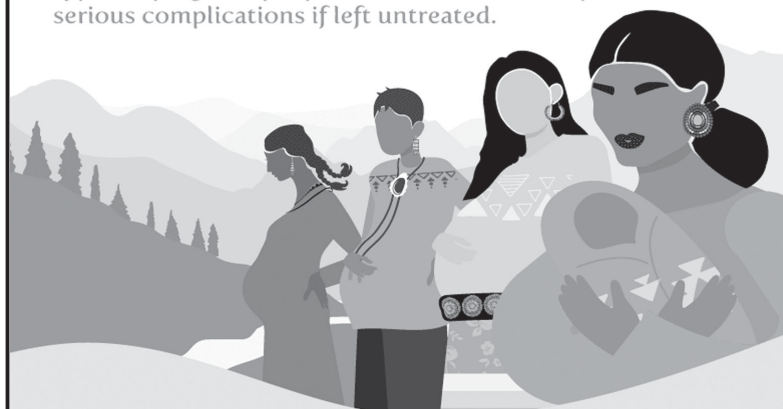
IF YOU HAVE ANY INFORMATION ABOUT (NAME) PLEASE CONTACT: Warm Springs PD 541-553-1171

Syphilis is on the rise nationwide, and Indian Country is deeply impacted. With the highest primary and secondary syphilis rates and an 800 percent uptick in congenital syphilis cases among American Indian and Alaska Native people, it is vital that we act now.

Syphilis cases are on the rise.

Know your status, especially if you're pregnant.

Syphilis can be hard to spot, often starting with an easily missed sore or rash. While anyone can get syphilis, pregnant people and newborn babies face serious complications if left untreated.



Testing is easy and treatment is quick.

Protect your and your baby's future by getting tested today!



NIHAIHB
Indian Leadership for Indian Health