

1 **THE JUDICIAL COURT OF THE TOHONO O’ODHAM NATION**
2 **IN THE STATE OF ARIZONA**
3 **ADULT CIVIL DIVISION**

4 In the Matter of the Guardianship and
5 Conservatorship of:
6 Mavis Manuel
7 DOB: 12/29/1983

Case Number: 2009-0178AV

**ORDER REGARDING ANNUAL
REVIEW HEARING AND WARD’S
VOTING RIGHTS**

12 **Annual Review Hearing**

13 At the Annual Review Hearing on March 13, 2024, Yvonne Clarice Antone, Mavis
14 Manuel’s Guardian and Conservator, appeared. Mavis Manuel was not present at the
15 hearing. The Court interviewed Yvonne Antone.

16 The Court finds and orders that:

- 17 1. Yvonne Clarice Antone submitted a written report and gave an oral report.
- 18 2. The Court accepts the written and oral report.
- 19 3. Specifically, the Court notes:
 - 20 a. Mavis Manuel is doing well and is happy at home.
 - 21 b. Mavis Manuel has appointments for eye, hearing, immunization, and the
22 women’s clinic. She is getting new hearing aids soon and she is excited about
23 that.
 - 24 c. Ms. Antone submitted bank statements from January 2023 through
25 September 2023. This period was for the time before Ms. Antone took over

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1 as Guardian / Conservator. She explained that she was unable to print out
2 recent statements, but did confirm that Yvonne Clarice Antone is now the SSI
3 payee for Mavis Manuel.

4 d. The Court orders the bank statements sealed to protect the confidential
5 information.

6 4. Mavis Manuel continues to need a Guardian and Conservator.

7 5. Yvonne Clarice Antone will continue to serve as Mavis Manuel's Guardian and
8 Conservator.

9 6. The Court thanks Yvonne Clarice Antone for her commitment to Mavis Manuel.

10 **Ward's Right to Vote**

11 7. Yvonne Clarice Antone asked, in part on Mavis Manuel's interest, whether Mavis
12 Manuel was still able to register to vote, and vote, on the Nation.

13
14 Tohono O'odham law does not address that question. In such cases, the Court may,
15 in its discretion, look to Arizona law for guidance. 4 T.O.C. ch. 1, § 1-102. The Court
16 finds that helpful here and therefore exercises its discretion and looks to Arizona
17 law.

18
19 Arizona law provides that, in a general guardianship (where a person is "adjudicated
20 an incapacitated person"), the ward loses the right to vote. ARIZ. CONST. art. VII, §
21 2.C. The reason for that is:

22
23 *"The man who for any reason is exempt from responsibility to the law*
24 *for his acts, who cannot be trusted to manage his own person or*
25 *property, certainly as a matter of common sense cannot be trusted to*
make laws for the government of others, and placing him under the
guardianship of another conclusively establishes that incapacity."

1 Porter et. al. v. Hall, 34 Ariz. 308, 324 (1928), *overruled on other grounds*, Harrison
2 v. Laveen, 67 Ariz. 337 (1948).

3
4 On the other hand, under a limited guardianship in Arizona, the ward may retain the
5 right to vote *if* a petition is filed, a hearing is held, and the court determines by “clear
6 and convincing evidence that the person retains sufficient understanding to exercise
7 the right to vote.” A.R.S. § 14-5304.02.

8
9 The Court finds both of those Arizona provisions persuasive, and will apply them
10 to this case.

11
12 This Court previously adjudicated Mavis Manuel an incapacitated adult, and
13 appointed a guardian and conservator for her, finding that Mavis Manuel is
14 “permanently impaired by reason of mental retardation,” and that the appointment
15 is necessary because Ms. Manuel is “unable to care for herself or make any
16 medical/financial decisions.” (Order Appointing Permanent Guardian and
17 Conservator, Dec. 7, 2009, 1.)

18
19 However, the report on which the appointment relies does contain indications that
20 Mavis Manuel retains some mental abilities and functioning:

- 21
- 22 • Performance Scale IQ score at the very low end of the *borderline* range;
 - 23 • Perceptual organization and processing speed indices at the low end of the
24 *borderline* range;
 - 25 • 77.7 out of 100 chance that no significant attention problem existed;

- 1 • Math skills barely *adequate* for most daily living skills;
- 2 • *Mild* mental retardation;
- 3 • Intellectual functioning in the *borderline* range; and
- 4 • Recommended for job placement with *limited* problem solving, independent
- 5 decision-making, multi-tasking, pressure, or time demands.

6 (Psychological Evaluation Report, Nov. 29, 2006, 5-7, attached to Pet. for
7 Appointment for Guardian and Conservator of an Adult, Aug, 31, 2009.)

8
9 Tohono O’odham law does not formally distinguish between a general and limited
10 guardianship as does Arizona law. However, the Court will limit a guardianship
11 when appropriate. Thus, the distinction is relevant to this case to note that there were
12 no limitations at the initial appointment, making it equivalent to a general
13 guardianship under Arizona law. Accordingly, Mavis Manuel is not eligible to vote.
14 However, the Court may limit this guardianship if it finds that Mavis Manuel, while
15 still unable to make medical and financial decisions for herself, is capable of
16 sufficient understanding to vote.

17
18 In other words, looking to Arizona law for guidance in this case, in the absence of
19 Tohono O’odham law on point, Mavis Manuel currently does not have the right to
20 vote on the Nation. However, if a petition is filed, a hearing is held, and the Court
21 determines by clear and convincing evidence that Mavis Manuel retains sufficient
22 understanding to exercise the right to vote, the Court will restore her right to vote
23 on the Nation.

24 **Miscellaneous**

- 25 8. The next Annual Review Hearing is set for March 5, 2025 at 9:00 a.m.

1 9. Yvonne Clarice Antone must file the attached Annual Report Form at least one week
2 before the next Annual Review Hearing.

3 10. This is the only notice that will be provided.

4
5 Dated: March 15, 2024

6 
7 _____
8 Judge Joseph Hardy Jr.

