

Oneida Tribe of Indians of Wisconsin



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

BC Resolution 05-08-13-A Adoption of the Family Court Law

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America, and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council, and
- WHEREAS,** Oneida Business Committee Resolution 5-02-90 established the Administrative Procedures Act, Oneida Tribal Judicial System and the authority to establish regulations to enhance the Oneida judicial decision making process, and
- WHEREAS,** on August 19, 1991, the Oneida General Tribal Council adopted Resolution 8-19-91-A and an addendum to the Resolution, which reauthorized the adoption of the Administrative Procedures Act and the creation of the Oneida Appeals Commission, also known as the Oneida Tribal Judicial System, and
- WHEREAS,** the Oneida Tribal Judicial System has, through Tribal law, been given additional authority to hear and adjudicate additional civil and regulatory matters, and
- WHEREAS,** the General Tribal Council adopted the Legislative Procedures Act, repealing those related portions of the Administrative Procedures Act, on January 7, 2013 for implementation on March 7, 2013, and
- WHEREAS,** the General Tribal Council adopted the Judiciary, repealing those related portions of the Administrative Procedures Act and the Addendum to GTC-8-19-91-A creating the Oneida Tribal Judicial System on January 7, 2013 for implementation on November 1, 2014, and
- WHEREAS,** on January 7, 2013, the Oneida General Tribal Council accepted the Oneida Business Committee motion to direct the Legislative Operating Committee to create a Family Commission wherein the Judicial Officer shall have a juris doctor degree from an accredited law school and a minimum of five (5) years of experience in family law to assume jurisdiction of all Family Law matters, and
- WHEREAS,** the Family Court shall be a branch of the Judiciary when the Judiciary goes into effect on November 1, 2014, and
- WHEREAS,** a public meeting was held for the proposed Family Court on April 4, 2013 in accordance with the Legislative Procedures Act, and

NOW THEREFORE BE IT RESOLVED, that the attached Family Court law is hereby adopted and shall be effective September 1, 2013.

BE IT FURTHER RESOLVED, that the Oneida Business Committee hereby implements the following Transition Plan:

- (1) *Appointment.* The appointment of the Judge shall take place as is reasonably possible. The appointment of the Judge shall fall under the appointment process, but said Judge shall be bound by an employment contract that shall abide by the Attorney Contract policy.
- (2) *Swearing in.* The Judge shall be sworn into office at the first Oneida Business Committee meeting after the appointment is made and the contract is executed by all required parties.
- (3) *Court Opening.* The Family Court shall accept cases that are filed with the Oneida Tribal Judicial System beginning on September 1, 2013.
 - (a) Beginning September 1, 2013, the Oneida Tribal Judicial System shall no longer accept new filings on any matters under Chapters 72, 77, 78.

(b) The Oneida Tribal Judicial System shall, no later than July 1, 2013, notify all parties to any case on its docket that the Oneida Tribal Judicial System will no longer be handling their case as of September 1, 2013, and that all cases shall be transferred to the new Family Court effective that day. This shall also include notice that any party may request a De Novo review of their last order in accordance with 151.5-5.

(c) The Judge shall begin hearing cases no later than October 1, 2013.

(4) *Location.* The Family Court shall utilize and share the current space of the Oneida Tribal Judicial System. The two judicial bodies shall coordinate a court calendar.

(5) *Reprimand, Suspension or Removal.* Until the Family Court becomes a branch of the Judiciary on November 1, 2014, the Family Court shall adopt section 150.12 of the Judiciary Law and follow its requirements for Reprimand, Suspension or Removal in the event a complaint of an ethical violation is filed prior to November 1, 2014.

(6) *Oneida Tribal Judicial System Personnel.* In compliance with Oneida General Tribal Council Resolution 01-07-13-B, the Oneida Tribal Judicial System personnel who handle the aforementioned family law matters, that are not Judicial Officers, shall carry over into the Family Court and shall simultaneously work for both entities during the Transition Period and then for the Family Court after the Transition Period has concluded.

(7) *Appointment of Peacemaker.* The appointment of a Peacemaker in family court matters shall be appointed pursuant to the current process of the Oneida Appeals Commission utilizing a peacemaker appointed from another tribe, or the new Judge shall create temporary rules for the appointment of a peacemaker until the Family Court becomes a branch of the Judiciary on November 1, 2014.

(8) *Appeals.* Until the Family Court becomes a branch of the Judiciary on November 1, 2014, appeals of a Family Court decision shall follow the current process for appeals but shall be heard by pro tem judges.

BE IT FURTHER RESOLVED, that Resolution #GTC-01-07-13-B set forth timelines for the adoption of the following rules which are being adjusted to earlier deadlines as set out below:

(1) By July 1, 2013, adoption of Judicial Canons of Ethics by the Oneida Business Committee.

(2) By September 1, 2013, adoption by the Oneida Business Committee or the General Tribal Council of the following:

(a) Rules of Civil Procedure;

(b) Evidence Code; and

(c) Administrative procedures for the Family Court. After the initial adoption of these administrative procedures, the Judiciary shall be responsible for maintaining and amending them.

BE IT FURTHER RESOLVED, that beginning with the Fiscal Year 2014 budget, the expenses associated with the implementation and maintenance of the Family Court shall be included in the Judiciary's annual budget.

BE IT FINALLY RESOLVED, that the Oneida Business Committee is authorized to make such modifications and additions to the above Transition Plan as it deems necessary to implement the Family Court in accordance with the proposed timeline.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 6 members were present at a meeting duly called, noticed and held on the 8th day of May, 2013; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against; and 0 members not voting; and that said resolution has not been rescinded or amended in any way.


Patricia Hoefl, Tribal Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."