

Oneida Nation

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Oneida, WI 54155

BC Resolution # 10-23-19-B

Authorizing Discretion Regarding Implementation of Children's Code, Chapter 708

- WHEREAS,** the Oneida Nation 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 Nation; 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,** the Oneida Business Committee adopted resolution # BC-07-26-17-J, as amended by resolution # BC-10-24-18-A which adopted the Children's Code, Chapter 708 and set the implementation process; and
- WHEREAS,** the Children's Code relies, in part, upon "Act 161 Agreements" regarding out-of-home placements of Indian children by Tribal Courts; and
- WHEREAS,** the Nation has entered into negotiations with Brown and Outagamie Counties regarding development of 161 Agreements; and
- WHEREAS,** the agreement with Outagamie County is anticipated for approval in November and the negotiations with Brown County are moving forward; and
- WHEREAS,** the Indian Child Welfare Department has requested the implementation resolution to be amended to provide for an implementation delay regarding the transfer of Children In Need of Protection and Services cases pending entering into the 161 Agreements to assure that funding for out our-of-home placement is accessible; and
- WHEREAS,** the Oneida Business Committee has identified that protecting our children requires our greatest efforts and the Indian Child Welfare Department is carrying out this responsibility; and

NOW THEREFORE BE IT RESOLVED, that Resolve #3 of resolution # BC-07-26-17-J, *Adoption of the Children's Code and the Nation's Indian Child Welfare Act Policy*, as amended by resolution # BC-10-24-18-A, *Amending Resolution BC-07-26-17-J to Delay the Implementation of the Children's Code*, is amended as follows.

3) *Transfer of Cases.* The following determination has been made for the transfer of cases from Brown and Outagamie County jurisdiction to the jurisdiction of the Oneida Family Court:

- a. When the Children's Code becomes effective *and the Act 161 Agreements with Brown and Outagamie Counties are approved, the Indian Child Welfare Department shall either begin all new*

cases in Brown and Outagamie County in the Oneida Family Court or shall seek to transfer all new cases in Brown and Outagamie County to the Oneida Family Court.

b. Any case in Brown and Outagamie County that has started within the most recent three (3) months may transfer to the Oneida Family Court.

c. All other current cases may remain in Brown and Outagamie County, unless the Nation's Indian Child Welfare Department determines the case would be better suited in the Oneida Family Court or another party motions the Court to transfer jurisdiction.

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; 5 members were present at a meeting duly called, noticed and held on the 23rd day of October, 2019; that the forgoing resolution was duly adopted at such meeting by a vote of 4 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Secretary
Oneida Business Committee

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