

**Oneida Tribe of Indians of Wisconsin
BUSINESS COMMITTEE**



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.

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**BC Resolution # 05-13-09-B
*Support for the Codification of the ICWA into Wisconsin Law***

- WHEREAS,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS,** the Oneida General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and
- WHEREAS,** the Oneida Business Committee has been delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and
- WHEREAS,** the Indian Child Welfare Act (ICWA), 25 U.S.C. § 1901 to 1963, was enacted on November 8, 1978, for the purpose of, among other things, protecting the best interests of Indian children and promoting the stability and security of Indian Tribes and families; and
- WHEREAS,** many of the negative effects on Indian families sought to be remedied by the ICWA still exist today, some 30 years after the Act's passage, due to ignorance of the ICWA and failure to comply with its terms; and
- WHEREAS,** there is therefore a need to codify the ICWA in Wisconsin to attempt to remedy these negative effects on Indian families and to ensure compliance with the ICWA in Wisconsin; and
- WHEREAS,** in addition to the negative consequences felt by Indian families due to ignorance of and noncompliance with the ICWA, there is a concept created by a court in Kansas referred to as the Existing Indian Family doctrine which erodes the very core of the ICWA insofar as the doctrine provides that the ICWA applies only if an Indian child is part of an existing Indian family as determined by the court, not by the Indian child's Tribe; and
- WHEREAS,** there is an urgent need to ensure that the codification of the ICWA into Wisconsin law includes a provision explicitly stating that a court assigned to exercise jurisdiction under the Children's Code or the Juvenile Justice Code may not determine whether the ICWA applies to an Indian child custody proceeding based on whether the Indian child is part of an existing Indian family; and

WHEREAS, such a provision is absolutely necessary to avoid the disastrous effects the Existing Indian Family doctrine would have on Indian families if it were applied;

NOW THEREFORE BE IT RESOLVED: that the Oneida Tribe of Indians of Wisconsin fully supports the codification of the ICWA into Wisconsin law proposed by the Tribes in collaboration with the Wisconsin Department of Children and Families, and

BE IT FURTHER RESOLVED: that the Oneida Tribe of Indians of Wisconsin emphatically supports the provision of the codification of ICWA stating that the Existing Indian Family doctrine shall not apply in the State of Wisconsin.

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. 7 members were present at a meeting duly called, noticed and held on the 13th day of May 2009; that the foregoing resolution was duly adopted at such meeting by a vote of 6 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Patricia Hoeft, Tribal Secretary
Oneida Business Committee

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