

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 05-13-15-A Indian Child Welfare Act Policy

- 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,** the Oneida Business Committee on September 25, 1981 passed Resolution # BC-9-25-81 which is entitled "Oneida Child Protective Board Ordinance"; and
- WHEREAS,** the September 25, 1981 resolution delegated the powers conferred upon the Tribe by the Congress of the United States under the Indian Child Welfare Act to the Oneida Child Protective Board; and
- WHEREAS,** the September 25, 1981 resolution, does not set forth the policy of the Oneida Tribe of Indians of Wisconsin to provide direction to the Oneida Child Protective Board for how the Board should approach such cases; and
- WHEREAS,** the Oneida Business Committee previously recognized in Resolution #BC-5-24-84-C that it took "steps to protect the best interests of children and to promote the stability and security of Indian tribes and families by establishing the Oneida Child Protective Board; and
- WHEREAS,** the State of Wisconsin, on December 7, 2009 codified the Wisconsin Indian Child Welfare Act, which essentially mirrors the Indian Child Welfare Act and implements the minimum standards referenced in the Indian Child Welfare Act: and
- WHEREAS,** 25 U.S.C. §1915(c) (Indian Child Welfare Act) allows an Indian Tribe to establish a different order of placement preference for foster care placements and adoptive placements than those set out in §1915(a) and (b) of the Indian Child Welfare Act; and
- WHEREAS,** the Oneida Business Committee finds that it is critical for the protection of our Oneida children to establish a policy statement to provide direction to the Oneida Child Protective Board, Indian Child Welfare Workers, and the Oneida Law Office.

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby sets forth the following as the Policy of the Oneida Tribe of Indians of Wisconsin as it pertains to the Indian Child Welfare Act (ICWA) and the Wisconsin Indian Child Welfare Act (WICWA):

- 1) The Oneida Tribe of Indians of Wisconsin shall intervene in all ICWA/WICWA cases involving children that are enrolled members or eligible for enrollment unless such intervention would be

impracticable under the circumstances of the case as decided by the Oneida Child Protection Board.


- 2) The Oneida Tribe of Indians of Wisconsin hereby establishes the following as the placement preferences should it be necessary to place a child outside of the child's home:
 - (a) A member of the Child's immediate or extended family
 - (b) A family Clan member
 - (c) A member of the Oneida Tribe of Indians of Wisconsin
 - (d) Descendants of the Oneida Tribe of Indians of Wisconsin
 - (e) A member of another federally recognized Tribe
 - (f) Fictive Kin within the Oneida tribal community
 - (g) Fictive Kin outside the Oneida tribal community
 - (1) Fictive Kin shall be defined as a person or persons who, to the biological parents of the minor child at issue, have an emotional tie to that parent wherein they are like family.
 - (h) Other person or persons not listed above as approved by the Oneida Child Protection Board.
- 3) When considering placement recommendations, the Oneida Child Protective Board shall take the best interests of the child as the most paramount in each case, even if this creates a choice not to follow the placement preferences listed above.
 - (a) Best interests of the child shall be defined as placement decisions that are made with the purpose of maintaining a cultural attachment for the child(ren) and with the ultimate goal of fostering and encouraging the child's happiness, security, mental health, and emotional development including maintaining a close and loving relationship with both parents as much as possible.
- 4) For cases where the parent(s) are voluntarily terminating their parental rights, if no family or other native home is available for adoptive placement, the Tribe shall not seek to intervene in that adoption proceeding.

BE IT FUTHER RESOLVED, all those who work with Indian Child Welfare Cases, including the Oneida Child Protective Board, the Social Services Department, and the Law Office shall be bound by and required to follow the above policy statement.

BE IT FINALLY RESOLVED, that the Tribe shall continue to follow and adhere to Federal Law, Court opinions which interpret Federal Law, the Bureau of Indian Affairs Guidelines, and the Bureau of Indian Affairs Regulations.

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 13th day of May, 2015; 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.



Lisa Summers, Tribal Secretary
Oneida Business Committee

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