

# **ONEIDA CHILD PROTECTIVE BOARD BYLAWS**

## **Article I. Authority**

Sec. 1-1. Name. The name of this board shall be the Oneida Child Protective Board, hereinafter referred to as the "Board".

Sec. 1-2. Authority.

A. Indian Child Welfare Act. By the authority of the Oneida Business Committee, the Board was established by the Oneida Child Protective Board Ordinance on September 25, 1981. This ordinance vests the Board with the authority over child custody and placement proceedings. All authorities and responsibilities subject to delegation conferred upon the Oneida Tribe of Indians of Wisconsin, hereinafter referred to as the "Tribe", by the Congress of the United States under the Indian Child Welfare Act are hereby delegated to the Board to be administered pursuant to the Indian Child Welfare Act and the rules and regulations promulgated thereunder. The Board stands in place of a tribal court and is a decision making body.

B. Child Care Providers. By the authority of the Oneida Business Committee, the Board shall also be the original hearing body for all challenges to certification decisions for child care providers made by the Oneida Child Care Department. The Board shall implement Tribal policies, resolutions, codes and ordinances regarding child welfare.

Section 1-3. Offices. The office of the Board shall be located within the exterior boundaries of the Oneida Reservation and its mailing address shall be Post Office Box 365, Oneida, WI 54155.

Section 1-4. Membership. The Board shall be composed of seven (7) members appointed by the Oneida Business Committee by resolution. Each member shall have one vote. The Chair shall vote when there is a tie. The Board shall act by a majority vote of the quorum present at any meeting.

A. Selection of Board Members.

1. Any Tribal member who is enrolled with the Tribe and is eligible to vote in the elections of the Tribe may apply to be on the Board.
2. Members must reside in Brown or Outagamie County.
3. Relevant experience or education considered for membership is listed in alphabetical order:
  - a. Employment related to child protection matters.
  - b. Foster parenting experiences.
  - c. Guardian Ad Litem experiences.
  - d. High School Diploma/ GED.
  - e. Kinship/ family, care experiences i.e., grandchildren, nieces, nephews, and elders.
  - f. Previous Oneida Child Protective Board experience.
  - g. Post Secondary Training preferred.
4. An individual must obtain and file a complete application with the Tribal

Secretary's office. The Tribal Secretary's office shall forward copies of all applications under consideration to the Board. Within fifteen days, the Board shall return all applications and submit the name of a candidate whom they recommend. The candidate's name will be submitted, along with all other names of qualified applicants, to the Oneida Business Committee for final selection and approval in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.

5. Board terms shall be for four years.

B. Restrictions on Membership:

1. A member shall not have a previous record of child abuse, neglect, or abandonment for the past ten (10) years.

2. Employees of the Indian Child Welfare Department shall not serve as Board members.

3. Any member desiring to resign from the Board must submit their resignation in writing with a thirty (30) days notice, to the Board. The Board will send this resignation to the Oneida Business Committee.

4. Any member causing discredit to the Board, or violating the provisions of these By-Laws, will be required to resign by action of the Board. The Board will send this resignation to the Oneida Business Committee.

5. If a member fails to attend three (3) consecutive meetings without notification or justification, he/she shall be required to resign. The Board will send this resignation to the Oneida Business Committee.

6. In the event an Board member refuses to resign, the Board will refer to the Comprehensive Policy Governing Boards, Committees and Committees section 6-5.

7. When a resignation occurs, the procedures set forth in the selection of new members will be adhered to.

Sec. 1-5. Purpose. In accordance with the Indian Child Welfare Act, 25 U.S.C. 1901, et seq., the purpose of the Board is to protect the best interests of Oneida children and to promote the stability and security of Oneida families by the establishment of minimum standards for the removal of Oneida children from their families. When placements of such children in foster or adoptive homes or facilities are necessary, these homes must reflect the unique values of Indian culture. For this purpose, the Board may intervene in federal, state, and county courts concerning the following proceedings: foster care placement, termination of parental rights, pre-adoptive placement, adoption and out of home placement.

Sec.1-6. Duties. The functions of the Board include, but are not limited to, the following:

A. The Board is a decision making body which protects the best interests of Oneida children.

B. The exercise of the delegated authorities and responsibilities shall be under the jurisdiction of the Board, provided that the provisions of the Indian Child Welfare Act and the rules and regulations promulgated thereunder shall guide Board actions.

C. Individual Board members must adhere to all policies and procedures of the Board, must attend all meetings unless excused, must take part in discussion of all matters coming before the Board and are responsible for keeping informed on cases discussed.

D. All inquiries to the Board shall be submitted in writing to the Chair. No one individual Board member will respond on behalf of the Board unless directed to do so by the Board.

E. The Board shall serve as the original hearing body in matters concerning decisions by the Oneida Child Care Department regarding the issuance of child care provider certification. All hearings before the Board shall be conducted pursuant to the procedures contained in section 1.10-1. of the Oneida Administrative Procedures Act.

F. As stated in the Oneida Child Protective Board Ordinance enacted on September 25, 1981, the Oneida Business Committee is ready at all times to assist the Board in their relationships with state and tribal governments, agencies, and organizations, when called upon by the Board.

## **Article II. Officers**

Sec. 2-1. The officer positions of the Board are Chair, Vice- Chair, and Secretary.

Sec. 2-2. Officers shall be elected by Board members at the end of each fiscal year.

Sec. 2-3. Officers shall have sign-off authority for Board approved expenditures up to \$10,000.00 for budgeted items and up to \$5,000.00 for unbudgeted or budgeted but sole source items.

Sec. 2-4. Chair Duties.

A. The Chair shall preside at meetings and oversee all activities.

B. The Chair shall be responsible for any issues requiring further discussion or planning.

C. The Chair shall oversee all duties and responsibilities of the Board.

D. The Chair shall serve as the official spokesperson for the Board.

E. All information and/or questions relating to the Board shall be referred to the Chair in written form.

F. The Chair shall schedule all Board meetings.

Sec. 2-5. Vice-Chair Duties.

A. The Vice-Chair shall preside over the Board in the absence of the Chair.

B. The Vice-Chair shall assist the Chair when called upon to do so.

Sec. 2-6. Secretary Duties.

A. The Secretary shall be responsible for all correspondence and shall keep accurate records of all formal actions taken at all Board meetings.

B. The Secretary shall maintain a confidential file system.

C. The Secretary shall properly and promptly record, complete, file and submit minutes for approval for all Board meetings.

D. The Secretary shall be responsible for follow-up cases with the Indian Child Welfare Department and the Oneida Law Office. All follow-up correspondence shall be submitted, in written form, at the next scheduled Board meeting.

Sec. 2-7. Personnel. If it is determined by a majority of the Board that support staff is needed to

help the Board carry out essential functions, then the Board may hire such support staff. All personnel shall be hired in accordance with the procedures of the Oneida Human Resources Department and shall be contingent upon funding allocations.

### **Article III. Meetings**

Sec. 3-1. The Board shall hold weekly meetings. Dates and times shall be determined by the Board members.

Sec. 3-2. The Chair may call a Special meeting at any time.

Sec. 3-3. Four of the seven Board shall constitute a quorum.

Sec. 3-4. If a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the meeting will be canceled.

Sec. 3-5. If a member cannot attend any meeting, an Board officer must be informed before the scheduled meeting. If there is no contact by the Board member before the scheduled meeting, the Board member will be recorded as unexcused for that meeting.

Sec. 3-6. All meetings shall be closed when a case is being deliberated or where the Board is acting in an administrative capacity which is directly related to a child custody and placement proceeding.

Sec. 3-7. Board motions/recommendations shall be signed by the designated Board officer at the Board meeting.

### **Article IV. Reporting**

Sec. 4-1. Agenda. The items on the agenda at all regularly scheduled meetings shall be as follows:

- A. Call to order.
- B. Secretary shall be responsible for sign-in sheet.
- C. Status Reports/Update.
- D. Attorney Business.
- E. Board Business.
- F. Approval of minutes.
- G. Adjournment.

Sec. 4-2. Minutes. The Secretary shall maintain the minutes of each Board meeting in chronological order.

Sec. 4-3. Other Materials. Handouts, reports, memoranda, and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they are presented. The Secretary shall provide a copy of these materials if such materials are not confidential in nature.

Sec. 4-4. Hearings. The Recording Clerk of the Board shall maintain and make available to the Appeals Commission when necessary all written opinions that the Board generates in resolving Child Care Providers disputes that come before the Board.

Sec. 4-5. Report to the Oneida Business Committee and the Oneida General Tribal Council. The Chair and his or her designee shall report directly to the Oneida Business Committee, and the General Tribal Council on behalf of the Board. The reports to General Tribal Council shall be made regularly, at times to be determined by the Oneida Business Committee.

## **Article V. Responsibilities**

Sec. 5-1. Confidentiality. Confidentiality is of utmost importance to the Board and will be strictly adhered to, in accordance with the Privacy Act of 1974. All Board members and any person involved in a case will respect the confidentiality of all case material.

Sec. 5-2. Professionalism. All members of the Board will conduct themselves in a professional manner. Any person involved in a hearing/meeting will respect the opinions and views of others. No person under the influence of drugs or alcohol will be permitted to attend any Board meetings or hearings. No Board member under the influence of drugs or alcohol will be allowed to attend any Board meetings, hearings, or any other function when acting as a representative of the Board.

Sec. 5-3. Conflict of Interest. If the Board, by the majority vote, determines that a conflict of interest exists, the affected member shall be excluded from the Board discussion and decision on any related case.

Sec. 5-4. Review. It is the responsibility of each Board member to carefully and objectively review all information for each case presented to the Board, prior to the meeting.

Sec. 5-5. Training. Members of the Board shall be required to participate in continuing training including orientation, Board training, conferences and workshops pertinent to the Indian Child Welfare Act. Members of the Board will also receive and be familiar with the laws and regulations pertaining to child care providers and hearing procedures as set forth in section 1.10-1. of the Oneida Administrative Procedures Act. Each Board member will receive the By-Laws, Policies and Procedures, the Indian Child Welfare Act and other pertinent material.

Sec.5-6. Budget. It is the responsibility of the Board to develop and submit a fiscal year budget to the Oneida Business Committee within the time frame of the Tribe budgeting process.

## **Article VI. Challenges to Oneida Child Protective Board Actions Re: Indian Child Welfare**

Sec. 6-1. The Board may conduct an Executive meeting to determine or modify any issue or recommendation affecting the welfare of a child determined to be eligible for services.

Sec. 6-2. The Board action may be taken at Regular or Special meeting if no testimony or dispute

is apparent concerning any matter of child welfare. However, any aggrieved person having a protected interest in the child may request an Executive meeting with the Board.

Sec. 6-3. Testimony and deliberations of the Board shall not be part of any public record, except that a synopsis of any contested matter shall be part of the case file.

Sec. 6-4. All grievances must be presented to the Chair in writing. The Board will review the grievance and respond in writing within thirty (30) days.

Sec. 6-5. Upon request of an Executive meeting by the complainant, the Board Chair shall notify the complainant of the Executive meeting date at least five (5) days in advance of the meeting date.

Sec. 6-6. Any parent or representative of a client has the right to appeal an action of the Board regarding an Indian Child Welfare matter to the Oneida Appeals Commission.

## **Article VII. Child Care Provider Certification Hearings**

Sec. 7-1. All child care provider certification hearings before the Board shall be conducted pursuant to the procedures contained in section 1.10-1. of the Oneida Administrative Procedures Act.

Sec. 7-2. The Recording Clerk, who is a Board member and is designated by the Board for each hearing, shall notify all members of the Board and the petitioner and respondent of the time and place of all hearings that come before the Board no less than ten (10) business days in advance of the hearing date.

Sec. 7-3. All documents filed in connection with any matter set for hearing before the Board shall be filed with the Recording Clerk of the Board at least five (5) business days in advance of the hearing date. The Recording Clerk of the Board must submit all documents relevant to a hearing to every Board member who will be at the hearing no less than two (2) business days in advance of the hearing.

Sec. 7-4. Each matter that receives a hearing before the Board shall be adjudicated in favor of the side that receives a majority vote of the Board members at the hearing. The Recording Clerk of the Board shall maintain records of all decisions of the Board.

Sec. 7-5. Three (3) members of the Board must be present at any Board hearing in order to constitute a quorum. If fewer than three (3) members attend, no official business may be undertaken and the hearing will be canceled and rescheduled. Once a quorum is established at a hearing, all official business undertaken is valid and binding. If at any time during the hearing fewer than a quorum of members are present, any votes or other actions requiring a quorum taken by the Board at that time are null and void.

Sec. 7-6. All decisions made by the Board shall be in writing and copies shall be made available to all parties at the hearing.

Sec. 7-7. The Board shall inform all parties of their right to appeal to the Oneida Appeals Commission.

Sec. 7-8. The Recording Clerk of the Board shall maintain and make available to the Oneida Appeals Commission when necessary all written opinions that the Board generates in resolving matters that come before the Board.

### **Article VIII. Committees**

Sec. 8-1. A Special committee may be appointed by the Chair to carry out special assignments when deemed necessary by the Board.

### **Article IX. Compensation**

Sec. 9-1. Stipends. Members of the Board shall be paid a stipend for each meeting which has established a quorum, provided that the quorum is established for a minimum of one hour, and provided further that any member(s) collecting a stipend be present for at least one hour. Stipend amounts shall be as follows, per BC Resolution # 12-20-03-A:

A. \$75.00 for each Board member for attending each regularly scheduled, Special or Executive meeting; the Secretary shall receive an additional \$25.00 per meeting;

B. Each Board member who participates in a child care provider hearing shall receive a \$75.00 stipend; and the Recording Clerk shall receive an additional \$25.00 for each child care provider hearing conducted pursuant to Article VII of the Protective Board Bylaws.

### **Article X. Amendments**

Sec. 10-1. The Board, upon written notice, may at any meeting, by majority vote of the total voting members present adopt, amend or repeal any provisions of these Bylaws of the Board; provided that the amendment has been submitted in writing at the previous regular meeting of the Board. All such amendments approved by the Board are subject to subsequent approval by the Oneida Business Committee.

Sec.10-2. These Bylaws shall be reviewed and/or revised as needed at the beginning of each fiscal year by the Board.

These by-laws, as amended and revised, were adopted by the Oneida Child Protective Board at duly called meeting on the 4<sup>th</sup> day of Jan, 2007.

  
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Jeannette Dinham  
Chair, Oneida Child Protective Board

2-1-07  
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Date

And approved by the Oneida Business Committee at a duly called meeting held on the 31st day of January, 2007.

Patricia Hoef  
Patricia Hoef  
Tribal Secretary, Oneida Business Committee

1-31-07  
Date