

NOTICE OF  
**PUBLIC MEETING**

TO BE HELD  
**THURSDAY, NOVEMBER 3, 2016 at 12:15 p.m.**  
IN THE  
**OBC CONFERENCE ROOM**  
**(2<sup>nd</sup> FLOOR—NORBERT HILL CENTER)**

In accordance with the Legislative Procedures Act, the Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal.

**TOPIC: COMMUNITY SUPPORT  
FUND AMENDMENTS**

**This is a proposal to amend an existing policy of the Nation. The changes include:**

- ◆ Clarifying that the Fund is a fund of last resort.
- ◆ Requiring applicants to submit additional documentation when requesting assistance from the Fund.
- ◆ Removing provisions related to cost-sharing.
- ◆ Delegating administrative rulemaking authority to the Social Services Area (or designee), to promulgate additional rules governing the administration of the Community Support Fund.
- ◆ Revising the listed categories of things that funding can and cannot be provided for.
- ◆ Adding timelines and additional details to the appeal process.
- ◆ Requiring case managers to provide a written follow-up for all contact with an applicant.

To obtain copies of the Public Meeting documents for this proposal, or to learn about the LOC public meeting process, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings) or contact the Legislative Reference Office.

**PUBLIC COMMENT PERIOD  
OPEN UNTIL NOVEMBER 10, 2016**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person (Second floor, Norbert Hill Center) or by U.S. mail, interoffice mail, e-mail or fax.

**Legislative Reference Office**  
**PO Box 365 Oneida, WI 54155**  
**LOC@oneidanation.org**  
Phone: **(920) 869-4376** or **(800) 236-2214**  
Fax: **(920) 869-4040**



# Community Support Fund Amendments

<i>Analysis by the Legislative Reference Office</i>					
<b>Title</b>	Community Support Fund Law (currently a policy)				
<b>Sponsor</b>	David P. Jordan	<b>Drafter</b>	Doug McIntyre, Jo Anne House	<b>Analyst</b>	Tani Thurner
<b>Requester &amp; Reason for Request</b>	This item was brought forward by LOC Chair Brandon Stevens, to clarify an inconsistency between the Policy and the adopting resolution. Additional changes are also made to update/streamline the draft, including re-titling it as a law.				
<b>Purpose</b>	The Law identifies requirements for how funds may be disbursed to Oneida members who are facing emergency situations.				
<b>Authorized/ Affected Entities</b>	Governmental Services Division Director, Social Services Area (or designee) administers the Fund.				
<b>Related Legislation</b>	There are various laws/policies which identify how Tribal funds would be disbursed; however nothing is directly related.				
<b>Enforcement &amp; Due Process</b>	Eligibility requirements; case manager decisions appealable to supervisor, then to area manager, then to the Judiciary.				
<b>Public Meeting Status</b>	A public meeting was held on October 29, 2015, and any comments received during the public comment period have been reviewed and considered by the LOC.				

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### Overview

In December 2013, amendments were adopted to the Community Support Fund Policy. The adopting Resolution (OBC #12-11-13-D) said that the amendments specifically stated that persons who receive assistance from the Community Support Fund (the Fund) do not have to cost share if they are at or below Federal Poverty Guidelines. However, the policy, as amended, did not state this.

In order to reconcile that resolution with the Policy, the Legislative Operating Committee added this item to the Active Files List with the intent of amending the Policy to clarify that applicants do not have to cost share if they are at or below federal poverty guidelines.

However, instead of adding a provision which exempts applicants from cost-sharing if they are at or below federal poverty guidelines, other changes were made instead, based on requests from the fund administrators, and input from the community. The policy is also re-titled as a law, as part of a broader change to re-title existing Oneida policies into laws; since they are recognized as having the same legal effect. This new Law would become chapter 204 of the Oneida Code of Laws.

### Cost Sharing

Instead of adding that persons are not required to cost share if they are at or below Federal Poverty Guidelines; the amendments remove nearly every provision related to cost sharing. [Current policy, 3-1(f), 4-4(a), 5-1(b), 6-3]. Only one possibly related provision remains – the Law still says that security deposits must be paid back to the fund before the applicant may receive another security deposit in the future. However, even in this provision, there is no exception for applicants who are at or under Federal Poverty Guidelines. [204.6-2(b)]

**Other Changes**  
*Rulemaking*

- A definition for “Rule” is added – it means a set of requirements enacted in accordance with the Administrative Rulemaking law. [204.3-1(n)]
- The Social Services Area is responsible for the operation of the Fund but is now authorized to designate the operation of the fund to a department within its control. The Fund operator must now promulgate rules for administering the fund, instead of SOPs.
  - The rules are now required to include the list of categories the fund covers (which is set out in section 204.6-1) and to set caps (per event/household/person, depending on the category).
  - Rules may also include additional things not listed in the Law which the Fund will cover, as long as the rule does not conflict with this Law. [204.4-1]
- When determining the level of assistance that may be provided to an applicant, case managers must now consider the Fund’s “appropriate promulgated rules.” [204.5-1(d)]
- Currently, the Policy prohibits applicants from reapplying for the same catastrophic event, illness, injury or emergency event more than twice. Under the amendments, applicants are instead prohibited from reapplying for the same reason more than the limit stated within the Law or the Fund’s rules. [204.8-4(e)] There are three limits specifically identified in the Law, so unless additional limits are set out in rules, only the following will apply:
  - Inpatient treatment – a new limit is added: once per lifetime. [204.6-1(h)]
  - Security deposits – still limited one request per household, but new language adds that multiple, consecutive requests can be made. [204.6-2(c)]
  - Assistance with paying utilities – currently, assistance can only be requested once every three years; the amendments reduce it to once every two years. [204.6-3]

**Fund Coverage/Application**

Various changes were made to the lists of things that are specifically covered, or specifically not covered, by the Fund:

New Items specifically covered [204.6-1]	New Items specifically NOT covered [204.7-1]	Changes to items already covered by the Fund [204.6-1]
<ul style="list-style-type: none"> <li>➤ Utility Disconnections</li> <li>➤ Inpatient Treatment</li> <li>➤ Fire recovery/natural disaster assistance</li> <li>➤ Home renovations for handicap accessibility</li> <li>➤ Family Medical Leave Act wage replacement</li> <li>➤ Rent and utility assistance during the waiting period for Social Security Disability Determination.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Homeless lodging assistance</li> <li>➤ Health membership fees</li> <li>➤ Food/personal care items.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Instead of covering all health insurance payments, the Fund only covers COBRA Insurance Payments.”</li> <li>➤ The Fund may cover the <u>purchase</u> of medical-related equipment, supplies, or furniture, instead of just the rental of medical equipment.</li> </ul>

**Other Changes**

- Applicants are now all required to provide additional supporting documentation, showing Tribal enrollment, and all household income for the 30 business days (*i.e.* roughly 6 weeks) immediately before applying. [204.8-2(c) and (d)]
- Funds can now benefit Tribal members only and can no longer be provided:
  - For minors who are eligible for enrollment but not enrolled [204.4-2], or
  - In situations where a non-Tribal member is applying on behalf of a Tribal member, unless the funds would benefit the Tribal member only. [204.4-2] (This appears to

39 mean that funds could not be provided for things such as rent, utility bill assistance,  
40 etc.; if non-Tribal members lived in the same household as the Tribal member.  
41 However, this provision does not appear to prohibit funds being provided when a  
42 Tribal member directly requests the funds, but the funds would benefit others,  
43 including others who are not Tribal members.)

- 44 • The Governmental Services Division Director must report quarterly to the OBC, instead of  
45 semi-annually. [204.4-1(b)]
- 46 • Currently, the only non-Oneida persons who may apply for assistance on behalf of an Oneida  
47 member are the member’s parents and legal guardians. The amendments also allow non-Tribal  
48 persons with “legal responsibility” for a Tribal member to apply. [204.4-2(c)]
- 49 • Fund operators can limit (instead of just denying) benefits to applicants who have elected not  
50 to be covered by employer benefits such as disability or health insurance. [204.4-6]
- 51 • Timelines and requirements for appealing a funding decision are added:
  - 52 ○ The case manager’s decision must be appealed within 45 business days after the applicant  
53 receives notice.
  - 54 ○ The Area Manager must review that appeal within 10 business days.
  - 55 ○ If the decision is upheld by the Area Manager, it is still appealable as a final decision to  
56 the Judiciary; the amendments add that this must be appealed within 20 business days  
57 after notice of the decision. [204.9]
- 58 • Applicants must now identify a preferred method of contact, which will be the primary  
59 method used to contact that person. Case Managers are now required to follow up on every  
60 contact with written correspondence. [204.8-1(b)]
- 61 • The definition of “applicant” is changed to clarify that it means the subject of an application,  
62 not a person applying on behalf of another person. [204.3-1(a)]
- 63 • The Law lists different examples of a catastrophic illness/injury that would involve continuing  
64 treatment due to a chronic serious health condition. [204.3-1(e)(2)]
- 65 • Currently, the Fund may be used for a “catastrophic event, illness, or injury.” The amendments  
66 add that assistance also covers an “emergency event.” [204.1 and 204.3-1(f)]
- 67 • A definition for “Reservation” is deleted as the term is not used. Definitions for “severity” and  
68 “verification” are deleted as the terms are used in their ordinary and every day sense and do  
69 not require a definition. [Current policy, 3-1(n, o and r)]

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### Other

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### Considerations

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There are two items the LOC may want to consider:

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1. The Law now states that funds cannot be provided in situations where a non-Tribal member is applying for assistance on behalf of a Tribal member, unless the funds would benefit the Tribal member only. [204.4-2]. This appears to mean that funds could not be provided for things such as rent, utility bill assistance, etc.; if non-Tribal members lived in the same household as the Tribal member, because they would also benefit from the funds. However, this would not prohibit funds being provided when a Tribal member directly requests the funds, where the funds would benefit others, including others who

87 are not Tribal members.) This is a policy call.  
88

89 2. A public meeting for this item was held on October 29, 2015. The main changes since  
90 that public meeting include:

- 91 • Formally establishing rulemaking authority and authorizing rules (instead of  
92 SOPs) to be created to govern the fund's operations; and adding that rules may  
93 identify additional items that will be covered by the Fund, as long as the rule does  
94 not conflict with this law.
- 95 • Authorizing the Social Services Area to designate the operation of the Fund to a  
96 department within its control.
- 97 • Coverage for medical-related equipment, supplies or furniture no longer requires  
98 that rental equipment, supplies or furniture must be used when available.
- 99 • This draft no longer includes hearing aids in the list of items the Fund will cover,  
100 and no longer includes appliance repair/replacement; stabilization rent assistance,  
101 or Department of Corrections re-entry assistance in the list of items the Fund will  
102 not cover.
- 103 • Requiring applicants to identify a preferred method of contact, which will be the  
104 primary contact method; and requiring case managers to follow up every contact  
105 with written correspondence, "in order to make responses to the applicant in a  
106 timely manner so as to meet the applicant's needs."
- 107 • New language requires appeals of case manager's decisions to be in writing, and  
108 three timelines for appeals are added:
  - 109 • Appeals of a case manager's decision must be submitted to the Area  
110 Manager within 45 business days after the applicant receives notice of the  
111 decision.
  - 112 • The Area Manager must review that decision within 10 business days after  
113 receiving the appeal.
  - 114 • New language adds that the Area Manager's decision must be appealed to  
115 the Judiciary within 20 business days of notice of the decision.  
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**Chapter 204**  
**Community Support Fund Policy**

204.1. Purpose and Policy	10	204.6. Items Covered by the Fund
204.2. Adoption, Amendment, Repeal	11	204.7. Items not Covered by the Fund
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204.4. Responsibilities, Eligibility and Qualifications	13	204.9. Appeal
204.5. Priorities for Consideration		

**Article I. 204.1. Purpose and Policy**

204.1-1. Purpose. The purpose of this Policylaw is to assist the greatest number of Tribal members of the Oneida Tribe of Indians of WisconsinNation who apply for assistance to the Community Support Services Fund in times of a catastrophic event, illness ~~or~~, injury or emergency event when no other resources for assistance exist.

204.1-2. Policy. It is the policy of the Oneida Tribe of Indians of WisconsinNation to assist their people in a time of need after a catastrophic event, illness ~~or~~, injury or emergency event, when there is no other assistance available or all other assistance has been exhausted.

**Article II. 204.2. Adoption, Amendment, Repeal**

204.2-1. This Policy is law was adopted by the Oneida Business Committee by resolution #BC-5-15-96-A; and amended by resolution #resolutions BC-01-08-97-G, and amended by resolution #BC-12-1-13-D and BC-\_\_\_\_\_.

204.2-2. This Policylaw may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

204.2-3. Should a provision of this Policylaw or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Policylaw which are considered to have legal force without the invalid portion(s)-portions.

204.2-4. In the event of a conflict between a provision of this Policylaw and a provision of another policylaw, the provisions of this Policylaw shall control.

204.2-5. This Policylaw is adopted under authority of the Constitution of the Oneida Tribe of Indians of WisconsinNation.

**Article III. 204.3. Definitions**

204.3-1. This articlesection shall govern the definitions of words and phrases used within this policylaw. All words not herein-defined herein shall be used in their ordinary and everyday sense.

(a) "Applicant" shall meanmeans the person applyingsubject of the application for assistance for themselves or on behalf of another person who is otherwise unable to do so due to age or incapacity.

(b) "Business Days" shall mean days" means Monday through Friday 8:00 a.m. to 4:30 p.m., except for recognizedexcluding Nation holidays as listed on the official calendar of the Tribe.

(c) "Case Manager" shall mean the manager" means an employee of the Social Services Area responsible for administering Community Support Services Fund benefits according to the established guidelines set forth below.

(d) "Catastrophic event" shall meanmeans a natural or man-made incident, which results

55 in substantial damage or loss requiring major financial resources to repair or recover (i.e.  
56 house fire, tornado, flood, or other disaster).

57 (e) “Catastrophic illness or injury” ~~shall mean~~means a serious debilitating illness, injury,  
58 impairment, or physical or mental condition that involves:

59 (1) in-patient care; or

60 (2) a period of continuing treatment due to a chronic serious health condition  
61 (~~asthma, diabetes, epilepsy, etc.~~);such as chemotherapy/radiation, dialysis,  
62 daily/weekly therapy resulting from trauma, etc.; or

63 (3) a period of illness or injury that is long-term due to a condition for which  
64 treatment may be ineffective (stroke, terminal disease, etc.); or

65 (4) ~~receipt of~~ multiple treatments either for restorative surgery after an accident or  
66 other injury, or for a chronic condition. (i.e. cancer or kidney disease)

67 (f) ~~“Cost share” shall mean the request to have the applicant agree to contribute to the~~  
68 ~~cost of the assistance given.~~

69 (g) ~~“Emergency” shall mean~~ event means a situation that poses an immediate risk to  
70 health, life, safety, property or environment. Emergencies require urgent intervention to  
71 prevent further illness, injury, death, or other worsening of the situation.

72 (hg) ~~“Emergency medical travel” shall mean~~means an unexpected serious health  
73 situation or occurrence, requiring the immediate presence of immediate family. (i.e., end  
74 of life situation, life support, etc.)

75 (ih) ~~“Fund” shall mean~~means the Community Support ~~Services~~-Fund.

76 (ji) ~~“Immediate family” shall mean~~means that group of persons who make up a family  
77 unit normally defined as husband, wife, children, sister, brother, in-laws, step family,  
78 grandparents and grandchildren, and/or a person who has legal responsibility for ~~a~~  
79 ~~member of their immediate family~~the applicant.

80 (kj) ~~“Legal guardian” shall mean~~means a person who has the legal authority to care for  
81 the personal and property interests of another person granted through Court order.

82 (lk) ~~“Legal Responsibility” shall mean~~responsibility means specific duties imposed  
83 upon a person to care or provide for another including liability for personal obligations as  
84 granted through a Power of Attorney or Court order.

85 (ml) ~~“Major medical surgery” shall mean~~means a surgical procedure that carries a degree  
86 of risk to the patient’s life, or the potential for severe disability if something goes wrong  
87 during surgery. It is a surgical procedure that usually requires a patient to be put under  
88 general anesthesia and given respiratory assistance because he or she cannot breathe  
89 independently.

90 (n) ~~“Reservation” shall mean all the lands and waters within the exterior boundaries of~~  
91 ~~the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the~~  
92 ~~1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal~~  
93 ~~law.~~

94 (m) “Nation” means the Oneida Nation.

95 (n) “Rule” means a set of requirements enacted in accordance with the Administrative  
96 Rulemaking law.

97 (o) ~~“Severity” shall mean the verified rate or level of need.~~

98 (p) ~~“Shelter” shall mean mortgage payments or rent payments.~~

99 (q) ~~“Tribal or Tribe” shall mean~~ means the Oneida ~~Tribe of Indians of~~  
100 ~~Wisconsin~~Nation.

(r) ~~“Verification” shall mean the evidence or proof that confirms the accuracy or truth of the alleged catastrophic event, illness or injury and of Tribal membership (i.e., estimates, photographs, doctor statements/report, check stubs, tribal identification card/letter, etc.).~~

~~Article IV. Social Service~~

**204.4. Responsibilities, Eligibility and Qualifications**

~~204.4-1.~~ The Social Services Area of the Governmental Services Division shall ~~create and administer~~ be responsible for operation of the Fund, but may designate the operation of the Fund to a department within its control.

(a) The ~~Social Services Area shall create standard operating procedures~~ operators of the Fund shall promulgate rules, for the administration of the Fund. that are consistent with this law. The ~~standard operating procedures~~ rules:

(1) shall include the list of categories the Fund covers and a cap that sets the amount of assistance per event/ per household, except for funeral expenses which shall be set per event/-per person.

(2) may include additional items not listed in section 204.6, as long as the rule does not conflict with this law.

(b) The Governmental Services Division Director shall report ~~semi-annually~~ quarterly to the Oneida Business Committee. The report shall include, but is not limited to, the amount of ~~Funds~~ funds paid out under each category.

(c) The Social Services ~~area~~ Area or designee shall ensure that the ~~Tribal~~ Nation's membership is informed of what assistance is available through the Fund, how to apply for assistance, and specify who is eligible for assistance.

~~204.4-2.~~ Eligibility for assistance provided under the Fund is reserved for ~~Tribal~~ enrolled members of the Nation. Applications may be made by a non-~~Tribal parent or legal guardian on member on the~~ behalf of a ~~Tribal~~ enrolled member, ~~or minor eligible for enrollment of the Nation,~~ provided ~~Funds~~ the requested funds will benefit the ~~Tribal member or child of member only and the non- member has one (1) of the following relationships to~~ the applicant::

(a) is a parent of the applicant

(b) is the legal guardian of the applicant

(c) has legal responsibility for the applicant

~~204.4-3.~~ Residency within the ~~State~~ state of Wisconsin is not a prerequisite for assistance, except for requests for a security deposit in ~~Section~~ accordance with section 204.6-2.

~~204.4-4.~~ The Fund is a fund of last resort and provides assistance when there is no other financial assistance available:

~~(a) Applicants will be asked to contribute a percentage of the~~ or all other assistance ~~being requested.~~

~~(b) has been exhausted.~~ Applicants shall first seek out other resources that can meet the needs of their request. Proof of requesting assistance from other sources shall be provided with the application.

~~204.4-5.~~ The following types of catastrophic events, illnesses or injuries qualify an applicant for assistance:

(a) Terminally ill

(b) Physically challenged or incapacitated

(c) Major medical surgery

(d) Life threatening (i.e. ~~Cancer~~ cancer, AIDS, ~~Stroke~~ stroke, disabling injuries due to

- 147 motor vehicle accident, etc.)  
148 (e) Natural disaster (i.e. ~~Tornado~~tornado, fire, flood, etc.)  
149 (f) Death in immediate family as identified in section 204.6-1(m).

150 ~~4-6. A Case Manager reserves the right to deny~~204.4-6. Assistance may be denied or limited for  
151 applicants who have elected not to be covered by employer benefits such as disability or health  
152 insurance.

153 204.4-7. All payments shall be provided directly to the service provider. However, payments  
154 for funeral travel shall be reimbursed to the applicant.

155 204.4-8. Assistance available under the Fund is subject to change according to fiscal year  
156 funding levels.

157 204.4-9. ~~Tribal Programs~~Oneida programs and ~~Enterprises~~enterprises are not eligible for these  
158 funds.

159  
160 ~~Article V~~204.5. Priorities for Consideration

161 204.5-1. The ~~Case Managers~~case manager shall determine the level of assistance to be provided  
162 based on:

- 163 (a) Severity of event, illness ~~or~~, injury or emergency event  
164 (b) ~~Ability of applicant to cost share~~  
165 ~~(c) Cost (usual and customary fees)~~  
166 ~~(d) Amount of time elapsed since catastrophic event, illness ~~or~~, injury~~ or emergency  
167 event occurred  
168 (d) The Fund's appropriate promulgated rules

169 204.5-2. The ~~Case Manager~~case manager shall assess each individual case, prioritize and assist  
170 with immediate needs. Priorities are as follows:

- 171 (a) Life-threatening emergency requests  
172 (b) Emergency medical travel  
173 (c) Other needs  
174

175 ~~Article VI~~204.6. Items Covered by the Fund

176 204.6-1. Requests for assistance from the Fund ~~must~~shall be tied to or be a result of a  
177 catastrophic event, illness ~~or~~, injury ~~or emergency event~~. Upon verification of a catastrophic  
178 event, illness ~~or~~, injury or emergency event, the Fund may be used for the following:

- 179 (a) ~~Health insurance, including~~ COBRA Insurance Payments  
180 (b) Prescriptions not available through an ~~IHS Clinic~~Indian Health Services clinic  
181 (c) Medical transportation/emergency medical travel ~~(including vehicle repairs)~~  
182 (d) ~~Rental of medical~~Medical-related equipment, supplies, or furniture  
183 (e) Medical bills (dental, optical, hospital) not covered by insurance  
184 (f) ~~Shelter~~Mortgage payments and ~~utilities~~rent payments (including security deposits),

185 where no other resources exist ~~(including security deposits)~~

186 in accordance with section 204.6-2. Requests

187 (g) Utility disconnections in accordance with section 204.6-3

188 (h) Inpatient Treatment (with a limit of once per lifetime)

189 (i) Fire recovery/natural disaster assistance

190 (j) Home renovations required for handicap accessibility

191 (k) Family Medical Leave Act wage replacement

192 (l) Waiting period for a Social Security Disability Determination rent and utility

193 assistance

194 (m) Travel expenses to arrange or attend a funeral for immediate family members outside  
195 the state where an applicant resides, in accordance with section 204.6-4.

196 204.6-2. Security deposit. The Fund shall only provide assistance for a security deposit ~~shall~~  
197 ~~be~~when it is tied to or ~~be~~ a result of, a catastrophic event, illness ~~or~~ injury ~~and are~~or emergency  
198 event, on an emergency basis which shall include, but is not limited to, pending eviction and  
199 homelessness. Security deposit assistance is limited to Tribal members who are Wisconsin  
200 residents only.

201 (a) The ~~Tribal member~~applicant shall demonstrate the ability to fulfill the terms of the  
202 rental lease. The ~~operators of the~~ Fund ~~does~~shall not co-sign any lease.

203 (b) Security deposits are non-transferable and the amount paid for a security deposit shall  
204 be paid back to the Fund ~~Program~~ before another security deposit is issued at any time in  
205 the future.

206 (c) Only one (1) request per household ~~will~~shall be considered; multiple consecutive  
207 requests may be made.

208 ~~(d) Security deposits shall be issued on an emergency basis which shall include, but is~~  
209 ~~not limited to, pending eviction and homelessness.~~

210 204.6-3. Requests for assistanceUtilities. Assistance for the payment of utilities shall only be  
211 allowed once every ~~three~~ (two (2)) years by the person listed as responsible to pay with the  
212 utility company. ~~Those who receive assistance in paying their utilities shall cost share those~~

213 204.6-4. Funeral expenses by paying back fifty percent (50%) of the funds received within four  
214 (4) months. If those funds are not, An applicant may be reimbursed ~~to the fund by the required~~  
215 ~~date, the Community Support Program may garnish the individual's per capita payments.~~

216 6-4. Travel for mileage or airfare expenses up to a maximum amount of five hundred dollars  
217 (\$500) for travel expenses to arrange or attend a funeral for immediate family members outside  
218 the ~~State of~~state where ~~an applicant resides shall be paid by~~ the applicant ~~first, and~~resides.

219  
220 204.7. Items not Covered by the Fund shall reimburse those applicants for mileage or  
221 airfare expenses up to a maximum amount of five hundred dollars (\$500).

222  
223 Article VII. Items not covered by the Fund

224 204.7-1. The Fund doesshall not be used to cover payments that are not for a catastrophic event,  
225 illness ~~or~~, injury or emergency event as defined above. The following is a list of items not  
226 covered by the Fund; however, this is not an exhaustive list:–

227 (a) Car payments

228 (b) Taxes

229 (c) Credit card or ~~Charge~~charge accounts

230 (d) Commercial loans

231 (e) Defaults/fines/bankruptcy charges

232 (f) Expenses not tied to basic needs (~~Cable~~cable, internet, memberships, etc.)

233 (g) Legal fees/court costs/judgments

234 (h) Homeless lodging assistance

235 (i) Health membership fees

236 (j) Food and personal care items

237 204.7-2. The Fund reserves the right to denyBenefits may be denied or ~~limit benefits~~limited if  
238 evidence is found regarding the applicant as to the following:

- 239 (a) The catastrophic event, illness ~~or~~, injury or emergency event is the result of a  
240 violation of the law ~~as proven by a citation or criminal conviction.~~  
241 (b) The applicant or others in the household benefiting from assistance from the Fund are  
242 non-compliant with the requirements of other ~~tribal~~Nation programs, policies or laws ~~(i.e.~~  
243 Zoning, etc.), or  
244 (c) The applicant or others in the household benefiting from assistance from the Fund are  
245 non-compliant with the requirements of the Fund.  
246 ~~If the Fund chooses~~204.7-3. When a decision is made to approve, deny, or limit benefits ~~under~~  
247 ~~this section,~~ the case manager shall provide an explanation of the decision ~~shall be~~ in writing  
248 ~~and provided~~ to the applicant with a copy placed in the Fund's applicant's file.  
249

250 **Article VIII. 204.8 Application Requirements**

251 204.8-1.

252 (a) To be considered for assistance and before receiving assistance the applicant  
253 ~~must~~shall complete the full application process. All applicants shall cooperate with the  
254 ~~Case Manager~~case manager to assist the ~~Case Manager~~case manager in comprehensively  
255 addressing the needs of the applicant~~(s)~~.

256 (b) Every application shall contain a space for the applicant to identify a preferred  
257 method of contact. This shall be the primary contact method. Case managers shall follow  
258 up every contact with written correspondence, in order to make responses to the applicant  
259 in a timely manner so as to meet the applicant's needs.

260 204.8-2. Supporting documentation ~~shall be~~is required in all cases. The applicant is responsible  
261 to provide all documentation requested by the ~~Case Manager.~~

262 ~~(a) case manager.~~ No assistance ~~shall~~may be provided without sufficient documentation of:

263 (a) the catastrophic event ~~or~~, illness ~~or~~, injury ~~as requested by the Case Manager~~or  
264 emergency event.

265 ~~(b) No assistance shall be provided without sufficient documentation~~(b) proof that the  
266 applicant sought assistance from other agencies with an explanation of benefits received  
267 or refusal of assistance by the other agencies.

268 (c) enrollment in the Nation.

269 (d) all household income the last thirty (30) business days immediately prior to the  
270 submission of the application.

271 (e) status of employment which shall include:

272 (1) leave of absence paperwork

273 (2) balance of personal and vacation time accumulation

274 (3) disability insurance or workmen's compensation coverage

275 204.8-3. Documentation includes, but is not limited to:

276 (a) Medical reports

277 (b) Bills or statements

278 (c) Estimates

279 (d) Letters

280 (e) Police or fire reports

281 (f) Obituary or formal notice of death

282 (g) Check stubs

283 (h) Pictures or photographs

284 (i) Applications for assistance from other agencies

- 285 (j) Approval of assistance or denial of assistance letters from other agencies  
286 ~~8-4. Verification of status of employment is required and includes the following documentation:~~  
287 ~~(a) Leave of absence paperwork~~  
288 ~~(b) Balance of personal and vacation time accumulation~~  
289 ~~(c) Disability insurance or workmen's compensation coverage~~  
290 ~~(d) Check stubs~~

291 ~~8-5.204.8-4.~~ Requests submitted without supporting documentation shall be kept on file for  
292 thirty (30) business days.

293 (a) ~~A The case manager shall~~ request ~~for~~ additional information ~~by a Case Manager shall~~  
294 be ~~made~~provided when an application contains insufficient information to make an  
295 informed decision.

296 (b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.

297 (c) Failure to submit the requested information within the thirty (30) business days  
298 ~~will~~shall result in closing the application file, with no further action taken in regard to  
299 that application.

300 (d) ~~Applicant~~Applicants shall be sent a notice that the file has been closed and reason(s)  
301 for the file being closed.

302 (e) After the file is closed, the applicant shall start the application process over again in  
303 order to be considered for assistance from the Fund. However, no applicant may re-apply  
304 for the same catastrophic event, illness~~or~~, injury or emergency event more than ~~twice~~the  
305 limit stated within this law or the Fund's rules.

306 ~~8-6. Application~~204.8-5. Applications for assistance shall be made within a reasonable time  
307 period, not to exceed thirty (30) business days of a catastrophic event or illness~~or~~, injury or  
308 emergency event. Applications made after thirty (30) business days shall not be considered.

309  
310 ~~Article IX~~204.9. Appeal

311 ~~204.9-1.~~ An appeal of the ~~Case Manager's~~case manager's decision shall be ~~made~~requested in  
312 writing to the ~~Case Manager's~~supervisor. ~~If the supervisor upholds Area Manager within forty-~~  
313 ~~five (45) business days after receipt of notice of the decision, it may then be appealed to.~~ Within  
314 ten (10) business days after receiving the appeal, the Area Manager of matter shall be reviewed  
315 by the Social Services Division Area Manager to determine if the decision should be overturned  
316 or upheld.

317 ~~204.9-2.~~ If the decision is upheld by the Area Manager, the decision may be appealed as a final  
318 decision to the Judiciary within twenty (20) business days of notice of the decision.

319  
320  
321 *End.*

322  
323  
324 Adopted - BC-5-15-96-A  
325 Amended - BC-1-8-97-G  
326 Amended - BC-12-11-13-D  
327 Amended - BC-

**Chapter 204**  
**Community Support Fund**

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**204.1. Purpose and Policy**

204.1-1. *Purpose.* The purpose of this law is to assist the greatest number of members of the Oneida Nation who apply for assistance to the Fund in times of a catastrophic event, illness, injury or emergency event when no other resources for assistance exist.

204.1-2. *Policy.* It is the policy of the Oneida Nation to assist their people in a time of need after a catastrophic event, illness, injury or emergency event, when there is no other assistance available or all other assistance has been exhausted.

**204.2. Adoption, Amendment, Repeal**

204.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-15-96-A and amended by resolutions BC-01-08-97-G, BC-12-1-13-D and BC-\_\_\_\_\_.

204.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

204.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

204.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

204.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**204.3. Definitions**

204.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Applicant" means the subject of the application for assistance.

(b) "Business days" means Monday through Friday 8:00 a.m. to 4:30 p.m., excluding Nation holidays.

(c) "Case manager" means an employee responsible for administering Fund benefits.

(d) "Catastrophic event" means a natural or man-made incident, which results in substantial damage or loss requiring major financial resources to repair or recover (i.e. house fire, tornado, flood, or other disaster).

(e) "Catastrophic illness or injury" means a serious debilitating illness, injury, impairment, or physical or mental condition that involves:

(1) in-patient care; or

(2) a period of continuing treatment due to a chronic serious health condition (such as chemotherapy/radiation, dialysis, daily/weekly therapy resulting from trauma, etc.); or

- 54 (3) a period of illness or injury that is long-term due to a condition for which  
55 treatment may be ineffective (stroke, terminal disease, etc.); or  
56 (4) multiple treatments either for restorative surgery after an accident or other  
57 injury, or for a chronic condition. (i.e. cancer or kidney disease)  
58 (f) “Emergency event” means a situation that poses an immediate risk to health, life,  
59 safety, property or environment. Emergencies require urgent intervention to prevent  
60 further illness, injury, death, or other worsening of the situation.  
61 (g) “Emergency medical travel” means an unexpected serious health situation or  
62 occurrence, requiring the immediate presence of immediate family. (i.e., end of life  
63 situation, life support, etc.)  
64 (h) “Fund” means the Community Support Fund.  
65 (i) “Immediate family” means that group of persons who make up a family unit normally  
66 defined as husband, wife, children, sister, brother, in-laws, step family, grandparents and  
67 grandchildren, and/or a person who has legal responsibility for the applicant.  
68 (j) “Legal guardian” means a person who has the legal authority to care for the personal  
69 and property interests of another person granted through Court order.  
70 (k) “Legal responsibility” means specific duties imposed upon a person to care or  
71 provide for another including liability for personal obligations as granted through a  
72 Power of Attorney or Court order.  
73 (l) “Major medical surgery” means a surgical procedure that carries a degree of risk to  
74 the patient’s life, or the potential for severe disability if something goes wrong during  
75 surgery. It is a surgical procedure that usually requires a patient to be put under general  
76 anesthesia and given respiratory assistance because he or she cannot breathe  
77 independently.  
78 (m) “Nation” means the Oneida Nation.  
79 (n) “Rule” means a set of requirements enacted in accordance with the Administrative  
80 Rulemaking law.  
81 (o) “Tribal” means the Oneida Nation.

82

#### 83 **204.4. Responsibilities, Eligibility and Qualifications**

84 204.4-1. The Social Services Area of the Governmental Services Division shall be responsible  
85 for operation of the Fund, but may designate the operation of the Fund to a department within its  
86 control.

- 87 (a) The operators of the Fund shall promulgate rules, for the administration of the Fund  
88 that are consistent with this law. The rules:  
89 (1) shall include the list of categories the Fund covers and a cap that sets the  
90 amount of assistance per event/ per household, except for funeral expenses which  
91 shall be set per event/per person.  
92 (2) may include additional items not listed in section 204.6, as long as the rule  
93 does not conflict with this law.  
94 (b) The Governmental Services Division Director shall report quarterly to the Oneida  
95 Business Committee. The report shall include, but is not limited to, the amount of funds  
96 paid out under each category.  
97 (c) The Social Services Area or designee shall ensure that the Nation’s membership is  
98 informed of what assistance is available through the Fund, how to apply for assistance,

99 and specify who is eligible for assistance.

100 204.4-2. Eligibility for assistance provided under the Fund is reserved for enrolled members of  
101 the Nation. Applications may be made by a non-member on the behalf of an enrolled member of  
102 the Nation, provided the requested funds will benefit the member only and the non- member has  
103 one (1) of the following relationships to the applicant:

- 104 (a) is a parent of the applicant
- 105 (b) is the legal guardian of the applicant
- 106 (c) has legal responsibility for the applicant

107 204.4-3. Residency within the state of Wisconsin is not a prerequisite for assistance, except for  
108 requests for a security deposit in accordance with section 204.6-2.

109 204.4-4. The Fund is a fund of last resort and provides assistance when there is no other  
110 financial assistance available or all other assistance has been exhausted. Applicants shall first  
111 seek out other resources that can meet the needs of their request. Proof of requesting assistance  
112 from other sources shall be provided with the application.

113 204.4-5. The following types of catastrophic events, illnesses or injuries qualify an applicant for  
114 assistance:

- 115 (a) Terminally ill
- 116 (b) Physically challenged or incapacitated
- 117 (c) Major medical surgery
- 118 (d) Life threatening (i.e. cancer, AIDS, stroke, disabling injuries due to motor vehicle  
119 accident, etc.)
- 120 (e) Natural disaster (i.e. tornado, fire, flood, etc.)
- 121 (f) Death in immediate family as identified in section 204.6-1(m).

122 204.4-6. Assistance may be denied or limited for applicants who have elected not to be covered  
123 by employer benefits such as disability or health insurance.

124 204.4-7. All payments shall be provided directly to the service provider. However, payments  
125 for funeral travel shall be reimbursed to the applicant.

126 204.4-8. Assistance available under the Fund is subject to change according to fiscal year  
127 funding levels.

128 204.4-9. Oneida programs and enterprises are not eligible for these funds.

129

### 130 **204.5. Priorities for Consideration**

131 204.5-1. The case manager shall determine the level of assistance to be provided based on:

- 132 (a) Severity of event, illness, injury or emergency event
- 133 (b) Cost (usual and customary fees)
- 134 (c) Amount of time elapsed since catastrophic event, illness, injury or emergency event  
135 occurred
- 136 (d) The Fund's appropriate promulgated rules

137 204.5-2. The case manager shall assess each individual case, prioritize and assist with  
138 immediate needs. Priorities are as follows:

- 139 (a) Life-threatening emergency requests
- 140 (b) Emergency medical travel
- 141 (c) Other needs

142

143 **204.6. Items Covered by the Fund**

144 204.6-1. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic  
145 event, illness, injury or emergency event. Upon verification of a catastrophic event, illness,  
146 injury or emergency event, the Fund may be used for the following:

- 147 (a) COBRA Insurance Payments
- 148 (b) Prescriptions not available through an Indian Health Services clinic
- 149 (c) Medical transportation/emergency medical travel including vehicle repairs
- 150 (d) Medical-related equipment, supplies, or furniture
- 151 (e) Medical bills (dental, optical, hospital) not covered by insurance
- 152 (f) Mortgage payments and rent payments (including security deposits), where no other  
153 resources exist in accordance with section 204.6-2
- 154 (g) Utility disconnections in accordance with section 204.6-3
- 155 (h) Inpatient Treatment (with a limit of once per lifetime)
- 156 (i) Fire recovery/natural disaster assistance
- 157 (j) Home renovations required for handicap accessibility
- 158 (k) Family Medical Leave Act wage replacement
- 159 (l) Waiting period for a Social Security Disability Determination rent and utility  
160 assistance
- 161 (m) Travel expenses to arrange or attend a funeral for immediate family members outside  
162 the state where an applicant resides, in accordance with section 204.6-4.

163 204.6-2. *Security deposit.* The Fund shall only provide assistance for a security deposit when it  
164 is tied to or a result of a catastrophic event, illness injury or emergency event, on an emergency  
165 basis which shall include, but is not limited to, pending eviction and homelessness. Security  
166 deposit assistance is limited to Tribal members who are Wisconsin residents only.

- 167 (a) The applicant shall demonstrate the ability to fulfill the terms of the rental lease. The  
168 operators of the Fund shall not co-sign any lease.
- 169 (b) Security deposits are non-transferable and the amount paid for a security deposit shall  
170 be paid back to the Fund before another security deposit is issued at any time in the  
171 future.
- 172 (c) Only one (1) request per household shall be considered; multiple consecutive  
173 requests may be made.

174 204.6-3. *Utilities.* Assistance for the payment of utilities shall only be allowed once every two  
175 (2) years by the person listed as responsible to pay with the utility company.

176 204.6-4. *Funeral expenses.* An applicant may be reimbursed for mileage or airfare expenses up  
177 to a maximum amount of five hundred dollars (\$500) for travel expenses to arrange or attend a  
178 funeral for immediate family members outside the state where the applicant resides.

179  
180 **204.7. Items not Covered by the Fund**

181 204.7-1. The Fund shall not be used to cover payments that are not for a catastrophic event,  
182 illness, injury or emergency event as defined above. The following is a list of items not covered  
183 by the Fund; however, this is not an exhaustive list:

- 184 (a) Car payments
- 185 (b) Taxes
- 186 (c) Credit card or charge accounts
- 187 (d) Commercial loans

- 188 (e) Defaults/fines/bankruptcy charges
- 189 (f) Expenses not tied to basic needs (cable, internet, memberships, etc.)
- 190 (g) Legal fees/court costs/judgments
- 191 (h) Homeless lodging assistance
- 192 (i) Health membership fees
- 193 (j) Food and personal care items

194 204.7-2. Benefits may be denied or limited if evidence is found regarding the applicant as to the  
195 following:

- 196 (a) The catastrophic event, illness, injury or emergency event is the result of a violation  
197 of the law as proven by a citation or criminal conviction,
- 198 (b) The applicant or others in the household benefiting from assistance from the Fund are  
199 non-compliant with the requirements of other Nation programs, policies or laws, or
- 200 (c) The applicant or others in the household benefiting from assistance from the Fund are  
201 non-compliant with the requirements of the Fund.

202 204.7-3. When a decision is made to approve, deny, or limit benefits, the case manager shall  
203 provide an explanation of the decision in writing to the applicant with a copy placed in the  
204 applicant's file.

205

## 206 **204.8 Application Requirements**

207 204.8-1.

- 208 (a) To be considered for assistance and before receiving assistance the applicant shall  
209 complete the full application process. All applicants shall cooperate with the case  
210 manager to assist the case manager in comprehensively addressing the needs of the  
211 applicant(s).
- 212 (b) Every application shall contain a space for the applicant to identify a preferred  
213 method of contact. This shall be the primary contact method. Case managers shall follow  
214 up every contact with written correspondence, in order to make responses to the applicant  
215 in a timely manner so as to meet the applicant's needs.

216 204.8-2. Supporting documentation is required in all cases. The applicant is responsible to  
217 provide all documentation requested by the case manager. No assistance may be provided  
218 without sufficient documentation of:

- 219 (a) the catastrophic event, illness, injury or emergency event.
- 220 (b) proof that the applicant sought assistance from other agencies with an explanation of  
221 benefits received or refusal of assistance by the other agencies.
- 222 (c) enrollment in the Nation.
- 223 (d) all household income the last thirty (30) business days immediately prior to the  
224 submission of the application.
- 225 (e) status of employment which shall include:
  - 226 (1) leave of absence paperwork
  - 227 (2) balance of personal and vacation time accumulation
  - 228 (3) disability insurance or workmen's compensation coverage

229 204.8-3. Documentation includes, but is not limited to:

- 230 (a) Medical reports
- 231 (b) Bills or statements
- 232 (c) Estimates

- 233 (d) Letters
- 234 (e) Police or fire reports
- 235 (f) Obituary or formal notice of death
- 236 (g) Check stubs
- 237 (h) Pictures or photographs
- 238 (i) Applications for assistance from other agencies
- 239 (j) Approval of assistance or denial of assistance letters from other agencies

240 204.8-4. Requests submitted without supporting documentation shall be kept on file for thirty  
241 (30) business days.

242 (a) The case manager shall request additional information be provided when an  
243 application contains insufficient information to make an informed decision.

244 (b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.

245 (c) Failure to submit the requested information within the thirty (30) business days shall  
246 result in closing the application file, with no further action taken in regard to that  
247 application.

248 (d) Applicants shall be sent a notice that the file has been closed and reason(s) for the file  
249 being closed.

250 (e) After the file is closed, the applicant shall start the application process over again in  
251 order to be considered for assistance from the Fund. However, no applicant may re-apply  
252 for the same catastrophic event, illness, injury or emergency event more than the limit  
253 stated within this law or the Fund's rules.

254 204.8-5. Applications for assistance shall be made within a reasonable time period, not to  
255 exceed thirty (30) business days of a catastrophic event or illness, injury or emergency event.  
256 Applications made after thirty (30) business days shall not be considered.

257

#### 258 **204.9. Appeal**

259 204.9-1. An appeal of the case manager's decision shall be requested in writing to the Area  
260 Manager within forty-five (45) business days after receipt of notice of the decision. Within ten  
261 (10) business days after receiving the appeal, the matter shall be reviewed by the Area Manager  
262 to determine if the decision should be overturned or upheld.

263 204.9-2. If the decision is upheld by the Area Manager, the decision may be appealed as a final  
264 decision to the Judiciary within twenty (20) business days of notice of the decision.

265

266 *End.*

267

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268 Adopted - BC-5-15-96-A

269 Amended - BC-1-8-97-G

270 Amended - BC-12-11-13-D

271 Amended - BC-