

Title 1. Government and Finances – Chapter 125

COMMUNITY SUPPORT FUND

Kayaʔtakenhásla tsiʔ niyukwana:táyA

It is helpful where our community lays

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125.1. Purpose and Policy

125.1-1. *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.

125.1-2. *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.

125.2. Adoption, Amendment, Repeal

125.2-1. 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-01-11-17-B.

125.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

125.2-3. 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.

125.2-4. 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.

125.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

125.3. Definitions

125.3-1. 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;

(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.);

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

(4) Multiple treatments either for restorative surgery after an accident or other

injury, or for a chronic condition. (i.e. cancer or kidney disease).

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

(g) “Emergency medical travel” means an unexpected serious health situation or occurrence, requiring the immediate presence of immediate family. (i.e., end of life situation, life support, etc.)

(h) “Fund” means the Community Support Fund.

(i) “Immediate family” means that group of persons who make up a family unit normally defined as husband, wife, children, sister, brother, in-laws, step family, grandparents and grandchildren, and/or a person who has legal responsibility for the applicant.

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

(k) “Legal responsibility” means specific duties imposed upon a person to care or provide for another including liability for personal obligations as granted through a Power of Attorney or Court order.

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

(m) “Nation” means the Oneida Nation.

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

(o) “Tribal” means the Oneida Nation.

125.4. Responsibilities, Eligibility and Qualifications

125.4-1. The Social Services Area of the Governmental Services Division shall be responsible for operation of the Fund, but may designate the operation of the Fund to a department within its control.

(a) The operators of the Fund shall promulgate rules, for the administration of the Fund that are consistent with this law. The 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 125.6, as long as the rule does not conflict with this law.

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

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

125.4-2. Eligibility for assistance provided under the Fund is reserved for enrolled members of the Nation. Applications may be made by a non-member on the behalf of an enrolled member of the Nation, provided the requested funds will benefit the 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; or
- (c) Has legal responsibility for the applicant.

125.4-3. Residency within the state of Wisconsin is not a prerequisite for assistance, except for requests for a security deposit in accordance with section 125.6-2.

125.4-4. The Fund is a fund of last resort and provides assistance when there is no other financial assistance available or all other assistance 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.

125.4-5. 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, AIDS, stroke, disabling injuries due to motor vehicle accident, etc.);
- (e) Natural disaster (i.e. tornado, fire, flood, etc.); and
- (f) Death in immediate family as identified in section 125.6-1(n).

125.4-6. Assistance may be denied or limited for applicants who have elected not to be covered by employer benefits such as disability or health insurance.

125.4-7. Except as otherwise provided in section 125.6-4, all payments shall be provided directly to the service provider.

125.4-8. Assistance available under the Fund is subject to change according to fiscal year funding levels.

125.4-9. Oneida programs and enterprises are not eligible for these funds.

125.5. Priorities for Consideration

125.5-1. The case manager shall determine the level of assistance to be provided based on:

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

125.5-2. The case manager shall assess each individual case, prioritize and assist with immediate needs. Priorities are as follows:

- (a) Life-threatening emergency requests;
- (b) Emergency medical travel; and
- (c) Other needs.

125.6. Items Covered by the Fund

125.6-1. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic event, illness, injury or emergency event. Upon verification of a catastrophic event, illness, injury or emergency event, the Fund may be used for the following:

- (a) COBRA Insurance Payments;
- (b) Prescriptions not available through an Indian Health Services clinic;

- (c) Medical transportation/emergency medical travel including vehicle repairs;
- (d) Medical-related equipment, supplies, or furniture;
- (e) Medical bills (dental, optical, hospital) not covered by insurance;
- (f) Mortgage payments and rent payments (including security deposits), where no other resources exist in accordance with section 125.6-2;
- (g) Utility disconnections in accordance with section 125.6-3;
- (h) Inpatient Treatment (with a limit of once per lifetime);
- (i) Fire recovery/natural disaster assistance;
- (j) Home renovations required for handicap accessibility;
- (k) Family Medical Leave Act wage replacement;
- (l) Waiting period for a Social Security Disability Determination rent and utility assistance;
- (m) Appliance repair for essential appliances as defined in the rules which the Fund operator shall develop; and/or
- (n) Travel expenses to arrange or attend a funeral for immediate family members outside the state where an applicant resides, in accordance with section 125.6-4.

125.6-2. *Security deposit.* The Fund shall only provide assistance for a security deposit when it is tied to or a result of a catastrophic event, illness injury or emergency event, on an emergency basis which shall include, but is not limited to, pending eviction and homelessness. Security deposit assistance is limited to Tribal members who are Wisconsin residents only.

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

125.6-3. *Utilities.* Assistance for the payment of utilities shall only be allowed once every two (2) years by the person listed as responsible to pay with the utility company.

125.6-4. *Funeral expenses.* An applicant may receive assistance with travel expenses, up to a maximum amount of five hundred dollars (\$500), to arrange or attend a funeral for immediate family members outside the state where the applicant resides. Unless the rules allow for direct payment to the travel provider by the Fund Operator, such assistance is required to be in the form of reimbursement, provided that mileage assistance shall always be in the form of reimbursement.

125.7. Items not Covered by the Fund

125.7-1. The Fund shall not be used to cover payments that are not for a catastrophic event, illness, injury or emergency event as defined above. The following is a list of items not covered by the Fund; however, this is not an exhaustive list:

- (a) Car payments;
- (b) Taxes;
- (c) Credit card or charge accounts;
- (d) Commercial loans;
- (e) Defaults/fines/bankruptcy charges;
- (f) Expenses not tied to basic needs (cable, internet, memberships, etc.);

- (g) Legal fees/court costs/judgments;
- (h) Homeless lodging assistance;
- (i) Health membership fees;
- (j) Food and personal care items;
- (k) Stabilization rent assistance; and
- (l) Department of Corrections re-entry assistance.

125.7-2. Benefits may be denied or limited if evidence is found regarding the applicant as to the following:

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

125.7-3. When a decision is made to approve, deny, or limit benefits, the case manager shall provide an explanation of the decision in writing to the applicant with a copy placed in the applicant's file.

125.8. Application Requirements

125.8-1. To be considered for assistance and before receiving assistance the applicant shall complete the full application process. All applicants shall cooperate with the case manager to assist the case manager in comprehensively addressing the needs of the applicant(s). Every application shall contain a space for the applicant to identify a preferred method of contact. This shall be the primary contact method. Case managers shall follow up every contact with written correspondence, in order to make responses to the applicant in a timely manner so as to meet the applicant's needs.

125.8-2. Supporting documentation is required in all cases. The applicant is responsible to provide all documentation requested by the case manager. No assistance may be provided without sufficient documentation of:

- (a) The catastrophic event, illness, injury or emergency event;
- (b) Proof that the applicant sought assistance from other agencies with an explanation of benefits received or refusal of assistance by the other agencies;
- (c) Enrollment in the Nation;
- (d) All household income the last thirty (30) business days immediately prior to the submission of the application; and
- (e) Status of employment which shall include the following as applicable:
 - (1) Leave of absence paperwork;
 - (2) Balance of personal and vacation time accumulation; and
 - (3) Disability insurance or workmen's compensation coverage.

125.8-3. Documentation includes, but is not limited to:

- (a) Medical reports;
- (b) Bills or statements;
- (c) Estimates;
- (d) Letters;
- (e) Police or fire reports;
- (f) Obituary or formal notice of death;

- (g) Check stubs;
- (h) Pictures or photographs;
- (i) Applications for assistance from other agencies; and/or
- (j) Approval of assistance or denial of assistance letters from other agencies.

125.8-4. Requests submitted without supporting documentation shall be kept on file for thirty (30) business days.

- (a) The case manager shall request additional information be provided when an application contains insufficient information to make an informed decision.
- (b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.
- (c) Failure to submit the requested information within the thirty (30) business days shall result in closing the application file, with no further action taken in regard to that application.
- (d) Applicants shall be sent a notice that the file has been closed and reason(s) for the file being closed.
- (e) After the file is closed, the applicant shall start the application process over again in order to be considered for assistance from the Fund. However, no applicant may re-apply for the same catastrophic event, illness, injury or emergency event more than the limit stated within this law or the Fund's rules.

125.8-5. Applications for assistance shall be made within a reasonable time period, not to exceed thirty (30) business days of a catastrophic event or illness, injury or emergency event. Applications made after thirty (30) business days shall not be considered.

125.9. Decision and Appeal

125.9-1. *Initial Decision.* The Fund Operator shall include in the Fund rules a timeline for which an initial decision is required following the submission of a complete application. Such timeline shall include available extensions for circumstances wherein the applicant has a determination of award/coverage pending with another support/assistance resource.

125.9-2. *Program Director Appeal.* An appeal of the case manager's decision shall be requested in writing to the Program Director within ten (10) business days after receipt of notice of the initial decision. Within ten (10) business days after receiving the appeal, the Program Director shall provide the applicant with notice of his or her decision on the matter.

125.9-3. *Area Manager Appeal.* An appeal of the Program Director's decision shall be requested in writing to the Area Manager within ten (10) business days after receipt of notice of the Program Director's decision. Within ten (10) business days after receiving the appeal, the Area Manager shall provide the applicant with notice of his or her decision on the matter.

125.9-4. *Oneida Judiciary Appeal.* An applicant may appeal a decision of the Area Manager to the Oneida Court of Appeals in accordance with the Rules of Appellate Procedure.

End.

Adopted - BC-5-15-96-A

Amended - BC-1-8-97-G

Amended - BC-12-11-13-D

Amended - BC-01-11-17-B