

**Title 1. Government and Finances – Chapter 129**  
**CHILDREN’S BURIAL FUND POLICY**  
**Kaya’takenhásla ashakotiya’tátane’ latiksa’shúha**  
*It is helpful for them to bury them the children*

129.1. Purpose and Policy

129.2. Adoption, Amendment, Conflicts

129.3. Definitions

129.4. Qualifications

129.5. Procedures

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**129.1. Purpose and Policy**

129.1-1. *Purpose.* It is the purpose of this policy to provide financial assistance towards the funeral costs of children of a certain age who are not enrolled, but are eligible for enrollment, in the Oneida Tribe of Indians of Wisconsin.

129.1-2. *Policy.* The Oneida Tribe is committed to providing services to the membership from birth to death. As a part of this commitment, we wish to assure a dignified approach to the final needs of our Tribal members and their families.

129.1-3. This fund is established to provide an individual allotment, not to exceed \$3,500 per qualified individual, to defray the cost of funeral expenses.

**129.2. Adoption, Amendment, Conflicts**

129.2-1. This policy was adopted by the Oneida Business Committee resolution BC-02-10-10-B.

129.2-2. This policy may be amended pursuant to the procedures set out in Tribal law.

129.2-3. Should a provision of this policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy which are considered to have legal force without the invalid portions.

129.2-4. In the event of a conflict between a provision of this policy and a provision of another law, ordinance, policy, regulation, rule, resolution, or motion, the provisions of this policy shall control. Provided that, nothing in this policy is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

129.2-5. This policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

**129.3. Definitions**

129.3-1. This section shall govern the definitions of words and phrases used within this policy. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Fetal death report” means the form prescribed and supplied by a State used to report non-abortion related fetal deaths, which may also be referred to as stillbirths.

(b) “Stillbirth” means a fetus born dead, irrespective of the duration of pregnancy, with death indicated by the fact that after expulsion or extraction from the woman, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary muscles.

(c) “Voluntary paternity/maternity statement” means the document created by the Oneida Enrollment Department which requires the notarized signature(s) of Oneida parent(s) acknowledging paternity and/or maternity of a fetus, which is used to determine eligibility for enrollment.

#### **129.4. Qualifications**

129.4-1. Except as provided in 129.4-2, to be eligible for assistance the deceased shall be five (5) years of age or younger, not enrolled, but eligible for enrollment.

129.4-2. In the event the deceased is six (6) years of age, not enrolled, but eligible for enrollment, the deceased shall be eligible for assistance if the Oneida Trust/Enrollment Committee had approved the enrollment of the deceased prior to his or her death.

#### **129.5. Procedures**

129.5-1. The Oneida Enrollment Department is designated to process all requests for assistance from the Children's Burial Fund.

129.5-2. Requests for payment shall be made within 365 days from the date of death.

129.5-3. Original invoices shall be provided to the Enrollment Department for payment.

129.5-4. Upon verification of invoices and the relevant document(s) as required under 129.5-5, the Enrollment Department shall be responsible for processing the appropriate paper work for the payment to be made to the funeral home, monument company, cemetery, crematorium, churches, and/or catering/food vendors.

129.5-5. A birth certificate, death certificate, or fetal death report shall be submitted to the Enrollment Department prior to payment. A voluntary paternity/maternity statement shall also be submitted to the Enrollment Department prior to payment where paternity and/or maternity needs to be determined.

129.5-6. Food expenses are payable through a food voucher, added to the funeral home invoice, or paid directly to the caterer/food vendor/restaurant, amount not to exceed \$200.00, which is included under the \$3,500.00.

129.5-7. Monument/headstone costs are payable directly to the vendor or may be added to the funeral home invoice, amount not to exceed \$1,000.00, which is included under the \$3,500.00.

129.5-8. Cemetery costs are payable directly to the vendor or may be added to the funeral home invoice, amount to be included under the \$3,500.00.

129.5-9. Church costs are payable directly to the vendor or may be added to the funeral home invoice, amount to be included under the \$3,500.00.

129.5-10. Under no circumstances will there be any reimbursements for funeral costs to individuals.

129.5-11. Any unexpended monies after payment(s) have been made will remain in the fund for other burials.

129.5-12. Under no circumstances will funding exceed \$3,500.00.

129.5-13. Total expenses over \$3,500.00 or expenses over the designated amounts payable are the responsibility of the family or responsible party.

*End.*

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Adopted-BC-02-10-10-B