

# Oneida Nation

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Oneida, WI 54155

## **BC Resolution # 01-08-20-C Amendments to the Child Support Law**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Child Support law ("the Law") was adopted by the Oneida Business Committee through resolution BC-06-24-09-B and amended by resolutions BC-02-24-10-G, BC-02-23-11-E, BC-06-22-11-K, BC-10-10-12-C, BC-08-13-14-E, and
- WHEREAS,** the purpose of the Law is to establish the legal responsibility of parents to provide financially for their children's general well-being; make support payments more equitable by ensuring consistent treatment of persons in similar circumstances; make support payments based on the real earning capability of parents; and improve the efficiency of child support establishment and enforcement; and
- WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the Oneida Child Support Agency, Oneida Family Court, Oneida Police Department, and Oneida Law Office to develop the amendments to this Law; and
- WHEREAS,** the amendments to the Law create a process to suspend or modify child support orders for parents incarcerated for one hundred and eighty (180) days or more; and
- WHEREAS,** the amendments to the Law update notice requirements and timelines for initiating an action by the Agency, sending appointment letters for noncompliance, sending notice of delinquency, sending notice of enforcement action, and sending income withholding orders; and
- WHEREAS,** the amendments to the Law clarify how the Family Court may redact addresses and identifying information from court documents to ensure the safety of a party; and
- WHEREAS,** the amendments to the Law make updates to how child support obligations are calculated in certain special circumstances; and
- WHEREAS,** the amendments to the Law update what constitutes a "substantial change in circumstance" that warrants a modification of a child support order; and

**WHEREAS,** the amendments to the Law repeal Child Support Law Rule No. 1 - Deviation from Child Support and Child Support Law Rule No. 2 - Enforcement Tools and move the contents of the rules into the body of the law itself; and

**WHEREAS,** the amendments to the Law make other minor drafting revisions; and

**WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the amendments to the Law; and

**WHEREAS,** a public meeting on the proposed amendments to this Law was held on October 17, 2019, in accordance with the Legislative Procedures Act, and the public comment period was held open until October 24, 2019; and

**WHEREAS,** the Legislative Operating Committee accepted, reviewed, and considered the public comments received on November 6, 2019; and

**NOW THEREFORE BE IT RESOLVED,** that the amendments to the Child Support law are hereby adopted and shall be effective on January 22, 2020.

**BE IT FINALLY RESOLVED,** that Child Support Law Rule No. 1 - Deviation from Child Support and Child Support Law Rule No. 2 - Enforcement Tools are hereby repealed effective January 22, 2019.

#### **CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members were present at a meeting duly called, noticed and held on the 8<sup>th</sup> day of January, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 1 member against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Summers, Secretary  
Oneida Business Committee

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