

Title 1. Government and Finances – Chapter 129
Kayaʔtakenhásla ashakotiyaʔtátaneʔ latiksaʔshúha
It is helpful for them to bury them the children
CHILDREN’S BURIAL FUND

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129.1. Purpose and Policy

129.1-1. *Purpose.* It is the purpose of this law 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 Nation.

129.1-2. *Policy.* It is the policy of the Nation to provide 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 members and their families.

129.2. Adoption, Amendment, Repeal

129.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-10-10-B and amended by BC-04-22-20-A.

129.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislatives Procedures Act.

129.2-3. 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.

129.2-4. 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.

129.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

129.3. Definitions

129.3-1. 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) “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) “Nation” means the Oneida Nation.

(c) “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.

(d) “Voluntary paternity and/or maternity statement” means the document created by the Oneida Trust 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 for Financial Assistance

129.4-1. In order to be eligible for financial assistance from the Children’s Burial Fund the deceased child shall be:

- (a) six (6) years of age or younger;
- (b) not enrolled with the Nation;
- (c) eligible for enrollment with the Nation; and
- (d) not enrolled with any other tribe.

129.5. Requesting Financial Assistance

129.5-1. The Oneida Trust Enrollment Department shall process all requests for financial assistance from the Children's Burial Fund.

129.5-2. Requests for financial assistance from the Children's Burial Fund shall be made to the Oneida Trust Enrollment Department within three hundred and sixty-five (365) days from the date of death.

129.5-3. Upon making a request for financial assistance from the Children's Burial Fund the following documentation shall be provided to the Oneida Trust Enrollment Department:

- (a) all original invoices;
- (b) birth certificate, death certificate, or fetal death report;
- (c) voluntary paternity and/or maternity statement in situations where paternity and/or maternity needs to be determined; and
- (d) any other relevant documentation as requested by the Oneida Trust Enrollment Department to support the eligibility of enrollment of the deceased child.

129.5-4. Upon receipt and verification of invoices and other relevant documentation, the Oneida Trust Enrollment Department shall be responsible for processing the appropriate paper work for the payment to be made to the funeral home, monument company, casket or coffin company, cemetery, crematorium, churches, and/or catering or food vendors.

129.6. Use of Funds

129.6-1. Financial assistance from the Children's Burial Fund for funeral costs of a deceased child shall not exceed three thousand five hundred dollars (\$3,500).

129.6-2. Funeral related expenses are payable if identified on an invoice. Funeral related expenses may include, but are not limited to:

- (a) monument and/or headstone costs;
- (b) casket or coffin costs;
- (c) cemetery costs;
- (d) church costs; and/or
- (e) food costs.

129.6-3. Under no circumstances shall there be any payments from the Children's Burial Fund for reimbursements of:

- (a) funeral costs to individuals; and/or
- (b) travel and/or lodging for attending a funeral.

129.6-4. Any unexpended monies after payment(s) have been made shall remain in the Children's Burial Fund.

129.6-5. Any expenses over three thousand five hundred dollars (\$3,500) shall be the responsibility of the family or responsible party.

129.7. Appeals

129.7-1. An appeal of a decision of the Oneida Trust Enrollment Department as to the eligibility of a deceased child for financial assistance from the Children's Burial Fund may be made to the Oneida Trust Enrollment Committee within fourteen (14) days of receipt of the decision.

End.

Emergency Adopted – BC-09-23-09-F
Permanently Adopted – BC-02-10-10-B
Amended – BC-04-22-20-A