

Oneida Tribe of Indians of Wisconsin



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

BC Resolution 08-14-13-E Amendment to the Family Court Law Transition Plan

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin 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 Tribe of Indians of Wisconsin, and
- WHEREAS,** Oneida Business Committee Resolution 5-02-90 established the Administrative Procedures Act, Oneida Tribal Judicial System and the authority to establish regulations to enhance the Oneida judicial decision making process, and
- WHEREAS,** on August 19, 1991, the Oneida General Tribal Council adopted Resolution 8-19-91-A and an addendum to the Resolution, which reauthorized the adoption of the Administrative Procedures Act and the creation of the Oneida Appeals Commission, also known as the Oneida Tribal Judicial System, and
- WHEREAS,** the Oneida Tribal Judicial System has, through Tribal law, been given additional authority to hear and adjudicate additional civil and regulatory matters, and
- WHEREAS,** the General Tribal Council adopted the Legislative Procedures Act, repealing those related portions of the Administrative Procedures Act, on January 7, 2013 for implementation on March 7, 2013, and
- WHEREAS,** the General Tribal Council adopted the Judiciary, repealing those related portions of the Administrative Procedures Act and the Addendum to GTC-8-19-91-A creating the Oneida Tribal Judicial System on January 7, 2013 for implementation on November 1, 2014, and
- WHEREAS,** on January 7, 2013, the Oneida General Tribal Council accepted the Oneida Business Committee motion to direct the Legislative Operating Committee to create a Family Commission wherein the Judicial Officer shall have a juris doctor degree from an accredited law school and a minimum of five (5) years of experience in family law to assume jurisdiction of all Family Law matters, and
- WHEREAS,** on May 8, 2013 the Oneida Business Committee adopted Resolution 05-08-13-A which adopted the Family Court law, making it effective September 1, 2013, and which further set out a transition plan, and
- WHEREAS,** BC Resolution 05-08-13-A authorized the Oneida Business Committee to modify or add to the transition plan created in that Resolution as it deemed necessary to implement the Family Court, and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby amends the transition plan as follows:

- (1) *Swearing in.* The Judge shall be sworn into office by the Tribal Secretary at a convenient time and place after the appointment is made and the contract is executed by all required parties.
- (2) *Court Opening.*
 - (a) Beginning September 1, 2013, the Oneida Tribal Judicial System shall no longer accept any filings to commence a case or modify an order on a case if a hearing is required on any matters under Chapters 72, 77, 78, and 79. The Oneida Tribal Judicial System may continue to sign stipulations submitted until the Judge begins hearing cases.

(3) *Reprimand, Suspension or Removal.* Until the Family Court becomes a branch of the Judiciary, the Family Court shall adopt section 150.12 of the Judiciary Law and follow its requirements for Reprimand, Suspension or Removal in the event a complaint of an ethical violation is filed. Between September 1, 2013 and the oath given to the Judges chosen in the July 2014 election for the new Judiciary, the Oneida Tribal Judiciary System Appellate Branch shall form the panel identified in Section 150.12 of the Judiciary for complaints of ethical violations filed on or before the oath is given in July 2014. After the oath is given to the newly elected Judges in July 2014, all complaints of ethical violations shall be filed as set forth in Section 150.12 of the Judiciary.

(4) *Oneida Tribal Judicial System Personnel.* In compliance with Oneida General Tribal Council Resolution 01-07-13-B, the Oneida Tribal Judicial System personnel who handle the aforementioned family law matters, that are not Judicial Officers, shall carry over into the Family Court and shall simultaneously work for both entities during the Transition Period and then for the Family Court after the Transition Period has concluded. All employees under the Family Court shall continue to abide by the Oneida Tribe Personnel Policies and Procedures.

BE IT FURTHER RESOLVED, that Resolution #GTC-01-07-13-B set forth timelines for the adoption of the following rules which are being adjusted to earlier deadlines as set out below:

(1) By September 30, 2013, adoption by the Oneida Business Committee or the General Tribal Council of the following:

(a) Rules of Civil Procedure;

(b) Evidence Code; and

(c) Court Rules for the Family Court. After the initial adoption of these court rules, the Family Court shall be responsible for maintaining and amending them.

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; 6 members were present at a meeting duly called, noticed and held on the 14th day of August, 2013; that the forgoing resolution was duly adopted at such meeting by a vote of 4 members for; 0 members against; and 1 members not voting; and that said resolution has not been rescinded or amended in any way.


Patricia Hoeft, Tribal Secretary
Oneida Business Committee

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