

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 10-28-09-F

Emergency Amendment to the Child Custody, Placement, and Visitation Law

- 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,** the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Wisconsin Supreme Court adopted a case transfer process which allows cases to transfer from the circuit court to the Tribe through a negative notice process, which means that a case can be transferred if neither party objects; and
- WHEREAS,** the jurisdiction section of the Tribe's Child Custody, Placement, and Visitation law needs to clarify when the Tribe has jurisdiction over non-Indian parents of Oneida children; and
- WHEREAS,** under the Tribe's Child Custody, Placement, and Visitation law, consent is necessary in some instances before personal jurisdiction can be established over an individual, but it is unclear what "consent" means; and
- WHEREAS,** in order to clarify the transfer process and the jurisdiction section of the Child Custody, Placement, and Visitation law, the Child Custody, Placement, and Visitation law should be amended before November 1, 2009, which is when the transfer of cases from circuit court to the Tribe is scheduled to begin; and
- WHEREAS,** the APA authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** emergency adoption of amendments to the Child Custody, Placement, and Visitation law addressing the Tribe's jurisdiction is necessary for the preservation of the public health, safety, or general welfare of the reservation population, and that observance of the regular APA adoption requirements for passage of laws would be contrary to public interest.

NOW THEREFORE BE IT RESOLVED, that the following amendment to the Child Custody, Placement, and Visitation law is hereby adopted on an emergency basis:

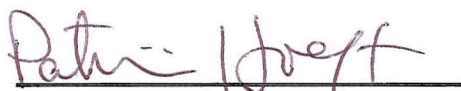
79.5-1. The Commission has jurisdiction over any action brought under this law. Personal jurisdiction over an individual under this law may be established where the parties are any of the following:

- (a) a member of the Tribe; or
- (b) a resident of the Reservation who is also a member of an Indian tribe, band or community which is recognized by a State or the federal government;
- (c) a resident of the Reservation who is also the biological parent of a child that is enrolled or is eligible for enrollment with the Tribe; or
- (d) a parent, custodian, or potential custodian who consents to the jurisdiction of the Commission by one (1) of the following:
 - (1) Filing an action with the Commission.
 - (2) Knowingly and voluntarily giving written consent to the jurisdiction of the Commission.
 - (3) Entering a notice of appearance before the Commission in an action without concurrently preserving the defense of lack of personal jurisdiction or filing a motion to dismiss for lack of personal jurisdiction within thirty (30) days of entering the notice of appearance.
 - (4) Appearing in an action before the Commission without asserting the defense of lack of personal jurisdiction.

79.5-2. *Transfer of Cases from Circuit Court.* The Commission has jurisdiction over any action transferred to the Commission pursuant to a discretionary transfer from the state circuit court.

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. 9 members were present at a meeting duly called, noticed and held on the 28th day of October 2009; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against; and 3 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."