

Oneida Nation

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Oneida, WI 54155

BC Resolution # 09-14-22-A Amendments to the Children's Code

- 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 Children's Code was adopted by the Oneida Business Committee through resolution BC-07-26-17-J; and
- WHEREAS,** the purpose of the Children's Code is to provide for the welfare, care, and protection of Oneida children through the preservation of the family unit, while recognizing that in some circumstances it may be in the child's best interest to not be reunited with his or her family; and
- WHEREAS,** furthermore, the Children's Code strengthens family life by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation and acknowledging the customs and traditions of the Nation when raising an Oneida child; and
- WHEREAS,** it is the policy of the Nation to ensure there is a standard process for conducting judicial proceedings and other procedures in which children and all other interested parties are provided fair hearings in addition to ensuring their legal rights are recognized and enforced, while protecting the public safety; and
- WHEREAS,** the amendments to the Children's Code provide that any orders made by the Court under this law, or any orders made by a court of competent jurisdiction regarding child welfare matters, shall supersede any other order made by this Court or a court of competent jurisdiction regarding custody or placement of a child until the Children's Code or other child welfare orders are dismissed; and
- WHEREAS,** the amendments to the Children's Code provide that the Department may enter into a protective plan with a family; and
- WHEREAS,** the amendments to the Children's Code update the general notice provisions in the Children's Code, as well as notice provisions throughout the Children's Code to provide greater clarification on providing notice in child welfare matters; and

- WHEREAS,** the amendments to the Children's Code allow the Department to withhold the placement provider's identifying information from the child's parent, guardian, or legal custodian if there are reasonable grounds to believe that disclosure would result in imminent danger to the child or anyone else, but that a parent, guardian, or legal custodian may request judicial review of the decision to withhold the identifying information; and
- WHEREAS,** the amendments to the Children's Code provide clarification on how a matter is referred to the Oneida Nation Child Support Agency for initiating a paternity action, and allow the Department may sign documents required by the Oneida Nation Child Support Agency on behalf of the family for the limited purpose of initiating a paternity action; and
- WHEREAS,** the amendments to the Children's Code provide that the Department shall make available for inspection or disclosure the contents of any record kept, regardless of the originating source, to a guardian ad litem appointed in a Children's Code or family law case when that access is granted by order of the Court; and
- WHEREAS,** the amendments to the Children's Code allow the Department to make an ex parte request to the Court to conduct an in-camera review to determine what information should and should not be released to the parties and their counsel; and
- WHEREAS,** the amendments to the Children's Code allow a child to be held in custody in a hospital or other medical or mental health facility; and
- WHEREAS,** the amendments to the Children's Code provide information that may be, but is not required to be, included in the Court's order to hold a child in custody; and
- WHEREAS,** the amendments to the Children's Code allow the Department to request the placement of the child outside of the child's home at the plea hearing; and
- WHEREAS,** the amendments to the Children's Code allow for the suspension of parental rights in addition to the termination of parental rights; and
- WHEREAS,** the amendments to the Children's Code update the continuing need of protection or services ground for involuntary suspension or termination of parental rights to be consistent with recent revisions to State statute; and
- WHEREAS,** the amendments to the Children's Code provide information that may be, but is not required to be, included in the Court's order of disposition for the suspension or termination of parental rights; and
- WHEREAS,** the amendments to the Children's Code clarify that an adoption under this law shall take the form of customary adoption when the Court has granted a petition to suspend parental rights, and take the form of a closed adoption when the Court has granted a petition to terminate parental rights; and
- WHEREAS,** the amendments to the Children's Code allow the Department to contract with a third-party agency to conduct an adoption investigation that may have been ordered by the Court; and
- WHEREAS,** the amendments to the Children's Code make other minor drafting revisions throughout the Children's Code; and

WHEREAS, in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were developed for this Law; and

WHEREAS, a public meeting on this proposed Law was held on June 15, 2022, and the public comment period was held open until June 22, 2022; and

WHEREAS, the Legislative Operating Committee accepted, reviewed, and considered all public comments received on July 6, 2022, and July 14, 2022; and

NOW THEREFORE BE IT RESOLVED, that the amendments to the Children's Code are hereby adopted and shall be effective on September 28, 2022.

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 14th day of September, 2022; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 1 member not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Liggins, Secretary
Oneida Business Committee

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