



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA
Business Committee Conference Room - 2nd Floor Norbert Hill Center
October 18, 2023
9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
 - 1. October 4, 2023 LOC Meeting Minutes (pg. 2)
- III. Current Business**
- IV. New Submissions**
- V. Additions**
- VI. Administrative Updates**
 - 1. Children's Code: One Year Review Memorandum (pg. 8)
- VII. Executive Session**
- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
October 4, 2023
9:00 a.m.

Present on Microsoft Teams: Jameson Wilson, Marlon Skenandore, Jonas Hill. Jennifer Webster,

Excused: Kirby Metoxen

Others Present: Clorissa N. Leeman, Grace Elliott, Kristal Hill, Fawn Cottrell, Maureen Perkins

Others Present on Microsoft Teams: Carolyn Salutz, Fawn Billie, Janice Decorah, Joy Salzwedel, Katsitsiyo Danforth, Eric Boulanger, Tina Jorgensen, Michelle Braaten, Connor Kestell, Lori Hill, Reynold Danforth, Mark Powless, Michelle Madl, Todd Vanden Heuvel, Derrick King, Loucinda Conway, Bryce Elm, Cheryl Stevens.

I. Call to Order and Approval of the Agenda

Jameson Wilson called the October 4, 2023, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jonas Hill to adopt the agenda; seconded by Marlon Skenandore. Motion carried unanimously.

II. Minutes to be Approved

1. August 16, 2023 LOC Meeting Minutes

Motion by Jennifer Webster to approve the minutes from the August 16, 2023, LOC meeting and forward to the Oneida Business Committee; seconded by Marlon Skenandore. Motion carried unanimously.

2. August 28, 2023 LOC Officer Selection Minutes

Motion by Jennifer Webster to approve the August 28, 2023, LOC Officer Selection minutes and forward to the Oneida Business Committee; seconded by Marlon Skenandore. Motion carried unanimously.

III. Current Business

IV. New Submissions

1. Audit Committee Bylaws Amendments

Motion by Jennifer Webster to add the Audit Committee Bylaws Amendments to the



Active Files List with Kirby Metoxen as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

V. Additions

VI. Administrative Items

1. 2020-2023 LOC Active Files List Outstanding Items Review

Motion by Jonas Hill to Accept the memorandum titled, 2020-2023 LOC Active Files List: Outstanding Items Review; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jennifer Webster to add the All Terrain Vehicle Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to add the Back Pay Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jennifer Webster to add the Business Corporations Law to the Active Files List with Jameson Wilson as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to add the Cemetery Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jonas Hill to add the Clean Air Policy Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jonas Hill to add the Code of Ethics Law Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Marlon Skenandore to add the Credit Collections Law to the Active Files List with Jennifer Webster as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to add the Domestic Animals Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jennifer Webster to add the Drug and Alcohol Free Workplace Law Amendments to the Active Files List with Kirby Metoxen and Jonas Hill as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to add the Elder Protection Law to the Active Files List with Jennifer Webster and Marlon Skenandore as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jonas Hill to add the Endowments Law Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jennifer Webster to add the Environmental Review Law to the Active Files List with Kirby Metoxen and Jonas Hill as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to add the Eviction and Termination Law Amendments to the Active Files List with Jonas Hill and Marlon Skenandore as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

Motion by Marlon Skenandore to add the Fire Signs Law to the Active Files List with Jennifer Webster as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jonas Hill to add the Furlough Law Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jonas Hill to add the Gift Card Law to the Active Files List with Kirby Metoxen as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to add the Guardianship Law to the Active Files List with Marlon Skenandore as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jonas Hill to add the Higher Education Scholarship Law to the Active Files List with Jameson Wilson as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jennifer Webster to add the Hunting, Fishing, and Trapping Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jennifer Webster to add the Investigative Leave Policy Amendments to the Active Files List with Marlon Skenandore as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to add the Law Enforcement Ordinance Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried

unanimously.

Motion by Jonas Hill to add the Layoff Policy Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jennifer Webster to add the Local Land Use Regulation Reimbursement Policy Repeal to the Active Files List with Kirby Metoxen as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jonas Hill to add the Marijuana Law to the Active Files List with Jameson Wilson as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jonas Hill to add the Misappropriations of Funds Law to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jonas Hill to add the Oneida Land Trust Law to the Active Files List with Jameson Wilson as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Marlon Skenandore to add the Oneida Language Law to the Active Files List with Kirby Metoxen and Jennifer Webster as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to add the Oneida Personnel Policies and Procedures Amendments to the Active Files List with all LOC members as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to add the On-Site Waste Disposal Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jennifer Webster to add the Probate Law to the Active Files List with Kirby Metoxen, Jameson Wilson, and Marlon Skenandore as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

Motion by Marlon Skenandore to add the Public Use of Tribal Land Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to add the Real Property Law Amendments to the Active Files List with Jameson Wilson as the sponsor; seconded by Marlon Skenandore. Motion carried

unanimously.

Motion by Jennifer Webster to add the Recycling and Solid Waste Disposal Law Amendments to the Active Files List with Kirby Metoxen and Jonas Hill as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

Motion by Marlon Skenandore to add the Sanctions and Penalties Law to the Active Files List with Jennifer Webster as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jonas Hill to add the Taxation Law to the Active Files List with Jameson Wilson as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jonas Hill to add the Traffic Law to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Marlon Skenandore to add the Tribal Environmental Response Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Marlon Skenandore to add the Tribal Environmental Quality Review Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jonas Hill to add the Tribal Sovereignty in Data Research Law to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jonas Hill to add the Two Spirit Inclusion Law to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Marlon Skenandore to add the Water Resources Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jennifer Webster to add the Well Abandonment Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jonas Hill to add the Workplace Violence Law Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jonas Hill to add the Finance Committee Bylaws Amendments to the Active Files List with Kirby Metoxen as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to add the Oneida Election Board Bylaws Amendments to the Active Files List with Marlon Skenandore as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Motion by Jonas Hill to add the Oneida Nation Veterans Affairs Committee Bylaws Amendments to the Active Files List with Jennifer Webster and Jonas Hill as the sponsors; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jonas Hill to add the Oneida Personnel Commission Bylaws Amendments to the Active Files List with Marlon Skenandore as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to add the Oneida Trust Enrollment Committee Bylaws Amendments to the Active Files List with Jameson Wilson as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Jennifer Webster to adjourn at 9:36 a.m.; seconded by Jonas Hill. Motion carried unanimously.



HANDOUT

Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov

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TO: Oneida Business Committee
FROM: Jameson Wilson, Legislative Operating Committee Chairperson
DATE: October 18, 2023
RE: One Year Review of the Children's Code

Background

On September 14, 2022, the Oneida Business Committee adopted amendments to the Children's Code through the adoption of resolution BC-09-14-22-A. 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. [1 O.C. 708.1-1]. 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. *Id.* 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. [1 O.C. 708.1-2].

When the Oneida Business Committee adopted amendments to the Children's Code on September 14, 2022, the Oneida Business Committee also directed the Legislative Operating Committee to conduct a one (1) year review of the Children's Code.

On October 9, 2023, the Legislative Operating Committee met with representatives from the Oneida Family Court, Indian Child Welfare Department, and the Oneida Law Office to review and discuss how the implementation and utilization of the Children's Code has fared since the most recent amendments were adopted in September 2022.

One Year Review

The Oneida Family Court, Indian Child Welfare Department, and the Oneida Law Office provided that the utilization of the processes and procedures in the Children's Code has been smooth since the Oneida Business Committee last amended the Children's Code.

Currently the Indian Child Welfare Department On-Going services is serving eight (8) cases which includes twenty (20) children, seventeen (17) parents, and ten (10) placement care providers for the children. The average length a case is open in On-Going is two (2) years. This does not include any of the Indian Child Welfare Act (ICWA) cases that are currently in courts outside of the Nation's jurisdiction, or cases in the Initial Assessment phase of the process – both of which the Indian Child Welfare Department plays a role in and maintain responsibilities for.

The Indian Child Welfare Department shared the following statistics regarding cases that have been closed by the Oneida Family Court, which have impacted twenty (20) total children:

- *October 2022 – September 2023* - seven (7) children impacted.
 - Reunification: three (3) children.
 - Guardianship with a relative: four (4) children.
- *October 2021 – September 2022* - eight (8) children impacted.
 - Reunification: five (5) children.
 - Guardianship with relative: two (2) children.
 - Termination of Parental Rights/Adoption: one (1) child.
- *October 2020 – September 2021* - five (5) children impacted.
 - Reunification: three (3) children.
 - Guardianship with relative: two (2) children.

The Indian Child Welfare Department shared that there are six (6) total On-Going services Indian Child Welfare Department workers, with two (2) current vacancies. Two (2) of the On-Going services Indian Child Welfare Department workers have been hired within the last six (6) months; full training for this position takes one (1) to two (2) years. This means that the Indian Child Welfare Department has two (2) current employees who have enough training and experience to be assigned cases that will be heard in the Oneida Family Court. Filling vacancies, maintaining staff, and preventing burnout of staff have been ongoing challenges the Indian Child Welfare Department has been continuously working towards overcoming.

The Children's Code is still a relatively new law, and not all of the processes and procedures in the law have been used yet. As cases progress, the Indian Child Welfare Department, Oneida Law Office, and Oneida Family Court have been keeping notes on any potential revisions to the Children's Code that may be needed, any areas that may need clarification, or any gaps or absences in the law that should be addressed. Some potential issues to be addressed through future amendments to the Children's Code include:

- ***Subsidized Guardianship.***
 - Guardianship is a legal permanency option for children placed in out of home care through the child welfare system. A caregiver who is appointed guardian of a child by the court has the duty and authority to make important decisions for the child without severing the child's legal relationship to their parents and other family members. Subsidized guardianship supports the legal permanence option of guardianship and allows the guardian to continue receiving a monthly payment to offset the costs of caring for the child. The child welfare agency must determine if the child and prospective guardian are eligible for subsidized guardianship and enter into a subsidized guardianship agreement with the prospective guardian prior to the court's appointment of the guardian. After the guardianship is established, the guardian will receive a monthly payment until the child and/or guardian no longer meet the eligibility criteria, or the subsidized guardianship agreement is terminated.¹
 - Under Wis. Stat. § 48.623 and Wis. Admin. Code § DCF 55.03, an agency shall provide monthly subsidized guardianship payments to support the care of children in guardianships under Wis. Stat. § 48.977(2), or a substantially similar tribal law, and subject to agreements outlined in Wis. Admin. Code § DCF 55.01(2).
 - The Indian Child Welfare Department and Oneida Law Office have been in communications with the Wisconsin Department of Children and Families regarding

¹ Wisconsin Department of Children and Families webpage on Subsidized Guardianships - <https://dcf.wisconsin.gov/guardian/subsidized>

the Nation taking part in subsidized guardianships. It was determined that the Children's Code does not need to specifically address subsidized guardianships for the Nation to enter into agreements with the State of Wisconsin, but ultimately it would be best practice to have the Children's Code address this matter. The Indian Child Welfare Department and Oneida Law Office determined that the best course of action would be to move forward with determining a process with the State of Wisconsin regarding subsidized guardianships, and then once more knowledge and experience regarding subsidized guardianships is obtained, as well as a process for addressing subsidized guardianships is determined, amendments to the Children's Code should be brought forward to address this issue.

- ***Amending Petitions.***

- The Children's Code addresses amending petitions, but currently only addresses amending Child in Need of Protection or Services ("CHIPS") petitions. [7 O.C. 708.17-4]. The Indian Child Welfare Department, Oneida Law Office, and Oneida Nation Family Court discussed that it may be necessary to amend the Children's Code to include this option for guardianship, suspension of parental rights, termination of parental rights, and adoption petitions. It was also discussed that the ten (10) day period for amending as pleading provided for in section 803.11-1 of the Oneida Judiciary Rules of Civil Procedure may not provide enough time for these types of cases.

- ***Case Transfers.***

- If a CHIPS case transfers from State court after the dispositional order is entered, there may be issues if a suspension or termination of parental rights is filed under the ground for continuing need of protection or services.
 - Section 708.34-1(c)(1) of the Children's Code requires proof of the notice required by section 708.22-8. Section 708.22-8 requires that the Oneida Family Court include notice of any grounds for suspension or termination of parental rights which may be applicable and of the conditions necessary for the child to be returned home or for the parent to be granted visitation. The Children's Code does not address what happens when the notice was given by another court of competent jurisdiction (e.g. State court).
 - Section 708.34-1(c)(1) of the Children's Code requires the Indian Child Welfare Department to prove that they have made a reasonable effort to provide the services ordered by the Oneida Family Court. This does not include services ordered by another court of competent jurisdiction.
- The concern expressed above would also exist with other grounds, such as three (3) month abandonment, as that ground requires an Oneida Family Court order placing the child outside the home and does not include an order from another court of competent jurisdiction.
- This issue may also apply to continuing denial of periods of physical placement or visitation based on the definition of "court" in section 708.3-1(j) of the Children's Code.
- Under the prior involuntary suspension or termination of parental rights of another child ground, only prior orders entered by the Oneida Family Court could be considered based on the current language used in section 708.3-1(l)(2) of the Children's Code.
- These potential issues would not be remedied by the sole act of transferring the CHIPS case and may need additional action taken to fully address the concerns.

- The Indian Child Welfare Department, Oneida Law Office, and Oneida Nation Family Court determined that language could be added to the Children’s Code to address these situations where notice or orders were made from other courts of competent jurisdictions.
- **Definitions.**
 - The Indian Child Welfare Department, Oneida Law Office, and Oneida Nation Family Court determined that some terms such as “long term foster care,” “abuse,” and “child family service records” could benefit from further clarification or definition.

Overall, through the discussions with the Indian Child Welfare Department, Oneida Law Office, and Oneida Family Court it was determined that the best course of action moving forward in regard to the Children’s Code would be for the affected entities to continue tracking any potential revisions to the Children’s Code that may be needed, any areas that may need clarification, or any gaps or absences in the law that should be addressed; and that amendments to the Children’s Code should be brought forward at a later time when the affected entities have gained more experience and knowledge on the utilization of the Children’s Code. For that reason, it was recommended that the Legislative Operating Committee conduct an additional review of the Children’s Code in one (1) year, but it was also discussed that the affected entities may bring forward a request to amend the Children’s Code prior to the additional one (1) year review if deemed necessary.

Requested Action

Accept the one (1) year review of the Children’s Code as information and direct the Legislative Operating Committee to conduct an additional review of the Children’s Code in one (1) year.

October 2023

October 2023

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November 2023

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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Oct 2 9:00am LOC Active Files List Review and Consideration (BC_Exec_Conf_Room) - Clorissa N. Leeman	3	4 8:30am LOC Prep Meeting (Microsoft Teams Meeting; BC_Conf_Room) - 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting;	5	6
9 10:00am Children's Code One Year Review (Microsoft Teams Meeting) - Clorissa N. Leeman	10	11	12	13
16	17	18 8:30am LOC Prep Meeting (Microsoft Teams Meeting; Meeting; 9:00am Legislative Operating Committee Meeting (Microsoft 10:00am LOC Work Session (Microsoft	19 3:00pm Business Codes (BC_Exec_Conf_Room) - Grace L. Elliott	20
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