

ONEIDA INDIAN NATION FOSTER CARE PLACEMENT ORDINANCE

Ordinance No.: O-15-02

The Oneida Indian Nation (the "Nation") adopts and enacts this Ordinance pursuant to its powers of self-government to establish procedures for the temporary placement of Oneida Nation children under the United States' Indian Child Welfare Act.

Article I – Purpose

The Nation recognizes the importance of providing safe, temporary, and caring environments for Oneida children placed in foster care or preadoptive placement, and enacts this Ordinance to establish procedures for the placement of and to provide for care of Oneida children temporarily placed in foster care.

Article II – Placement

1. When the Nation is notified, as required under Indian Child Welfare Act, of any action proposing to remove an Oneida Nation child, or children, from its parent or Indian custodian for temporary placement in a foster home or institution (e.g., as a result of neglect and abuse proceedings, custodial placement with relatives and non-parents, etc.), the Nation Clerk shall locate, select and approve a foster care or preadoptive placement for the Oneida child or children.

2. In the event that the Nation Clerk is related to the child or children to be placed, the Nation Clerk shall be recused from the selection and approval of the foster care placement, and the Nation Representative(s) or his designee shall select and approve the foster care placement.

Article III- Reimbursement of Foster Care Expenses

1. The Nation shall set annual (a) approved foster care board and care rate and (b) other approved payments and allowances (e.g., clothing allowance, approved daycare, school related reimbursements, etc.), which are intended to reimburse foster parents for the cost of caring for a child or children placed in their care. Such payment rates and approved allowances and reimbursements will be approved each year by the Nation Representative(s) and/or his designee.

2. The Nation Clerk will review and approve all requests for boarding and care, allowances and reimbursement based upon the rates and allowances approved for that year. In the event the Nation Clerk is related to the child, children or foster parent(s), the Nation Representative(s) or his designee shall review and approve all such requests.

3. The parents of a child or children placed in foster care under Article II of this Ordinance must reimburse the Nation, on a monthly basis, for all payments made by the Nation for the care of their child or children while such child or children are placed in foster care.

4. If a parent fails to reimburse the Nation for the care of their children while in Nation approved foster care, then the Nation may, upon application by the Nation Prosecutor, obtain a garnishment order from Nation Court allowing the garnishment of the parent or parents' distribution check(s) in accordance with Ordinance O-98-02.

Article VII Interpretation

1. The Nation does not, by enacting this Ordinance, waive in any respect its sovereign immunity, or that of its agents or officers, in any manner, under any law, for any purpose, or in any place.
2. This Ordinance is not subject to review or modification in any state or federal court or by an authority outside the Nation and is not subject to review or modification in any Nation court. .
3. This Ordinance does not create any right, cause of action or benefit enforceable at law or in equity by any person against the Nation, its agents, its officers or employees, or any other person.

Article VIII – Effective Date

This Ordinance is effective upon its enactment.

Enacted this 1st day of March, 2015.


Ray Halbritter
Nation Representative(s)