



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZING PROVISION OF LIMITED ENROLLMENT INFORMATION TO WISCONSIN BUREAU OF CHILD SUPPORT

RESOLUTION 08-06-13E

- WHEREAS,** on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Constitution of the Ho-Chunk Nation ("Constitution") grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(I) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** the Nation's Legislature rendered "its full support to the establishment and implementation of the Ho-Chunk Nation Child Support Program that, once established, will enable the Ho-Chunk Nation Trial Court to issue Orders to collect and disburse child support payments and thereby ensure fair and equitable support to the Ho-Chunk Nation children and custodial parent or custodial guardian entitled to child support by a noncustodial parent(s) to ensure that the basic financial needs of children are met." Ho-Chunk Nation Legislative Resolution 2-19-03B; and
- WHEREAS,** the Nation's departments of Social Services, Justice, and Administration collaborated to receive \$500,000 U.S. Department of Health and Human Services' grant for a two-year period to establish the Ho-Chunk Nation Child Support Enforcement Agency; and
- WHEREAS,** the Nation's Child Support Program is nearing the end of its two-year start-up period, and thus needs to begin preparing the Agency to go comprehensive – beginning operating and handling cases; and

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WHEREAS, the Nation wishes to provide limited enrollment information (“Confidential Information”) to the State of Wisconsin, Bureau of Child Support (“BCS”) and the State of Wisconsin, Bureau of Information Technology Services (“BITS”) for the sole purpose of producing a data match to assist with determining cases eligible to transfer pursuant to both the Nation’s sovereign right to handle its own domestic relations and under Wis. Stat. § 801.54; and

WHEREAS, the Nation’s Department of Heritage Preservation, Office of Tribal Enrollment maintains such Confidential Information; and

WHEREAS, the Nation’s Child Support Enforcement Code, 4 HCC § 7.28g, creates a limited waiver of confidentiality by requiring that all departments provide information regarding parties, including income, resources, and address; and

WHEREAS, there are due process protections built into Wis. Stat. § 801.54 to allow tribal members the ability to object to the transfer of their cases if they wish for them to remain in the county system, thus this data match will not automatically transfer the cases to the Nation; and

WHEREAS, the scope and use of the Confidential Information will be defined by a Confidential Disclosure Agreement (“Agreement”), which would be signed by all parties (a copy of the draft Agreement is attached); and

WHEREAS, the Nation’s Legislature previously permitted a limited release under the same type of Agreement, which resulted in a successful sharing of information to assist with the birthing costs expungement and no issues of misuse of information reported. Ho-Chunk Nation Legislative Resolution 2-09-10D.

NOW THEREFORE BE IT RESOLVED that the Legislature authorizes either the President or Vice President to sign the Agreement, on behalf of the Nation, to allow BCS and BITS to receive and use Confidential Information for the sole purpose of providing the Nation a data match to determine all Wisconsin county child support files of Ho-Chunk Nation tribal members, for potential case transfer.

CERTIFICATION

I, the undersigned, as Secretary of the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members, of whom 11 constituted a quorum were present at a meeting duly called and convened this 6th day of August, 2013, and that the forgoing resolution was duly adopted by an affirmative vote of 6 members, 4 opposed, and 1 abstaining, pursuant to the authority of Article V, Section 2 (a) and (x) of the Ho-Chunk Nation Constitution approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a copy of the resolution.

Kathleen Lone Tree-Whiterabbit
Kathleen Lone Tree-Whiterabbit, Tribal Secretary

8.6.13
Date

