

November 23, 2015

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

RE: Rule Matter 07-11C
Rule Petition 14-02

Dear Clerk of Supreme Court,

I am writing in response to Chief Justice Roggensack's invitation to submit additional comments on Rule Matter 07-11C and Rule Petition 14-02.

Some of the oral testimony presented at the November 10, 2015 rules hearing and one of the written submissions posted on the Wisconsin Court System website reference situations where Child Protective Services was involved with the family. Another written submission makes a reference to "crime rates." I just wanted to clarify for the Wisconsin Supreme Court that the Oneida Tribe currently does not exercise subject matter jurisdiction over child welfare legal matters such as children in need of protection or services (CHIPS) or termination of parental rights (TPR). The court also does not exercise subject matter jurisdiction over criminal matters. Criminal matters, along with the CHIPS and TPR cases, are all handled in state court.

The Oneida Family Court exercises subject matter jurisdiction over the following types of cases: divorce and legal separation; paternity; child support; and child custody, placement, and visitation. The Oneida Code of Laws addresses jurisdiction in both the Judiciary and Family Court laws. To the extent that another more specific jurisdictional provision is provided for in one of the laws associated with the Family Court, the more specific provision governs. For example, in divorce cases the party filing the action must have been a resident of the Reservation of the Oneida Tribe of Indians of Wisconsin for the sixty days immediately preceding the date the action was filed and must be (1) a Tribal member or other Indian, (2) married to a Tribal member, or (3) married to an Indian who is a resident of the Reservation.

Thank you for your time and I urge the Wisconsin Supreme Court to continue Wis. Stat. §801.54 without modification.

Sincerely,

Hon. Robert Collins II
Family Court Judge

c: J. Denis Moran, Director of State Courts
Linda Dallas, Petitioner