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**FORT PECK COURT OF APPEALS
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR, MONTANA**

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| <p>In the Interest of Connor Blunt, DOB: 4/10/2015</p> <p>Troy Blount Appellant</p> <p>v.</p> <p>Meghan Casey, Appellee</p> | <p>CAUSE NO. AP # 802</p> <p>ORDER FOR REMAND TO SUPPLEMENT RECORD</p> |
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The father of this child petitioned this Court for review of a lower court decision dated MARCH 4, 2020 awarding the father custody of the child during the school year and the mother in the summers with visitation for the father in the summers two weekends per month provided the parties meet in Broadus, Montana, which is about 2 hours from Rapid City where the mother resides and 3.5 hours for the father. The father claims in his petition for review that the Court erred in directing him to meet the mother on Fridays at noon in Broadus Montana and return the child there on Sundays at noon was because it requires him to

miss two days of work. In the course of the resolution of this appeal the father filed a motion to terminate the mother's summer custody because the mother has allegedly failed to meet him for the visits and has now possibly relocated to the Pine Ridge reservation. The Court notes that the mother has attempted to use the Oglala Sioux Tribal Court in the past to circumvent the lower court's jurisdiction and has also allegedly failed to comply with the Court order on other occasions.

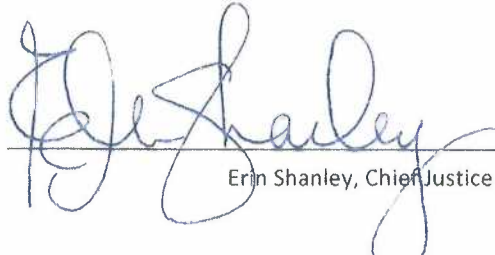
This Court has no record of the mother responding to the petition for review. Since the only issue raised by the father in his appeal is whether the lower court abused its discretion in scheduling the visitation for the summer time and the meeting place, this Court does not find sufficient cause in the record to grant review because the standard of review in visitation decisions is abuse of discretion and merely because one party has to travel further than another and miss work is not sufficient to show an abuse of discretion.

However, the father has brought a motion to this Court while this petition was pending that causes the Court concern. This Court has no authority to modify the order to terminate the mother's summer custody due to failure of her to allow visitation while the case is on appeal. However, the record before this Court shows a history of noncompliance and should the lower court determine that the mother has wrongfully denied visitation to the father again this could be grounds for modification of the custody order. However, it is the trial court that should decide that issue, not this Court.

WHEREFORE the petition for review in this case is hereby DENIED because the legal issue presented- whether the meeting place and times for exchanges for visitation are appropriate- is one well within the trial court's discretion. The motion to end summer visitation is remanded to the lower court for resolution and should the Court decide that the mother did violate the custody order during the summer the Court should determine whether this violation justifies a modification of the current custody order.

SO ORDERED the 20 day of August, 2020.

FORT PECK COURT OF APPEALS


Erin Shanley, Chief Justice


Brenda Desmond, Associate Justice


Associate Justice