

Appellate Court
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FILED
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FORT PECK
TRIBAL COURT OF APPEALS

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

IN THE MATTER OF: Darlene Longee, Incapacitated Person; Elizabeth Blackhoop, Appellant, v. Francine Boxer, Respondent.	CAUSE NO. AP #811 ORDER DENYING APPEAL
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Appeal from the Fort Peck Tribal Court, Michael Headdress, Presiding Judge. Appellant Elizabeth Blackhoop, appearing through Counsel Kristofer FourStar. Appellee Francine Boxer, appearing on her own behalf. Before Shanley, Chief Justice and Desmond and Jones, Associate Justices.

¶ 1 This matter came before the Fort Peck Court of Appeals on a Petition for Review filed April 8, 2021 by Elizabeth Blackhoop, Ms. Longee's daughter, requesting review of the Tribal Court Order issued on April 6, 2021 appointing

Francine Boxer as guardian of Ms. Longee. Appellant unsuccessfully sought a stay of the Tribal Court's Order on April 9, 2021. Appellant alleges that the Court's conclusion that Francine Boxer, also Ms. Longee's daughter, should be appointed permanent guardian of Ms. Longee is contrary to applicable law and the evidence presented at the hearing.

¶ 2 "Unlike in a criminal matter, 2 CCOJ §205(a), parties do not have an automatic right to review on appeals of civil matter, 2 CCOJ §205 (b), without showing sufficient legal grounds for reviewing a lower court decision." In re B.T., FPCOA No 773, (2018). Appellate review in civil matters is discretionary. Civil matters are not reviewed by this Court unless the petition for review is filed within 15 days of the final order and establishes sufficient error occurred at the lower court level. 2 CCOJ §207.

¶ 3 The Petition for Review was timely filed. However, the Brief for Appeal filed by Appellant did not raise any legal issues that warrant review by this Court. Nor were any substantial factual issues raised in the Brief for Appeal. The Tribal Court decision explained the Court's reasoning clearly. This Court shall not set aside any factual determinations of the Tribal Court if such determinations are supported by substantial evidence. 2 CCOJ §202.

¶ 4 Nothing in the petition for review or supporting brief demonstrates a basis for this court to determine that the Tribal Court abused its discretion or

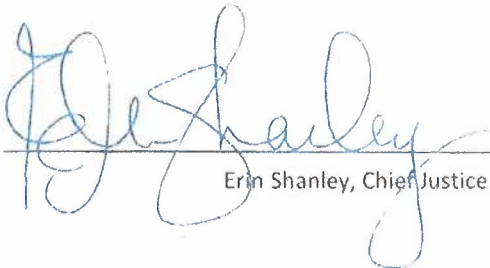
misapplied the law. For that reason, this Court defers to the discretion of the Tribal Court.

ORDER

¶ 5 For the above reasons, Appellant's Petition for Review is hereby DENIED.

SO ORDER this 3rd day of May 2021.

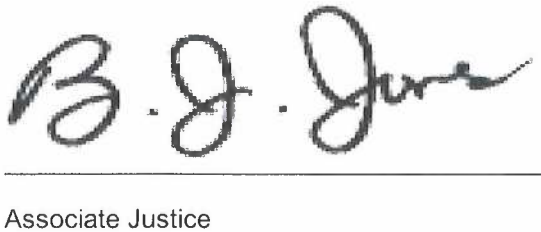
FORT PECK COURT OF APPEALS



Erin Shanley, Chief Justice



Brenda Desmond, Associate Justice



Associate Justice