

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

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| <p>In the Matter of H.J.M. (D.O.B. 4/18/20)</p> <p>Minor Indian Child</p> <p>Ryan Michaelsen, Appellant,</p> <p>v.</p> <p>Fort Peck Tribes, Appellee.</p> | <p>CAUSE NO. AP # 841</p> <p>ORDER GRANTING APPEAL</p> |
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Appeal from the Fort Peck Tribal Court, Imogene Lilley, Presiding Judge.
Before E. Shanley, Chief Justice and B.J. Jones, Associate Justice

BACKGROUND

¶ 1 This matter comes before the Fort Peck Court of Appeals (FPCOA) on a Notice of Appeal and Motion to Stay filed on September 19, 2022 from the Tribal Court's Order issued on September 12, 2022 vacating Child and Family Service's care and supervision of the minor child H.J.M. and awarding custody to Casee Lepper.


¶ 2 The FPCOA GRANTS review. In order to effectively evaluate the issues raised by this appeal, this Court imposes the following briefing schedule:

1. Appellant may file a supplemental brief within fifteen (15) days of service of this Order.
2. Appellee must file a response within fifteen (15) days of service of Appellant's brief *or* within thirty (30) days of the date of service of this Order if Appellant does not file a supplemental brief.
3. The parties shall indicate in their briefs whether they are requesting oral arguments be held on the matter. After receiving required briefs, the FPCOA will determine whether oral arguments will be scheduled.

¶ 3 Appellant filed a Motion to Stay with the Lower Court which was neither granted nor denied at the time of filing this appeal. Rule 6 of the Rules of Procedure in the Court of Appeals provides that Appellant's motion to this Court must show that application to the Tribal Court for a stay has been denied or that the Tribal Court failed to afford the relief which the appellant requested within a reasonable period of time. Accordingly, Appellant requests this Court grant the Motion to Stay the execution of the Tribal Court Order thereby placing the minor child back under the care, custody, and supervision of Child and Family Services. Given the current circumstances, this Court finds it would be contrary to the minor child's best interests to grant a stay pending review. Therefore, the Motion to Stay execution of the Tribal Court Order is denied.

SO ORDERED the 4th day of January 2023.

FORT PECK COURT OF APPEALS



Erin Shanley, Chief Justice



Associate Justice