

FILED

MAR 12 2018

**Fort Peck Tribal Court
of Appeals**

Appellate Court
Fort Peck Indian Reservation
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**FORT PECK COURT OF APPEALS
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR, MONTANA**

IN THE MATTER OF: B.S and B.S JENNIFER AND ANTHONY SHIELDS JR., APPELLANT, vs. FORT PECK TRIBES, APPELLEE	CAUSE NO. AP # 750 Writ of Supervisory Control
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Appeal from the Fort Peck Tribal Court, Imogene Lilley, Presiding Judge.
Appellants appeared by and through Tribal Public Defender, Terry Boyd
Appellee appeared by and through Tribal Prosecutors, Scott Seifert
Before Smith, Chief Justice and Shanley and Desmond, Associate Justice

BACKGROUND

¶ 1 This matter returns to this Court on a MOTION TO VACATE CARE
AND SUPERVISION OF BIA AND TERMINATE WARDSHIP OF

CHILDREN filed on January 24, 2018 by Appellants Jennifer and Anthony Shields Jr., by and through their Advocate Terry Boyd. Nothing has been filed by the Tribes in opposition to the motion.

¶ 2 On November 30, 2017, as a result of a previous appeal filed with this Court, an order was issued remanding this matter back to the Family Court for specific findings and conclusions based on the Fort Peck Comprehensive Code of Justice and the best interests of the child standard. Nothing in the record before this Court reflects that the Family Court issued any order in response to the specific directions given it in the remand order.

WRIT OF SUPERVISORY CONTROL

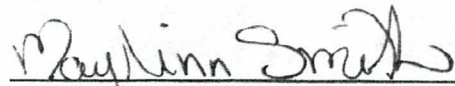
¶ 3 In order to address the lack of responsiveness by the Family Court to the remand order, it is appropriate for this Court to consider this Motion as a request for a Writ of Supervisory Control over the matter. Consistent with the corrective purpose of a Writ of Supervisory Control identified in *Armstrong v Madison*, FPCOA No. 736 (2017), Judge Lilley is directed to provide this Court with a written response which clearly articulates the Family Court's factual and legal grounds for denying the Tribe and Appellants' joint motion to place children with the paternal grandparents or in the alternative return the children to the mother who had completed her case plan. Judge Lilley's response must be filed with this Court within ten (10) days of being served with this order.

¶ 4 Failure to provide a written response addressing the specific concerns identified both in the prior remand order and this order will result in dismissal of the underlying action by this Court, thereby divesting the Family Court of jurisdiction over the minor children.

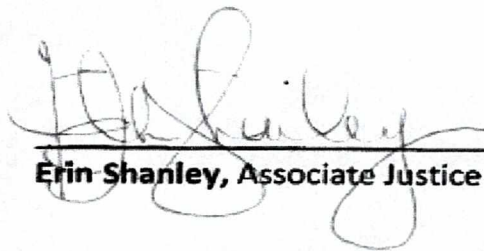
SO ORDER this 12th day of March 2018.

FORT PECK COURT OF APPEALS

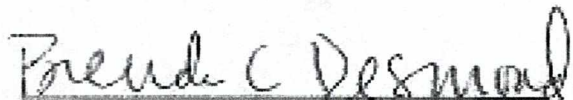
BY



Maylinn Smith, Chief Justice



Erin Shanley, Associate Justice



Brenda C. Desmond, Associate Justice