

FILED
IN THE HO-CHUNK NATION
TRIAL/SUPREME COURT

OCT 19 2001

T Pettibone
Clerk of Court/Assistant

IN THE
HO-CHUNK NATION SUPREME COURT

Vicki J. Greendeer,
Appellee,

DECISION
Case No. SU01-11

John C. Houghton, Jr.,
Appellant.

Heard before Associate Justice Rita A. Cleveland, Associate Justice Debra C. Greengrass and Chief Justice Mary Jo B. Hunter, presiding.

This matter involves the Enforcement of a Foreign Child Support Order from Monroe County. On August 15, 2001 the Appellant, John C. Houghton, Jr., filed his appeal, appealing the Ho-Chunk Nation (hereinafter HCN) Trial Court's Emergency Order filed on July 30, 2001 by the Honorable Todd R. Matha. The Appellant's appeal is based upon his belief that his rights were violated and that the Honorable Todd R. Matha did not comply with the Recognition of Foreign Child Support Orders Ordinance. The Appellee, Ms. Vicki J. Greendeer, filed a Response to Notice of Appeal on August 17, 2001. On August 24, 2001, the Appellant filed a Brief. On August 27, 2001, this matter came before this Court by telephone conference call, at which time this Appeal was accepted. On August 30, 2001, this Court issued a Scheduling Order. On August 31, 2001, Associate Justice Cleveland filed a letter to disclose her extended familial relationship to Ms. Vicki Greendeer. On September 6, 2001, the Appellant filed a Response Brief. On September 10, 2001, this Court issued an Order to order the Trial Court to continue holding the Appellant's August 1, 2001 Per Capita monies in a manner similar to that of a Bond.

This matter came before the HCN Supreme Court for Oral Argument on Saturday,

September 15, 2001. In addition to hearing Oral Argument, this Court reviewed the lower Court record from October 11, 1994 to the present, the Appellants' Notice of Appeal, the Appellee's Response to the Notice of Appeal, the Appellants' Brief and the Appellants' Response Brief. The Court hereby Reverses the Trial Court's July 30, 2001 and orders the Trial Court to release the Appellant's August 1, 2001 Per Capita monies immediately.

ISSUES PRESENTED ON APPEAL

Issue presented on appeal is:

- I. Whether the Trial Court based its decision on a current, valid foreign child support order from any underlying county?

SUMMARY

This Court has reviewed the matter and has decided that the current and valid foreign child support order in effect at the time of the July 30, 2001 Emergency Order had suspended Mr. Houghton's child support payments.

DISCUSSION

The Appellant claims that the Trial Court decision in the Emergency Order filed on July 30, 2001 is in violation of his rights and that by his decision, the Judge is not complying with the Recognition of Foreign Child Support Orders Ordinance. We agree.

This Court recognizes the importance of parental responsibility to provide adequate support for their minor children. However, this Court also recognizes that the Court has a responsibility to issue judgements that are in compliance with Ho-Chunk Nation law.

The Trial Court maintains that once the Court discontinues supervision within the child protection case, it reverted to the status quo found in the January 14, 1999 Monroe County Circuit Court's *Stipulation and Order Regarding Arrears*. (see HCN T. Crt., Emergency Order, July 30, 2001). Although the Recognition of Foreign Child Support Orders Ordinance does not specifically state "current" or "valid" Child Support Order, this Court determined that the Trial Court must base its judgement on the most recent Foreign Child Support Order on record which states the amount of child support. See *Recognition of Foreign Child Support Order Ordinance, Section 103*. In this case, the most recent Foreign Child Support Order was filed on November 20, 2000, which suspended Mr. Houghton's support obligations. On January 12, 2001, the Trial Court recognized the November 20, 2000 Child Support Order suspending Mr. Houghton's support obligation. Therefore, the November 20, 2000 Child Support Order should be the status quo until such a time either party petitions the originating Court to make modifications or amendments to the Child Support Order due to a change in the circumstances.

In the present case, the Appellant is seeking the reversal of Judge Matha's Order and the return of the 21% of his per capita payment that was "impounded".¹

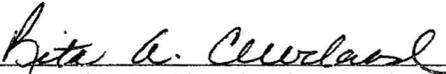
CONCLUSION

Based on the lack of an amended child support order at the time of the August 1, 2001 per capita distribution, this Court hereby reverses the July 30, 2001 Emergency Order signed by the Honorable Todd R. Matha.

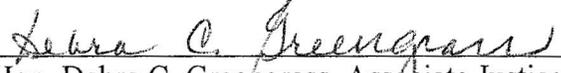
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¹ This Court is unaware of the legal basis in the Nation's laws, which allow for per capita payments to be "impounded". However, that issue is not currently before this Court.

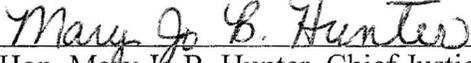
Dated this 19th day of October 2001.



Hon. Rita A. Cleveland, Associate Justice



Hon. Debra C. Greengrass, Associate Justice



Hon. Mary Jo B. Hunter, Chief Justice
HCN Supreme Court

CERTIFICATE OF SERVICE

I, Tari Pettibone, Clerk of the Ho-Chunk Nation Supreme Court, do hereby certify that on the date set forth below I served a true and correct copy of the Decision file in Case No. SU-01-11 By the United States Postal Service, upon all person listed below:

Mr. John Houghton
P.O. Box 102
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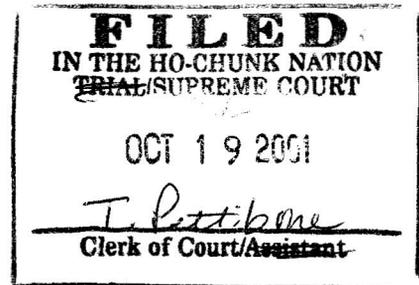
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Hon. Debra Greengrass
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Hon. Mary Jo Brooks Hunter
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Date: October 19, 2001

Tari Pettibone
Tari Pettibone, Clerk of Court
Ho-Chunk Nation Supreme Court