

IN THE
HO-CHUNK NATION SUPREME COURT

FILED
IN THE HO-CHUNK NATION
TRIAL SUPREME COURT

JUN 22 2000

Lori S. Sullivan
Clerk of Court/Assistant

Brandon Bryan Thundercloud,
by and through his mother,
Janelle Fox,
Appellant,

SU 00-06
DECISION

vs.

Bryan Thundercloud,
Appellee.

This matter came before the Ho-Chunk Nation (HCN) Supreme Court on the Appellant's Notice of Appeal filed on March 29, 2000. The Appellant's Notice of Appeal is an appeal of the HCN Trial Court's Order (Denying Enforcement) filed on March 7, 2000. On June 4, 2000, this Court reviewed the Order, Notice of Appeal, Brief for Appellant, the Recognition of Foreign Child Support Ordinance and the Claims Against Per Capita Ordinance. Based upon that review, this Court affirms the Order (Denying Enforcement) filed by the Honorable Mark Butterfield on March 7, 2000. The Appellee did not file any responsive pleadings.¹

The Fort Berthold Order specifically states that the child support shall be withheld from the obligor's, Bryan Thundercloud, "income from employment". In accordance with the Recognition of Foreign Child Support Ordinance, Sec. 106, (b), "...a judgement shall not allow any modifications from the foreign child support order or otherwise change the percentage, agreed amount, or amount if in arrears of child support to be awarded." The HCN lower court judge advised the parties to seek a modification of the Order issued by the District Court of the Three Affiliated Tribes of the Ft. Berthold Reservation, or petition the HCN Trial Court for reconsideration or rescission. Apparently, the Appellant chose to appeal the matter to this Court rather than pursuing an amendment of the Three Affiliated Tribes' Order. Therefore, this Court

¹ The Court notes that the record reflects that Bryan Thundercloud did respond to the matter in the HCN Tribal Court. In the proceedings below, Mr. Thundercloud, by and through his counsel, Mr. Rick McArthur did voice his objections to the language of the Fort Berthold Order, which stated, "income from employment." In addition, the record indicates that Bryan Thundercloud did attempt to avail himself of responding to the matter in the Fort Berthold court as to his objections in that proceeding.

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is not able to find error in the application by the trial court of the applicable law pertaining to the recognition and enforcement of a foreign child support order. The change in the plain language of the order must come from the Three Affiliated Tribes' Tribal Court.

The Order (Denying Enforcement) filed by the Honorable Mark Butterfield on March 7, 2000 is **AFFIRMED**.

EGI HESKEKJET. Dated this 22nd day of June 2000.

Rita A. Cleveland

Hon. Rita A. Cleveland
Associate Justice

Debra C. Greengrass

Hon. Debra C. Greengrass
Associate Justice

Mary Jo B. Hunter

Hon. Mary Jo B. Hunter
Chief Justice