

JUL 0 9 1999

Wine Red Cloud
Clerk of Court/Assistant

IN THE
HO-CHUNK NATION SUPREME COURT

RACHEL WINNESHIEK,
Appellant,

vs.

ORDER DISMISSING APPEAL
Case No. SU99-05

JAMES BEVERLY,
Appellee.

Appellant, Rachel Winneshiek, filed a Notice of Appeal on June 21, 1999 which requested that the full amount of the 16% withheld of the Appellee James Beverly's per capita be sent directly to her from the Ho-Chunk Nation Treasury Department. The appeal of the Ho-Chunk Nation (hereinafter HCN) Trial Court's May 24, 1999 Judgement involved a modification of an enforcing child support order. The Appellee did not file any responsive pleadings.

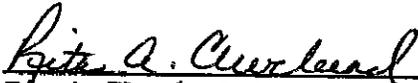
On June 27, 1999, the HCN Supreme Court, via telephonic conference, decided to dismiss Appellant's appeal for failure to state an appealable issue. The HCN Trial Court ordered the Department of the Treasury to "withhold \$360.00, not to exceed thirty-four percent (34%)." (See Judgement, p. 4, CV-97-168, 5/24/1999) The trial court judge was attempting to provide a sufficient amount to allow for a full payment of \$120.00 to reach Ms. Winneshiek. The HCN Treasury Department was ordered to issue the check to the Jackson County Clerk of Court. The Jackson County Department of Child Support Enforcement manages the disbursement of child support funds to the Appellant. Therefore, Appellant's issue is with the administrative agencies managing the distribution of the withheld child support.¹

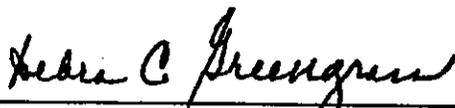
¹Appellant should check with the HCN Department of Treasury to determine that Judgement is being implemented properly. Or, she should consult with the Jackson County Department of Child Support Enforcement to determine that they are receiving the correct amount and whether they are applying it correctly. This Court cannot resolve distribution for her.

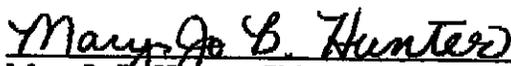
This Court is sympathetic to Ms. Winneshiek's desire to receive the appropriate amount of child support due to her. However, the trial court judge issued an order which attempted to resolve her problem within this court system's ability. However, the way that the recouped monies are distributed by Jackson County are beyond this Court's jurisdiction.² Therefore, this Court is not able to provide any further relief beyond what the Appellant is seeking. She has received the relief in that a larger amount of child support is withheld by this jurisdiction. The issue of how that money is distributed by Jackson County is one which must be addressed to that agency.

The Judgement (Modifying Order) filed by the Honorable Todd R. Matha on May 24, 1999 is AFFIRMED. The Notice of Appeal filed by Rachel Winneshiek is DISMISSED with prejudice.

IT IS SO ORDERED. EGI HESHKEKJET. Dated this 9th day of July 1999.


Rita A. Cleveland, Associate Justice


Debra C. Greengrass, Associate Justice


Mary Jo B. Hunter, Chief Justice
Ho-Chunk Nation Supreme Court

²Appellant filed a second Notice of Appeal on June 30, 1999 which reiterated her request for the monies to be provided directly to her. The second pleading was not considered in the Court's deliberation. Again, the distribution by Jackson County of the withheld monies may include court orders from other jurisdictions which require repayment, for e.g. any monies paid in the past for Aid to Families and Dependent Children (AFDC) may have to be repaid. Such issues are beyond this Court's jurisdiction.

CERTIFICATE OF SERVICE

I, Willa RedCloud, Clerk of the Ho-Chunk Nation Supreme Court of the Ho-Chunk Nation, do hereby certify that on the date set forth below I served a true and correct copy of the attached paper filed in Case No. SU-99-05 (CV-97-168), by the United States Postal Service, upon all persons listed below:

Ms. Rachel Winneshiek
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Date: 7/09/99

Willa RedCloud

Willa RedCloud, Clerk of Court
Ho-Chunk Nation Supreme Court