

**FORT PECK COURT OF APPEALS
ASSINIBOINE & SIOUX TRIBES
WOLF POINT/POPLAR, MONTANA**

IN THE MATTER OF)	
)	
C.M.A., dob: 06/13/1994)	Cause No. <u>495</u>
)	
MINOR INDIAN CHILD)	ORDER DENYING PETITION
)	FOR REVIEW
)	

This Court has reviewed a "Notification for Stay of Judgment and Appeal Order" filed in this matter by Claudia Adams Reese, pro se, and dated January 24, 2008. We consider the document as a Petition for Review filed pursuant to II CCOJ, Section 207.

A Notice of Appearance of David J. Red Fox, Lay Advocate, on behalf of the Appellant and Cheyanne Marie Adams was filed on January 31, 2008.

The **Petition for Review** pertains to a **Custody Order** made by the Court on January 22, 2008, after hearing. This order was made in written form on January 28, 2008 and filed for record on January 29, 2008.

Mary L. Zemyan, Attorney at Law, filed a Response to Petition for Review on behalf of Ryan Sense Wilson, father of the child, on February 26, 2008.

Based on a review of the pleadings, Petition for Review and Response, this Court makes the following findings and order:

1. The jurisdiction of this Court in regard to the minor child, C.M.A., is well established, and will not be reviewed herein. (See, **In the Matter of the Custody of C.M.A.**, Fort Peck Court of Appeals. Appeal No. 342, 2001).

2. The **Custody Order** filed on January 29, 2008 is based on findings of fact and conclusions of law made and entered by the Court after hearing on the matter. We find no reason to set aside the findings of fact and conclusions of law made and entered in the matter.
3. The Fort Peck Court of Appeals shall not set aside any factual determinations of the Tribal Court if such determinations are supported by substantial evidence. II CCOJ §202.
4. The appeal of the Court's order awarding custody of C.M.A. to her father, Ryan Sense Wilson, commencing February 1, 2008 and continuing for the balance of the 2007-2008 school year is moot since the academic year is at or near conclusion.

BASED UPON THE FOREGOING FINDINGS AND GOOD CAUSE APPEARING:

IT IS NOW, THEREFORE, THE ORDER OF THIS COURT THAT:

1. The Petition for Review be, and the same is hereby denied. The Court's Custody Order of January 28, 2008 is affirmed.

DATED this 18 day of June, 2008.

FORT PECK COURT OF APPEALS

By: Brenda C Desmond
BRENDA DESMOND, Chief Justice

Joe Raffiani
JOE RAFFIANI, Associate Justice

Gerard M. Schuster
GERARD M. SCHUSTER, Associate Justice