
**FORT PECK COURT OF APPEALS
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR, MONTANA**

IN THE MATTER OF

B.L.,
Alleged Dependent, Neglected or Abused
Minor.

Appeal No. 105

**ORDER REVERSING THE TRIBAL COURT'S APRIL 16, 1990 ORDER AND PLACING THE CHILD
IN PROTECTIVE CUSTODY**

On April 20, 1990, Tammy and Ricky Desjarlais by and through Melissa G. Schauer filed a document entitled, Request for Preliminary Injunction Infant in Need of Medical Attention. The document requests this Court issue an injunction to effect the removal of the above-named child from her current placement and place said infant in protective care until such time as an appeal can be heard and/or final disposition of the child can be determined in the best interests of the same.

The request is based on the following:

1. The Appellate Court has jurisdiction in accordance with I CCOJ 202;
2. The child has continued to be medically neglected and is currently ill with pneumonia as shown in Attachment #1;
3. The child was the subject in a hearing held April 16, 1990 and was returned to her current placement with her natural mother Tiffany Red Dog Lambert who is believed to be continuing to neglect and or refuse to obtain medical care for the child; as shown in Attachment #2.

This Court contacted Clerk Danna Clark and received copies of her notes in which Ron Arneson's Petition to have the above-referenced child declared dependent, neglected or abused was denied and the child returned to its mother.

The document filed by the lay counselor incorrectly describes Tammy and Ricky Desjarlais as Appellees and the relief requested may be inappropriate since it was not Appellants 7 but Ron Arneson's petition which was denied. In any event, based on I CCOJ 202 (c), this Court has jurisdiction to make any order appropriate to preserve the status quo or to protect any ultimate judgment of the

Court of Appeals. There appears to be an emergency surrounding the child's health since she has pneumonia. Evidence of the pneumonia is established by Attachment #1 which is Janet Armstrong, M.D.'s April 19, 1990 statement as to the child's health and Attachment #2 which is Tammy Desjarlais' Affidavit as to having obtained medication for the child which is not being given to the child. Furthermore, Tammy Desjarlais alleges there has been no follow up care; therefore,

IT IS HEREBY ORDERED Appellant's requested relief is granted. Judge Stafne's order dismissing the petition and returning the child to its natural mother is reversed. The child is to be immediately removed from the mother's care and custody and placed in the custody of Tammy and Ricky Desjarlais until the child has completed the medication and obtained any necessary follow up care for the pneumonia.

IT IS FURTHER ORDERED that the appropriate party or parties file the necessary documentation to perfect the appeal of the August 16, 1990 order within the required 15 days.

DATED this 8th day of January, 1990.

BY THE COURT OF APPEALS:

Arnie A. Hove, Chief Justice

Gary J. Melbourne, Associate Justice

Floyd Azure, Associate Justice
