

**NON-REMOVABLE MILLE LACS BAND OF CHIPPEWA  
DISTRICT OF NAY-AH-SHING**

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**IN THE COURT OF APPEALS**

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In the Matter of:

CASE # 98APP03

MILLE LACS BAND OF OJIBWE,  
Plaintiff,

D.B.,  
Defendant.

**OPINION AND ORDER<sup>1</sup>**

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Oral argument in this matter was heard before the Court of Appeals on August 28, 1998.

Wendy Helgemo, Deputy Solicitor General of the Mille Lacs Band of Ojibwe, appeared on behalf of the Band. A.J. Nickaboine, Legal Representative, appeared on behalf of Defendant.

**I. FACTS**

This is an action to grant full faith and credit to a child support order from the Seventh Judicial District Court of the State of Minnesota, Mille Lacs County, a foreign jurisdiction. Plaintiff Mille Lacs Band of Ojibwe petitioned the Court to enforce Mille Lacs County's Order to Withhold Wages and require Grand Casino Mille Lacs to garnish Defendant's wages and remit them to Mille Lacs County Child Support Accounting. The garnishment was to satisfy \$416.00 per month in current child support obligations, along with \$10,931.00 for past support.

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<sup>1</sup> The names of the parties in the original opinion were redacted in accordance with 8 MLBSA § 2004(a)(2006).

Plaintiff registered the Mille Lacs County Order with the District Court on November 19, 1997. On December 16, 1997, the Court mailed a Notice of Registration of Foreign Judgment to Defendant. On December 23, 1997, Defendant filed a Motion to Set Aside Registration, alleging that Mille Lacs County lacked personal jurisdiction over the original child support action. Lack of personal jurisdiction in an issuing jurisdiction is a proper ground for setting aside the registration and asking the Court to grant full faith and credit. See, Mille Lacs Band v. Ward, MLB 96CB574 (Dist. Ct. 1997).

The District Court heard oral argument on March 3, 1998, and granted full faith and credit to the Mille Lacs County order on March 27, 1998.

## II. ISSUES

1. Did Mille Lacs County have jurisdiction over a child support case involving Defendant, a resident of the Mille Lacs Indian Reservation, who had no contact with Mille Lacs County?
2. Did the District Court err in its grant of full faith and credit to the child support order of Mille Lacs County?

## III. ANALYSIS

### A. Jurisdiction

Mille Lacs County had jurisdiction to hear the child support case involving Defendant. Public Law 280 grants the State of Minnesota concurrent civil jurisdiction in all Indian Country within the State, except the Red Lake Reservation for civil causes of action between Indians. 28

U.S.C. § 1360. In this instance, there were two jurisdictions available to hear the child support action. Concurrent jurisdiction existed in Mille Lacs County and Mille Lacs Band Tribal Court

B. Federal Full Faith and Credit

Federal Law requires states to give full faith and credit to the child support orders of another state. 28 U.S.C. § 1738B. The statute also defines "state" as "Indian country." The Mille Lacs Band, as a "state" under the statute, is required to grant full faith and credit to the child support orders of a state court.

C. Mille Lacs Band Law Requires Full Faith and Credit to the County Court.

Band law requires that full faith and credit be granted to other jurisdictions which recognize Mille Lacs Band Tribal Court Judgments. 24 MLBSA § 2009. At issue in the district court, as well as at oral argument before this court, was the existence of an agreement or evidence of Mille Lacs County's docketing of a tribal court order. At the Court's request, the Plaintiff subsequently filed with the court proof of such an occurrence. The Court is satisfied that Mille Lacs County recognizes Mille Lacs Band Orders as required by 24 MLBSA § 2009.

IV. CONCLUSION


The Court finds that PL. 280 grants the courts of the State of Minnesota jurisdiction over child support actions initiated in a state court by an Indian residing on a reservation. Federal law, as well as Band law, requires this Court to honor the child support order of a State Court.

NOW, THEREFORE, the Court hereby AFFIRMS the order of the District Court, granting full faith and credit to the order of the Seventh Judicial District Court of the State of


Minnesota, County of Mille Lacs. Further, the Court hereby ORDERS Grand Casino Mille Lacs to begin immediately complying with the Child Support Enforcement Order issued by the Seventh Judicial District Court in the County of Mille Lacs, and to garnish the wages of Defendant in accordance with that Order.

Dated this 6<sup>th</sup> day of October, 1998

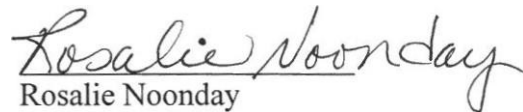
BY THE COURT:

  
Dorothy Sam

Chief Justice  
Mille Lacs Band of Ojibwe

  
Gloria St. John  
Associate Justice  
Mille Lacs Band of Ojibwe

Rosalie Noon

  
Rosalie Noonday

Associate Justice  
Mille Lacs Band of Ojibwe