

**NON-REMOVABLE MILLE LACS BAND OF OJIBWE INDIANS
COURT OF APPEALS**

District of Nay-Ah-Shing

IN THE COURT OF APPEALS

J.C.,

Plaintiff-Appellant

No. 2014-APP-03

vs.

ORDER DENYING APPEAL

J.M.,

Defendant-Appellee

J.C. filed his notice of appeal from the June 4, 2014 order of District Court Judge Osburn awarding the parties joint legal and physical custody of their minor children and a parenting schedule for each. That order also directs at paragraph 11 that the parents work through the court-appointed Guardian Ad Litem to resolve disputes prior to bringing them to Court.

The notice of appeal in this case was very generic and references some Minnesota statutes on custody issues, some of which do not appear to have any applicability here. This Court therefore entered its order on July 17, 2014 directing J.C. to file a more definite statement on what errors the lower court allegedly committed when he awarded joint custody to the parties. J.C. did not respond to this order leaving this Court without clear notice of what he is appealing. Nonetheless this Court has reviewed the record in this case and enters the following order denying the appeal.

When the District Court awards the joint custody of minor children a party appealing that determination must demonstrate that the lower court abused its discretion in awarding joint custody and allocating the custodial rights of the parents. Although Minnesota law can be utilized as guidance in custody determinations, this Court held in Pike v. Pike, No. 2013-APP-13, that ultimately, Band law must control on custody determinations. In this case it appears that the parents stipulated to a joint legal custody arrangement, but the father became dissatisfied with some issues regarding physical

custody. There is no proof that he submitted those disagreements to the GAL as required by the order of Judge Osburn. Instead, he opted to appeal to this Court and when asked by the Court to clarify what issues he was appealing he was silent.

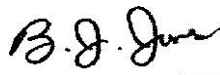
This Court does not find that the lower court abused its discretion in determining the physical custody issues and therefore affirms the lower court's decision.

WHEREFORE IT IS HEREBY

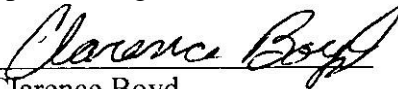
ORDERED, ADJUDGED AND DECREED that the decision of the lower court is hereby AFFIRMED. Any disagreements to custodial issues raised by either parent shall first go to the GAL before they are brought on for motion before the District Court.

THE CHIEF JUSTICE RECUSES HERSELF FROM THIS APPEAL

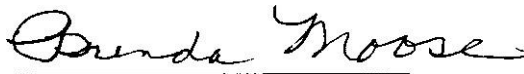
So ordered this 9th day of September 2014.



Special Magistrate



Clarence Boyd
Associate Justice



Brenda Moose
Associate Judge

ATTEST: 
Clerk of Courts