

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

IN THE MATTER OF THE CUSTODY OF,))	
KAYAWNA MARIE CHRISTIAN,)	Cause No. <u>478</u>
DOB: 04/20/04)	
)	ORDER OF REMAND
)	
A MINOR INDIAN CHILD)	
)	

This matter comes before this Court on a Petition for Review brought by Karrie Charette, mother of Kayawna Marie Christian. This proceeding began on December 26, 2006 when Venetta Eagle, Kayawna’s paternal grandmother, filed a Petition for custody under Fort Peck Tribes Comprehensive Code of Justice, (“CCOF”), Title IX, Chapter 3, §304a. After a hearing on the Petition on April 17, 2007, the Tribal Court issued an interim custody order in favor of Appellant Charette ordered home studies and evaluations and set the next hearing for June 5, 2007. The hearing was held but Appellant Charette did not appear. Custody was awarded by default to Ms. Eagle. Following the hearing, Appellant Charette requested a stay from the Tribal Court because she had had car trouble the day of the hearing and had been unable to appear. She indicated that she had tried several times to contact the Tribal Court to re-schedule to no avail. The Tribal Court granted the stay pending our review.

The Petition for Review requests that the matter be remanded to the Fort Peck Tribal Court for a full hearing on the merits of the cause. No response to the Petition appears of record.

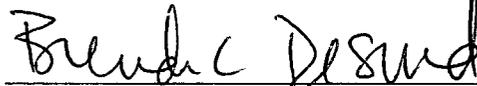
Pursuant to the Petition for Review, the record on appeal, and good cause shown, **IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Petition for Review is granted as presented since no response thereto has been filed.
2. The matter is remanded to the Fort Peck Tribal Court for hearing on the merits of the case.
3. The Stay Order issued by the Court on June 8, 2007 will remain in effect pending further order of the Fort Peck Tribal Court after hearing.

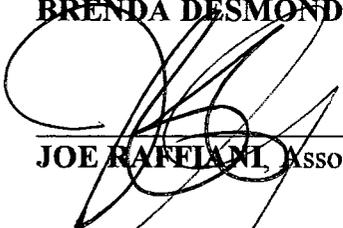
DATED this 23 day of June, 2008.

FORT PECK COURT OF APPEALS

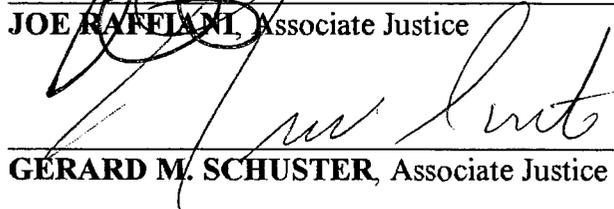
By:



BRENDA DESMOND, Chief Justice



JOE RAFFIANI, Associate Justice



GERARD M. SCHUSTER, Associate Justice