

TRIBAL COURT
OF THE

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SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY

LYNNEA A. FERCELLO
CLERK OF COURT

COUNTY OF SCOTT

STATE OF MINNESOTA

In re the Marriage of

Jeannie Marie Ross,

Petitioner,

and

Court File No. 384-99

Christopher A. Fields,

Respondent.

Memorandum Decision and Order

On January 4, 2008, the Court received a letter from the Respondent, Christopher A. Fields, reporting on the present status of [REDACTED] the Petitioner's son whose legal and physical custody was given to the Respondent by the Court in previous proceedings. At the same time, the Director of Social Services of the Shakopee Mdewakanton Sioux Community ("the Community") forwarded to the Court, at Mr. Fields' request, a report from the Waylusing Academy at Prairie du Chien, Wisconsin, where [REDACTED] presently is staying, receiving therapy, and attending school. The Academy's report detailed [REDACTED] present needs and suggested possible course of treatment and care for the future. Because Mr. Fields' letter proposed disbursements from the trust account established for [REDACTED] benefit by the Community, the Court treated the letter as a petition under section

14.6.A. of the Gaming Revenue Allocation Amendments to the Community's Business Proceeds Distribution Ordinance, Ordinance No. 10-27-93-002.

The Court held two hearing on Mr. Fields' petition. At the conclusion of the first hearing, on January 22, 2008, the Court asked Mr. Fields to meet with representatives of the Community to discuss the particulars of his petition. Those discussions took place, but they did not lead to a meeting of minds, and so during the second hearing, on February 4, 2008, the Court took sworn testimony from Mr. Fields and from Ms. Kim Goetzinger, the Community's Director of Social Services; and the Court heard argument from Mr. Fields and the Community's legal counsel with respect to the appropriateness of Mr. Fields' request.

Mr. Fields testified that he sought a monthly disbursement from [REDACTED] trust account in the amount of \$2,653.00 (his January 4, 2008 letter stated that he sought that amount on a weekly basis, but during the February 4 hearing he informed the Court that this was a typographical error). He stated that he sought \$560.00 per month for gasoline, for trips to visit [REDACTED] at Waylusing Academy and to bring [REDACTED] from the Academy to the Twin Cities for weekend visits; he sought \$439.00 per month for oil changes, \$100.00 per month for general upkeep on his vehicle, \$714.00 per month for lodging while at Prairie du Chien, \$540.00 per month for food while traveling, \$150.00 per month for "family entertainment", and \$150.00 per month for child care for [REDACTED] the son of Mr. Fields and the Petitioner.

The Community opposed all of these requests, stating both that many of them seemed unduly large and also that, in any case, this Court's March 28, 2000 Order awarded generous child support to Mr. Fields for a number of purposes that no longer are

applicable, in light of [REDACTED] present circumstances, and that those now-surplus sums should be more than sufficient to cover the expenses that Mr. Fields may incur, for visitation and transportation, while [REDACTED] is at Wayhusing Academy.

The Court agrees with the Community.

When the Court gave custody of [REDACTED] to Mr. Fields it gave him a very substantial upward deviation from "guidelines" child support, expressly because the Court was convinced that providing for [REDACTED] needs would require certain specific, regular, and substantial monetary outlays. In its March 28, 2000 Order, the Court awarded Mr. Fields \$1,600.00 per month for therapy requirements for [REDACTED] \$400.00 per month for [REDACTED] school needs and allowances; \$200.00 per month in child care for [REDACTED] (together with \$800.00 per month for [REDACTED]; \$400.00 per month for recreation, entertainment and travel; \$456.00 per month for automobile insurance, maintenance, gas and license fees; and \$600 per month for food. In addition, the Court awarded substantial sums for Mr. Fields' residential mortgage, taxes and insurance, utilities, clothing, home maintenance, and personal items, because the Court concluded that Mr. Fields' would be required to be a constant presence in [REDACTED] life. In total, as matters stand, Mr. Fields receives in excess of \$92,000 per year in child support. (After the Court entered its March 28, 2000 Order, the General Council of the Community amended the Community's Domestic Relations Code, limiting the extent to which the Court could upwardly deviate from its child support guidelines, and authorizing persons in the Petitioner's situation to seek a reduction from previous upward deviations; but the Petitioner never has sought such a reduction, so support in this matter continues to be paid in the amount originally ordered).

During the January 22 and February 4, 2008 hearings on Mr. Fields' Petition, the Court received evidence to the effect that all of [REDACTED] expenses at the Waylusing Academy – all his therapy, education, and health care expenses – are presently being paid by the insurance that [REDACTED] has through the Community. The Court also received evidence to the effect that the Academy will arrange and pay for [REDACTED] transportation for visits home. (Home visits, at this point, would occur one per month, although that could increase to two per month if [REDACTED] earns the extra visit through his participation and cooperation with the Academy's program). Hence, substantial amounts that Mr. Fields receives as child support for particular purposes – the \$1,600.00 per month for [REDACTED] therapy, the \$400.00 per month for [REDACTED] school needs and allowance, the \$200.00 per month for [REDACTED] child care – clearly are not needed at present for those purposes; and necessarily some portion of other amounts, such as the \$800.00 per month for [REDACTED] child care, \$400.00 per month for general recreation, entertainment and travel, and \$600 per month for food, probably are not be required at the moment because [REDACTED] is not now present in the home. So, in the Court's view, withdrawing any amount from [REDACTED] trust account would not be "necessary and appropriate", as that phrase is used in section 14.6.A. of the Community's Gaming Revenue Allocation Amendments to the Community's Business Proceeds Distribution Ordinance.

ORDER

For the foregoing reason, the Petition by Christopher A. Fields for disbursements from the trust account of [REDACTED] is DENIED.

February 18, 2008


Judge John E. Jacobson