

FILED APR 1 2 1999

TRIBAL COURT OF THE SHAKOPEE
MDEWAKANTON SIOUX (DAKOTA) COMMUNITY

CARRIE L. SVENDAHL
CLERK OF COURT

COUNTY OF SCOTT

STATE OF MINNESOTA

In Re the Matter of:

Nancy M. Texidor,

Court File No.: 348-99

Petitioner (Judgment Creditor)

vs.

Silas M. Cleveland,

Respondent (Judgment Debtor).

SUPPLEMENTAL ORDER

This matter is an action for the enforcement of a foreign judgment -- a judgment for child support from the Trial Court, Probate and Family Court Department, Middlesex Division, of the Commonwealth of Massachusetts. Under this Court's Rule 34, a Petition for the Enforcement of Foreign Judgment and supporting materials is to be served upon the person against whom the Petitioner seeks to enforce the judgment, who shall have twenty days from the date of service within which to respond. In instances where the Petition is served by mail, the date of mailing is not counted and our rules provide that an additional three days is added to the service period, in computing the time within which a response may be filed.

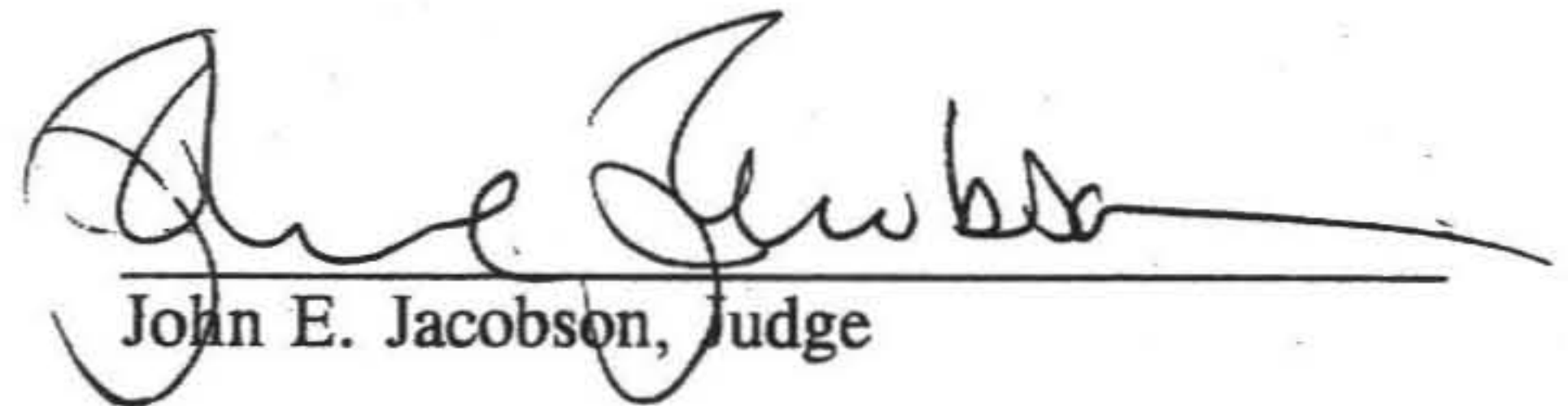
In this case, the Petitioner's counsel certified that she mailed a copy of the Petition to the Respondent on March 16, 1999. Hence, the first day of the Respondent's twenty days was March 20, 1999, and the last day was April 8, 1999; and on that day, this Court entered an

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Order directing that the judgment of the Massachusetts court be enforced in this jurisdiction. The Court received a Response, dated April 9, 1999, from the Respondent. The Response contained three allegations. Of the three, only one could possibly have any bearing on this Court's enforcement of the Massachusetts judgment: the Respondent alleged that the Massachusetts Court had no jurisdiction over the child whose support is at issue. Specifically, the Respondent alleged that the child was a Native American, and the Respondent asserted that for that reason the Indian Child Welfare Act deprived the Massachusetts Court of jurisdiction.

However, the Indian Child Welfare Act does not automatically deprive a state court of jurisdiction over Indian children; and there is nothing in the record of this matter which suggests that the Massachusetts court improperly exercised jurisdiction. And given the Respondent's late filing, this Court declines to reopen the matter or to modify its April 8, 1999 Order. The Order of the Massachusetts court should be given full faith and credit in the jurisdiction of the Shakopee Mdewakanton Sioux (Dakota) Community.

BY THE COURT,



John E. Jacobson, Judge

Date: April 12, 1999

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