

FILED AUG 13 1996 *cl*

CARRIE L. SVENDAHL  
CLERK OF COURT

COURT OF THE SHAKOPEE MDEWAKANTON  
SIOUX (DAKOTA) COMMUNITY

COUNTY OF SCOTT

STATE OF MINNESOTA

Barry McArthur, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Vance Lee Crooks, )  
 )  
 Defendant. )

File No. 067-96

FINDINGS OF FACT, MEMORANDUM, AND ORDER

This matter came on for hearing on August 13, 1996, on the Plaintiff's Motion for Order and Judgment. The Plaintiff appeared, and was represented by P. James Taurinkas, Esq.. The Defendant did not appear; and the Shakopee Mdewakanton Sioux (Dakota) Community ("the Community") appeared specially, through its attorney, William Hardacker.

Before the hearing, the Per Capita Execution Officer of the Community filed with the Court an affidavit, stating that Vance Lee Crooks is a qualified enrolled member of the Community who currently receives per capita payments from the Community.

At the hearing, the Plaintiff testified, and the Court finds, as follows: The Plaintiff is the grandfather of [REDACTED].



██████████ is the daughter of the Defendant, Vance Lee Crooks, and Shannon M. Crooks, the Plaintiff's daughter. ██████████

██████████ was born May 18, 1994. At that time, both Vance Lee Crooks and Shannon M. Crooks were abusing drugs; and, faced with the possibility of losing custody of Hillary through judicial proceedings in Hennepin County, Vance Lee Crooks and Shannon M. Crooks agreed that the Plaintiff would take custody of the child.

The parties' agreement was memorialized by a Stipulation for Order and Order, in proceedings captioned In Re the Custody of ██████████, minor, by: Shannon M. Crooks and Vance Lee Crooks and Barry McArthur, File No. 19-F294-8037 (Dakota County, Family Court Division). In those proceedings, Vance Lee Crooks was represented by counsel, and the Plaintiff was not. The attorney for Vance Lee Crooks prepared the Stipulation for Order and Order which was signed by all parties on May 26, 1994, and was entered by the Dakota County Court on June 2, 1994.

Pursuant to the Stipulation, Vance Lee Crooks agreed to pay to the Plaintiff, as child support for ██████████ ██████████, the sum of \$2,500.00 per month. As the Stipulation was drafted by the attorney for Vance Lee Crooks, the monthly payment would have been \$3,000.00; but the Plaintiff informed Vance Lee Crooks and Shannon Crooks that he could live on, and support ██████████ ██████████ on, \$2,500.00 per month, and would agree to accept that lesser amount if Vance Lee Crooks and Shannon Crooks agreed to enter and complete a drug treatment program. Vance Lee Crooks and Shannon Crooks did enter drug treatment programs, but then left the programs before



completing them.

In accordance with the Stipulation, Vance Lee Crooks paid to the Plaintiff the \$2,500.00 amount to which he had agreed through November, 1994; but beginning in December, 1994, he paid lesser amounts. In recent months, his arrearages have been \$1,300.00 per month. As of the end of July, 1996, the total of his arrearage is \$26,700.00; and by August 15, 1996, his arrearage will be \$28,000.00. The Dakota County Court has never modified its Order with respect to the support obligation.

As a consequence of Vance Lee Crooks having failed to honor his support obligation, the Plaintiff has been used all of his savings, sold a car, and taken a loan on his life insurance policy.

On July 18, 1996, the Plaintiff moved for an Order from this Court, directing the Per Capita Execution Officer of the Community to withhold amounts from Vance Lee Crooks' per capita payments in the full amount of \$2,500.00 per month; for an Order directing that his arrearage also be withheld from Vance Lee Crooks' per capita payments; and for an Order requiring Vance Lee Crooks to pay the Plaintiff's attorney's fees in the amount of \$1,500.00.

William Hardacker, on behalf of the Community, provided the Court with a summary of the per capita payments which Vance Lee Crooks currently receives, and the deductions which presently are taken from them. The Plaintiff was not provided with that information, and the information was not made of record in the proceedings.

These proceedings take place under the provisions of Chapter



III, section 8 of the Shakopee Mdewakanton Sioux (Dakota) Community Domestic Relations Code ("Domestic Relations Code"), adopted by the General Council of the Community on May 23, 1995, by Resolution No. 5-23-95-002. Under the Domestic Relations Code, the Court can order a deduction of per capita payments only following a temporary or permanent order for child support "in the principal action". Domestic Relations Code, Art. II, sect. 8.b.3. In this case, "the principal action" clearly was the 1994 proceeding in Dakota County Court. Based on the records provided to this Court, and the Plaintiff's testimony, the Dakota County Court matter was altogether regular and proper. Vance Lee Crooks raised no objection to those proceedings before that Court or this Court, and indeed, in this Court, completely failed to appear or file any materials whatever.

Accordingly, I deem it appropriate, and clearly within the authority of this Court under the provisions of the Domestic Relations Code, and under the Jurisdictional Amendment adopted by the Community's General Council on November 14, 1995, by Resolution 11-14-95-003, to give full faith and credit to the Order of the Dakota County Court, and to enforce it through deductions from the per capita payments made to Vance Lee Crooks.

For the foregoing reasons, it is herewith ORDERED:

1. Until further order of this Court, the Per Capita Execution Officer shall deduct, as child support, \$2,500.00 per month from the per capita payments made to Vance Lee Crooks, and pay that amount to Barry McArthur. Such deductions shall be



\$500.00 from the payments made on the first day of each month, and \$2,000.00 from the payments made on the fifteenth day of each month.

2. For the four per capita payments following the entry of this Order, the Per Capita Execution Officer shall deduct, as payment of child support arrearages, the sum of \$7,000.00 from the per capita payments made to Vance Lee Crooks, and pay that amount to Barry McArthur, to satisfy Vance Lee Crooks' support arrearages.

3. From the fifth per capita payment following the entry of this Order, the Per Capita Execution Officer shall deduct the sum of \$1,500.00 and pay that amount jointly to Barry McArthur and P. James Taurinkas, Attorney at Law, for attorneys' fees as aforesaid.

The Court hereby acts in the place of the defendant and authorizes the Per Capita Execution Officer to deduct the judgment herein from the defendant's per capita payments in accordance with the limitations contained in Chapter 5 of the Shakopee Mdewakanton Sioux (Dakota) Community Full Faith and Credit, Enforcement and Satisfaction of Judgments Ordinance. No further authorization from defendant shall be necessary for the execution of this judgment by the Per Capita Execution Officer.

August 13, 1996

  
John E. Jacobson  
Judge