

COURT OF THE SHAKOPEE MDEWAKANTON
SIOUX (DAKOTA) COMMUNITY

IN THE COURT OF THE
SHAKOPEE MDEWAKANTON SIOUX
(DAKOTA) COMMUNITY

SEP 03 2008

COUNTY OF SCOTT

STATE OF MINNESOTA
CLERK OF COURT

Daniel Edwin Jones,

Petitioner,

vs.

Court File No. 491-02

Michelle Marie Steinhoff,

Respondent.

Memorandum Opinion and Order

In 2002, in this paternity matter, the parties stipulated to Findings of Fact and Conclusions of Law, and an Order for Judgment; and the Court adopted those Findings and Conclusions, and entered Judgment accordingly. In the stipulated Conclusions, the parties agreed to share joint legal custody of their minor child, and the Respondent was awarded sole physical custody of the child, subject to "reasonable and liberal rights of visitation" in the Petitioner. The parties stipulated, and the Court ordered, that any effort by the Petitioner "to modify the physical custodial status" of the parties' child "shall be done in the district court of Minnesota", and that this Court "is divested of jurisdiction" for such issues. But the parties also stipulated, and the Court ordered, that "[i]f the parties are unable to agree on visitation, either party needs to return to Tribal Court and request that a specific visitation schedule be ordered".

Following the entry of that Judgment, the Petitioner was incarcerated for a period of years by the State of Minnesota; and following his release, on July 15, 2008, he filed a motion with this Court seeking a schedule for visitation, asking that the Respondent no longer be given access to the trust account being held for their child by the Shakopee Mdewakanton Sioux (Dakota) Community pursuant to section 14.6 of the Gaming Revenue Allocation Amendments to Business Proceeds Distribution Ordinance No. 10-27-92-002 ("the Gaming Revenue Ordinance Amendments"), and asking that the Court give him what he termed "the first option" to care for the parties' child whenever the Respondent might otherwise leave the child with a third-party caregiver for more than three hours.

The Respondent then filed what she termed a "Countermotion", opposing the Petitioner's motion in its entirety, asking that any visitation between the Petitioner and

the child be both supervised and of a short duration (in light of the fact that there has not been any considerable contact between the Petitioner and the child for most of the child's life), and that the Petitioner's wife not be present during visitation. The Respondent also sought the appointment of a "qualified individual" to make recommendations with respect to visitation; she sought sole legal custody of the child; and she sought an order directing the Petitioner to pay any costs relating to the "qualified individual" and to pay "need-based" attorneys' fees to the Respondent.

On August 27, 2008, the Court heard oral argument on the parties' motions. At the conclusion of the hearing, the Court appointed Ms. Jody Alholinna, Esq., as the "qualified person", sought by the Respondent, to advise the Court and the parties with respect to visitation issues. The Court stated its view that, pending Ms. Alholinna's recommendations and the parties' comments thereon, a schedule for visitation should be established; that the schedule should provide visitation on a more frequent basis than it had been; and that pending Ms. Alholinna's recommendations visitation should be supervised by Ms. Heidi Simon or some other qualified, neutral person on the Shakopee Community's staff. The Court urged the parties to negotiate a visitation schedule pending Ms. Alholinna's recommendations, but stated that if such efforts failed the Court would consult with Ms. Simon and establish a schedule.

The Court observed that the Petitioner's motion to amend the Respondent's access to the child's trust account was not properly brought in this proceeding – that the motion, if it is to be put before the Court, should be brought in the proceeding that the Respondent brought under section 14.6.A. of the Gaming Revenue Ordinance Amendments; and the Petitioner expressed the view, with which the Court concurs, that the expense of Ms. Alholinna's services will be borne by the Community's funding for Guardians ad Litem. The Court took the remaining matters before it under advisement.

ORDER

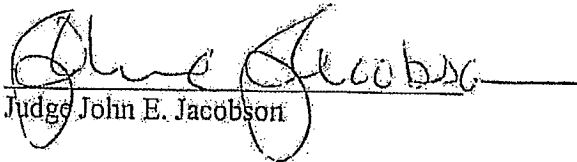
For the foregoing reasons, and based on all the files and materials herein, it herewith is ORDERED:

1. That Jody Alholinna, Esq. is appointed to advise the Court and the parties with respect to issues concerning the Petitioner's visitation of the parties' minor child;
2. That the parties shall seek to agree on a regular schedule for the Petitioner's visitation of the parties' minor child, which schedule shall involve more frequent visitation than has been the case in the past; but if the parties are unable to agree upon a visitation schedule, the Court will establish one;
3. That, pending further order of the Court, the Petitioner's visitation shall be supervised by Ms. Heidi Simon or some other qualified, neutral person;

4. That the Petitioner's motion to modify the Respondent's access to the trust account held by the Shakopee Community for the parties' minor child is denied, for the reasons recited above;

5. That all other aspects of the parties' motions will be taken under advisement by the Court, and the parties will appear before the Court to hear and comment upon the recommendations of Ms. Alholinna, at 1:00 p.m. on Thursday, October 2, 2008.

September 3, 2008


Judge John E. Jacobson