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October 1, 2015

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

Re: Rule Matter 07-11C

Dear Clerk of Supreme Court;

On behalf of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, thank you for the opportunity to comment on the review of the discretionary transfer rule governed by Wis. Stat. § 801.54. The Lac Courte Oreilles Child Support Program became comprehensive November 2012; after the court's last order pertaining to Rule 801.54. Our experience with the Rule has been very positive. The Rule has facilitated open communication and a partnership between Sawyer County and Lac Courte Oreilles that did not exist previously.

Transfer of cases from Sawyer County Circuit Court utilizing Rule 801.54 began in January 2013¹. At the present time, the Lac Courte Oreilles Child Support Program has approximately 607 child support cases. Of the 607 child support cases approximately 400 child support cases were transferred from Sawyer County. The 400 child support cases correlate to 279 court cases.

As the numbers indicate, a majority of Lac Courte Oreilles child support cases are transfers from Sawyer County.

In our view, Rule 801.54 is working as intended and we are very appreciative of the efforts of the Wisconsin State-Tribal Justice Forum and the Court in the formulation and adoption of the Rule and subsequent revisions incorporating (2m). As a whole the Rule provides the Sawyer County Circuit Court with a mechanism to transfer cases when there is concurrent jurisdiction.

The following is intended to inform the Court of positive outcomes that would not have been possible but for the Rule:

Anecdote #1 – Child support was established in Sawyer County. Father paid zero dollars for the support of his three daughters since the order was established. Father was underground working for cash and was unable to be located despite several warrants for his arrest for failure to pay child support. Many years lapsed, the child support case was transferred to Lac Courte Oreilles. The father was located with the assistance of another tribal child support agency in another state when the oldest was 16 years old. An income withholding order was sent to the father's employer. Father called Lac Courte Oreilles Child Support after having his wages withheld indicating he was going to quit and was already looking for cash work. After a few discussions the case worker was able to facilitate an agreement that benefitted mother and incentivized father

¹The Lac Courte Oreilles reservation is within Sawyer County. Sawyer County is exercising jurisdiction in a majority of Lac Courte Oreilles tribal member's child support cases.

to remain employed and comply with the court's order. Mother agreed to reduce the child support obligation by \$50.00 and would forgive \$10,000 in past due support if he paid in full and on time each month. Father agreed and for the first time ever he provided his "real" address to child support. Father did not go underground and remained employed; Mother began receiving regular child support after going without for 16 years.

Anecdote #2 – Case was transferred from Sawyer County and involved two minor parents whose child was placed in kinship care. With the understanding that finishing high school would benefit the parents and the child, the case worker communicated with the parents, the high school and tutor of one of the parents to facilitate an agreement whereby the child support would be suspended up to 30 days after graduation. The mother subsequently graduated from high school and the father re-enrolled in high school after previously dropping out.

As a sovereign nation, Lac Courte Oreilles has a vested interest in the health and welfare of our tribal children. The Lac Courte Oreilles Tribal Court and Child Support Program are conveniently located within the tribal government building that houses other important tribal services. This provides access to services that benefits tribal members.

In closing, we respectfully request the Court continue the usage of the Rule. Without the Rule, the positive outcomes described above would likely not have occurred.

Respectfully submitted,

Norma Ross
Secretary/Treasurer