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**THE SUPREME COURT OF
THE SISSETON-WAHPETON OYATE OF THE LAKE TRAVERSE
RESERVATION**

KYLE LAFROMBOISE,

Appellant,

vs.

HONORABLE MICHAEL T. SWALLOW,
JUDGE AT SISSETON-WAHPETON TRIBAL
COURT,

Appellee

Case No.: APP-18-002-015

ORDER DENYING STAY AND
REMANDING FOR NEW HEARING



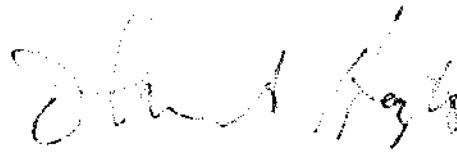
Appellant, Kyle LaFromboise, appeals a child custody order of the Sisseton-Wahpeton Tribal Court, Honorable Judge Michael T. Swallow, presiding. Appellant also asks this Court to order a stay of the Tribal Court order pending his appeal, for lack of notice to him of hearing which resulted in the child custody order.

This Court, having inquired as to whether notice was sent to Appellant and if so, what type of notice, was informed by the trial court clerk that notice was sent to Appellant by regular mail, with an Admission of Service. The Admission of Service was not returned.

Our courts must always protect the due process rights of parties before it, and must endeavor to provide actual service wherever possible. That Appellant is before the courts of the Sisseton-Wahpeton Oyate asking for relief because he did not have notice of the hearing is enough to GRANT Appellant his new hearing. We DENY Appellant's request for a stay of the child custody order pending the new hearing because we have no evidence before us the children are subject to potential harm or being absconded with.

THEREFORE, it is ORDERED a de novo hearing be held as soon as practicable and not more than 45 days from the date of this order, and Appellant's request for a STAY of the trial court's order on custody is DENIED pending the outcome of the new hearing.

Dated this 3rd of January, 2018.



Thor Hoyte, Chief Justice

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