

**NON-REMOVABLE MILLE LACS BAND OF OJIBWE INDIANS
COURT OF APPEALS**

District of Nay-Ah-Shing

IN THE COURT OF APPEALS

No. 04 FA 27

K.L.,

Appellant,

vs.

ORDER

Mille Lacs Band of Ojibwe,
Appellee

K.L. has filed a notice of appeal from the December 3, 2014 order of Special Magistrate Swanson finding her in contempt of Court for not appearing at a December 2, 2014 hearing and for failing to file annual reports on a conservatorship account she maintained for her child. The order also requires her to obtain and maintain a life insurance policy on her child. This action was taken by the Special Magistrate based upon her finding that K.L. had wrongfully appropriated and spent the trust of a conservatorship account that was supposed to be held for her son. K.L. did not dispute that, but contended that she believed that she had the right to spend the money.

When a party fails to appear at a hearing to raise issues and then attempts to appeal this Court cannot consider issues unless they are raised to the court below. In her letter in support of the appeal she states that she had expended the monies for the child's benefit and further that the lower court should not have fined her. These arguments should have been presented to Court of Central Jurisdiction at the hearing on December 2, 2014. By failing to appear at that hearing, even though she was on notice regarding the hearing, K.L. waived these arguments and cannot assert them for the first time on appeal.

WHEREFORE IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that the Court of Appeals hereby
AFFIRMS the lower court's order and denies the appeal.

So ordered this 23rd day of January 2015.

B. J. Jwa

Special Magistrate

R Churchill

Rayna Churchill

Chief Justice

Clarence Boyd

Clarence Boyd

Associate Justice

Brenda Moose

Brenda Moose

Associate Judge

ATTEST: Clare E. Boyd
Clerk of Courts