

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS  
COURT OF APPEALS

IN THE MATTER OF,

RW (DOB 01-23-2021)  
CCW (DOB 11-14-2019)  
SHW (DOB 10-02-2018)  
RAW (DOB 10-02-2017)  
JW (DOB 10-24-2013)

APP-2025-02

Decided May 18, 2026

BEFORE: BIRON, BUTTS, CORBIERE, DIETZ, and DEMOORE, Appellate Judges.

**OPINION & ORDER TO REMAND**

Butts, Biron and DeMoore on behalf of the Court, who are joined by Judges Corbiere and Dietz.

For the reasons detailed below, the May 27, 2025 Opinion and Order Lori Williams' Motion to Be Considered as Adoptive Placement ("*Adoptive Placement Order*") is remanded for further proceedings consistent with this Court's Opinion & Order.

***Facts and Procedural History***

For purposes of this Order, an abbreviated legal and procedural history is provided.

This matter comes before the Court on a Notice of Appeal filed by Lori Williams, maternal grandmother of RW, CCW, SHW, RAW, JW on June 25, 2025.<sup>1</sup> Appellant challenges the *Adoptive Placement Order* entered following a hearing conducted on April 30, 2025 by the Honorable Judge Charles J. Palmer.

The *Adoptive Placement Order* denied Appellant's Motion to Be Considered as an Adoptive Placement ("*Adoptive Placement Motion*") and continued the previously ordered adoptive placement with Mary Wadeen, the children's paternal grandmother.

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<sup>1</sup> Appellant Lori Williams is also the maternal grandmother to JH, a step-sibling to the Wadeen children and the subject of companion Tribal Court Case No CW-2024-11.

Prior to entry of the *Adoptive Placement Order*, the Tribal Court conducted a joint hearing on March 13, 2025, addressing the *Adoptive Placement Motion* and Appellant’s Motion Re Sibling Visitation (“*Sibling Visitation Motion*”).

At the March 13, 2025 hearing, the Tribal Court adjourned the adoptive placement issue due to time constraints and scheduled the matter for continuation on April 30, 2025. At the conclusion of the March hearing, the court inquired of Sally Hamblin, attorney for Appellant Williams, how she wished to proceed. Ms. Hamblin indicated that she would rely on the proofs already presented and anticipated offering legal argument only, with no additional witnesses.

The Tribal Court subsequently issued a separate Opinion and Order on sibling visitation (“*Sibling Visitation Order*”), entered April 8, 2025. The *Sibling Visitation Order* was not appealed. However, it expressly relied on evidentiary materials that bear directly on the adoptive placement issue now before this Court.

At the commencement of the April 30, 2025 continued hearing, Judge Palmer stated:

The Court held a hearing on a—on a separate but related motion—uh—a few weeks ago and this matter was not resolved as a result of that. So we’re—uh—holding a hearing today. (Transcript, *Adoptive Placement Motion* Hearing, April 30, 2025 at 5:11–14).

In its *Adoptive Placement Order*, the Tribal Court cited Tribal Code §§ 30.602(1)–(2)<sup>2</sup> and 30.1207(1)–(2) and concluded, in relevant part:

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<sup>2</sup> The Tribal Court’s citation to STC §30.602 (1)–(2) and the citation in this Opinion and Order to Remand reference the version of the Code provision that predated Resolution 2025-290, adopted November 4, 2025, amending §30.602. That version of STC §30.602 (1)–(2), which was in effect at the time of the entry of the *Adoptive Placement Order*, provided as follows:

30.602 Foster Care and Adoption Placement Preferences.

(1) The Tribe's first priority for adoption and foster care placement is for placement of tribal children through the Binogii Placement Agency.

(2) In order to accomplish the purposes of the Indian Child Welfare Act and to maintain contact with the Indian culture, a child placement agency shall place a child consistent with the following placement priorities, unless waived by the Sault Tribe Child Welfare Committee:

(a) The first priority is for placement with extended family in the immediate area as follows:

(i) grandparents;

(ii) aunts/uncles;

(iii) brothers/sisters; and

(iv) first cousins to the child.

(b) The second priority is for placement in the immediate area as follows:

(i) an Indian family;

(ii) a non-Indian family.

(c) The third priority is for placement with an Indian family outside the immediate area.

(d) The fourth priority is for placement in the best interest of the child as determined by the Child Welfare Committee.

In other words, when it comes to placement decisions, Tribal law provides and confirms that it is Binogii Placement Agency, in conjunction with the Child Welfare Committee, to determine what is in a child's best interests, not the Court.

Following entry of the appealed *Adoptive Placement Order*, appellate briefs were submitted, and oral argument was held on December 12, 2025.

On or about January 6, 2026, Sally Hamblin withdrew her representation of the Appellant.

On April 9, 2026, subsequent to the close of briefing and oral argument, Appellant's new counsel, Jana Mathieu, filed a Motion to Remand for Evidentiary Hearing ("*Remand Motion*") with this Court. No response was filed by the Appellee.

### ***Jurisdiction***

Pursuant to STC § 82.109, this Court has exclusive jurisdiction to review the judgements or orders of the Tribal Court. An appeal is properly before this Court if it is a final decision of the Tribal Court. STC § 82.111 (1). This Court's appellate jurisdiction is not in dispute.

### ***Standard of Review***

Child protective proceedings fall within the jurisdiction of the Tribal Court. See STC Chapter 30; *In the Matter of JK*, APP-06-02 at 5 (January 9, 2009). Matters on appeal involving a conclusion of law are reviewed *de novo* and without deference to the Tribal Court's determination. STC § 82.124(5). A matter which is within the discretion of the Tribal Court shall be sustained if it is reflected in the record that the Tribal Court exercised its discretionary authority; applied the appropriate legal standard to the facts; and did not abuse its discretion. *Ibid*. Also see STC § 82.124 (8).

In all matters, but especially those involving Tribal Member minor children, the Anishinaabe teachings of *Nibwaakaawin* (wisdom), *Zaagi'idiwin* (love), *Minaadendamowin* (respect), *Aakode'ewin* (bravery/courage), *Gwayakwaadiziwin* (honesty/integrity), *Dabaadendiziwin* (humility), and *Debwewin* (truth) must inform all that we do as a Court. *Payment v. The Election Committee of the Sault Ste. Marie Tribe of Chippewa Indians*, APP-2022-02 (December 5, 2022); *Buggy v. Housing Authority*, APP-2025-04, Order Denying Appellee's Motion to Vacate Order of Stay and Order Denying Appellee's Motion To Dismiss (January 30, 2026).

## **DISCUSSION**

### ***A. Appellate Review Requires a Complete Record***

The standards of appellate review set forth in STC § 82.124 presuppose the existence of a record adequate to permit their application. Findings of fact may be reviewed for clear error, discretionary determinations for abuse of discretion, and conclusions of law *de novo* only when the Tribal Court

has articulated the factual findings, credibility determinations, and legal reasoning underlying its decision. Where such findings are absent or insufficient, the Court of Appeals cannot meaningfully apply the statutory standards of review and must proceed under STC § 82.126.

For purposes of appellate review under STC Chapter 82, a complete appellate record consists of more than the existence of evidence or proceedings below. A complete appellate record includes:

1. The order or judgment appealed from;
2. Specific findings of fact and conclusions of law sufficient to permit review under STC § 82.124;
3. Identification of the evidence relied upon where material facts are disputed;
4. A transcript or other reliable record of proceedings material to the issues raised on appeal; and
5. Those exhibits, reports, assessments, or materials expressly relied upon by the Tribal Court in reaching its decision.

The presence of testimony, reports, or exhibits in the trial court file does not, standing alone, create a reviewable appellate record. Where the Tribal Court does not resolve material factual disputes, assess witness credibility, or explain how governing statutory or best interests standards were applied to the evidence presented, the record—though it may be extensive— remains incomplete for purposes of appellate review. Appellate courts do not find facts in the first instance; that responsibility rests with the trial court.

The requirement of a complete appellate record does not diminish when the standard of review is *de novo*. Although *de novo* review permits the Court of Appeals to reach its own legal conclusions without deference to the Tribal Court, it does not authorize the appellate court to find facts, resolve credibility disputes, or supply missing findings. Even where issues of law are raised, the Tribal Court must have a record that reveals the factual context in which those legal questions arose and how the Tribal Court applied—or failed to apply—the governing law. Absent such a record, meaningful *de novo* review is impossible, and remand under STC § 82.126(3) remains the appropriate remedy.

## ***B. Clear Error Identified***

This Court concludes that the Tribal Court’s reasoning reflects clear legal error.

### **1. Duty of the Trial Court to Make Findings**

Under Tribal Code Chapter 82, appellate review depends upon the presence of independent judicial findings of fact and conclusions of law. Specifically, STC § 82.126 provides, in pertinent part, as follows:

## **82.126 Content of Order or Judgment Appealed.**

Orders and judgments subject to an appeal shall contain the following, in order to facilitate justice by the Court of Appeals:

(1) In any proceeding tried to a judge without a jury, the judge shall make separate findings of fact and conclusions of law. The Tribal Court may do this orally on the record in open court, or issue a written opinion and order...

(3) In the absence of findings of fact by the Tribal Court, the Court of Appeals may affirm the judgment if supported by the record, reverse the judgment if the record does not support it, or remand the case for the issuance of findings and conclusions (emphasis added).

Consistent with STC § 82.124, findings of fact can be reviewed under the “clearly erroneous” standard only when such findings exist. This Court has repeatedly enforced these requirements. See *Kelly Neal v. Housing Authority*, APP-02-04 (October 10, 2002); *Truitt v. Housing Authority*, APP-11-01 (July 19, 2011); *Buggy, supra*.

### 2. Non-Delegable Judicial Responsibility

Although Binogii Placement Agency and the Child Welfare Committee play an important and prioritized role in placement recommendations under Tribal Code Chapter 30, their determinations do not bind the Tribal Court. The ultimate responsibility to determine credibility, assess evidentiary weight, and decide what placement serves the child’s best interests rests with the Tribal Court itself.

This principle is firmly embedded in this Court’s child-welfare jurisprudence. See *In re C.S.D.*, APP-04-01 (November 14, 2005); *In re T.C.D.*, APP-13-02 (July 14, 2014); *In re L.C., J.G., & L.G.*, APP-13-03 (July 14, 2014). Agency recommendations may inform the court’s analysis but cannot substitute for judicial fact-finding. The determination of what facts are found, what evidence is credited, and how those facts satisfy the governing legal standard—including the child’s best interests—is a non-delegable judicial function.

### 3. Evidentiary Record Requiring Findings

In its *Sibling Visitation Order* at 2, para. 2-3, the Tribal Court expressly acknowledged review of extensive evidentiary materials:

The Court reviewed the various state court files, correspondence from Dr. James Henry to the GAL, trauma assessments for all six children prepared by the FASTER Program, an assessment of (JH) prepared by Richard James, Ed. D. PhD. Both Tribal Court files as well as the video of the 11/19/24 review hearing presided over by Judge Shannon.

The Court also heard testimony from Dr. James, Dr. Henry, Marilyn Groh and Lori Williams (Parentheses and name abbreviation added)

These materials were directly relevant to the contested issue of adoptive placement. Accordingly, the Tribal Court was required to enter findings of fact explaining how the evidence supported or undermined the competing placement options and to articulate conclusions of law identifying which placement served the children's best interests. As this Court held in *In Re TCD*, APP 13-02 at 3-7 (July 10, 2014), best interest determinations require a distinct, reasoned analysis grounded in the evidentiary record; they may not be implied from the result or left unarticulated. *In Re ASG and EG*, APP 14-03/04 at 15-19 (February 20, 2015) further confirms that discretionary child welfare determinations are subject to appellate deference only where the trial court identifies the relevant best interest factors and explains how the evidence supports its ultimate conclusion.

Read together, *In re TCD, supra* at 3-4 and *In re ASG & EG, supra* at 5 confirm that appellate deference under STC § 82.124 presumes the existence of findings adequate to permit review. Where such findings are absent, appellate review cannot proceed, and remand is required. Consistent with STC § 82.126, this Court will not presume facts, reweigh evidence, or supply missing findings where the record is incomplete through no fault of the appellant. The appropriate remedy is remand for entry of findings of fact and conclusions of law sufficient to permit application of the standards of review mandated by STC § 82.124, remand under STC § 82.112(3) is not discretionary but necessary to facilitate justice and preserve the integrity of appellate review.

This Court further observes that the circumstances presented here are not unique. The absence of findings sufficient to permit appellate review has arisen in multiple subject-matter contexts, including child welfare, housing, elections, and civil appeals. This Opinion clarifies the requirements of STC Chapter 82 to promote consistency, finality, and meaningful appellate review.

Where an appellate record is incomplete through no fault of the appellant, the Court of Appeals will not presume facts in favor of the prevailing party or supply missing findings. Consistent with STC § 82.126(3), the appropriate remedy is remand for the entry of findings of fact and conclusions of law sufficient to permit appellate review.

In this matter, although the Tribal Court relied upon extensive testimony, professional assessments, and documentary materials, it did not issue findings explaining how that evidence supported denial of Appellant's *Adoptive Placement Motion* or why one adoptive placement was determined to be in the children's best interests over the other. In the absence of such findings and conclusions, this Court is unable to apply the standards of review mandated by STC § 82.124.

Accordingly, the Court expresses no opinion on the merits of the placement decision. Remand is required solely to permit the Tribal Court to exercise its fact-finding role and articulate the reasoning necessary for appellate review.

Because the *Adoptive Placement Order* on appeal lacks independent findings of fact and conclusions of law and improperly defers the ultimate best-interest determination to non-judicial entities, meaningful appellate review is impossible.

## ORDER

IT IS ORDERED that this matter is **REMANDED** to the Tribal Court for:

1. Entry of independent findings of fact and conclusions of law addressing the Appellant's *Adoptive Placement Motion* and at a minimum, the following questions:
  - a. Statutory Placement Preferences. What is the Tribal Court's analysis of the interplay—and any apparent tension—between the placement preferences set forth in STC § 30.602(2),<sup>3</sup> STC §§ 30.701 and 30.703(1)and (3), and how were those provisions applied to the facts of this case?
  - b. Expert Qualification. Were Dr. Henry, Dr. James, and Dr. Swangler offered and qualified on the record as expert witnesses, and if so, in what fields and for what purposes?
  - c. Comparative Expert Assessment. As between Dr. Henry and Dr. James, what findings did the Tribal Court make regarding the relative credibility, weight, and probative value of their respective reports and recommendations, and why did the Court adopt or reject those opinions?
  - d. Credibility Concerns Identified in FASTER Reports. In the FASTER Report(s) dated February 27, 2025, caseworker Christy Roberts reported that “Dr. Swangler’s credibility is in question.” Did the Tribal Court take testimony or receive evidence on that issue, and what findings, if any, did it make regarding Dr. Swangler’s credibility?
  - e. Sibling Placement Assessment. In the same FASTER Report(s), Ms. Roberts reported that she and Wadeen workers “often wonder if it would be good for Jackson and the Wadeen children to be together.” Did the Tribal Court take testimony or receive evidence on this assessment, and what findings did it make regarding the potential benefits or detriments of sibling placement?
  - f. Potential Conflicts of Interest – Prior Representation. Whether a conflict of interest exists based on the Tribal Judge’s prior service as appointed counsel in the Hood matter, and if so, how that issue was disclosed, addressed, and resolved.

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<sup>3</sup> This citation to STC §30.602 (1)-(2) references the version of the Code provision in effect at all times relevant to this matter, which was referenced by the Tribal Court and predated Resolution 2025-290, adopted November 4, 2025, amending §30.602. The referenced provisions are set forth in full in Footnote 2 above.

- g. Potential Conflicts of Interest – Dual Case Involvement. Whether a conflict of interest exists arising from the Tribal Judge presiding over both the Hood and Wadeen matters, particularly where factual information in the record of each case may be inconsistent, and how that issue was addressed.
- h. Resolution of Conflicting Records. Whether the Tribal Court identified, reconciled, or resolved material conflicts between information contained in the records of the Hood and Wadeen cases, and the factual and legal basis for doing so.
- i. Primary Caregiving Determination. In light of case reports reflecting frequent contact between the children and former foster parents, what findings did the Tribal Court make regarding the extent to which Grandmother Wadeen, as opposed to former foster parents, exercises day to day caregiving responsibility for the children?
- j. Best Interests Findings – Overall. The Tribal Court shall enter specific findings of fact and conclusions of law addressing the children’s best interests under Tribal Code Chapter 30. The Tribal Court must explain how the evidence presented supports or undermines the competing placement options and articulate the reasoning by which it determined that one placement serves the children’s best interests. Such findings must be sufficient to permit meaningful appellate review, consistent with *In Re TCD*, APP 13-02 (July 10, 2014) and *In Re ASG and EG*, APP 14-03/04 (February 20, 2015).
- k. Comparative Placement Analysis. Specifically, what findings did the Tribal Court make when comparing placement with Grandmother Wadeen versus Grandmother Williams, and how did the Court assess and weigh the evidence supporting each placement option?
- l. Sibling Separate Placement Findings. Specifically, what findings did the Tribal Court make regarding the decision to separate Jackson Hood from his siblings, and how did the Court assess the evidence bearing on that issue?
- m. Sibling Visitation Findings. One ongoing factor referenced in support of limited sibling visitation was the alleged post-visit maladies experienced by the Wadeen children; however, the record also reflects that similar maladies were reported regarding the Wadeen children before any sibling visitation was in place (Luce County file) and in other circumstances, as well, once sibling visitation was underway (Tribal Court file). How did the Court assess and weigh these competing narratives in the context of visitation decision making?

2. A determination, based on the full evidentiary record and any additional evidence the Tribal Court deems necessary, of which adoptive placement is in the children's best interests; and
3. Any further proceedings consistent with Tribal Code Chapters 30.

This Court expresses no opinion on the ultimate merits of the placement decision at this time. Jurisdiction is not retained.

**IT IS FURTHER ORDERED**, that in light of the forgoing, the Appellant's *Motion to Remand* is rendered moot.

**IT IS SO ORDERED.**