

State of Minnesota

District Court

Brown County

Judicial District:

Fifth

Court File Number:

JV-09-68

Case Type:

Juvenile

In the Matter of the Welfare of the Child(ren) of:
Colleen Hauser and Anthony Hauser

Notice of Filing of Order

Parent Legal Custodian

Parent Legal Custodian

PLEASE TAKE NOTICE THAT on May 19, 2009 the attached Order was filed in the above-entitled matter.

1. **Effective Date.** The Order shall remain in full force and effect until the first occurrence of one of the following: issuance of an inconsistent order; the order ends pursuant to the terms of the order; or jurisdiction of the juvenile court is terminated. Unless otherwise ordered, an order stated on the record is effective immediately.
2. **Relief from Order.**
 - a. **Clerical Mistakes.** Pursuant to Juvenile Protection Rule 46.01, clerical mistakes in an order arising from oversight or omission may be corrected by the court at anytime upon its own initiative or upon motion of any party.
 - b. **Mistakes, Inadvertence, Excusable Neglect, Newly Discovered Evidence, Fraud.** Pursuant to Juvenile Protection Rule 46.02, upon motion made within ninety (90) days of the filing of a final order of the court, the court may relieve a party or the party's legal representative from a final order or proceeding and may order a new trial or grant such other relief as may be just for any of the following reasons:
 - Mistake, inadvertence, surprise, or excusable neglect;
 - Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial;
 - Fraud (whether denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
 - The judgment is void; or
 - Any other reason justifying relief from the operation of the order
3. **Petition to Invalidate Under ICWA.** Pursuant to Juvenile Protection Rule 46.03, any Indian child who is the subject of any action for foster care placement or termination of parental rights under state law, any parent or Indian custodian from whose custody such child was removed, and the Indian child's tribe may file with the court and serve upon the parties a Petition to Invalidate such action upon a showing that such action violates the Indian Child Welfare Act, 25 U.S.C. § 1911-1914 1978. The form and content of the petition shall be in writing and shall be governed by Rule 33.
4. **Appeal.** Pursuant to Juvenile Protection Rule 47, an appeal may be taken by an aggrieved person from a final order of the juvenile court affecting a substantial right of the aggrieved person, including but not limited to an order adjudicating a child to be in need of protection or services or neglected and in foster care. **Any appeal shall be taken within thirty (30) days of the filing of the order.** The procedures for filing and serving an appeal are set forth in Juvenile Protection Rule 47. Pursuant to Rule 47.03, the service and filing of a Notice of Appeal does not stay the order of the trial court. The appellate court may in its discretion, and upon application, stay the trial court order.

Dated: 5-19-09

Carol Melick
Court Administrator

By: *Carol Melick*
Deputy Clerk

C: J. Olson
P. Elbert
C. Johnson
R. Swenson, S. Helget, BCFS
T. Sinas, Atty for GAL
S. Oliver, GAL

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF BROWN

FIFTH JUDICIAL DISTRICT

In the Matter of the Child of:

Colleen Hauser and Anthony Hauser,
Parents.

CONTEMPT ORDER

Court File No. JV-09-068

The above-entitled matter came on for hearing before the undersigned Judge of District Court on May 19, 2009 at the Brown County Courthouse in New Ulm, Minnesota.

Appearances were:

Phil Elbert	Attorney for Juvenile
Anthony Hauser	Father
Calvin Johnson	Attorney for Parents
Rachel Swenson	BCFS
Stacy Helget	BCFS
Tom Sandberg	BCFS
James Olson	County Attorney
Shiree Oliver	Guardian ad Litem
Mark Fiddler	Attorney for Guardian
Tom Sinas	Attorney for Guardian
Brandon Vaughn	Attorney for Guardian
Randall Tietjen	Attorney for Guardian

The Court issued an Order dated May 14, 2009. In that Order, the Court provided that the parents were to cause Daniel to get a chest X-ray and to authorize immediate release of the results to Brown County Family Services, the attorneys, Guardian ad Litem, and the Court. May 14, 2009 Order, p. 46. The Court set a review hearing for May 19,

FILED 5/19/09
NO. JV-09-68
Carol Melick, Court Administrator
Brown County, Minnesota

2009 at 12:30 p.m. at the Brown County Courthouse, New Ulm, Minnesota for further proceedings as contemplated by this Order.

Daniel and his mother did not appear at the May 19th hearing. From evidence received at the hearing, as more fully described in the Court's Order to Apprehend and Detain, it was made to appear that the mother absconded with Daniel and that their whereabouts are unknown.

A direct contempt is one occurring in the immediate view and presence of the court. *Minn. Stat. §588.01, subd. 1.* A direct contempt may be punished summarily. *Minn. Stat. §588.03.*

The Court finds the mother, Colleen Hauser, to be in direct contempt of the Court in that she failed to appear with Daniel before the Court for the scheduled May 19th hearing and instead departed with Daniel to an unknown location.

A warrant for the arrest of the mother has been prepared and is being issued separately.

Based upon the foregoing, the Court makes the following:

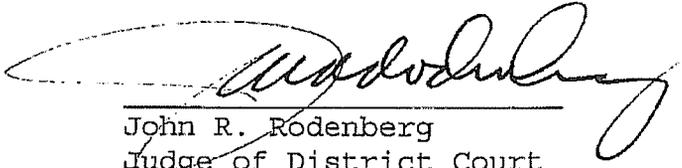
ORDER

1. The mother is in contempt of Court.

2. Upon her arrest, the mother shall be promptly brought before the Court.

3. The mother shall be given the opportunity to purge herself of contempt by cooperating with Daniel's medical treatment plan.

Dated: May 19, 2009



John R. Rodenberg
Judge of District Court

Original: Brown County Court Administration

Copies: Calvin P. Johnson
James R. Olson
Phillip Elbert
Mark D. Fiddler