

EBCI
CHEROKEE TRIBAL COURT
CHEROKEE

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THE CHEROKEE COURT
EASTERN BAND OF CHEROKEE INDIANS
CV 15-532

FILED

Jonah Carey,

Plaintiff,

v.

TEMPORARY EMERGENCY
CHILD CUSTODY ORDER

Amanda Woodall

Defendant.

This matter was set for hearing before the undersigned upon the “Motion for Temporary Emergency Custody” filed by Plaintiff on August 13, 2025 (hereinafter “Motion”);

And the Court having set the matter for a hearing and given seven (7) days’ notice in open court to counsel for both parties so that they might be fully prepared for the hearing;

And the Court having held a hearing regarding the Motion in open court on August 27, 2025 (hereinafter the “Hearing”) and having heard the arguments presented by Plaintiff’s counsel David Moore and Defendant’s counsel Adrianna Gomez;

And the Court having reviewed the court file and having heard and considered the evidence offered at the hearing;

And in making the findings and conclusions herein contained, the Court having viewed the manner and demeanor of the witnesses and having determined the credibility of the testimony of the as well as the weight to be afforded to the evidence received;

Based upon taking judicial notice of the pleadings and Orders in this case, together with weighing the evidence offered at the Hearing, by at least a preponderance of the evidence, the Court makes the following

Findings of Fact

1. The parties are the parents of Shania Woodall, who is an enrolled member of the EBCI (hereinafter the “child”). Plaintiff Jonah Carey (hereinafter “Father”) is also an enrolled member of the EBCI. Defendant Amanda Woodall (hereinafter “Mother”) is not an enrolled member of

the EBCI, but she had relations with the Father and became pregnant with the child while residing in Cherokee, NC, in the trust lands of the EBCI. Further, she lived there at the time the child was born and for about six years thereafter. The parties were never married and never lived together. The Qualla Boundary remains the home state of the child.

2. Father has been married to Jennifer Carey for about ten years. They have an eight-year-old daughter who lives with them on the Qualla Boundary. For ten years, Father has worked for the EBCI for the Tribal Construction Program. His wife works as a nurse at the Cherokee Hospital. Their daughter attends the Cherokee language immersion school.

3. Father filed this action seeking custody of the child in November 2015, when the child was four months old. Mother counterclaimed for temporary and permanent custody of the child. This Court has consistently awarded custody of the child to Mother and visitation rights to Father since the case was initiated. Since December of 2018, in violation of Father's right to visitation, Mother has not presented the child for visitation as required, and so Father has not seen the child for nearly seven years.

4. This Court entered an Order on February 2, 2024 awarding permanent legal and physical custody of the child to Mother and visitation rights to Father. These visitation rights were clearly spelled out in detail in three pages of provisions addressing topics including: the dates and schedules of supervised visitations, the dates and schedules of unsupervised visitations, the locations for exchanges of unsupervised and supervised visitations, and holiday and summer visitations. When Mother still did not present the child for visitation, Father asked the Court to find Mother to be in contempt of court. On the day set for the contempt hearing, a handwritten MOJ/Order was signed and submitted by Father, Mother and their respective attorneys. After entry of this September 18, 2024 MOJ/Order by consent, Chief Judge Beck later entered a typewritten Memorandum of Judgment/Order on October 22, 2024 formally modifying the February 2, 2024 Order by consent of the parties. The February 2, 2024 Order, as modified by the visitation schedule set forth in the September 18, 2024 MOJ/Order and the October 22, 2024 Memorandum of Judgment/Order, is collectively referred to as the "Current Order" hereinafter.

5. The Current Order directly addressed the accusations that Mother has made repeatedly accusing Father of sexually abusing his daughter when she was three years old. Specifically, the Order found that years before, Family Safety had investigated Mother's allegations, but did not intervene or file any petitions, and no evidence was presented to the Court that Family Safety took any other action after their investigation. The Court also found that a criminal investigation was conducted and that no criminal charges were taken against Father, nor was any timely domestic violence order of protection sought or entered against him to protect the child. These findings show that these allegations of serious criminal conduct were not substantiated.

6. Even though she signed a court order consenting to Father's visitation with the child, Mother continues to fail and refuse to present the child for visitation. Father filed another Motion for Contempt and an Order to Show Cause was entered by the Chief Judge. After a motion hearing, which Mother failed to attend as ordered, the undersigned entered a Contempt Order Upon Show Cause Hearing ("Contempt Order") on July 24, 2025, finding Mother to be in civil contempt and setting conditions for her to purge herself of contempt by allowing Father's

visitation and otherwise complying with the Current Order. Next, on August 20, 2025, Mother failed to appear in the Cherokee Court as ordered for a hearing with respect to her compliance with the Contempt Order. An Order for Arrest was accordingly issued due to Mother's failure to appear as ordered at the compliance hearing. That Order for Arrest has not yet been served.

7. The Contempt Order has been appealed to the Cherokee Supreme Court by Mother. On August 20, 2025, the undersigned denied a stay of the case pending appeal of the interlocutory order. Then, the Cherokee Supreme Court also denied Mother's motion for a stay on August 25, 2025, two days before this Hearing.

8. In May of 2025, ten criminal complaints were sworn out against Mother by EBCI law enforcement charging her with the following crimes:

- a) Cyberstalking in violation of C.C. § 14-5.6, file number 25 CR 9451.
- b) Transporting a child outside the territory of the EBCI with intent to violate custody order in violation of C.C. § 14-30.7, file number 25 CR 9452.
- c) Transporting a child outside the territory of the EBCI with intent to violate custody order in violation of C.C. § 14-30.7, file number 25 CR 9453.
- d) Transporting a child outside the territory of the EBCI with intent to violate custody order in violation of C.C. § 14-30.7, file number 25 CR 9454.
- e) Transporting a child outside the territory of the EBCI with intent to violate custody order in violation of C.C. § 14-30.7, file number 25 CR 9455.
- f) Transporting a child outside the territory of the EBCI with intent to violate custody order in violation of C.C. § 14-30.7, file number 25 CR 9456.
- g) Transporting a child outside the territory of the EBCI with intent to violate custody order in violation of C.C. § 14-30.7, file number 25 CR 9457.
- h) Transporting a child outside the territory of the EBCI with intent to violate custody order in violation of C.C. § 14-30.7, file number 25 CR 9458.
- i) Transporting a child outside the territory of the EBCI with intent to violate custody order in violation of C.C. § 14-30.7, file number 25 CR 9459.
- j) Perjury in the first degree in violation of C.C. § 14-70.1, file number 25 CR 9464.

The first charge listed carries a maximum sentence of six months, and each of the other charges carries a maximum sentence of three years. These charges have not been served upon Mother.

9. In addition, Father sought and obtained a one-year domestic violence protective order against Mother in Jackson County, North Carolina. Specifically, on June 2, 2025 District Court Judge Kaleb Wingate entered a DVPO finding that on January 25, 2025, Mother had engaged in conduct placing Father in fear of continued harassment by falsely accusing him on social media of being a rapist and child molester. Judge Wingate concluded that Mother had committed an act of domestic violence against Father and that there is a danger of serious and immediate injury to him. No order was entered with respect to child custody in the DVPO. Mother was ordered to stay away from Father and not to have contact with him, except through counsel.¹ Mother had

¹ This DVPO does not preclude Father's visitation rights, as the Current Order provides that Mother could have a "responsible adult" facilitate the exchange of the child for visitation, and any necessary communications about the visitation are allowed through counsel, rather than directly between Mother and Father.

not appeared in Jackson County District Court at the court's hearing held prior to entry of this DVPO, but she was represented by counsel at the hearing. At the Hearing, Mother's counsel stated that this DVPO has been appealed, although no documentation was introduced about that appeal. Similarly, although no documentation was offered to confirm it at the Hearing, Father's counsel stated that Mother is now faces criminal prosecution in Jackson County for violating this DVPO; the existence of these state court charges was confirmed by Robin Woodall's testimony.

10. Father appeared in the Cherokee Court and testified at the Hearing on the Motion. Mother and the child did not appear at the Hearing. The testimony offered for the defense was only from the child's maternal grandparents, Jeff Woodall and Robin Woodall.

11. Mother has lived with her parents in their home in Sevierville, TN since February of 2024, along with the child and Mother's other daughter, Mariah, who is seven-years-old. The testimony of Jeff and Robin Woodall at the Hearing explains why law enforcement has not yet served Mother with any of the criminal charges: Mother knows that law enforcement is attempting to find her, and she is hiding from them. Both parents testified that Mother is aware of the criminal charges against her. Although they speak to their daughter by phone, they do not know where she and the children are currently located or who is with them. Both indicated that they do not want to know these things. The last place that either parent knows of where Mother and the child were located was in Evans, GA, when they visited in June 2025 at the home of the Jeff Woodall's sister. Robin Woodall testified that Mother has taken the child away to avoid any possibility that Father could be around the child. She further stated that Mother will return only when it is safe for her to do so, i.e., when she is no longer subject to arrest.

12. Jeff Woodall testified that Mother, the child, and Mariah have been gone from his home since sometime in June 2025. They did not depart in Mother's van, but left with a friend who picked them up. All of the belongings of Mother and the child remain at the parent's home, other than the suitcases that Mother took with them. He does not know where they are, who they are with, or when they will return to his home. Similarly, Robin Woodall also remains in the dark about where her daughter and granddaughters are, who is with them, when they will return to her home, or how they are being financially supported.

13. In evaluating the current circumstances and whether there has been a substantial change of circumstances, it is important to look at what evidence was not offered at the Hearing. No evidence was offered about the current location of the child. No evidence was offered about whether she is currently being home-schooled. No evidence was offered about whether she is receiving medical care or mental health services, or whether Mother is in a place where she can access medical or mental health services for the child in an emergency. No evidence was offered to show that Mother has savings or a reliable source of income to financially support the child, has safe and reliable means of transportation to access essential goods and services, has clean and proper clothing for the child, or has safe and adequate housing.

14. Robin Woodall testified that the child is listed as missing on the national database for missing children called NCIC. Robin Woodall tried to get the child's name removed from the list because she does not consider the child to be missing; she believes that the child is safe with Mother, wherever they are.

15. A 35-second audio recording was offered into evidence by the defense at the Hearing. This recording was taken of the child while she was screaming and crying, saying words that sound like "PLEASE DON'T...PLEASE...PROTECT ME." No evidence was offered from anyone who made the recording or even from a person who was present when the recording was made. The recording was posted on social media by Mother. Although the date of the recording was not identified, it may have been made sometime in November of 2024. The lack of direct, reliable evidence regarding the circumstances surrounding the child when this recording was made greatly limits the recording's probative value. Even so, the recording does support the fact that the child's behavior involves emotional outbursts of an extreme nature.

16. It is clear that Jeff and Robin Woodall both believe that their daughter has always been a "good girl" and currently that she is also a good mother who is doing nothing wrong as a parent. They are supportive of her and her decisions, including her ongoing refusal to allow Father's visitation rights in defiance of court orders and her current decision to evade law enforcement. They believe whole-heartedly that all of the troubling aspects of the child's mental and emotional condition, many of which they have witnessed, are attributable to visitation she had with Father in 2018, when she was three years old. Both witnesses seem certain that all of the ten-year-old child's panic attacks, anxiety, nightmares, fearfulness, suicidal statements and threats, fear of crowds, crying and emotional upset, as well as the "thousand-yard stare" that the child sometimes exhibits when she is deep in thought, are caused solely by actions of a parent she has not seen in nearly seven years. In short, Jeff and Robin Woodall blame Father for everything that is negative in the child's life and experience. This is so despite the fact that the child has seen little, if any, improvement from the therapy and treatment she has received for approximately six years, during which time she did not see Father and has exclusively lived with Mother.

17. Jeff and Robin Woodall were both asked whether they would comply with Court orders if they were given temporary custody of the child. In their testimony, both visibly struggled when asked if they would comply with court-ordered visitation by Father. They hesitated before answering, then they qualified their answers, and placed conditions on their answers. The Court finds that neither witness would allow Father to have visitation with the child. For this reason, among others, the Court does not find that either of them is a fit and suitable person to have physical and/or legal temporary custody of the child.

18. Standing on its own, Mother's conduct in refusing to allow Father his visitation rights since the Current Order was entered constitutes a substantial change of circumstances. Further, the DVPO entered against Mother for engaging in domestic violence against Father is also an important statutory factor weighing in favor of a change the child's custody arrangement. C.C. §50-12(h). Even more pressing however, Mother's fugitive conduct -- her alarming decision to stay in undisclosed location(s) in hiding from law enforcement with the child -- has created an emergency situation posing a substantial risk to the safety and wellbeing of the child. This greatly concerns the Court. Even the family members closest to Mother, her own parents, do not know where she or the child are, or when she may return to their home. Until law enforcement finds Mother, Mother evidently plans to remain in hiding with the child. Sooner or later, law enforcement will find Mother and she will be arrested. During the time that the child is kept in hiding, and then after Mother is arrested, the child's status remains fraught with extremely

detrimental consequences for the child's well-being, and leaves the child in a perilous and dangerous position.

19. Since the entry of the Current Order, there have been substantial and material changes in circumstances affecting the best interests of the child, as set forth above, warranting a change in her physical and legal custody. Further, in recent months an emergency situation has arisen that exposes the child to a substantial risk of bodily injury when Mother is found and arrested. It is deeply troubling that the child is being intentionally hidden by Mother to evade arrest and deny Father his court-ordered visitation rights. These findings reflect an extreme, escalating pattern of Mother's increasingly hostile and defiant behavior toward Father, as well as toward this Court and the North Carolina state courts. There is no doubt whatsoever that an emergency exists requiring a change in the custody arrangement.

20. Once Mother is arrested, conditions of pretrial release will be set partly based upon a determination concerning her likelihood of appearing in Court. Her recent refusals to appear in court as ordered increase the chances that she may face pretrial detention on the criminal charges. The child needs a new custody arrangement at this time.

21. Due to her ongoing course of conduct, including her fugitive conduct, her defiance of the authority of the courts, and her decisions to act against the best interests of the child, Mother is no longer a fit, suitable, and proper person to have primary physical and legal custody of the child. Currently, and at least until she has secured pretrial release on the criminal charges against her, Mother is also not a fit, suitable or proper person to have visitation with the child.

22. On the other hand, Father is a fit, suitable, and proper person to have primary physical and legal custody of the child. He has a stable home, steady employment, and is currently parenting his other daughter, together with his wife. He is ready, willing and able to provide a home for the child that meets her needs, and he is clear-eyed that the child's current mental health conditions may pose some challenges for his family during the transition. He has obtained an enrollment packet for the child to attend school the Cherokee Central School system. He has already begun exploring options for the child to have a mental health evaluation and any needed treatment, as well as reunification therapy.

22. At this time, given the substantial change of circumstances set forth herein, a modification of the child's custody arrangement promotes the best interests of the child.

Based upon the foregoing, the Court makes the following

Conclusions of Law

1) This Court has continuing and exclusive jurisdiction over this child custody case and the parents of the child pursuant to Cherokee law and the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA"), C.C. §50-13, N.C. Gen. Stat. Chapter 50A. Tribal court jurisdiction extends to child custody cases involving children who are tribal members, such as the child in this case. This is a facet of the Tribe's inherent sovereign power to determine its own membership and regulate internal/domestic affairs.

- 2) This Court has jurisdiction to hear and decide the Motion and to modify the current custody arrangement in the best interest and welfare of the child. A substantial change of circumstances has occurred since the Current Order was entered. In fact, the present situation created by Mother is an ongoing emergency whereby the child is in substantial risk of bodily injury. Mother is currently hiding with the child from law enforcement officials, and is actively seeking to evade the authority of this Court and of the North Carolina state courts.
- 3) Mother is no longer a fit and proper person to have legal and physical custody of the child. Further, she is not a fit and proper person to have visitation with the child, at least until she has secured pretrial release on all of the criminal charges against her.
- 4) Father is a fit and proper person to have exclusive temporary legal and physical custody of the child, and it is in the best interests of the child that exclusive temporary legal and physical custody be placed with Father.
- 5) The best interests and welfare of the child will be served by the entry of this Order and by modification of the custody arrangement as stated below.
- 6) To the extent that any of the foregoing Findings of Fact constitute Conclusions of Law or vice versa, each is incorporated into the other as if set forth fully therein.


Based upon the foregoing Findings of Fact and Conclusions of Law, it is **ORDERED, ADJUDGED, and DECREED** as follows:

- (1) The Motion is **GRANTED** and the Plaintiff/Father, Jonah Carey, is hereby awarded temporary legal and physical custody of the child.
- (2) Defendant/Mother, Amanda Woodall, shall have no contact with the child and shall have no visitation with the child pending further orders of this Court to be entered after Mother appears before this Court.
- (3) Any duly sworn law enforcement officer of the Eastern Band of Cherokee Indians, the State of North Carolina, or any cooperating jurisdiction is authorized and directed to take Shania Woodall, a minor child, into custody and deliver her to Plaintiff/Father Jonah Carey.
- (4) Plaintiff shall thereafter take steps to ensure that the child is immediately enrolled in school and promptly obtains appropriate medical and mental health evaluation and treatment.

(5) This Court retains jurisdiction of this matter for further proceedings, and the temporary order will come on for review after Mother is present before the Court, or upon appropriate motion from any party as the circumstances warrant.

(6) This Order is enforceable by the contempt powers of the Court.

IT IS SO ORDERED, this is the 3rd day of September, 2025.



Sharon Tracey Barrett
Temporary Associate Judge