

**Filed 4/25/17 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2017 ND 88

In the Interest of J.J.A.M., a Child

Gabrielle J. Goter, Assistant State's
Attorney,

Petitioner and Appellee

v.

J.J.A.M., Child, M.M., Mother;
Executive Director of ND Department
of Human Services,

Respondents

and

J.W., Father,

Respondent and Appellant

No. 20170081

Appeal from the Juvenile Court of Morton County, South Central Judicial
District, the Honorable Pamela Ann Nesvig, Judicial Referee.

AFFIRMED.

Per Curiam.

Gabrielle J. Goter, 210 Second Avenue N.W., Mandan, N.D. 58554, for
petitioner and appellee.

Susan Schmidt, P.O. Box 1836, Bismarck, N.D. 58502-1836, for respondent
and appellant.

Interest of J.J.A.M.

No. 20170081

Per Curiam.

[¶1] The putative father of a three-year old child appealed from a juvenile court order terminating parental rights to the child. He argues the juvenile court erred in determining: (1) the State proved by clear and convincing evidence the child was deprived and the causes of deprivation were likely to continue and there were aggravated circumstances establishing the child was abandoned; (2) Morton County Social Services used reasonable efforts to reunite the child with him and to maintain family connections; (3) the paternity of the child was established and the child was currently adoptable; and (4) the Indian Child Welfare Act did not apply to this proceeding.

[¶2] To the extent the putative father argues recent amendments to federal regulations impose new requirements on state courts to inquire and determine application of the Indian Children Welfare Act, this termination proceeding was filed in August 2016, and the amendments to the federal regulations pertaining to the Indian Child Welfare Act do not apply to termination proceedings “initiated prior to December 12, 2016.” Bureau of Indian Affairs, Department of the Interior, 81 Fed. Reg. 38876 (June 14, 2016) (codified at 25 C.F.R. § 23.143). We affirm the juvenile court order under In re Adoption of C.D., 2008 ND 128, ¶ 19, 751 N.W.2d 236 and N.D.R.App.P. 35.1(a)(2).

[¶3] Gerald W. VandeWalle, C.J.
Carol Ronning Kapsner
Lisa Fair McEvers
Daniel J. Crothers
Jerod E. Tufte