

# Commonwealth of Kentucky

## Court of Appeals

NO. 2005-CA-001629-ME  
AND  
NO. 2005-CA-002446-ME  
AND  
NO. 2005-CA-002558-ME  
AND  
NO. 2006-CA-001029-ME

TAMMY K.

APPELLANT

v. APPEALS FROM FAYETTE FAMILY COURT  
HONORABLE KIMBERLY BUNNELL, JUDGE  
ACTION NO. 05-J00267

COMMONWEALTH OF KENTUCKY,  
CABINET FOR HEALTH AND FAMILY  
SERVICES AND TATUM K., A CHILD

APPELLEES

OPINION  
AFFIRMING

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BEFORE: GUIDUGLI AND SCHRODER, JUDGES; MILLER,<sup>1</sup> SPECIAL JUDGE.

MILLER, SPECIAL JUDGE: We consider herein four *pro se* appeals  
filed by Tammy K. in connection with the removal of her

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<sup>1</sup> Retired Judge John D. Miller sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution.

daughter, Tatum K., born August 26, 1994, pursuant to KRS<sup>2</sup> Chapter 610. For the reasons stated below, we affirm.

Tatum K is, through her father's ancestry, 7/64<sup>th</sup>'s Cherokee Indian. As such, the child is subject to coverage under the Indian Child Welfare Act. See 25 USC 1901 et seq.

Tatum K. was removed from her mother's home in March 2005 based upon a substantiated report of domestic violence in the home perpetrated by Tammy K.'s boyfriend. In compliance with the Indian Child Welfare Act, the Cherokee Indian Nation was informed of the matter. Following the issuance of a recommendation by the Cherokee Indian Nation that the child be returned to her mother, on April 25, 2006, the family court issued an order consistent with this recommendation.

The appellant's *pro se* briefs are difficult to follow; however, in general, the appellant alleges a failure of the Cabinet for Health and Family Services and the family court to comply with the Indian Child Welfare Act.

Because the child is now returned to the appellant, the four appeals before us are essentially moot. We accordingly will not address the issues raised by the appellant on the merits. Moreover, in our review of the record, we conclude that the Cabinet and the family court substantially complied with the Indian Child Welfare Act in the proceedings below.

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<sup>2</sup> Kentucky Revised Statutes.

As the child is now returned to the mother, there is no further relief that this court can provide. We assume that in any further proceedings involving this family the Cabinet and the family court will comply with the requirements of the Indian Child Welfare Act.

For the foregoing reasons we affirm.

ALL CONCUR.

BRIEF FOR APPELLANT:

Tammy Kelly, *pro se*  
Burgin, Kentucky

BRIEF FOR APPELLEE:

No brief for Appellee.