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## IN THE INTEREST OF CHILD v. <<

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**Court of Appeals of Texas, Tyler.**  
**IN THE INTEREST OF Z.C., A CHILD**

**NO. 12-15-00279-CV**

**Decided: April 28, 2017**

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

**MEMORANDUM OPINION**

The trial court rendered a judgment terminating the parent-child relationship between C.C., W.C., and Z.C. See TEX. FAM. CODE ANN. § 161.001(b)(1) (West Supp. 2016). We previously abated this appeal with instructions for the trial court to give proper notification pursuant to the Indian Child Welfare Act (ICWA) and determine whether Z.C. is an Indian child as defined by the ICWA. See *In re Z.C.*, 12-15-00279-CV, 2016 WL 1730740, at \*7 (Tex. App.—Tyler Apr. 29, 2016, no pet.). This proceeding is now reinstated.

In the memorandum opinion and abatement order, we stated that if the trial court determined that Z.C. is not an Indian child, we will issue a judgment affirming the trial court's termination judgment. On September 9, 2016, the Department's attorney sent proper notice to the Bureau of Indian Affairs. The Department also sent a letter dated March 16, 2017, to the Secretary of the Interior, ICWA, and to the Bureau of Indian Affairs, stating that W.C. testified that his Indian tribe was "maybe Lakota Sioux." According to the Department's letter, that tribe is not federally recognized as eligible for services or, more particularly, is not an "Indian tribe" pursuant to the ICWA. See 25 U.S.C.A. § 1903(8) (Westlaw through Pub. L. No. 115-22). Thereafter, the trial court issued an order finding that Z.C. is neither a member of an Indian tribe or eligible for membership in an Indian tribe. See *In re T.R.*, 491 S.W.3d 847, 852 (Tex. App.—San Antonio 2016, no pet.) (stating that ICWA only applies to recognized tribes). Thus, the trial court found that the child, Z.C., is not an Indian child within the meaning of the ICWA. See 25 U.S.C.A. § 1903(4) (Westlaw through Pub. L. No. 115-22). Accordingly, we affirm the judgment of the trial court.

**JUDGMENT**

THIS CAUSE came to be heard on the appellate record and briefs filed herein, and the same being considered, it is the opinion of this court that there was no error in the judgment.

It is therefore ORDERED, ADJUDGED and DECREED that the judgment of the court below be in all things affirmed, and that this decision be certified to the court below for observance.

GREG NEELEY Justice

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