

NO. 12-15-00192-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN THE INTEREST
OF D. D., A CHILD

§ *APPEAL FROM THE 392ND*
§ *JUDICIAL DISTRICT COURT*
§ *HENDERSON COUNTY, TEXAS*

MEMORANDUM OPINION

The trial court rendered a judgment terminating the parent-child relationship between A.J. and D.D. *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 D.D. is an Indian child as defined by the ICWA. *See In re D.D.*, 12-15-00192-CV, 2016 WL 1082477, at *8 (Tex. App.—Tyler Feb. 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 D.D. is not an Indian child, we would issue a judgment affirming the trial court's termination judgment. On September 8, 2016, the trial court found that proper notice was sent to the tribes identified by A.J. and D.D.'s father, D.C.D., and evidence showed that the child, D.D., is not eligible for membership in these tribes. Thus, the trial court found that D.D. is not an Indian child within the meaning of the ICWA. *See* 25 U.S.C.A. § 1903(4) (Westlaw through Pub. L. No. 114-244). Accordingly, we *affirm* the judgment of the trial court.

JAMES T. WORTHEN
Chief Justice

Opinion delivered November 9, 2016.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

NOVEMBER 9, 2016

NO. 12-15-00192-CV

IN THE INTEREST OF D. D., A CHILD

Appeal from the 392nd District Court
of Henderson County, Texas (Tr.Ct.No. 2014B-0084)

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.

James T. Worthen, Chief Justice.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.