

NO. 12-17-00114-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE INTEREST OF</i>	§	<i>APPEAL FROM THE</i>
<i>C.C. AND Z.C.,</i>	§	<i>COUNTY COURT AT LAW NO. 2</i>
<i>CHILDREN</i>	§	<i>ANGELINA COUNTY, TEXAS</i>

MEMORANDUM OPINION

The trial court rendered a judgment terminating the parent-child relationship between B.C., C.C., and Z.C. See TEX. FAM. CODE ANN. § 161.001(b) (West Supp. 2017). 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 C.C. and Z.C. are Indian children as defined by the ICWA. See *In re C.C. and Z.C.*, 12-17-00114-CV, 2017 WL 3184319, at *4 (Tex. App.—Tyler June 30, 2017, no pet.) (mem. op.). This proceeding is now reinstated. In the memorandum opinion and abatement order, we stated that if the trial court determined that C.C. and Z.C. are not Indian children, we will issue a judgment affirming the trial court’s termination judgment.

On October 5, 2017, the Department’s attorney sent proper notice to the Secretary of the Interior, ICWA, and to the Bureau of Indian Affairs, stating that B.C. testified that the Indian tribe he could be affiliated with was named “Azteca.” 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 L. No. 115-90). Moreover, B.C.’s mother stated that there were no active or registered tribal family members. Thus, on October 31, 2017, the trial court found that C.C. and Z.C. are not Indian children within the meaning of the ICWA. See 25 U.S.C.A. § 1903(4) (West current through P.L. 115-90); *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). Accordingly, we *affirm* the judgment of the trial court.

BRIAN HOYLE
Justice

Opinion delivered February 6, 2018.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

FEBRUARY 6, 2018

NO. 12-17-00114-CV

IN THE INTEREST OF C.C. AND Z.C., CHILDREN

Appeal from the County Court at Law No 2
of Angelina County, Texas (Tr.Ct.No. CV-00638-15-10)

THIS CAUSE came to be heard on the appellate record and brief 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.

Brian Hoyle, Justice.

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