

COURT OF APPEALS OF TEXAS, SEVENTH DISTRICT, AMARILLO

In the Interest of A.T.G., A.G.G., A.G.G. II, A.G.G., and A.G.G.,
Children v. the State of Texas

No. 07-26-00027-CV (Tex. App.—Amarillo May 13, 2026) · No. No. 07-26-00027-CV · Decided May 13, 2026

SUMMARY

The Texas Court of Appeals for the Seventh District affirmed the termination of a father's parental rights to two children under Texas Family Code sections 161.001(b)(1)(D) and (E) and section 161.001(b)(2). The court held that the Indian Child Welfare Act did not apply, rejected the father's due process and continuance arguments, and concluded that the evidence was legally and factually sufficient to support endangerment and best-interest findings.

CASE DETAILS

COURT	Court of Appeals of Texas, Seventh District, Amarillo
WRITING FOR THE COURT	Alex Yarbrough; Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Texas Court of Appeals, Seventh District, Amarillo
DECIDED	May 13, 2026
DOCKET	No. 07-26-00027-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Accelerated appeal from a judgment terminating Father's parental rights to two children under Texas Family Code section 161.001(b)(1)(D), section 161.001(b)(1)(E), and section 161.001(b)(2).
STANDARD OF REVIEW	The application of the Indian Child Welfare Act is reviewed de novo. A ruling on a motion for continuance is reviewed for abuse of discretion. Termination of parental rights requires clear and convincing evidence, and the appellate court reviews the evidence for legal and factual sufficiency, deferring to the factfinder's credibility determinations and resolving whether the evidence supports any predicate statutory ground and best-interest finding.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Father v. The State of Texas

TOPICS

termination of parental rights

indian child welfare act

procedural due process

preservation of error

appellate procedure

PRACTICE AREAS

family law

termination of parental rights

appellate procedure

constitutional law

indian child welfare act

QUESTIONS PRESENTED

1. Whether the trial court and Department failed to comply with the Indian Child Welfare Act after receiving information concerning the children's possible Indian heritage.
2. Whether the Department failed to satisfy 25 U.S.C. § 1912(f), including the requirement of proof beyond a reasonable doubt and qualified-expert testimony.
3. Whether the trial court violated Father's due process rights by conducting an in-camera interview of the children, relying on statements from that interview, and denying Father's motion for a continuance after providing the transcript shortly before trial.
4. Whether legally and factually sufficient evidence supported termination under Texas Family Code section 161.001(b)(1)(D) and (E) and the finding that termination was in the children's best interests.

HOLDINGS

1. The Indian Child Welfare Act did not apply because the record showed that Indian heritage had been denied or could not be tied to a federally recognized tribe; therefore, the Department had no duty to provide ICWA-related testimony.
2. Father did not preserve his due process challenge, and the trial court did not abuse its discretion in denying the continuance or in considering information from the children's interview.
3. Legally and factually sufficient evidence supported termination under section 161.001(b)(1)(D) and (E) and the finding that termination was in the children's best interests.

KEY QUOTATIONS

“A parent’s right to the “companionship, care, custody, and management” of his or her child is a constitutional interest “far more precious than any property right.”” (at 6)

“The fundamental requirement of due process is the opportunity to be heard “at a meaningful time and in a meaningful manner.”” (at 12)

“The trial court, as the sole judge of the credibility of the witnesses and the weight to give to their testimony, was entitled to choose to believe one witness and disbelieve another with respect to the disputed facts of this case.” (at 17)

FACTUAL BACKGROUND

The Texas Department of Family and Protective Services became involved after allegations that Father sexually assaulted C1's friend and had abused C1 and C2 physically and sexually. The record included testimony and

documents describing a longstanding pattern of domestic violence between Father and the children's mother, excessive physical punishment of the children, the children's fear of Father, and Father's criminal history. C1 and C2 were removed from the home and later returned to their mother's care, while the trial court terminated Father's rights to the two children involved in the appeal.

PROCEDURAL HISTORY

The Randall County Court at Law No. 1 terminated Father's parental rights to C1 and C2, finding endangering conditions, endangering conduct, and that termination was in the children's best interests. During the case, the trial court interviewed the children in chambers by Zoom under Texas Family Code section 153.009. Father received the interview transcript on the morning of the final hearing, moved orally for a continuance, and objected to the proceeding; the trial court denied the continuance. The court of appeals overruled Father's four issues and affirmed.

DISPOSITION

affirmed

CASES CITED

- Santosky v. Kramer, 455 U.S. 745, 758-59 (1982)
- In re M.S., 115 S.W.3d 534, 547 (Tex. 2003)
- Holick v. Smith, 685 S.W.2d 18, 20 (Tex. 1985)
- In re A.V., 113 S.W.3d 355, 361-62 (Tex. 2003)
- In re J.W.T., 872 S.W.2d 189, 195 (Tex. 1994)
- In re J.F.C., 96 S.W.3d 256, 264 (Tex. 2002)
- Tex. Dep't of Human Servs. v. Boyd, 727 S.W.2d 531, 533 (Tex. 1987)
- In re K.C.B., 280 S.W.3d 888, 894-95 (Tex. App.—Amarillo 2009, pet. denied)
- In re K.O., No. 07-23-00440-CV, 2024 Tex. App. LEXIS 4561, at *9-11 (Tex. App.—Amarillo June 26, 2024, no pet.) (mem. op.)
- J.S. v. Tex. Dep't of Family & Protective Servs., 511 S.W.3d 145, 159 (Tex. App.—El Paso 2016, no pet.)
- In re N.K., 399 S.W.3d 322, 330-31 (Tex. App.—Amarillo 2013, no pet.)
- In re B.S.T., 977 S.W.2d 481, 484 (Tex. App.—Houston [14th Dist.] 1998, no pet.)
- Doyle v. Tex. Dep't of Protective & Regulatory Servs., 16 S.W.3d 390, 394-95 (Tex. App.—El Paso 2000, pet. denied)
- In re W.S., 899 S.W.2d 772, 776 (Tex. App.—Fort Worth 1995, no pet.)
- In re M.R.J.M., 280 S.W.3d 494, 502 (Tex. App.—Fort Worth 2009, no pet.) (op. on reh'g)
- In re M.J.M.L., 31 S.W.3d 347, 350-51 (Tex. App.—San Antonio 2000, pet. denied)
- Dupree v. Tex. Dep't of Protective & Regulatory Servs., 907 S.W.2d 81, 84 (Tex. App.—Dallas 1995, no writ)
- In re E.P.C., 381 S.W.3d 670, 683 (Tex. App.—Fort Worth 2012, no pet.)

- In re B.C.S., 479 S.W.3d 918, 926 (Tex. App.—El Paso 2015, no pet.)
- In re M.T.R., 579 S.W.3d 548, 572 (Tex. App.—Houston [14th Dist.] 2019, pet. denied)
- In re J.A.R., 696 S.W.3d 245, 260-61 (Tex. App.—Houston [14th Dist.] 2024, pet. denied)
- In re K.S.L., 538 S.W.3d 107, 114-15 (Tex. 2017)
- Mathews v. Eldridge, 424 U.S. 319, 333 (1976)
- In re L.M.I., 119 S.W.3d 707, 711 (Tex. 2003)
- In re D.K., 696 S.W.3d 787, 793-94 (Tex. App.—Eastland 2024, no pet.)
- In re R.F., 423 S.W.3d 486, 490 (Tex. App.—San Antonio 2014, no pet.)
- In re C.J., 698 S.W.3d 417, 423 (Tex. App.—Dallas 2024, no pet.)
- In re Z.J.C., 440 S.W.3d 42, 47 (Tex. App.—Waco 2009, no pet.)
- In re A.C., 387 S.W.3d 673, 677 (Tex. App.—Texarkana 2012, pet. denied)
- In re S.A., No. 13-25-00448-CV, 2026 Tex. App. LEXIS 1100, at *14-16 (Tex. App.—San Antonio Feb. 5, 2026, no pet.) (mem. op.)
- In re M.H., No. 05-22-00017-CV, 2022 Tex. App. LEXIS 5631, at *16 (Tex. App.—Dallas Aug. 5, 2022, no pet.) (mem. op.)
- In re R.D.S., 902 S.W.2d 714, 716 (Tex. App.—Amarillo 1995, no writ)
- In re J.I.T.P., 99 S.W.3d 841, 845 (Tex. App.—Houston [14th Dist.] 2003, no pet.)
- In re C.E., 687 S.W.3d 304, 314 (Tex. 2024)
- In re B.R., 950 S.W.2d 113, 121 (Tex. App.—El Paso 1997, no writ)
- In re P.J.G., No. 13-24-00087-CV, 2026 Tex. App. LEXIS 587, at *4 (Tex. App.—Corpus Christi Jan. 26, 2026, no pet.) (mem. op.)