

**COURT OF APPEALS OF THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO**

In the Interest of I.J. and L.N.J., Jr., Children

In re I.J. and L.N.J., Jr. · No. Nos. 07-20-00071-CV & 07-20-00072-CV · Decided April 30, 2020

SUMMARY

The Seventh District Court of Appeals of Texas affirmed orders terminating L.N.J., Sr.'s parental rights to his son and daughter. The court held that clear and convincing evidence supported the trial court's finding that termination was in the children's best interests, considering evidence of abuse, the father's failure to complete services, and the mother's provision of a safe and stable home. The court overruled the father's sole issue challenging the legal and factual sufficiency of the best-interest finding.

CASE DETAILS

COURT	Court of Appeals of the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Patrick A. Pirtle; Parker; Doss
JURISDICTION	Texas
DECIDED	April 30, 2020
DOCKET	Nos. 07-20-00071-CV & 07-20-00072-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from orders terminating L.N.J., Sr.'s parental rights to his son and daughter.
STANDARD OF REVIEW	In reviewing a termination order under the clear-and-convincing-evidence standard, the court credits evidence supporting the verdict if reasonable jurors could do so and disregards contrary evidence unless reasonable jurors could not do so when conducting legal-sufficiency review. For factual sufficiency, the court considers the entire record and determines whether disputed evidence is so significant that a fact finder could not reasonably have formed a firm belief or conviction that the allegation was true.
PRECEDENTIAL VALUE	Published
PARTIES	L.N.J., Sr. v. Texas Department of Family and Protective Services

TOPICS

termination of parental rights

family law procedure

standard of review

appellate procedure

parental rights

PRACTICE AREAS

family law

termination of parental rights

appellate procedure

QUESTIONS PRESENTED

1. Whether legally sufficient evidence supported the finding that termination of L.N.J., Sr.'s parental rights was in the children's best interests.
2. Whether factually sufficient evidence supported the finding that termination of L.N.J., Sr.'s parental rights was in the children's best interests.

HOLDINGS

1. The evidence was legally sufficient to support the trial court's finding, by clear and convincing evidence, that termination of L.N.J., Sr.'s parental rights was in the children's best interests.
2. The evidence was factually sufficient to support the finding that termination of L.N.J., Sr.'s parental rights was in the children's best interests.

KEY QUOTATIONS

“The Department is not required to prove all of these factors and the absence of evidence of one or more does not preclude a fact finder from reasonably forming a strong conviction or belief that termination is in the child’s best interest.” (7)

“Thus, those findings are binding on this court and are probative evidence of the best interest finding.” (10)

FACTUAL BACKGROUND

Medical testing showed that L.N.J., Jr., approximately six months old, had multiple old and new fractures to his skull, ribs, arms, and legs, and medical personnel rejected the parents' explanations for the injuries. The Department removed the child after the mother reported that L.N.J., Sr. had abused him; the mother later recanted, and L.N.J., Sr. was ultimately arrested for injuries inflicted on the child. The couple's daughter was removed shortly after her birth because of the pending case and concerns for her safety. At the final hearing, the mother testified that L.N.J., Sr. had abused her and their son, while Department personnel testified that the mother had completed her services and was providing the children with a safe, stable, and thriving home.

PROCEDURAL HISTORY

The County Court at Law Number 1 of Randall County consolidated two termination proceedings involving L.N.J., Sr.'s parental rights to his son and daughter. After a final hearing, the trial court terminated his parental rights under several provisions of Texas Family Code section 161.001(b)(1) and found termination to be in the children's best interests. L.N.J., Sr. appealed, challenging only the legal and factual sufficiency of the evidence supporting the best-interest finding.

DISPOSITION

affirmed

CASES CITED

- Holley v. Adams, 544 S.W.2d 367 (Tex. 1976)
- Santosky v. Kramer, 455 U.S. 745, 758-59 (1982)
- Holick v. Smith, 685 S.W.2d 18, 20 (Tex. 1985)
- In re E.R., 385 S.W.3d 552, 563 (Tex. 2012)
- In re C.H., 89 S.W.3d 17, 25-28 (Tex. 2002)
- In re E.N.C., 384 S.W.3d 796, 802 (Tex. 2012)
- In re J.F.C., 96 S.W.3d 256, 263, 266 (Tex. 2002)
- In re K.M.L., 443 S.W.3d 101, 112-13, 116 (Tex. 2014)
- In re R.R., 209 S.W.3d 112, 116 (Tex. 2006)
- In re E.C.R., 402 S.W.3d 239, 249-50 (Tex. 2013)
- In re N.R.T., 338 S.W.3d 667, 677 (Tex. App.—Amarillo 2011, no pet.)
- In re K.C., 219 S.W.3d 924, 931 (Tex. App.—Dallas 2007, no pet.)
- In re S.R.L., 243 S.W.3d 232, 234-36 (Tex. App.—Houston [14th Dist.] 2007, no pet.)
- In re C.A., 579 S.W.3d 140, 146 (Tex. App.—Amarillo 2017, pet. denied)
- In re S.R., No. 07-19-00164-CV, 2019 Tex. App. LEXIS 8701, at *15 (Tex. App.—Amarillo Sept. 26, 2019, no pet.) (mem. op.)
- In re E.W., Nos. 14-19-00666-CV, 14-19-00724-CV, 2020 Tex. App. LEXIS 1232, at *31 (Tex. App.—Houston [14th Dist.] Feb. 13, 2020, no pet.) (mem. op.)

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