

COURT OF APPEALS OF THE SEVENTH DISTRICT OF TEXAS AT  
AMARILLO

In the Interest of R.G., A.G., and V.G., Children

No. 07-23-00218-CV (Tex. App.—Amarillo Oct. 13, 2023) · No. No. 07-23-00218-CV · Decided October 13, 2023

SUMMARY

The Seventh Court of Appeals of Texas at Amarillo affirmed an order terminating the parental rights of the mother and father of three children. The mother challenged only the legal and factual sufficiency of the evidence supporting the best-interest finding, while the father's appointed counsel filed an Anders brief asserting that no arguable appellate issues existed. The court overruled the mother's issue, independently found no arguable basis for the father's appeal, and affirmed the termination order.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of the Seventh District of Texas at Amarillo                                                                                                                                                                                                                                                                                           |
| WRITING FOR THE COURT | Brian Quinn, Chief Justice; Parker, Justice; Doss, Justice                                                                                                                                                                                                                                                                                              |
| JURISDICTION          | Texas                                                                                                                                                                                                                                                                                                                                                   |
| DECIDED               | October 13, 2023                                                                                                                                                                                                                                                                                                                                        |
| DOCKET                | No. 07-23-00218-CV                                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Parents appealed an order terminating their parental rights. Mother challenged the legal and factual sufficiency of the evidence supporting the best-interest finding. Father's appointed counsel filed an Anders brief and moved to withdraw.                                                                                                          |
| STANDARD OF REVIEW    | The court reviewed the evidence for legal and factual sufficiency under the standards applicable to termination-of-parental-rights cases. It considered whether a reasonable factfinder could form a firm conviction and belief supporting the challenged finding and independently examined the record for arguable grounds in father's Anders appeal. |
| PRECEDENTIAL VALUE    | Published memorandum opinion; precedential status is not otherwise stated in the opinion text.                                                                                                                                                                                                                                                          |
| PARTIES               | Mother, Father v. The State of Texas                                                                                                                                                                                                                                                                                                                    |

## TOPICS

termination of parental rights

family law procedure

standard of review

appellate procedure

## PRACTICE AREAS

family law

appellate procedure

## QUESTIONS PRESENTED

1. Whether legally and factually sufficient evidence supported the finding that termination of mother's parental rights was in the children's best interests.
2. Whether father's Anders brief and the appellate record presented any arguable issue warranting reversal of the termination order.

## HOLDINGS

1. The evidence was legally and factually sufficient to support the trial court's finding that termination of mother's parental rights was in the children's best interests.
2. After independently examining the entire record, the court found no arguable issue or plausible basis for reversal and affirmed the termination of father's parental rights.

## KEY QUOTATIONS

*"A determination of best interest necessitates focus on the child, not the parent."* (at 3)

*"Together, and despite considering contradictory evidence, it permits a reasonable factfinder to form a firm conviction and belief that termination was in the best interests of the children."* (at 4)

*"So too did we independently examined the entire record for arguable issues supporting an appeal."* (at 5)

## FACTUAL BACKGROUND

The Texas Department of Family and Protective Services became involved after the family was living in a van and motels amid allegations of neglect, drug use, and possible domestic violence. The children were removed and placed with relatives or foster care; two had medical needs, and the youngest had cerebral palsy, required a feeding tube and speech therapy, and had significant developmental limitations. Mother and father failed to complete required services, maintain stable housing and employment, address the children's needs, or stop using illegal substances, while the children improved in their placements and their caregivers expressed a desire to adopt them.

## PROCEDURAL HISTORY

The County Court at Law No. 1 of Randall County terminated both parents' rights under Texas Family Code sections 161.001(b)(1)(D), (E), and (N), finding termination in the children's best interests. The parents appealed. The Court of Appeals independently reviewed the record, overruled mother's sufficiency challenge, found no arguable issue in father's appeal, and affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967)
- In re J.F.C., 96 S.W.3d 256 (Tex. 2002)
- In re K.M.L., 443 S.W.3d 101 (Tex. 2014)
- In re S.B., 597 S.W.3d 571, 585 (Tex. App.—Amarillo 2020, pet. denied)
- Holley v. Adams, 544 S.W.2d 367, 371-72 (Tex. 1976)
- In re C.H., 89 S.W.3d 17, 27 (Tex. 2002)
- In re T.C., Nos. 07-18-00080-CV, 07-18-00081-CV, 2018 Tex. App. LEXIS 6769, at \*12-13 (Tex. App.—Amarillo Aug. 23, 2018, pet. denied) (mem. op.)
- In re J.P.B., 180 S.W.3d 570, 573 (Tex. 2005)
- In re Schulman, 252 S.W.3d 403, 409 (Tex. Crim. App. 2008)
- In re P.M., 520 S.W.3d 24, 27 (Tex. 2016)
- In re A.W.T., 61 S.W.3d 87, 88 (Tex. App.—Amarillo 2001, no pet.)