

**COURT OF APPEALS OF TEXAS, SIXTH APPELLATE DISTRICT AT
TEXARKANA**

In the Interest of Z.H. and Z.H., Children

No. 06-21-00096-CV (Tex. App.—Texarkana Feb. 4, 2022) · No. 06-21-00096-CV · Decided February 4, 2022

SUMMARY

The Sixth Court of Appeals of Texas at Texarkana reviewed a father's challenge to the factual sufficiency of the evidence supporting termination of his parental rights. The court held that clear and convincing evidence supported the trial court's best-interests finding under the Holley factors and affirmed the judgment terminating his parental rights.

CASE DETAILS

COURT	Court of Appeals of Texas, Sixth Appellate District at Texarkana
WRITING FOR THE COURT	Scott E. Stevens; Morriss, C.J.; Stevens, J.; Carter, J., retired, sitting by assignment
JURISDICTION	Texas
DECIDED	February 4, 2022
DOCKET	06-21-00096-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed from a bench-trial judgment terminating his parental rights, challenging the factual sufficiency of the evidence supporting the finding that termination was in the children's best interests.
STANDARD OF REVIEW	The appellate court conducted an exacting review of the entire record under the clear-and-convincing-evidence standard. For factual sufficiency, it considered evidence that a fact-finder could reasonably have found clear and convincing and asked whether disputed evidence was so significant that a reasonable fact-finder could not have formed a firm belief or conviction regarding the best-interests finding.
PRECEDENTIAL VALUE	unpublished memorandum opinion; nonprecedential
PARTIES	Father v. Texas Department of Family and Protective Services

TOPICS

termination of parental rights

parental rights

family law procedure

appellate procedure

standard of review

PRACTICE AREAS

family law

juvenile law

QUESTIONS PRESENTED

1. Whether the evidence was factually sufficient to support the trial court's finding, by clear and convincing evidence, that termination of Father's parental rights was in the children's best interests.

HOLDINGS

1. The evidence was factually sufficient to support the trial court's finding that termination of Father's parental rights was in the best interests of both children. The court held that the evidence, viewed under the Holley factors and the clear-and-convincing-evidence standard, permitted the fact-finder to form a firm belief or conviction that termination was in the children's best interests.

KEY QUOTATIONS

“The natural right existing between parents and their children is of constitutional dimensions.” (2)

“In order to terminate parental rights, the trial court must find, by clear and convincing evidence, that the parent has engaged in at least one statutory ground for termination and that termination is in the child’s best interest.” (2)

“Considering the Holley factors and viewing all the evidence, we conclude that the trial court could have reasonably formed a firm belief or conviction, by clear and convincing evidence, that termination of Father’s parental rights was in Zach’s and Zeke’s best interests.” (12)

FACTUAL BACKGROUND

The children were removed from a highly unsuitable camper where Father and Mother allegedly used methamphetamine, there was little food, and the children lacked adequate sleeping space and hygiene. Father tested positive for methamphetamine and amphetamine during the case, failed to complete any portion of his court-ordered family service plan, missed visits, and was incarcerated for burglary-related conduct. The children had developmental delays but improved substantially after placement with their maternal grandmother and her husband, who provided a stable home and wished to adopt them.

PROCEDURAL HISTORY

The Texas Department of Family and Protective Services petitioned to terminate Father's parental rights to his two sons. After a bench trial, the 307th District Court of Gregg County terminated Father's parental rights on multiple statutory grounds and found termination in the children's best interests. Father appealed, and the Sixth Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- In re L.E.S., 471 S.W.3d 915, 919-20 (Tex. App.—Texarkana 2015, no pet.)
- Holick v. Smith, 685 S.W.2d 18, 20 (Tex. 1985)
- Troxel v. Granville, 530 U.S. 57, 65 (2000)
- In re A.B., 437 S.W.3d 498, 500, 502-03 (Tex. 2014)
- In re S.K.A., 236 S.W.3d 875, 900 (Tex. App.—Texarkana 2007, pet. denied)
- In re E.N.C., 384 S.W.3d 796, 798, 807 (Tex. 2012)
- In re J.O.A., 283 S.W.3d 336, 344 (Tex. 2009)
- In re J.A.S., Jr., No. 13-12-00612-CV, 2013 WL 782692, at *7 (Tex. App.—Corpus Christi Feb. 28, 2013, pet. denied) (mem. op.)
- In re R.R., 209 S.W.3d 112, 116 (Tex. 2006) (per curiam)
- In re N.L.D., 412 S.W.3d 810, 818-22 (Tex. App.—Texarkana 2013, no pet.)
- Wiley v. Spratlan, 543 S.W.2d 349, 352 (Tex. 1976)
- In re H.R.M., 209 S.W.3d 105, 109 (Tex. 2006) (per curiam)
- In re C.H., 89 S.W.3d 17, 25-28 (Tex. 2002)
- In re J.F.C., 96 S.W.3d 256, 264, 266 (Tex. 2002)
- In re A.V., 113 S.W.3d 355, 361 (Tex. 2003)
- In re J.W.T., 872 S.W.2d 189, 195 (Tex. 1994)
- In re M.S., 115 S.W.3d 534, 547 (Tex. 2003)
- In re C.A.J., 459 S.W.3d 175, 179, 183 (Tex. App.—Texarkana 2015, no pet.)
- In re J.T.G., No. 14-10-00972-CV, 2012 WL 171012, at *17 (Tex. App.—Houston [14th Dist.] Jan. 19, 2012, pet. denied) (mem. op.)
- In re I.R.K.N., No. 10-13-00455-CV, 2014 WL 2069281, at *7 (Tex. App.—Waco May 15, 2014, pet. denied) (mem. op.)
- Ray v. Burns, 832 S.W.2d 431, 435 (Tex. App.—Waco 1992, no writ)
- In re C.A.J., 122 S.W.3d 888, 893 (Tex. App.—Fort Worth 2003, no pet.)
- In re M.R., 243 S.W.3d 807, 820 (Tex. App.—Fort Worth 2007, no pet.)
- In re R.W., 627 S.W.3d 501, 517 (Tex. App.—Texarkana 2021, no pet.)
- In re J.D., 436 S.W.3d 105, 118 (Tex. App.—Houston [14th Dist.] 2014, no pet.)