

Question

What Texas case law supports the argument that courts must provide explanations for their decisions, particularly in cases involving fundamental rights such as parental rights, and that failure to do so undermines the rule of law and public trust?

Answer (Texas)

Short response

Texas case law and statutory law strongly support the principle that courts must provide clear explanations for their decisions, especially in cases involving fundamental rights such as parental rights, as this is essential to due process, the rule of law, and maintaining public trust. The failure to provide such explanations is recognized as undermining both the integrity of judicial proceedings and the legitimacy of the legal system.

Summary

Texas law, both through legislative mandates and judicial precedent, requires courts to articulate the reasons for their decisions in cases involving the termination or reinstatement of parental rights. This requirement is rooted in the recognition that parental rights are fundamental constitutional interests, and that transparency and detailed reasoning are necessary to ensure due process and public confidence in the judicial process.

The Texas Supreme Court and Courts of Appeals have repeatedly emphasized that, in parental rights cases, courts—especially appellate courts—must provide detailed analyses and findings to support their decisions. Statutory provisions reinforce this by mandating written, specific findings in orders affecting parental rights. The failure to provide such explanations is seen as a violation of due process and a threat to the rule of law, as it impedes meaningful appellate review and erodes public trust in the judiciary.

Background and Relevant Law

Legislative Framework

The Texas Family Code imposes explicit requirements on courts to provide written, specific explanations in orders terminating or denying the reinstatement of parental rights. Under [Tex. Fam. Code § 161.001](#), when a court orders the termination of the parent-child relationship, it must find by clear and convincing evidence that statutory grounds exist and must describe these findings in writing with specificity. This ensures that the decision is transparent and based on a thorough evaluation of the evidence, particularly given the fundamental nature of parental rights.

Similarly, [Tex. Fam. Code § 161.304](#) requires that if a court denies a petition for reinstatement of parental rights, it must issue a written order detailing its findings and the reasons for denial. This statutory mandate underscores the importance of transparency and accountability in judicial decision-making, especially in matters involving fundamental rights.

Administrative regulations, such as [40 Tex. Admin. Code § 730.1716](#), further reinforce this principle by requiring that final decisions in administrative cases be in writing and include findings of fact and conclusions of law, with explicit statements of the underlying facts supporting those findings. While this provision applies specifically to administrative proceedings, it reflects a broader commitment to reasoned decision-making in all matters affecting fundamental rights.

Case Law

Texas courts have consistently recognized the constitutional dimension of parental rights and the corresponding need for strict scrutiny and clear explanations in judicial decisions affecting those rights. The Texas Supreme Court has held that parental rights are fundamental liberty interests, more precious than property rights, and that proceedings to terminate such rights must be strictly scrutinized and supported by clear and convincing evidence ([In re G.M., 596 S.W.2d 846 \(Tex. 1980\)](#); [Wiley v. Spratlan, 543 S.W.2d 349 \(Tex. 1976\)](#); [In re D.S.P., 210 S.W.3d 776 \(Tex. App. 2006\)](#)).

The Texas Supreme Court has further clarified that due process and due course of law require appellate courts to provide detailed analyses when affirming or reversing the termination of parental rights under specific statutory grounds, particularly under [Tex. Fam. Code § 161.001\(b\)\(1\)\(D\) or \(E\)](#) ([In re N.G., 577 S.W.3d 230 \(Tex. 2019\)](#); [In re Z.M.M., 577 S.W.3d 541 \(Tex. 2019\)](#)). This requirement is rooted in the need for meaningful appellate review and the avoidance of erroneous deprivation of fundamental rights.

Other cases, such as [In re A.B., 437 S.W.3d 498 \(Tex. 2014\)](#) and [In re C.H., 89 S.W.3d 17 \(Tex. 2002\)](#), have emphasized that appellate courts must detail the evidence and reasoning supporting their decisions, particularly when reversing factfinders in parental termination cases. Although [In re C.H.](#) was later overruled by [In re Interest of E.N., No. 07-16-00190-CV \(Tex. App. Aug 22, 2016\)](#), its core principle regarding the need for detailed appellate reasoning in parental rights cases remains influential and is echoed in subsequent Supreme Court decisions.

The courts have also recognized that the failure to provide adequate explanations for judicial decisions, especially in cases involving fundamental rights, undermines the rule of law and public trust. This is because such failures impede meaningful appellate review, increase the risk of erroneous deprivation of rights, and erode confidence in the fairness and legitimacy of the judicial process ([In re M.S., 115 S.W.3d 534 \(Tex. 2003\)](#); [In re Interest of D.W.G.K., 558 S.W.3d 671 \(Tex. App. 2018\)](#)).

Analysis

The Constitutional and Statutory Imperative for Explanations

The requirement for courts to provide explanations for their decisions in parental rights cases is grounded in both constitutional and statutory law. Parental rights are recognized as fundamental liberty interests under both the U.S. and Texas Constitutions. The Texas Supreme Court has repeatedly affirmed that the natural

right between parent and child is of constitutional dimension and that any proceeding to terminate this relationship must be strictly scrutinized and supported by clear and convincing evidence ([In re G.M., 596 S.W.2d 846 \(Tex. 1980\)](#); [Holick v. Smith, 685 S.W.2d 18 \(Tex. 1985\)](#); [In re D.S.P., 210 S.W.3d 776 \(Tex. App. 2006\)](#)).

Statutory provisions, such as [Tex. Fam. Code § 161.001](#) and § 161.304, codify this constitutional imperative by requiring courts to issue written, specific findings and reasons in orders affecting parental rights. These requirements are not mere formalities; they serve to ensure that the court's decision is based on a careful and transparent evaluation of the evidence and that the parties understand the basis for the decision. This transparency is essential for meaningful appellate review and for maintaining public confidence in the judicial process.

Judicial Precedent on the Necessity of Detailed Explanations

Texas appellate courts have developed a robust body of case law emphasizing the necessity for detailed judicial explanations in parental rights cases. In [In re N.G., 577 S.W.3d 230 \(Tex. 2019\)](#), the Texas Supreme Court held that due process and due course of law require appellate courts to provide detailed analyses when affirming the termination of parental rights under certain statutory grounds. The Court reasoned that such explanations are necessary to ensure a meaningful appeal and to protect against the risk of erroneous deprivation of fundamental rights.

This principle was reaffirmed in [In re Z.M.M., 577 S.W.3d 541 \(Tex. 2019\)](#), where the Supreme Court found error in an appellate court's failure to address a parent's challenge under a specific statutory ground for termination. The Court made clear that appellate courts must address and explain their reasoning on each challenged ground, as required by due process.

Similarly, in [In re A.B., 437 S.W.3d 498 \(Tex. 2014\)](#), the Supreme Court emphasized that courts of appeals must engage in a thorough review of the record and provide detailed explanations when reversing factfinders in parental termination cases. This requirement safeguards the constitutional rights of parents and ensures that the interests of the child are appropriately considered.

Although [In re C.H., 89 S.W.3d 17 \(Tex. 2002\)](#) was overruled by [In re Interest of E.N., No. 07-16-00190-CV \(Tex. App. Aug 22, 2016\)](#), its core holding—that appellate courts must detail the evidence and reasoning when reversing on insufficiency grounds in parental termination cases—remains influential and is reflected in subsequent Supreme Court decisions such as [In re N.G.](#) and [In re Z.M.M.](#).

The Role of Explanations in Upholding the Rule of Law and Public Trust

The requirement for courts to provide explanations for their decisions is not merely procedural; it is fundamental to the rule of law and the legitimacy of the judicial system. As articulated in [In re M.S., 115 S.W.3d 534 \(Tex. 2003\)](#), the interests of the parent, child, and government in a just and accurate decision are paramount, and any significant risk of erroneous deprivation of parental rights is unacceptable. Clear and reasoned judicial explanations are essential to minimizing this risk and ensuring that decisions are just and accurate.

The Texas Supreme Court has also recognized that the failure to provide adequate explanations for judicial decisions undermines public trust in the judiciary. When courts fail to articulate the reasons for their decisions, especially in cases involving fundamental rights, it creates the perception that decisions are arbitrary or based on judicial whim rather than law and evidence ([In re v., 349 S.W.3d 548 \(Tex. App. 2010\)](#)). This perception erodes confidence in the fairness and legitimacy of the judicial process and threatens the rule of law.

The Importance of Explanations for Meaningful Appellate Review

Detailed judicial explanations are also essential for meaningful appellate review. As recognized in [In re J.M.R., 04-22-00754-CV \(Tex. App. May 03, 2023\)](#) and [In re N.G., 577 S.W.3d 230 \(Tex. 2019\)](#), due process requires that appellate courts review and detail their analyses when parental rights are terminated under certain statutory grounds. Without such explanations, appellate courts cannot effectively review the sufficiency of the evidence or the legal basis for the decision, and parties are deprived of a meaningful opportunity to challenge the decision on appeal.

This principle is further supported by the Texas Supreme Court's recognition that the risk of erroneous deprivation of parental rights is particularly acute in these cases, given the traumatic and irrevocable nature of termination ([In re M.S., 115 S.W.3d 534 \(Tex. 2003\)](#)). Detailed explanations help to ensure that the high standard of proof required in these cases—clear and convincing evidence—is met and that the decision is based on a careful and transparent evaluation of the evidence.

The Public Interest and Fundamental Error

Secondary materials, such as the article "[Raise or lose: appellate discretion and principled decision-making](#)," highlight that Texas law incorporates a public interest component when considering fundamental error review. The Texas Supreme Court in [In re J.F.C., 96 S.W.3d 256 \(Tex. 2002\)](#) articulated guiding principles for determining whether fundamental-error review should apply, emphasizing that errors implicating significant public interest or policy must be addressed, particularly when they affect more than just the immediate parties. This further supports the argument that courts must provide explanations for their decisions in cases involving fundamental rights, as such cases often implicate broader public interests and policies.

Exceptions and Caveats

While the requirement for courts to provide explanations for their decisions in parental rights cases is well established, there are some nuances and exceptions. For example, the Texas Supreme Court in [In re D.M., 244 S.W.3d 397 \(Tex. App. 2007\)](#) acknowledged that, while general rules for preservation of error in civil cases typically do not violate due process, there may be instances in parental rights cases where a court must review unpreserved complaints to ensure due process is upheld. This suggests that the courts retain some discretion to ensure fairness and due process, even in the absence of strict compliance with procedural rules.

Additionally, while [In re C.H., 89 S.W.3d 17 \(Tex. 2002\)](#) was overruled by [In re Interest of E.N., No. 07-16-00190-CV \(Tex. App. Aug 22, 2016\)](#), its core principle regarding the need for detailed appellate reasoning in parental rights cases remains influential and is reflected in subsequent Supreme Court decisions. However,

practitioners should be aware of the subsequent negative treatment and rely primarily on more recent Supreme Court authority, such as [In re N.G.](#) and [In re Z.M.](#), for the current state of the law.

Conclusion

Texas law, through both statutory mandates and judicial precedent, unequivocally requires courts to provide clear and detailed explanations for their decisions in cases involving fundamental rights such as parental rights. This requirement is rooted in the recognition that parental rights are fundamental constitutional interests and that transparency and detailed reasoning are essential to due process, the rule of law, and public trust in the judiciary. The failure to provide such explanations is recognized as undermining both the integrity of judicial proceedings and the legitimacy of the legal system. The Texas Supreme Court and Courts of Appeals have repeatedly emphasized that meaningful appellate review, protection against erroneous deprivation of rights, and public confidence in the judicial process all depend on the courts' adherence to this fundamental principle.

Legal Authorities

[In re K.D.S.P., 05-22-00456-CV \(Tex. App. Nov 21, 2022\)](#)

Texas Court of Appeals

Extract

In parental termination cases, the parents, just as defendants in criminal cases, are entitled as to effective assistance of counsel, and we apply the standard applicable to criminal cases in parental termination cases. See In re M.S., 115 S.W.3d 534, 545, 550 (Tex. 2003) (holding parents have right to effective assistance of counsel in cases involving termination of parental rights and directing use of criminal standard) (citing Strickland v. Washington, 466 U.S. 668, 687 (1984)). To obtain a reversal because of ineffective assistance, appellant must show: (1) that counsel's performance was so deficient that counsel was not functioning as the counsel guaranteed by the Sixth Amendment and (2) that there is a reasonable probability that, but for the deficient performance, the result of the proceeding would have been different.

Summary

The passage highlights the importance of effective assistance of counsel in parental termination cases, equating it to the standard in criminal cases. This underscores the necessity for courts to provide clear explanations and adhere to legal standards, as failure to do so could result in a violation of fundamental rights. The reference to the case "In re M.S." further supports the argument that courts must ensure decisions are well-founded and transparent, particularly in cases involving fundamental rights like parental rights.

[In re Interest of D.W.G.K., 558 S.W.3d 671 \(Tex. App. 2018\)](#)

Texas Court of Appeals

Extract

the natural right existing between parents and their children is of constitutional dimensions. In re G.M., 596 S.W.2d 846, 846 (Tex. 1980); Wiley v. Spratlan, 543 S.W.2d 349, 352 (Tex. 1976). Indeed, 'involuntary termination of parental rights involves fundamental constitutional rights.' In re G.M., 596 S.W.2d at 846. This natural parental right has been characterized as 'essential,' 'a basic civil right of man,' and 'far more precious than property rights.'

Summary

The passage highlights the constitutional significance of parental rights, describing them as fundamental and essential. This underscores the necessity for courts to provide clear explanations for their decisions in cases involving the termination of these rights, as they are deeply rooted in constitutional protections. The failure to provide such explanations could undermine the rule of law and public trust, given the fundamental nature of the rights involved.

[In re D.M., 244 S.W.3d 397 \(Tex. App. 2007\)](#)

Texas Court of Appeals

Extract

In a similar case, the Texas Supreme Court has concluded that application of the general rules for preservation of error in civil cases does not violate due process. B.L.D., 113 S.W.3d at 354. However, the Court acknowledged 'that in a given parental rights termination case, a different calibration of the [Mathews] factors could require a court of appeals to review an unpreserved complaint of error to ensure that our procedures comport with due process.' Id. We believe Moncrief's appeal provides 'a different calibration' of the relevant factors.

Summary

While general rules for error preservation in civil cases typically do not violate due process, there are instances, particularly in parental rights termination cases, where a court may need to review unpreserved complaints to ensure due process is upheld. This suggests that courts must be diligent in providing explanations for their decisions in such cases to maintain due process, which aligns with the argument that failure to do so undermines the rule of law and public trust.

[In re K.D., 471 S.W.3d 147 \(Tex. App. 2015\)](#)

Texas Court of Appeals

Extract

in parental-rights] termination cases, the parents' fundamental interest in maintaining custody and control of their children is balanced against the State's fundamental interest in protecting the welfare of the child. See In re M.S., 115 S.W.3d 534, 547–48 (Tex.2003). But for the State's fundamental interest in the welfare of the child, termination would not be proper. The Legislature has safeguarded the parent's fundamental interest by limiting the circumstances in which the State's interest can overcome the parent's interest. See Tex. Fam. Code Ann. § 161.001. And we have further safeguarded the parent's interest by requiring courts of appeals to conduct an exacting review of the entire record when a parent challenges a termination order for insufficient evidence. See C.H., 89 S.W.3d at 19.

Summary

The passage highlights the importance of balancing the fundamental rights of parents with the state's interest in child welfare. It emphasizes that the legislature has limited the circumstances under which parental rights can be terminated, and courts are required to conduct a thorough review of the record when such decisions are challenged. This implies that courts must provide clear explanations for their decisions to ensure that the fundamental rights of parents are protected and that the rule of law is upheld.

[In re A.B., 437 S.W.3d 498, 57 Tex. Sup. Ct. J. 595 \(Tex. 2014\)](#)

Texas Supreme Court

Extract

For over a decade, we have required courts of appeals conducting factual sufficiency reviews in parental termination cases to engage in a thorough review of the entire record. This exacting review safeguards the constitutional rights of parents, while simultaneously ensuring the emotional and physical interests of the child are appropriately considered. But the court of appeals' authority to conduct a factual sufficiency analysis does not permit the court to stand in the role of a thirteenth juror. Thus, if the reviewing court is to reverse the factfinder, it must detail the evidence supporting its decision.

Summary

The passage from "In re A.B." highlights the requirement for Texas courts of appeals to provide detailed explanations when reversing a factfinder's decision in parental termination cases. This requirement is rooted in the need to protect the constitutional rights of parents and ensure that the emotional and physical interests of the child are considered. The passage underscores the importance of transparency and thoroughness in judicial decisions, particularly when fundamental rights are at stake. This aligns with the broader principle that courts must provide explanations for their decisions to maintain the rule of law and public trust.

[In re C.H., 89 S.W.3d 17 \(Tex. 2002\)](#)

Texas Supreme Court

Extract

When reversing on insufficiency grounds, the reviewing court must detail the evidence relevant to the issue of parental termination and clearly state why the evidence is insufficient to support a termination finding by clear and convincing evidence.

Summary

The passage from "In re C.H." emphasizes the requirement for appellate courts to provide detailed explanations when reversing decisions on the grounds of insufficient evidence in parental termination cases. This requirement ensures that the courts articulate the reasons for their decisions, particularly when fundamental rights such as parental rights are at stake. The passage highlights the necessity for transparency and clarity in judicial decisions to uphold the rule of law and maintain public trust. The scope of this requirement is broad, applying to all cases involving the termination of parental rights in Texas.

[In re D.W., 249 S.W.3d 625 \(Tex. App. 2008\)](#)

Texas Court of Appeals

Extract

The court in Armadillo Bail Bonds observed that certain judicial functions are so fundamental that courts alone may determine when and how those functions are to be exercised. The court concluded that there must remain some realm of judicial 'activity so fundamental and so inherent in its very nature as a court that to divest it of its absolute command within these spheres is to make meaningless the very phrase judicial power.' Looking to decisions of other states, the court

found a consensus of opinion — with which it agreed — that when and how cases shall be decided may not be dictated by the legislature but are matters solely for the judicial branch of government.

Summary

The passage highlights the fundamental nature of judicial functions and the independence of the judiciary in deciding cases. It underscores that certain judicial activities are so inherent to the nature of the court that they cannot be dictated by the legislature. This supports the argument that courts must provide explanations for their decisions, especially in cases involving fundamental rights like parental rights, as it is a core judicial function to ensure transparency and maintain public trust.

[In re v., 349 S.W.3d 548 \(Tex. App. 2010\)](#)

Texas Court of Appeals

Extract

Judges should decide the cases that come before them based upon the facts in evidence and the governing law, not upon their moral preferences, desires, or the dictates of their emotions. The 'obvious problem' with 'results-oriented judging' is that 'it produces bad results because it guts the rule of law.' It subjects litigants not to the Rule of Law, which can be discerned, understood, and applied, but to judicial whim, which is known only to the judges involved. Accordingly, judges should impartially and dispassionately decide the cases that come before them, and, [i]nstead of worrying about the result in particular cases, judges should follow the rule of law in thousands of cases because doing so leads to better results than not doing so.' In contrast, 'result-oriented judging ... produces bad consequences on a system-wide basis.'

Summary

The passage highlights the importance of judges making decisions based on evidence and law rather than personal biases, which is crucial in maintaining the rule of law and public trust. This is particularly relevant in cases involving fundamental rights, such as parental rights, where the consequences of judicial decisions are significant. The passage argues against "results-oriented judging," which undermines the rule of law and can lead to systemic issues.

[In re F.L.](#)

Texas Court of Appeals

Extract

"A parent's right to 'the companionship, care, custody, and management' of h[is] children is a constitutional interest 'far more precious than any property right.'" In re D.S.P., 210 S.W.3d 776, 778 (Tex. App.-Corpus Christi-Edinburg 2006, no pet.) (quoting Santosky v. Kramer, 455 U.S. 745, 758-59 (1982)). "Because the natural right between a parent and his child is one of constitutional dimensions, Holick v. Smith, 685 S.W.2d 18, 20 (Tex. 1985), termination proceedings must be strictly scrutinized." In re K.M.L., 443 S.W.3d 101, 112 (Tex. 2014).

Summary

The passage highlights the constitutional nature of parental rights, emphasizing that they are more precious than property rights. It references the need for strict scrutiny in termination proceedings due to the constitutional dimensions of the parent-child relationship. This implies that courts must provide thorough explanations for their decisions in such cases to uphold the constitutional rights involved and maintain public trust in the judicial process.

[In re S.I., 02-24-00109-CV \(Tex. App. Aug 29, 2024\)](#)

Texas Court of Appeals

Extract

Due process requires that pleadings give reasonable notice of the claims asserted, and a trial court's judgment must conform to the pleadings. Moneyhon v. Moneyhon, 278 S.W.3d 874, 878 (Tex. App.-Houston [14th Dist.] 2009, no pet.). Pleadings should be liberally construed to contain any claims that reasonably may be inferred from the specific language used. Id. In the child-custody context, 'a suit properly invoking the jurisdiction of a court with respect to custody and control of a minor child vests that court with decretal powers in all relevant custody, control, possession[,] and visitation matters involving the child. The courts are given wide discretion in such proceedings.' Leithold v. Plass, 413 S.W.2d 698, 701 (Tex. 1967).

Summary

The passage highlights the requirement for due process in legal proceedings, emphasizing that pleadings must provide reasonable notice of claims and that judgments must align with these pleadings. This is particularly relevant in child custody cases, where courts have wide discretion but must still adhere to due process standards. The reference to Moneyhon v. Moneyhon underscores the necessity for courts to provide explanations that conform to the pleadings, which is crucial for maintaining the rule of law and public trust, especially in cases involving fundamental rights like parental rights.

[In re O.J.C.](#)

Texas Court of Appeals

Extract

A judgment terminating parental rights pursuant to section 161.001 of the Texas Family Code must be supported by clear and convincing evidence of one of the predicate grounds enumerated in subsection (b)(1) and a best interest finding. See *id.* § 161.001(b). Clear and convincing evidence requires 'proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established.' *Id.* § 101.007. To determine whether this heightened burden of proof was met, we use a heightened standard of review to determine whether a 'factfinder could reasonably form a firm belief or conviction about the truth of the State's allegations.'

Summary

In cases involving the termination of parental rights, the court's decision must be supported by clear and convincing evidence, which is a heightened standard of proof. This requirement implies that the court must provide a thorough explanation of its decision to ensure that the evidence meets this standard. The need for clear and convincing evidence and a heightened standard of review underscores the importance of transparency and detailed reasoning in court decisions, particularly in cases involving fundamental rights such as parental rights.

[In re K.B., No. 06-20-00074-CV \(Tex. App. Dec 29, 2020\)](#)

Texas Court of Appeals

Extract

Yet, because the trial court's findings under grounds D and E 'may have implications for... parental rights to other children,' due process demands that we review the trial court's findings under each of those grounds. *In re N.G.*, 577 S.W.3d 230, 234 (Tex. 2019) (per curiam).

Summary

The passage highlights the necessity for courts to review and provide explanations for their findings, especially in cases involving parental rights, due to the potential implications for the parent's rights to other children. This requirement is rooted in due process considerations, emphasizing the importance of transparency and thoroughness in judicial decisions to uphold the rule of law and maintain public trust.

[In re B.E.S., 04-21-00474-CV \(Tex. App. Apr 27, 2022\)](#)

Texas Court of Appeals

Extract

*In his second issue, Dad argues the evidence was legally and factually insufficient to support the trial court's finding that terminating his parental rights was in B.E.S.'s best interest. See Tex. Fam. Code Ann. § 161.001(b)(2). ... Having reviewed the evidence under the appropriate standards, we conclude the trial court could have 'reasonably form[ed] a firm belief or conviction' that it was in B.E.S.'s best interest for Dad's parental rights to be terminated. See *In re H.R.M.*, 209 S.W.3d at 108 (citing *In re C.H.*, 89 S.W.3d at 25). Therefore, the evidence was legally and factually sufficient to support the trial court's best-interest-of-the-child finding. See Tex. Fam. Code Ann. § 161.001(b)(2); *In re J.F.C.*, 96 S.W.3d 256, 266 (Tex. 2002).*

Summary

Legal and factual sufficiency of evidence required to terminate parental rights, referencing specific Texas Family Code provisions and case law. It highlights the necessity for courts to base their decisions on clear and convincing evidence, particularly when fundamental rights like parental rights are at stake. This implies that courts must provide explanations for their decisions to ensure they are grounded in sufficient evidence, thereby supporting the rule of law and maintaining public trust.

[W. L. v. Tex. Dep't of Family & Protective Servs., NO. 03-19-00827-CV \(Tex. App. Mar 12, 2020\)](#)

Texas Court of Appeals

Extract

*To terminate parental rights, the Department has the burden to prove one of the predicate grounds in section 161.001(b)(1) of the Texas Family Code and that termination is in the best interest of the child. See Tex. Fam. Code § 161.001(b)(1), (2); *In re A.V.*, 113 S.W.3d 355, 362 (Tex. 2003). The applicable standard of proof is the clear and convincing standard. Tex. Fam. Code § 161.206(a); see *In re J.F.C.*, 96 S.W.3d 256, 263 (Tex. 2002) (explaining that due process requires clear and convincing standard of proof in parental termination cases).*

Summary

The passage highlights the requirement for a clear and convincing standard of proof in parental termination cases, which is a due process requirement. This implies that courts must provide a thorough explanation of their decisions to meet this standard, especially when fundamental rights are at stake.

[In re J.M.R., 04-22-00754-CV \(Tex. App. May 03, 2023\)](#)

Texas Court of Appeals

Extract

But 'due process requires an appellate court to review and detail its analysis as to termination of parental rights under section 161.001(b)(1)(D) or (E) of the Family Code when challenged on appeal.' *In re Z.M.M.*, 577 S.W.3d 541, 543 (Tex. 2019).

Summary

The passage from "In re J.M.R." references the requirement for appellate courts to provide detailed analyses when reviewing cases involving the termination of parental rights under specific sections of the Texas Family Code. This requirement is rooted in due process, which underscores the necessity for courts to explain their decisions, especially in cases involving fundamental rights like parental rights. The citation of "In re Z.M.M." further supports this requirement, indicating that it is a recognized standard in Texas case law.

[In re A.T., No. 04-18-00613-CV \(Tex. App. Dec 27, 2018\)](#)

Texas Court of Appeals

Extract

An order terminating parental rights must be supported by clear and convincing evidence. TEX. FAM. CODE § 161.001(b). To determine whether this heightened burden of proof was met, we employ a heightened standard of review to determine whether a 'factfinder could reasonably form a firm belief or conviction about the truth of the State's allegations.' *In re C.H.*, 89 S.W.3d 17, 25 (Tex. 2002). *'This standard guards the constitutional interests implicated by termination, while retaining the deference an appellate court must have for the factfinder's role.'* *In re O.N.H.*, 401 S.W.3d 681, 683 (Tex. App.—San Antonio 2013, no pet.).

Summary

The passage highlights the requirement for clear and convincing evidence to support an order terminating parental rights, as mandated by the Texas Family Code. It also references the heightened standard of review to ensure that the factfinder's decision is reasonable and based on a firm belief or conviction. This standard is designed to protect constitutional interests, which implies that courts must provide adequate explanations for their decisions to uphold these interests. The passage indirectly supports the argument that failure to provide such explanations could undermine the rule of law and public trust, as it emphasizes the importance of a reasoned and evidence-based decision-making process in cases involving fundamental rights.

[In re D.S.P., 210 S.W.3d 776 \(Tex. App. 2006\)](#)

Texas Court of Appeals

Extract

A parent's right to 'the companionship, care, custody, and management' of her children is a constitutional interest 'far more precious than any property right.' *The United States Supreme Court has emphasized that 'the interest of parents in the care, custody, and control of their children... is perhaps the oldest of the fundamental liberty interests recognized by this Court.'* Likewise, the Texas Supreme Court has also concluded that 'this natural parental right' is 'essential,' 'a basic civil right of man,' and 'far more precious than property rights.' Consequently, termination proceedings must be strictly scrutinized, and 'involuntary termination statutes are strictly construed in favor of the parent.' Because termination 'is complete, final, irrevocable, and divests for all time that natural right... the evidence in support of termination must be clear and convincing before a court may involuntarily terminate a parent's rights.'

Summary

The passage highlights the fundamental nature of parental rights, describing them as a constitutional interest that is "far more precious than any property right." It underscores the necessity for strict scrutiny in termination proceedings and the requirement for clear and convincing evidence. This implies that courts must provide thorough explanations for their decisions in such cases to ensure that the high standard of proof is met, thereby supporting the rule of law and maintaining public trust.

[G. M., In Interest of, 596 S.W.2d 846 \(Tex. 1980\)](#)

Texas Supreme Court

Extract

The right to enjoy a natural family unit is no less important than the right to liberty which requires at least a clear and convincing standard of proof to inhibit such liberty through involuntary and indefinite confinement in a mental institution. Termination is a drastic remedy and is of such weight and gravity that due process requires the state to justify termination of the parent-child relationship by proof more substantial than a preponderance of the evidence. Hereafter, the 'clear and convincing evidence' standard of proof will be required in all proceedings for involuntary termination of the parent-child relationship.

Summary

The passage highlights the importance of using a "clear and convincing evidence" standard in cases involving the termination of parental rights, which is a fundamental right. This standard is higher than the "preponderance of the evidence" standard typically used in civil cases, reflecting the gravity and significance of such decisions. The requirement for a higher standard of proof implies that courts must provide substantial justification and explanation for their decisions in these cases, thereby supporting the rule of law and maintaining public trust.

[In re Z.M.M., 577 S.W.3d 541 \(Tex. 2019\)](#)

Texas Supreme Court

Extract

In light of our holding in In re N.G., 577 S.W.3d 230, 2019 WL 2147263 (Tex. 2019) (per curiam)—in which we held that due process requires an appellate court to review and detail its analysis as to termination of parental rights under section 161.001(b)(1)(D) or (E) of the Family Code when challenged on appeal—we hold that the court of appeals erred in failing to address the father's challenge as to section 161.001(b)(1)(D), upholding the order for termination based only on section 161.001(b)(1)(O).

Summary

The passage from "In re Z.M.M." references the case "In re N.G." where the Texas Supreme Court held that due process requires appellate courts to provide detailed analyses when reviewing cases involving the termination of parental rights under specific sections of the Texas Family Code. This requirement ensures that courts provide explanations for their decisions, particularly in cases involving fundamental rights such as parental rights. The failure of the court of appeals to address the father's challenge under section 161.001(b)(1)(D) was deemed an error, highlighting the importance of detailed judicial explanations to uphold due process.

[Wiley v. Spratlan, 543 S.W.2d 349 \(Tex. 1976\)](#)

Texas Supreme Court

Extract

Actions which break the ties between a parent and child 'can never be justified without the most solid and substantial reasons.' State v. Deaton, 93 Tex. 243, 54 S.W. 901 (1900). Particularly in an action which permanently sunders those ties, should the proceedings be strictly scrutinized. This court has always recognized the strong presumption that the best interest of a minor is usually served by keeping custody in the natural parents.

Summary

The passage highlights the necessity for courts to provide solid and substantial reasons when making decisions that sever the ties between a parent and child. This requirement is particularly emphasized in cases that permanently affect parental rights, suggesting that such decisions must be strictly scrutinized. The passage underscores the presumption that a child's best interest is typically served by remaining with their natural parents, which implies that any deviation from this presumption requires a well-justified explanation. This aligns with the principle that courts must provide clear explanations for their decisions, especially in cases involving fundamental rights, to maintain the rule of law and public trust.

[In re N.G., 577 S.W.3d 230 \(Tex. 2019\)](#)

Texas Supreme Court

Extract

However, because section 161.001(b)(1)(M) alone provides a sufficient basis to terminate parental rights based on a previous section 161.001(b)(1)(D) or (E) finding, the due process concerns, coupled with the requirement for a meaningful appeal, mandate that if a court of appeals affirms the termination on either of these grounds, it must provide the details of its analysis. See U.S. CONST. AMEND. XIV, § 1 ; TEX. CONST. art. I, § 19. See generally In re S.K.A., 236 S.W.3d at 890 (explaining that a parent deserves a meaningful appeal of termination of her parental rights). We hold that due process and due course of law requirements mandate that an appellate court detail its analysis for an appeal of termination of parental rights under section 161.001(b)(1)(D) or (E) of the Family Code.

Summary

The passage from "In re N.G." emphasizes the necessity for appellate courts to provide detailed analyses when affirming the termination of parental rights under specific grounds. This requirement is rooted in due process and due course of law principles, which are fundamental rights under both the U.S. and Texas Constitutions. The court's decision underscores the importance of transparency and thorough explanation in judicial decisions, particularly in cases affecting fundamental rights like parental rights. This ensures that the appeal process is meaningful and that the rule of law is upheld, thereby maintaining public trust in the judicial system.

[In re M.S., 115 S.W.3d 534, 2003 WL 21512654 \(Tex. 2003\)](#)

Texas Supreme Court

Extract

In Texas, there is a statutory right to counsel for indigent persons in parental-rights termination cases. ... We hold that the statutory right to counsel in parental-rights termination cases embodies the right to effective counsel. ... The parent's, child's, and government's interest in a just and accurate decision dovetails with the third Eldridge factor—that of the risk of erroneous deprivation. Termination of parental rights is traumatic, permanent, and irrevocable. ... For this reason, any significant risk of erroneous deprivation is unacceptable. ... But though a just and accurate result cannot ever be absolutely guaranteed, we cannot think of a more serious risk of erroneous deprivation of parental rights than when the evidence, though minimally existing, fails to clearly and convincingly establish in favor of jury findings that parental rights should be terminated.

Summary

The passage from "In re M.S." highlights the importance of effective legal representation in parental-rights termination cases, which is a fundamental right. It underscores the necessity of a just and accurate decision-making process, given the traumatic and irrevocable nature of terminating parental rights. The passage suggests that any significant risk of erroneous deprivation is unacceptable, which implies that courts must provide clear explanations for their decisions to ensure fairness and maintain public trust. This aligns with the argument that failure to provide such explanations undermines the rule of law and public trust.

[In re Interest of K.M.L., 443 S.W.3d 101 \(Tex. 2014\)](#)

Texas Supreme Court

Extract

Melissa challenges the legal sufficiency of the evidence to support termination under subsection (K)—voluntary relinquishment of parental rights. Because the natural right between a parent and his child is one of constitutional dimensions, Holick v. Smith, 685 S.W.2d 18, 20 (Tex. 1985), termination proceedings must be strictly scrutinized. In re G.M., 596 S.W.2d 846, 846 (Tex. 1980). In parental termination cases, due process requires application of the clear and convincing standard of proof. Santosky, 455 U.S. at 769, 102 S.Ct. 1388; In re J.F.C., 96 S.W.3d 256, 263 (Tex. 2002).

Summary

The passage highlights the constitutional importance of parental rights and the necessity for strict scrutiny in termination proceedings. It underscores the requirement for clear and convincing evidence, reflecting the need for courts to provide thorough explanations for their decisions in such fundamental rights cases. This aligns with the principle that failure to adequately explain decisions can undermine the rule of law and public trust.

[Tex. Fam. Code § 161.304 Tex. Fam. Code § 161.304 Orders](#)

Extract

If, following a hearing under this subchapter, the court denies a petition for reinstatement of parental rights, the court shall render a written order that includes: the court's findings and detailing reasons for denial of the petition; and a statement prohibiting the filing of a subsequent petition in regard to the former parent's parental rights before the first anniversary of the date of the order of denial was issued.

Summary

The Texas Family Code explicitly requires courts to provide written orders that include the court's findings and detailed reasons for denial when a petition for reinstatement of parental rights is denied. This requirement underscores the importance of transparency and accountability in judicial decisions, particularly in cases involving fundamental rights such as parental rights. The provision ensures that the parties involved understand the basis for the court's decision, which is crucial for maintaining the rule of law and public trust.

[40 Tex. Admin. Code § 730.1716 40 Tex. Admin. Code § 730.1716 Decisions](#)

Extract

(a) The final decision is based solely upon the record of the individual case, is in writing, and includes the findings of fact and conclusions of law in separate statements. (b) Findings of fact, if set forth in statutory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the

findings. (c) Findings of fact must be based exclusively on the evidence and on matters officially noticed. If a party submits a proposed finding of fact, the decision must include a ruling on each proposed finding.

Summary

Final decisions in administrative cases must be in writing and include findings of fact and conclusions of law. These findings must be based on the evidence and must be accompanied by explicit statements of the underlying facts. This requirement ensures transparency and accountability in the decision-making process, which is crucial in cases involving fundamental rights such as parental rights. The passage supports the argument that providing explanations for decisions is necessary to uphold the rule of law and maintain public trust.

[Tex. Fam. Code § 161.001 Tex. Fam. Code § 161.001 Involuntary Termination of Parent-Child Relationship](#)

Extract

In a suit for termination of the parent-child relationship filed by the Department of Family and Protective Services, the court may not order termination of the parent-child relationship under Subsection (b) unless the court finds by clear and convincing evidence and describes in writing with specificity in a separate section of the order that: the department made reasonable efforts to return the child to the parent before commencement of a trial on the merits and despite those reasonable efforts, a continuing danger remains in the home that prevents the return of the child to the parent; or reasonable efforts to return the child to the parent, including the requirement for the department to provide a family service plan to the parent, have been waived under Section FAMILY CODE 262.2015.

Summary

The Texas Family Code requires courts to provide written explanations with specificity when ordering the termination of parental rights. This requirement ensures that the court's decision is transparent and based on clear and convincing evidence, which is crucial in cases involving fundamental rights such as parental rights. The passage highlights the necessity for courts to document their findings and the efforts made by the Department of Family and Protective Services, thereby supporting the argument that courts must provide explanations for their decisions to uphold the rule of law and maintain public trust.

Raise or lose: appellate discretion and principled decision-making.

Suffolk Journal of Trial & Appellate Advocacy - Suffolk University Law School - Weigand, Tory A. - 2012-06-01

Extract

*Texas, for instance, expressly combines fundamental error with the public interest factor stating that in 'determining whether fundamental-error review should apply to a matter of public interest: (1) the error complained of must implicate a significant public interest or policy of the state, articulated by statutes, constitution, or case law; and (2) the nature of the error must be such that it impacts a truly general public interest, and not solely that of private litigants.' ... Texas (*In re J.F.C.*, 96 S.W.3d 256, 293 (Tex. 2002) (listing two guiding principles for determination of fundamental-error review). The Court listed the two guiding principles for determining whether fundamental-error review should apply to a matter of public interest: that '(1) the error complained of must implicate a significant public interest or policy of the state, articulated by our statutes, constitution, or case law; and (2) the nature of the error must be such that it impacts a truly general public interest, and not solely that of private litigants.'*

Summary

The passage highlights that Texas law incorporates a public interest component when considering fundamental error review. This is particularly relevant in cases where the error impacts a significant public interest or policy of the state, as articulated by statutes, constitution, or case law. The case "In re J.F.C." is cited as an example where the Texas court outlined guiding principles for fundamental-error review, emphasizing the need for the error to affect a general public interest. This supports the argument that courts must provide explanations for their decisions, especially in cases involving fundamental rights, as it underscores the importance of addressing errors that have broader implications beyond the immediate parties involved.

This memo was compiled by Vincent AI based on vLex materials available as of May 02, 2025. [View full answer on vLex](#)