



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-16-00288-CV**

IN THE INTEREST OF R.S.,  
A CHILD

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FROM THE 233RD DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 233-587794-15

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**MEMORANDUM OPINION<sup>1</sup>**

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Pro se Appellant A.S. (Mother) appeals the trial court's order granting sole managing conservatorship of her son R.S. to his father's parents (Grandparents) and awarding her supervised possession and access. We affirm the trial court's judgment.

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<sup>1</sup>See Tex. R. App. P. 47.4.

## **I. Procedural and Factual Background**

### **A. Mother Was Arrested for Child Endangerment and Possession of Methamphetamine Before R.S. Was Two Months Old.**

R.S. was born in October 2014. In late November 2014, Mother was arrested in a traffic stop for methamphetamine possession and child endangerment. Mother entrusted R.S. to the adult male passenger in the car with R.S. and her at the time of the stop, and the man took R.S. to a drug house.

### **B. At Trial, Mother Was Still Serving a Sentence for Child Endangerment of R.S. and Had Not Yet Begun Substance Abuse Felony Treatment for Possessing Methamphetamine.**

Based on her conduct leading to her arrest, Mother was convicted of child endangerment and sentenced to sixteen months' confinement in state jail. She anticipated going to a substance abuse felony punishment facility for six months on the drug possession charge after completing her sentence for child endangerment. At the time of trial in this suit affecting the parent-child relationship (SAPCR), Mother remained confined in state jail. In mailing her general denial to the district clerk, however, she also included certificates of several courses she had completed in jail, including a parenting course.

### **C. Father Had a Criminal History and Drug Issues.**

C.S., R.S.'s father (Father), had a history of drug abuse. He had several prior criminal convictions and was on parole and living in a halfway house when R.S. was born.

**D. Because of Father's Instability and Drug Use, R.S. Lived with Grandparents Since February 2015.**

CPS placed R.S. with Father after Mother's arrest. In February 2015, Father and R.S. moved in with Grandparents. Soon thereafter, Father started having problems, moved out, and entered a six-month drug rehabilitation program; R.S. remained with Grandparents. In October 2015, Father moved back in with Grandparents.

By Christmas, Grandparents noticed that Father was again exhibiting signs of drug abuse.

**E. In February 2016, the Police Removed Father from Grandparents' Home.**

The police removed Father from Grandparents' home in February 2016. Afterward, Grandparents found syringes and drug paraphernalia in their home.

**F. Grandparents Intervened in Divorce Case in March 2016 after Father Said He Wanted Possession of R.S.**

In March 2016, Father called Grandparents to say that he wanted to take R.S. to live with him. In response, Grandparents contacted CPS and intervened in the pending divorce action Father had previously filed against Mother. Grandparents filed an original petition in intervention in the SAPCR, seeking to be appointed sole managing conservators (SMCs) of R.S. Father's mother (Grandmother) averred in an affidavit attached to Grandparents' petition that he had recently arrived at their home wanting his possessions, that he "looked horrible, disheveled, smelling of smoke and very obviously on something," and

that “[h]is skin was covered in open sores . . . and it looked like there were staph infection issues.”

**G. The Trial Court Appointed Grandparents SMCs, Allowing Them to Determine Father’s and Mother’s Visitation and Access to R.S.**

Mother and Father failed to appear at trial. The trial court therefore dismissed the divorce portion of the case for want of prosecution. After Grandparents proved up their petition, the trial court signed an order appointing them SMCs and appointing Mother and Father possessory conservators (PCs). The trial court also ordered that Mother and Father would “have reasonable visitation and access to [R.S.], as agreed upon, arranged, and supervised by [Grandparents] or their designee.”

**II. Mother’s Issues**

Mother contends that while she did not oppose Grandparents being named temporary SMCs for the duration of her confinement:

- the trial court abused its discretion by naming Grandparents SMCs and naming Father and her PCs in the final judgment;
- the possession and access order is vague, unenforceable, and not in R.S.’s best interest;
- the trial court abused its discretion by not awarding her standard visitation, by requiring that visitation be supervised, and by not naming a supervising facility as an alternative to Grandparents’ supervising the visitation;
- Grandparents have not let her see her son; and
- she has completed a six-month drug and behavior rehabilitation program, two parenting classes, a cognitive thinking class, and

PEER awareness; has earned her GED and her electrical vocational license; and anticipated successful discharge from the halfway house at the time of filing her brief on appeal.

### III. Discussion

The argument section of Mother's brief is less than three pages, and Mother has not supported her arguments with record citations or citations to any legal authorities. The court is mindful that briefs should be liberally construed. See, e.g., *Perry v. Cohen*, 272 S.W.3d 585, 587 (Tex. 2008). But in the complete absence of record references or citations to authority, we overrule Mother's issues as inadequately briefed. See Tex. R. App. P. 38.1(f), (i); *Weaver v. Sw. Nat'l Bank*, 813 S.W.2d 481, 482 (Tex. 1991); *Tello v. Bank One, N.A.*, 218 S.W.3d 109, 116 (Tex. App.—Houston [14th Dist.] 2007, no pet.); *Hall v. Stephenson*, 919 S.W.2d 454, 466–67 (Tex. App.—Fort Worth 1996, writ denied); see also *Fredonia State Bank v. Gen. Am. Life Ins. Co.*, 881 S.W.2d 279, 284–85 (Tex. 1994) (discussing the “long-standing rule” that point may be waived due to inadequate briefing); *Kramer v. Hollmann*, No. 02-11-00136-CV, 2012 WL 5869423, at \*9 (Tex. App.—Fort Worth Nov. 21, 2012, pet. denied) (mem. op.) (overruling issue for inadequate briefing when it was not supported by argument, record citations, or citations to authority).

In the interest of justice, we point out:

- Mother has no standing to raise issues on Father's behalf, see *Buckholts ISD v. Glaser*, 632 S.W.2d 146, 149–50 (Tex. 1982); *In re D.C.*, 128 S.W.3d 707, 713 (Tex. App.—Fort Worth 2004, no pet.);

- Absent exceptions not applicable here, we cannot consider evidence that does not appear in the appellate record, *Carlisle v. Philip Morris, Inc.*, 805 S.W.2d 498, 501 (Tex. App.—Austin 1991, writ denied); and
- Considering the evidence before the trial court, the trial court did not abuse its discretion by naming Grandparents SMCs, naming Mother a PC, or allowing her supervised visitation and access only with Grandparents’ agreement. See, e.g., *Lair v. Lair*, No. 02-12-00249-CV, 2014 WL 2922245, at \*6 (Tex. App.—Fort Worth June 26, 2014, no pet.) (mem. op.) (upholding nonstandard access order for confined parent); *In re X.V.*, No. 2-09-227-CV, 2010 WL 3193168, at \*12 (Tex. App.—Fort Worth Aug. 12, 2010, no pet.) (mem. op.) (upholding trial court’s judgment appointing aunt as sole managing conservator and parent as possessory conservator).<sup>2</sup>

#### IV. Conclusion

Having overruled Mother’s issues, we affirm the trial court’s judgment.

/s/ Mark T. Pittman  
MARK T. PITTMAN  
JUSTICE

PANEL: LIVINGSTON, C.J.; GABRIEL and PITTMAN, JJ.

DELIVERED: August 31, 2017

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<sup>2</sup>As Grandparents’ brief points out, “Mother always has the right to seek relief from the Trial Court. The Trial Court has broad discretion in finding what is in the best interest of the child and has the authority to modify the possession and access order if necessary.” See *generally* Tex. Fam. Code Ann. §§ 156.001–.409 (West 2014 & Supp. 2016) (allowing trial court to modify orders providing for conservatorship, support, or possession of child or access to child).