



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN THE INTEREST OF
I.M., L.C.M., AND K.I.S.,
MINOR CHILDREN.

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No. 08-21-00107-CV
Appeal from the
65th District Court
of El Paso County, Texas
(TC# 2020DCM2352)

MEMORANDUM OPINION

Appellant J.C.M., Jr. has filed a motion requesting an agreed order of remand, stating that counsel for Appellant, Appellee, and the attorney ad litem have reached an agreement as to disposition of this appeal. Specifically, the parties have asked this Court to reverse the trial court's judgment and remand for a new trial on the merits to effectuate the parties' agreement. The motion indicates that it is unopposed, an attached agreed order contains the signatures of all parties, and counsel for the Texas Department of Family and Protective Services has, by letter, confirmed to this Court that the Department consents to this course of action.

TEX.R.APP.P. 42.1(a)(2)(A) allows this Court to render a judgment effectuating the parties' signed agreement filed with the Clerk of the Court. TEX.R.APP.P. 43.2(d), dealing with the types of appellate judgments this Court may issue, allows us to issue a judgment reversing the trial

court's judgment and remand the case for further proceedings. *See also* TEX.R.APP.P. 43.3 (outlining where remand for further proceedings or a new trial is appropriate).

Therefore, to effectuate the parties' agreement in this parental rights termination case, we reverse the judgment of the trial court and remand the case for a new trial on the merits. *See* TEX.R.APP.P. 42.1(a)(2)(A); *cf. In re X.E.V.*, No. 08-20-00160-CV, 2020 WL 6867068 (Tex.App.—El Paso Nov. 23, 2020, no pet.)(mem. op.)(reversing and remanding for new trial based on Department's representation that it agreed with the appellant that remand for further proceedings was necessary).

September 10, 2021

YVONNE T. RODRIGUEZ, Chief Justice

Before Rodriguez, C.J., Palafox, J., and Marion, C.J. (Ret.)
Marion, C.J. (Ret.)(Sitting by Assignment)