

Reversed in Part, Remanded, and Memorandum Opinion filed March 14, 2017.



In The

Fourteenth Court of Appeals

NO. 14-16-01011-CV

IN THE INTEREST OF B.H., B.H., B.H., B.D.M.H., CHILDREN

**On Appeal from the 314th District Court
Harris County, Texas
Trial Court Cause No. 2013-06150J**

M E M O R A N D U M O P I N I O N

This is an appeal from a final decree signed December 1, 2016, terminating the parental rights of K.F.C. (“Mother”), B.H. (“Father”), and any unknown father with respect to B.H., B.H., B.H., and B.D.M.H. (“the Children”) and appointing appellee the Department of Family and Protective Services (“the Department”) to be the children’s managing conservator. Only Mother has appealed.

The court reporter notified this court that she is unable to produce the reporter’s record because the electronic file has been corrupted. An appellant is entitled to a new trial when she timely requests the reporter’s record, and, by no

fault of the appellant, the reporter's record has been lost or destroyed, is necessary for the appeal, and cannot be reconstructed. *See* Tex. R. App. P. 34.6(f); *In re K.B.A.*, 145 S.W.3d 685, 689 (Tex. App.—Fort Worth 2004, no pet.) (reversing judgment terminating appellant's parental rights and granting appellant a new trial because the reporter's record was lost or destroyed); *In re W.B.*, No. 10-14-00353-CV, 2015 WL 1778964, *1 (Tex. App.—Waco Apr. 16, 2015, no pet.) (same).

On January 10, 2017, we abated this appeal for the trial court to make findings under Rule 34.6(f). Supplemental clerk's and reporter's records regarding those findings have been filed. The trial court found that, "after considering evidence that a significant portion of the reporter's record has been lost or destroyed and that such lost or destroyed portion is necessary to [Mother's] appeal," good cause exists to grant Mother a new trial, but only as to only those claims brought by the Department against Mother.

In light of the trial court's findings, we **REVERSE** only that portion of the December 1, 2016 final decree terminating Mother's parental rights to the Children and **REMAND** this case to the trial court for a new trial to be held as to only those claims brought by the Department against Mother.

We leave the remaining portions of the trial court's decree undisturbed.

PER CURIAM

Panel consists of Justices Christopher, Busby, and Jewell.