

Affirmed in Part, Reversed in Part, and Rendered, and Majority, Concurring, and Dissenting Opinions filed September 20, 2022.



In The

Fourteenth Court of Appeals

NO. 14-22-00217-CV

IN THE INTEREST OF R.R.A., H.G.A., H.B.A., CHILDREN

**On Appeal from the 308th District Court
Harris County, Texas
Trial Court Cause No. 2019-63090**

CONCURRING OPINION

This is a case in which the Department of Family and Protective Services did not meet its burden of proof.

As our court has previously explained, for evidence to be legally sufficient to establish endangerment, there must be proof of “a causal link between [the parent’s] drug use and the alleged endangerment.” *In re L.C.L.*, 599 S.W.3d 79, 85 (Tex. App.—Houston [14th Dist.] 2020, pet. denied) (en banc). Here, the evidence admitted at trial shows no such causal link for any of the three predicate grounds of endangerment alleged by the Department and found by the trial court. While there

is evidence outside the record which might prove such a link, and on which the dissent relies, such evidence was not properly admitted below and is not part of the record evidence before this court.

The court is not suggesting that only a direct admission of endangerment is legally sufficient to establish a causal link. The court neither speculates as to what types of evidence would be legally sufficient, nor would such speculation be proper. The court is merely saying there is no evidence of a causal link in this case.

I respectfully concur.

/s/ Charles A. Spain
Justice

Panel consists of Justices Zimmerer, Spain, and Poissant (Poissant, J., majority; Zimmerer, J., dissenting).