



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00270-CV

IN THE INTEREST OF A.A.T. and W.O.T., Children

From the 224th Judicial District Court, Bexar County, Texas
Trial Court No. 2020-PA-00496
Honorable John D. Gabriel, Judge Presiding

Opinion by: Liza A. Rodriguez, Justice

Sitting: Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: December 29, 2021

AFFIRMED

Father D.T. appeals the trial court's order terminating his parental rights to A.A.T. and W.O.T.¹ We affirm.

BACKGROUND

On March 4, 2020, the Department filed a petition for protection of a child, for conservatorship, and for termination of parental rights to four children. The Department initially became involved due to one of the children's outcry of physical abuse by D.T. An amended petition was subsequently filed to add a newborn child, W.O.T., to the case. A bench trial was held on June 4, 2021. At the conclusion of the evidence, the trial court stated on the record that the evidence supported termination of D.T.'s parental rights for constructive abandonment and

¹ The appeal does not involve the other children, E.C.B., S.S.B., and R.A.B., who have a different father.

failure to complete his court-ordered family service plan. *See* TEX. FAM. CODE ANN. § 161.001(b)(1)(N), (O). The trial court further found that termination of D.T.’s parental rights was in the children’s best interests. *Id.* § 161.001(b)(2). The children’s mother was appointed permanent managing conservator and the Department was dismissed from the case. D.T. appeals.

DISCUSSION

In his sole issue, D.T. asserts the evidence is legally and factually insufficient to support the trial court’s finding in the written order of termination that he failed to legitimate his paternity to the children. *See id.* § 161.002(b)(1).² D.T. contends that he made judicial admissions that he was the father of both A.A.T. and W.O.T. The challenged finding under section 161.002(b)(1) is an alternative finding in support of termination in addition to the independent predicate grounds and best interest finding under section 161.001(b). *Id.* § 161.001(b)(1)(N), (O), (b)(2). “An appellant must challenge all independent bases or grounds that fully support a judgment or appealable order.” *In re S.J.R.-Z.*, 537 S.W.3d 677, 682 (Tex. App.—San Antonio 2017, pet. denied). The requirement that an appellant must challenge each independent ground that supports a judgment is based on the premise that an appellate court generally cannot alter an erroneous judgment in favor of an appellant in a civil case if that error is not challenged on appeal. *Id.* (citing *Britton v. Tex. Dep’t of Criminal Justice*, 95 S.W.3d 676, 681-82 (Tex. App.—Houston [1st Dist.] 2002, no pet.)). When a parent fails to challenge on appeal an independent ground for termination of parental rights, the appellate court accepts the validity of the unchallenged grounds and affirms on that basis without examining the sufficiency of the evidence to support the challenged ground. *In re S.J.R.-Z.*, 537 S.W.3d at 682-83; *In re A.B.R.*, No. 04-19-00631-CV, 2020 WL 1159043, at

² Section 161.002(b)(1) provides that “[t]he rights of an alleged father may be terminated if: (1) after being served with citation, he does not respond by timely filing an admission of paternity or a counterclaim for paternity under Chapter 160.” TEX. FAM. CODE ANN. § 161.002(b)(1).

*2 (Tex. App.—San Antonio Mar. 11, 2020, pet. denied) (mem. op.); *In re N.L.D.*, 412 S.W.3d 810, 818 (Tex. App.—Texarkana 2013, no pet.). Because D.T. does not challenge the independent grounds for termination of his parental rights under section 161.001(b), we must accept the unchallenged findings as true and affirm the trial court’s termination order. *In re S.J.R.-Z.*, 537 S.W.3d at 682-83; *In re A.B.R.*, 2020 WL 1159043, at *2.

CONCLUSION

Based on the foregoing reasons, we affirm the trial court’s order terminating D.T.’s parental rights to A.A.T. and W.O.T.

Liza A. Rodriguez, Justice