



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00286-CV

IN THE INTEREST OF B.N.D., J.D.D., B.F.C., J.C., and E.J.C., Children

From the County Court at Law, Val Verde County, Texas
Trial Court No. 3761CCL
Honorable Sergio J. Gonzalez, 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

Mother appeals the trial court's order terminating her parental rights to her five children B.N.D., J.D.D., B.F.C., J.C., and E.L.C.¹ We affirm the trial court's judgment.

BACKGROUND

The children who are the subject of this case range in age between three and eleven years old. The Department removed the children from Mother's custody in December 2018 based on concerns for stability of the home and Mother's ability to provide a safe environment for the children. All five children were placed with their paternal grandmother. The case was extended multiple times due to periods of Mother's incarceration. Trial commenced on May 6, 2021. The

¹ To protect the identity of the minor children, we refer to the parties by fictitious names, initials, or aliases. See TEX. FAM. CODE ANN. § 109.002(d); TEX. R. APP. P. 9.8(b)(2).

trial court heard testimony from the Department’s investigator and caseworker. After considering all the evidence, the trial court found the following predicate grounds under section 161.001(b)(1) support termination of Mother’s parental rights: endangerment under subsections (D) and (E); constructive abandonment under subsection (N); and failure to complete her family service plan under subsection (O). *See* TEX. FAM. CODE ANN. § 161.001(b)(1)(D),(E),(N),(O). The trial court also found that termination of Mother’s parental rights is in the best interests of all the children. *Id.* § 161.001(b)(2). The Department was appointed permanent managing conservator of four of the children, J.D.D., B.F.C., J.C., and E.L.C.² The trial court appointed B.N.D.’s father W.T. as her sole managing conservator. On appeal, Mother asserts the evidence is legally and factually insufficient to support the trial court’s findings of predicate grounds and best interest.

STANDARD OF REVIEW

To terminate parental rights pursuant to section 161.001 of the Texas Family Code, the Department has the burden to prove by clear and convincing evidence that parental rights should be terminated pursuant to one of the predicate grounds in subsection 161.001(b)(1) and that termination of parental rights is in the best interest of the child. TEX. FAM. CODE ANN. § 161.001(b)(1), (2). In reviewing the legal sufficiency of the evidence to support these findings by the trial court, we look “at all the evidence in the light most favorable to the finding to determine whether a reasonable trier of fact could have formed a firm belief or conviction that its finding was true.” *In re J.O.A.*, 283 S.W.3d 336, 344 (Tex. 2009) (quoting *In re J.F.C.*, 96 S.W.3d 256, 266 (Tex. 2002)). In reviewing the factual sufficiency of the evidence, we consider the disputed or conflicting evidence. *Id.* at 345. “If, in light of the entire record, the disputed evidence that a reasonable factfinder could not have credited in favor of the finding is so significant that a

² The father of J.D.D., B.F.C., J.C., and E.L.C. relinquished his parental rights and was terminated under section 161.001(b)(1)(K).

factfinder could not reasonably have formed a firm belief or conviction, then the evidence is factually insufficient.” *Id.* (quoting *In re J.F.C.*, 96 S.W.3d at 266). Under these standards, the trial court is the sole judge of the weight and credibility of the evidence. *Id.*

PREDICATE GROUNDS

Mother challenges all four of the predicate grounds found by the trial court: endangerment under subsections (D) and (E); constructive abandonment under subsection (N); and failure to complete her family service plan under subsection (O). *See* TEX. FAM. CODE ANN. § 161.001(b)(1)(D),(E),(N),(O). Only one predicate ground is necessary to support termination of parental rights under section 161.001(b)(1) when there is also a best interest finding. *In re A.V.*, 113 S.W.3d 355, 362 (Tex. 2003). Therefore, if an appellate court finds the evidence sufficient to support one predicate ground, it need not address an appellant’s challenges to the remaining predicate grounds. *Id.* Because of the potential future consequences of an endangerment finding for parental rights to another child, we begin by addressing the sufficiency of the evidence to support the trial court’s findings under subsections (D) and (E). *See In re N.G.*, 577 S.W.3d 230, 235 (Tex. 2019) (an endangerment finding under §161.001(b)(D) or (E) may be used in a future termination proceeding involving a different child; therefore, if challenged on appeal, (D) and (E) findings must be reviewed regardless of whether sufficient evidence exists to support another predicate ground).

Endangerment: Subsection (D) and (E) Grounds

Mother argues on appeal that the evidence is legally and factually insufficient to support the trial court’s endangerment findings under subsections (D) and (E).

Subsection (D) permits termination of parental rights if, along with a best-interest finding, the factfinder finds by clear and convincing evidence that the parent “knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical

or emotional well-being of the child.” TEX. FAM. CODE ANN. § 161.001(b)(1)(D). Under subsection (D), the trial court examines “evidence related to the environment of the children to determine if the environment was the source of endangerment to the children’s physical or emotional well-being.” *In re J.T.G.*, 121 S.W.3d 117, 125 (Tex. App.—Fort Worth 2003, no pet.). “A child is endangered when the environment creates a potential for danger that the parent is aware of but consciously disregards.” *In re C.J.G.*, No. 04-19-00237-CV, 2019 WL 5580253, at *2 (Tex. App.—San Antonio Oct. 30, 2019, no pet.) (mem. op.) (quoting *In re S.R.*, 452 S.W.3d 351, 360 (Tex. App.—Houston [14th Dist.] 2014, pet. denied)). “[A] parent need not know for certain that the child is in an endangering environment; awareness of such a potential is sufficient.” *Id.* (quoting *In re R.S.-T.*, 522 S.W.3d 92, 109 (Tex. App.—San Antonio 2017, no pet.)).

Subsection (E) permits termination of parental rights if the trial court finds by clear and convincing evidence that the parent “engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child.” TEX. FAM. CODE ANN. § 161.001(b)(1)(E). Under subsection (E), the trial court must determine “whether there is evidence that a parent’s acts, omissions, or failures to act endangered the child’s physical or emotional well-being.” *In re C.J.G.*, 2019 WL 5580253, at *2.

Under both subsections, “endanger” means “to expose a child to loss or injury, or to jeopardize a child’s emotional or mental health.” *Id.* at *3 (citing *In re M.C.*, 917 S.W.2d 268, 269 (Tex. 1996)). “However, there are some distinctions in the application of subsections (D) and (E).” *Id.* (citation omitted). Termination under subsection (D) may be based upon a single act or omission. *Id.* (citing *In re R.S.-T.*, 522 S.W.3d at 109). In contrast, termination under subsection (E) “may not rest on a single act or omission; it must be ‘a voluntary, deliberate, and conscious course of conduct.’” *Id.* (quoting *Jordan v. Dossey*, 325 S.W.3d 700, 723 (Tex. App.—Houston [1st Dist.] 2010, pet. denied)). Additionally, “[i]n evaluating endangerment under subsection D,

we consider the child’s environment *before* the Department obtained custody of the child.” *Id.* (quoting *In re S.R.*, 452 S.W.3d 351, 360 (Tex. App.—Houston [14th Dist.] 2014, pet. denied)) (emphasis added). “Under subsection E, however, courts may consider conduct both before and after the Department removed the child from the home.” *Id.* (quoting *In re S.R.*, 452 S.W.3d at 360) (emphasis added).

An endangerment finding often involves physical endangerment, but the statute does not require that the parent’s conduct “be directed at the child or that the child suffer actual injury.” *In re K.J.G.*, No. 04-19-00102-CV, 2019 WL 3937278, at *5 (Tex. App.—San Antonio Aug. 21, 2019, pet. denied) (mem. op.). “Rather, the specific danger to the child’s well-being may be inferred from the parent’s misconduct alone.” *Id.* (citation omitted). “Conduct that subjects a child to a life of uncertainty and instability endangers the physical and emotional well-being of a child.” *Id.* “Thus, evidence of illegal drug use by a parent and its effect on a parent’s life and her ability to parent may establish an endangering course of conduct under subsection (E).” *Id.*; see *In re J.O.A.*, 283 S.W.3d at 346; *In re K-A.B.M.*, 551 S.W.3d 275, 287 (Tex. App.—El Paso 2018, no pet.) (“A parent’s use of drugs and its effect on his or her ability to parent may qualify as an endangering course of conduct.”); *Walker v. Tex. Dep’t of Fam. & Protective Servs.*, 312 S.W.3d 608, 617 (Tex. App.—Houston [1st Dist.] 2009, pet. denied) (“Because it exposes the child to the possibility that the parent may be impaired or imprisoned, illegal drug use may support termination under section 161.001(1)(E).”).

We must therefore determine whether there is clear and convincing evidence from which the trial court could have found that Mother knowingly placed or allowed the children to remain in conditions or surroundings that endangered the children’s physical or emotional well-being under (D), and that Mother engaged in a voluntary, deliberate, and conscious course of conduct,

whether through acts or omissions, that endangered the children's physical or emotional well-being under (E). *See* TEX. FAM. CODE ANN. § 161.001(b)(1)(D), (E).

Evidence of Endangering Environment Under (D)

With respect to the endangerment finding under (D), the Department's investigator Lisa Jensen testified about the conditions of the children's environment that created a potential for danger leading to the children's removal. Jensen stated the Department became involved in the case in early December 2018 when it received a referral expressing concerns for the stability of the home and Mother's ability to provide a safe environment for the children. At the time of removal, the children ranged in age from one to eight years old. Jensen made contact with Mother who was staying at a Motel 6 in Del Rio with the five children. Mother told Jensen she was "running out of money" and her boyfriend was incarcerated. Mother indicated she planned to go stay with a relative if she could get a bus ticket or go to a local church for help. When Jensen attempted to make a second contact on December 10, 2018, Mother and the children were gone. Jensen attempted to locate Mother and the children but was unsuccessful.

On December 22, 2018, the Department received a second referral for the children being left "alone and unattended for a long period of time" at a different motel. Law enforcement officers were dispatched. Based on her review of the officers' reports, Jensen testified that the officers arrived at the motel and found the children alone. They waited for Mother to return. When the officers attempted to arrest Mother for child abandonment and endangerment, she "grabbed one of the children and held the child over the awning where the second floor is." Jensen testified that Mother "picked up E.L.C. and refused to hand him over [and] further endangered the child by clutching him tightly and yelling, 'No, no, I'm not going to' as she turned away from the officer, and in doing so, ... held the child in such a precarious position that he appeared to be in danger of falling over the railing of the second floor balcony." Fearing for the child's safety, one of the

officers grabbed E.L.C. away from Mother and took him to safety. Jensen recalled speaking to the officers and they described the incident to her as Mother “placed the child deliberately over the rail.” Mother was subsequently arrested for criminal child endangerment and the Department took custody of the children.

Jensen testified the children were removed because they “were not in a safe environment with [Mother].” Jensen’s main concerns were Mother’s drug use and her inability to provide stable housing and appropriate care for the children, along with the fact that the father was incarcerated. Jensen was also aware that Mother has a ten-year history with the Department and had recently worked the Department’s Family Based Safety Services program.

Mother’s abandonment of the children at the motel for “a long period” and her dangerous action of holding E.L.C. over the balcony railing to delay or avoid her arrest created conditions that endangered all of the children’s physical and emotional well-being. *See In re J.T.G.*, 121 S.W.3d at 125 (a parent’s conduct in the home can create an environment that endangers the child’s physical and emotional well-being). Although E.L.C. and the other children did not suffer actual physical injury, endangerment includes exposing a child to potential physical or emotional or mental injury. *In re M.C.*, 917 S.W.2d at 269. In addition, Mother’s lack of stable housing and a consistent home environment exposed the children to a life of uncertainty and instability that endangers the children’s physical and emotional well-being. *In re K.J.G.*, 2019 WL 3937278, at *5. Finally, Jensen testified that Mother used drugs. A parent’s illegal drug use and drug-related criminal activity supports the conclusion that the children’s surroundings endanger their physical or emotional well-being. *In re J.T.G.*, 121 S.W.3d at 125. We conclude there is legally and factually sufficient evidence to support the trial court’s endangerment finding under (D).

Endangering Course of Conduct Under (E)

In addition to Mother's conduct before removal, as described above, the caseworker assigned to the case, Erica Gutierrez, testified that Mother was repeatedly incarcerated during the two-year pendency of the case. Mother was arrested and jailed in December 2018 after the balcony incident. She was released before the adversary hearing. Mother was subsequently convicted of criminal child endangerment arising out of the balcony incident. That conviction led to revocation of Mother's probation in March 2019. She was incarcerated for one year. Mother was released in April 2020 and placed on parole. However, Mother repeatedly violated her parole which led to multiple arrests for "a few weeks at a time" throughout the next year. Mother was released from parole in February 2021, less than three months before trial. In addition to her criminal history and series of incarcerations, Mother had been involved with the Department since 2008. At the time of trial, Mother had recently given birth to a new child.

Gutierrez also testified that Mother admitted "on a few occasions" that she used methamphetamine during the pendency of the case. In particular, Mother told Gutierrez she used methamphetamine two to three weeks before giving birth to her new baby shortly before trial. There was no testimony concerning Mother's drug test results, although Gutierrez stated she did submit to testing. Mother engaged in an OSAR³ drug assessment in March 2021 after her release from parole which resulted in a recommendation for in-patient drug treatment after she gave birth. However, Mother failed to check in to the drug treatment facility. Gutierrez testified she believed Mother could have been admitted even though she had a baby. A parent's illegal drug use may establish an endangering course of conduct under subsection (E) due to the risk of the parent's imprisonment and the risk to the children's safety and well-being in an environment where drug

³ OSAR is an acronym for an outreach, screening and referral service used by the Department.

use is present. *See In re K.J.G.*, 2019 WL 3937278, at *5; *see also In re K-A.B.M.*, 551 S.W.3d at 287.

Gutierrez also testified that Mother told her she had been diagnosed with bipolar disorder and depression. As part of her service plan, Mother completed a psychological evaluation which resulted in a recommendation that she attend an MHMR assessment for her mental health. Gutierrez testified Mother did not attend the MHMR assessment. There was no testimony concerning whether Mother was receiving any other mental health treatment.

Finally, Mother was unable to establish a permanent address and stable home environment during the two-year pendency of the case. Due to her own course of conduct, Mother was incarcerated for one year plus multiple weeks-long stays in jail for parole violations during that period. Gutierrez testified she had “on and off contact” with Mother during the case and that Mother never had a permanent address. Gutierrez testified that Mother was homeless at the time of trial. As noted above, a parent’s inability to provide stable housing and a consistent home environment exposes a child to a life of uncertainty and instability that endangers the child’s physical and emotional well-being. *In re K.J.G.*, 2019 WL 3937278, at *5.

We conclude the evidence is legally and factually sufficient to support the trial court’s finding under (E) that Mother engaged in a conscious course of conduct that endangered the children’s physical and emotional well-being through her repeated incarcerations, on-going substance abuse, and lack of stable housing. *See In re K.J.G.*, 2019 WL 3937278, at *5 (parent’s endangering conduct need not be directed at the child; the specific danger to the child’s well-being may be inferred from the parent’s conduct); *see also In re T.N.*, 180 S.W.3d 376, 383 (Tex. App.—Amarillo 2005, no pet.) (parent does not have to engage in the endangering conduct in the presence of the child).

Having concluded that legally and factually sufficient evidence exists to support the trial court's findings under subsection (D) and (E), we need not address Mother's appellate issues related to the trial court's findings under subsection (N) and (O). *See In re A.V.*, 113 S.W.3d at 362 (only one statutory ground is necessary to support a judgment terminating parental rights when there is also a finding that termination is in the child's best interest).

BEST INTERESTS OF THE CHILDREN

Mother also asserts the evidence is legally and factually insufficient to support the trial court's finding that termination of her parental rights is in the children's best interests. *See* TEX. FAM. CODE ANN. § 161.001(b)(2). Under Texas law, there is a strong presumption that the best interest of a child is served by keeping the child with a parent. *In re R.R.*, 209 S.W.3d 112, 116 (Tex. 2006). In determining whether the child's parent is willing and able to provide the child with a safe environment, a court should consider the factors set out in section 263.307 of the Family Code. *See* TEX. FAM. CODE ANN. § 263.307(b).⁴ In addition to these statutory factors, in considering the best interest of the child, a court may also consider the nonexclusive list of factors set forth by the Texas Supreme Court in *Holley v. Adams*, 544 S.W.2d 367, 372 (Tex. 1976).⁵ The

⁴ These factors include (1) the child's age and physical and mental vulnerabilities; (2) the frequency and nature of out-of-home placements; (3) the magnitude, frequency, and circumstances of the harm to the child; (4) whether the child has been the victim of repeated harm after the initial report and intervention by the Department; (5) whether the child is fearful of living in or returning to the child's home; (6) the results of psychiatric, psychological, or developmental evaluations of the child, the child's parents, other family members, or others who have access to the child's home; (7) whether there is a history of abusive or assaultive conduct by the child's family or others who have access to the child's home; (8) whether there is a history of substance abuse by the child's family or others who have access to the child's home; (9) whether the perpetrator of the harm to the child is identified; (10) the willingness and ability of the child's family to seek out, accept, and complete counseling services and to cooperate with and facilitate an appropriate agency's close supervision; (11) the willingness and ability of the child's family to effect positive environmental and personal changes within a reasonable period of time; (12) whether the child's family demonstrates adequate parenting skills, including providing the child and other children under the family's care with: (A) minimally adequate health and nutritional care; (B) care, nurturance, and appropriate discipline consistent with the child's physical and psychological development; (C) guidance and supervision consistent with the child's safety; (D) a safe physical home environment; (E) protection from repeated exposure to violence even though the violence may not be directed at the child; and (F) an understanding of the child's needs and capabilities; and (13) whether an adequate social support system consisting of an extended family and friends is available to the child. TEX. FAM. CODE ANN. § 263.307(b).

⁵ These factors include, but are not limited to, the following: (1) the child's desires; (2) the child's present and future emotional and physical needs; (3) any present or future emotional and physical danger to the child; (4) the parental

Holley factors are neither all-encompassing nor does a court need to find evidence of each factor before terminating the parent-child relationship. *See In re C.H.*, 89 S.W.3d 17, 27 (Tex. 2002). In determining whether termination of the parent-child relationship is in the best interest of a child, a court may judge a parent's future conduct by his or her past conduct. *In re E.D.*, 419 S.W.3d 615, 620 (Tex. App.—San Antonio 2013, pet. denied). Finally, evidence establishing one or more of the statutory grounds for termination may also be probative of best interest, although it does not relieve the Department of its burden to prove best interest. *In re C.H.*, 89 S.W.3d at 28.

Evidence of Best Interest Factors

Here, as discussed above under the predicate grounds, there is clear and convincing evidence that Mother created an environment and engaged in a conscious course of conduct that endangered the children's physical and emotional well-being by threatening E.L.C.'s safety in the balcony incident and abandoning the children in a motel room, being repeatedly incarcerated for criminal conduct, using illegal drugs, and failing to provide stable, safe, and consistent housing. These factors weigh in favor of termination of Mother's parental rights being in the children's best interest. *See* TEX. FAM. CODE ANN. § 263.307(b)(7), (8), (11), (12)(D); *see Holly*, 544 S.W.2d at 371-72 (factor (8)).

With respect to whether Mother possesses the parental abilities to meet the children's needs, Gutierrez testified Mother did not make the children a priority, did not maintain significant contact with them during the case, and the children did not seem bonded to her. As noted, at the time they were removed the children ranged in age from one to eight-years-old. According to

abilities of the individuals seeking custody; (5) the programs available to assist these individuals to promote the child's best interest; (6) the plans for the child by these individuals or by the agency seeking custody; (7) the stability of the home or proposed placement; (8) the parent's acts or omissions that may indicate the existing parent-child relationship is improper; and (9) any excuse for the parent's acts or omissions. *In re E.C.R.*, 402 S.W.3d 239, 249 n.9 (Tex. 2013) (citing *Holley*, 544 S.W.2d at 371-72).

Gutierrez, parental visits “did not happen very often,” due in part to Mother’s repeated incarcerations and because she was difficult to locate. Mother’s last visit with the children was in August 2020, more than eight months before trial. Gutierrez testified that Mother has had no positive role in the children’s lives since their removal in December 2018. To Gutierrez’s knowledge, Mother never wrote letters, sent gifts, or financially supported the children during the case. Gutierrez stated she met with the children multiple times and asked them how they feel about Mother. The children did not seem concerned with her and “stayed away from the topic;” they “never really” asked questions about Mother. In Gutierrez’s opinion, the children did not seem bonded to Mother. In addition, the children’s therapist recommended no more visits with Mother because of the children’s good progress and the risk that seeing Mother would “re-traumatize or re-victimize” them. Mother had court-ordered visitation until February 2021. These factors weigh in favor of termination. *See* TEX. FAM. CODE ANN. § 263.307(b)(1), (6), (12)(B), (F); *see Holly*, 544 S.W.2d at 371-72 (factors (2) and (4)).

Mother also failed to complete her family service plan. Gutierrez stated Mother signed and understood her family service plan, which required her to complete parenting classes, a psychological evaluation, individual therapy, random drug tests, an OSAR drug assessment, and MHMR mental health services. Gutierrez testified she made all the initial referrals for services at the beginning of the case and met with Mother and made new referrals after she served the one-year sentence. Mother only completed the parenting classes (while incarcerated on the probation revocation) and the psychological evaluation. Mother did not follow up on the recommendation to obtain mental health services through MHMR. Mother did submit to drug tests but did not check in to the recommended in-patient drug treatment facility.⁶ As noted above, Mother admitted

⁶ At the time of trial, Mother was in a rehabilitation center in Waco, Texas.

using methamphetamine during the case, including at the end of the case while she was pregnant. Gutierrez testified that services were made available to Mother virtually while she was incarcerated and during the Covid pandemic. She was released in April 2020 and thus had one year to complete services before trial in May 2021. However, due to Mother's repeated parole violations, she had weeks-long periods of confinement in the county jail where no services were available. In Gutierrez's opinion, Mother did not take advantage of the services offered during the case to make significant improvements in her parental abilities and to address her illegal drug use. These factors weigh in favor of termination being in the children's best interests. *Id.* § 263.307(b)(8), (10), (11); *Holly*, 544 S.W.2d 371-72 (factor (4), (5)).

With respect to Mother's plan for the children in the future, Gutierrez testified Mother stated she wanted the children's father S.C. to successfully fulfill all the services on his family service plan so he could obtain custody of the children and then they would all move away together. Gutierrez testified the children were briefly placed in S.C.'s custody during the case but were subsequently removed and placed back with their paternal grandmother. S.C. ultimately relinquished his parental rights. Mother's lack of a plan to provide for the children if she were to regain custody weighs in favor of termination. *See Holly*, 544 S.W.2d at 371-72 (factor (6)).

Gutierrez testified that in her opinion Mother cannot meet the children's needs or provide them with a safe and stable home free of drugs. Gutierrez testified the Department had continuing concerns about reunifying the children with Mother based on her continued drug use, housing instability and homelessness, and lack of any financial support. Further, Mother had a ten-year history of involvement with the Department. This history weighs in favor of termination being in the children's best interests. *Id.* § 263.307(b)(4).

Finally, Gutierrez testified all of the children have made good progress while they have been placed with the paternal grandmother for the last two years. B.F.C., J.C., and E.L.C. are

“very bonded” to their grandmother, are “doing really well” in her home, and seem happy. The grandmother wishes to adopt the children if the Mother’s parental rights are terminated and adoption is the Department’s plan. The grandmother believes the children need permanency and stability. The children also expressed that they want to live with their grandmother. B.F.C. and J.C. are making good grades in school and their medical and dental needs are being met, while three-year-old E.L.C. stays home with the grandmother who is potty-training him. The grandmother does a good job of keeping all the siblings in close contact.

The oldest child, J.D.D., had been placed in the grandmother’s home but was recently removed due to behavioral issues. At the time of trial, J.D.D. was living in a group foster home. Gutierrez testified that J.D.D. had started in-person school and she had not received any bad behavior reports from the group home. According to Gutierrez, J.D.D. would be welcomed back into the grandmother’s home if he makes good progress.

As to B.N.D., the Department recommended placement with her father W.T. and appointment of the father as her sole managing conservator. Gutierrez testified that W.T. had been fully engaged in his service plan since learning of the case. B.N.D. is doing “very well” in her father’s care and he is being proactive in obtaining the help that B.N.D. needs to adjust and feel safe in his home. W.T. owns a handyman business that does construction and remodeling of homes. B.N.D. is bonded to her father and he is able to meet her needs and provide her with a safe and drug-free home. B.N.D. expressed that she wants to remain with her father and maintain contact with her siblings. Gutierrez testified that W.T. has been “really good” at working with the other children’s grandmother to keep all the children in contact. These factors weigh in favor of termination of Mother’s parental rights being in all the children’s best interests. *See Holly*, 544 S.W.2d at 371-72 (factors (1), (4), (6), (7)).

We conclude the evidence is legally and factually sufficient to support the trial court's finding that termination of Mother's parental rights is in the best interests of all the children.

CONCLUSION

Based on the foregoing reasons, we affirm the trial court's order terminating Mother's parental rights to the children.

Liza A. Rodriguez, Justice