



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-15-00167-CV

IN THE INTEREST OF M.S., A
CHILD

FROM THE 323RD DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NO. 323-99315J-13

MEMORANDUM OPINION¹ AND JUDGMENT

We have considered the “Parties’ Joint Motion to Dismiss Appeal and to Modify the Judgment to Reflect the Parties’ Agreement, or Remand or Abate Appeal to Effectuate Agreement,” filed by A.J. (the appellant/father), the Department of Family and Protective Services (the appellee), and M.S. (the child

¹See Tex. R. App. P. 47.4.

the subject of the termination proceeding). It is the court's opinion that the motion should be granted in part and denied in part.² Accordingly, without regard to the merits, we vacate the trial court's judgment as to A.J. only and remand the case to the trial court for rendition of a judgment in accordance with the parties' settlement agreement. See Tex. R. App. P. 42.1(a)(2)(B), 43.2(d); *Innovative Office Sys., Inc. v. Johnson*, 911 S.W.2d 387, 388 (Tex. 1995).

Regarding costs, A.J. is indigent, and the Department is exempt. See Tex. Hum. Res. Code Ann. § 40.062 (West 2013). Accordingly, the court will not assess costs. See Tex. R. App. P. 43.4.

PER CURIAM

PANEL: GARDNER, MEIER, and GABRIEL, JJ.

DELIVERED: October 15, 2015

² The parties want their settlement agreement implemented by one of the three means provided under rule 42.1(a)(2) of the Texas Rules of Appellate Procedure. Tex. R. App. P. 42.1(a)(2)(A)–(C). The parties prefer that the court render a judgment effectuating their agreement pursuant to rule 42.1(a)(2)(A). Tex. R. App. P. 42.1(a)(2)(A). To the extent the court is proceeding pursuant to rule 42.1(a)(2)(B), it is denying the parties' requested relief under rules 42.1(a)(2)(A) and (C).