



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-18-00052-CV

IN THE INTEREST OF J.L.C., A CHILD

On Appeal from the 46th District Court
Wilbarger County, Texas
Trial Court No. 27,854, Honorable Dan Mike Bird, Presiding

July 19, 2018

CONCURRING OPINION

Before QUINN, C.J., and PIRTLE and PARKER, JJ.

I join in the opinion of the majority in all respects except the portion holding that a factual sufficiency review is unavailable in a civil termination proceeding where the standard of proof is beyond reasonable doubt or where the Indian Child Welfare Act applies. This is because I question whether the opinion in *Brooks v. State*, 323 S.W.3d 893 (Tex. Crim. App. 2010) applies to an appeal of a civil termination, as opposed to a criminal conviction. See *S.P. v. Tex. Dept. Family & Protective Servs.*, No. 03-17-00698-CV, 2018 Tex. App. LEXIS 1788, at *5 n.5 (Tex. App.—Austin Mar. 9, 2018, no pet.) (mem. op.) (stating that it is unclear whether the factual sufficiency standard applies). I would hold, though, that the evidence of record remains more than sufficient to withstand

attack even if the factual sufficiency review were to apply. So, the issue need not be decided here.

Brian Quinn
Chief Justice