

# Year 2003 Case Summaries

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## ***Reason for TYC commitment that it will meet child's educational needs is a proposition of law, not fact [In re C.Q.] (04-1-16)***

On January 15, 2003, the Fort Worth Court of Appeals held that the juvenile court's statement of reason for a TYC commitment that it would meet the child's educational needs is a proposition of law, not fact. As such there is not requirement that it be supported by evidence.

04-1-16. In the Matter of C.Q., UNPUBLISHED, No. 2-03-121-CV, 2004 WL 64938, 2004 Tex.App.Lexis \_\_\_\_ (Tex.App.-Fort Worth 1/15/04) Texas Juvenile Law (5th Ed. 2000).

Facts: In one point, Appellant argues that the trial court abused its discretion by committing him to the Texas Youth Commission ("T.Y.C.") because the trial court's finding that Appellant's educational needs would be met by T.Y.C. was not supported by any evidence. We will not reverse the trial court's decision unless the court abused its discretion. [FN2] An abuse of discretion does not occur as long as some evidence of substantive and probative character exists to support the trial court's decision.

FN2. In re C.J.H., 79 S.W.3d 698, 702 (Tex.App. Fort Worth 2002, no pet.).

Held: Affirmed.

Opinion Text: Appellant challenges one of the trial court's four listed reasons for committing him to T.Y.C. The challenged reason is, "The Court finds that the educational needs of the child can be met by [T.Y.C.]." It is true that no evidence was admitted to support this reason. The reason, however, is an accurate statement of law. [FN4] As a statement of law, it needs no evidence for support. Appellant does not challenge any other reason. Additionally, he does not challenge any mandatory findings. [FN5] Consequently, we hold that the trial court did not abuse its discretion in committing Appellant to T.Y.C. We overrule his sole point and affirm the trial court's commitment order.

FN4. See 37 TEX. ADMIN. CODE §§ 85.3(h), 87.3(g), 91.1, 91.41, 91.43, 91.45 (2003) (all describing the obligations of T.Y.C. to provide for the education of the children in its custody).

FN5. See Tex. Fam.Code Ann. § 54.04(c), (i) (Vernon Supp.2004).

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