

Disposition reversed and remanded where there was no evidence in the record supporting a finding that juvenile should be committed to TJJD. [In the Matter of L.F.R.](13-2-10)

On May 2, 2013, the Fort Worth Court of Appeals held that although the trial court included the required statutory findings in its disposition order, there was no evidence in the record supporting a section 54.04(i) (1)(B) finding that reasonable efforts were made to prevent or eliminate the need for the juvenile's removal from the home and to make it possible for the juvenile to return to the juvenile's home.

¶ 13-2-10. **In the Matter of L.F.R.**, MEMORANDUM, No. 02-12-00454-CV, 2013 WL 1830325 (Tex.App.-Fort Worth, 5/2/13).

**Facts:** Appellant entered a plea of true to delinquent conduct—aggravated robbery; the trial court adjudicated him delinquent. After a disposition hearing, the trial court ordered Appellant committed to the Texas Juvenile Justice Department (TJJD) for an indeterminate sentence. In a single issue, Appellant argues that the evidence is legally and factually insufficient to support the trial court's findings under Texas Family Code section 54.04(i)(1), subsections (A), (B), and (C).

**Memorandum Opinion:** Subsection (B) requires the trial court to find, before committing a juvenile to TJJD, that reasonable efforts were made to prevent or eliminate the need for the juvenile's removal from the home and to make it possible for the juvenile to return to the juvenile's home. Tex. Fam.Code Ann. § 54.04(i)(1)(B) (West Supp.2012). Although the trial court included the required statutory findings in its disposition order, the State concedes—and we agree—that there is no evidence in the record supporting a section 54.04(i)(1)(B) finding that reasonable efforts were made to prevent or eliminate the need for the juvenile's removal from the home and to make it possible for the juvenile to return to the juvenile's home. See *In re A.D.*, 287 S.W.3d 356, 367 (Tex.App.-Texarkana 2009, pet. denied) (holding that evidence did not support trial court's findings under section 54.04(i) and remanding for a new disposition hearing); *In re J.S.*, 993 S.W.2d 370, 374–75 (Tex.App.-San Antonio 1999, no pet.)(same); *In re K.L.C.*, 972 S.W.2d 203, 206–07 (Tex.App.-Beaumont 1998, no pet.)(same); *In re A.S.*, 954 S.W.2d 855, 862–63 (Tex.App.-El Paso 1997, no pet.)(same).

**Conclusion:** We sustain Appellant's sole issue, reverse the trial court's disposition order, and remand the case to the trial court for a new disposition hearing. See Tex. Fam.Code Ann. § 56.01(i) (providing that appellate court may remand an order that it reverses for further proceedings by the trial court).