

IN THE SUPREME COURT OF TEXAS

No. 00-0193

IN RE JANE DOE 3

APPEAL UNDER SECTION 33.004(F), TEXAS FAMILY CODE

JUSTICE ABBOTT, dissenting.

While I concur with much of Justice Hecht’s opinion, I write separately to emphasize a single point. When it enacted the Parental Notification Act, the Legislature made the trial court — not the Texas Supreme Court — the finder of fact. As it concerns the trial court’s fact findings in this case, the Texas Supreme Court’s role is limited to reviewing those findings under a legal sufficiency analysis.

In this case, the trial court did not find that notification of one of the minor’s parents “may lead to physical, sexual, or emotional abuse of the minor.” Although the record could support a trial court’s conclusion to the contrary,¹ the trial court did not find to the contrary. We are thus left with the single task of determining whether the record establishes as a matter of law that notification may lead to such abuse. Notwithstanding Justice Enoch’s high rhetoric, the record simply does not establish that proposition as a matter of law.

For the reasons discussed in Justice Hecht’s opinion, I would affirm the court of appeal’s

¹ On this point, Justice Hecht and I differ.

judgment which affirms the trial court's decision.

GREG ABBOTT
JUSTICE

OPINION DELIVERED: March 13, 2000