

TEXAS COURT OF APPEALS, ELEVENTH DISTRICT (EASTLAND)

In the Interest of T.M., a Child v. the State of Texas

No. 11-25-00273-CV · No. 11-25-00273-CV · Decided March 19, 2026

SUMMARY

The Eleventh Court of Appeals considered the mother’s accelerated appeal from an order terminating her parental rights to T.M. The court held that legally sufficient evidence supported termination under Texas Family Code section 161.001(b)(1)(E), while addressing the mother’s challenges concerning endangerment, the child’s best interest, and the Department’s reasonable efforts; the opinion states that the judgment was affirmed in part and reversed and remanded in part.

CASE DETAILS

COURT	Texas Court of Appeals, Eleventh District (Eastland)
WRITING FOR THE COURT	W. Stacy Trotter; Bailey, Chief Justice; W. Stacy Trotter, Justice; Williams, Justice
JURISDICTION	Texas Court of Appeals, Eleventh District
DECIDED	March 19, 2026
DOCKET	11-25-00273-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Accelerated appeal by the child's mother from an order terminating her parental rights. The mother challenged the sufficiency of the evidence supporting endangerment findings under Texas Family Code section 161.001(b)(1)(D) and (E), the best-interest finding under section 161.001(b)(2), and the finding under section 161.001(f) that a continuing danger remained in the home despite the Department's reasonable efforts.
STANDARD OF REVIEW	Termination of parental rights must be supported by clear and convincing evidence. For legal sufficiency, the court considers whether a reasonable factfinder could have formed a firm belief or conviction that the finding was true, viewing evidence favorable to the finding, resolving disputed facts in favor of the finding when reasonable, and disregarding evidence the factfinder could have disbelieved, while considering undisputed contrary facts. For factual sufficiency, the court weighs disputed contrary evidence against evidence favoring the finding and determines whether the factfinder

could reasonably form a firm belief or conviction on the entire record. The appellate court gives due deference to the factfinder's credibility determinations and may not substitute its judgment for that of the factfinder.

PRECEDENTIAL VALUE

published

PARTIES

Mother of T.M. v. The State of Texas

TOPICS

termination of parental rights

parental rights

family law procedure

appellate procedure

standard of review

PRACTICE AREAS

family law

termination of parental rights

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evidence

QUESTIONS PRESENTED

1. Whether legally and factually sufficient evidence supported termination under Texas Family Code section 161.001(b)(1)(D) and (E).
2. Whether legally and factually sufficient evidence supported the finding that termination of the mother's parental rights was in T.M.'s best interest under section 161.001(b)(2).
3. Whether clear and convincing evidence supported the section 161.001(f) finding that the Department made reasonable efforts to return T.M. but a continuing danger remained in the mother's home preventing the child's return.

HOLDINGS

1. Legally sufficient evidence supported the finding that the mother engaged in conduct or knowingly placed T.M. with persons whose conduct endangered the child's physical or emotional well-being. The evidence showed that the mother allowed the father to contact T.M. despite knowing of his continued drug use and permitted unsupervised contact in violation of a safety plan.
2. The evidence was legally and factually insufficient to support the finding that termination of the mother's parental rights was in T.M.'s best interest. The record did not establish by clear and convincing evidence that the mother posed a present or future danger or that she would permit the father to have contact with T.M., while substantial evidence showed the mother's improved parenting, stable home, completion of services, consistent visitation, and strong bond with the child.
3. The evidence was insufficient to establish by clear and convincing evidence that a continuing danger remained in the mother's home preventing T.M.'s return. The Department's concerns about the father's possible contact, the mother's alleged continuing substance use, and the maternal grandmother were speculative or unsupported by current evidence.

KEY QUOTATIONS

“A lack of evidence does not constitute clear and convincing evidence.” (18)

“We cannot endorse permanently severing the parent-child relationship based on the Department’s failure to investigate—anything short of clear and convincing evidence that a continuing danger exists in the home will not suffice.” (22)

FACTUAL BACKGROUND

The Department had been involved with the mother and father since the birth of their first child, who tested positive for methamphetamine, cocaine, and marihuana. T.M. later tested positive for methamphetamine, cocaine, and marihuana while the Department was considering a monitored return, and the mother violated a safety plan by allowing the father, who continued using marihuana, to have contact with T.M. The mother subsequently completed her service plan, maintained stable housing and employment, consistently attended supervised visits, generally tested negative for prohibited substances, and demonstrated improved parenting and mental-health stability. The Department nevertheless sought termination based primarily on the mother's past conduct, an isolated low-level marihuana-metabolite result, and uncertainty about her relationship with the father, despite testimony that there was no current evidence of contact or continuing danger.

PROCEDURAL HISTORY

The associate judge terminated the mother's parental rights after the final hearing. The referring district court conducted a de novo hearing, adopted the associate judge's rulings and findings, and entered a final termination order. The court of appeals affirmed the subsection (E) endangerment finding and the remainder of the order, but reversed the order insofar as it terminated the mother's parental rights on best-interest grounds and found a continuing danger preventing the child's return, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court's final order is reversed insofar as it terminated the mother's parental rights on best-interest grounds and found that a continuing danger remained in the mother's home preventing T.M.'s return. The cause is remanded for further proceedings consistent with the opinion, to be commenced within 180 days of the court's mandate. The trial court's appointment of the Department as managing conservator is unaffected, and the order is affirmed in all other respects.

CASES CITED

- In re J.W., 645 S.W.3d 726, 741, 749 (Tex. 2022)
- In re J.F.C., 96 S.W.3d 256, 266 (Tex. 2002)
- In re J.F.-G., 627 S.W.3d 304, 312, 316 (Tex. 2021)
- In re A.C., 560 S.W.3d 624, 631 (Tex. 2018)
- In re J.O.A., 283 S.W.3d 336, 345 (Tex. 2009)

- In re C.H., 89 S.W.3d 17, 25–28 (Tex. 2002)
- In re L.C.C., 667 S.W.3d 510, 512–13 (Tex. App.—Eastland 2023, pet. denied)
- In re A.L.M.-F., 593 S.W.3d 271, 277 (Tex. 2019)
- In re C.J.O., 325 S.W.3d 261, 266 (Tex. App.—Eastland 2010, pet. denied)
- In re J.S., 687 S.W.3d 541, 547–48, 552 (Tex. App.—Eastland 2024, no pet.)
- Holley v. Adams, 544 S.W.2d 367, 371–72 (Tex. 1976)
- In re D.M., 452 S.W.3d 462, 473 (Tex. App.—San Antonio 2014, no pet.)
- In re E.C.R., 638 S.W.3d 755, 767 (Tex. App.—Amarillo 2021, pet. denied)
- In re B.C.S., 479 S.W.3d 918, 927 (Tex. App.—El Paso 2015, no pet.)
- In re Z.R.M., 665 S.W.3d 825, 829 (Tex. App.—San Antonio 2023, pet. denied)
- In re D.S., 333 S.W.3d 379, 384 (Tex. App.—Amarillo 2011, no pet.)
- In re J.D., 436 S.W.3d 105, 118 (Tex. App.—Houston [14th Dist.] 2014, no pet.)
- May v. May, 829 S.W.2d 373, 377 (Tex. App.—Corpus Christi–Edinburg 1992, writ denied)
- In re A.S., No. 11-16-00293-CV, 2017 WL 1275614, at *3 (Tex. App.—Eastland Mar. 31, 2017, no pet.) (mem. op.)
- In re J.B., No. 11-22-00305-CV, 2023 WL 3213089, at *5–6 (Tex. App.—Eastland May 3, 2023, no pet.) (mem. op.)
- In re R.R.A., 687 S.W.3d 269, 277 (Tex. 2024)
- Tex. Dep’t of Human Servs. v. Boyd, 727 S.W.2d 531, 533 (Tex. 1987)
- In re E.N.C., 384 S.W.3d 796, 803, 808, 810 (Tex. 2012)
- In re C.E., 687 S.W.3d 304, 310 (Tex. 2024)
- In re D.T., 34 S.W.3d 625, 634 (Tex. App.—Fort Worth 2000, pet. denied)
- In re A.J.M., 375 S.W.3d 599, 606 (Tex. App.—Fort Worth 2012, pet. denied)
- Walker v. Tex. Dep’t of Fam. & Protective Servs., 312 S.W.3d 608, 617 (Tex. App.—Houston [1st Dist.] 2009, pet. denied)
- In re N.G., 577 S.W.3d 230, 234–35 (Tex. 2019)
- In re J.P.B., 180 S.W.3d 570, 573 (Tex. 2005)
- In re Lee, 411 S.W.3d 445, 460 (Tex. 2013)
- In re S.R., 452 S.W.3d 351, 366 (Tex. App.—Houston [14th Dist.] 2014, pet. denied)
- In re S.O., No. 05-22-01019-CV, 2023 WL 2237084, at *11 (Tex. App.—Dallas Feb. 27, 2023, no pet.) (mem. op.)
- In re N.T., 474 S.W.3d 465, 477 (Tex. App.—Dallas 2015, no pet.)
- In re A.E., No. 05-14-01340-CV, 2015 WL 1184179, at *6 (Tex. App.—Dallas Mar. 16, 2015, pet. denied) (mem. op.)
- In re K.S., 420 S.W.3d 852, 855 (Tex. App.—Texarkana 2014, no pet.)
- In re E.C.R., 402 S.W.3d 239, 249–50 (Tex. 2013)
- In re A.J.D.-J., 667 S.W.3d 813, 823 (Tex. App.—Houston [1st Dist.] 2023, no pet.)
- In re E.J.M., 673 S.W.3d 310, 334 (Tex. App.—San Antonio 2023, no pet.)

- In re J.J.R.S., 627 S.W.3d 211, 223 (Tex. 2021)
- In re W.C., 98 S.W.3d 753, 766 (Tex. App.—Fort Worth 2003, no pet.)
- Holick v. Smith, 685 S.W.2d 18, 20 (Tex. 1985)
- Santosky v. Kramer, 455 U.S. 745, 753 (1982)
- In re K.M.L., 443 S.W.3d 101, 121 (Tex. 2014) (Lehrmann, J., concurring)
- In re A.Y.C., 665 S.W.3d 800, 818 (Tex. App.—Houston [14th Dist.] 2023, pet. denied)
- In re Y.G., No. 01-22-00181-CV, 2022 WL 3362953, at *14 (Tex. App.—Houston [1st Dist.] Aug. 16, 2022, pet. denied) (mem. op.)
- In re J.A.J., 243 S.W.3d 611, 615–17 (Tex. 2007)

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