

TEXAS COURT OF APPEALS, THIRD DISTRICT, AUSTIN

R. C. and P. K. v. Texas Department of Family and Protective Services

No. 03-25-00890-CV (Tex. App.—Austin Mar. 4, 2026) · No. No. 03-25-00890-CV · Decided March 4, 2026

SUMMARY

The Texas Court of Appeals, Third District, reviews an order terminating the parental rights of R.C. and P.K. under Texas Family Code sections 161.001(b)(1)(D) and (E), based on endangerment and the children's best interests. The court concludes that Father's Anders appeal is frivolous and rejects Mother's arguments that the Department failed to make reasonable reunification efforts and failed to prove that termination was in the children's best interests. The court affirms the termination order.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, Austin
WRITING FOR THE COURT	Rosa Lopez Theofanis; Chief Justice Byrne; Justice Rosa Lopez Theofanis; Justice Crump
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	March 4, 2026
DOCKET	No. 03-25-00890-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Parents appealed from a bench-trial order terminating their parental rights. Father filed an Anders brief asserting that his appeal was frivolous; Mother challenged the Department's reasonable reunification efforts and the sufficiency of the evidence supporting the best-interest findings.
STANDARD OF REVIEW	Termination of parental rights requires clear and convincing evidence of at least one statutory termination ground and that termination is in the child's best interest. On legal-sufficiency review, the appellate court considers the evidence in the light most favorable to the finding, while accounting for undisputed contrary evidence, and determines whether a reasonable factfinder could form a firm belief or conviction. On factual-sufficiency review, the court weighs disputed contrary evidence against the evidence supporting the finding and asks whether the disputed evidence is so significant that the factfinder could not

	reasonably form a firm belief or conviction. The appellate court defers to the factfinder's credibility and demeanor determinations.
PRECEDENTIAL VALUE	Published opinion; precedential under applicable Texas appellate rules
PARTIES	R. C., P. K. v. Texas Department of Family and Protective Services

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QUESTIONS PRESENTED

1. Whether Father's appeal was wholly frivolous under the Anders procedure.
2. Whether the Department made reasonable efforts to return the children to Mother as required by Texas Family Code section 161.001(f).
3. Whether legally and factually sufficient evidence supported the finding that termination of Mother's parental rights was in the children's best interests.

HOLDINGS

1. Father's appeal was frivolous and without merit because the court's full examination of the record disclosed no arguable grounds for appeal.
2. The Department proved by clear and convincing evidence that it made reasonable efforts to return the children to Mother before trial and that, despite those efforts, a continuing danger remained in the home preventing their return.
3. Legally and factually sufficient evidence supported the trial court's finding that termination of Mother's parental rights was in Son's and Daughter's best interests.

KEY QUOTATIONS

“Ultimately, “the issue is whether the Department made reasonable efforts, not ideal efforts.”” (at 15)

“The need for permanence is the paramount consideration when determining a child’s present and future physical and emotional needs.” (at 20)

“a factfinder can consider that a child’s best interest may be served by termination of parental rights so that adoption may occur rather than the impermanent foster-care arrangement that would result if termination were not ordered.” (at 20)

FACTUAL BACKGROUND

The Department became involved after reports that Mother lacked stable housing, used methamphetamine, and was living with Father amid concerns about substance abuse and domestic violence. Both parents later tested positive for methamphetamine, and Daughter also tested positive shortly after removal. Although Mother initially made progress and received a monitored return of the children, the return was revoked after Father threatened Mother and allegedly resumed living in the home, and Mother subsequently resumed methamphetamine use and exhibited problematic parenting conduct during supervised visits. The children showed improved behavior after returning to foster care, and the Department presented evidence of a potential adoptive placement.

PROCEDURAL HISTORY

The Department obtained emergency removal of the children on February 23, 2024, and sought termination of both parents' rights. The trial court ordered a monitored return to Mother, later revoked that return because of safety concerns and alleged domestic violence, and returned the children to foster care. Following a bench trial on October 21 and November 4, 2025, the 340th District Court of Tom Green County terminated Father's rights to Son and Mother's rights to Son and Daughter. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738, 744 (1967)
- *Penson v. Ohio*, 488 U.S. 75, 80 (1988)
- *Taylor v. Texas Department of Protective & Regulatory Services*, 160 S.W.3d 641, 646-47 (Tex. App.—Austin 2005, pet. denied)
- *In re P.M.*, 520 S.W.3d 24, 27-28 (Tex. 2016) (per curiam)
- *In re C.E.*, 687 S.W.3d 304, 308 (Tex. 2024)
- *In re A.B.*, 437 S.W.3d 498, 502-03 (Tex. 2014)
- *In re A.C.*, 560 S.W.3d 624, 631 (Tex. 2018)
- *In re J.F.C.*, 96 S.W.3d 256, 266 (Tex. 2002)
- *D.F. v. Texas Department of Family and Protective Services*, ___ S.W.3d ___, ___, No. 03-25-00738-CV, 2026 WL 482451, at *8-9 (Tex. App.—Austin Feb. 20, 2026, no pet. h.)
- *In re M.N.M.*, 708 S.W.3d 321, 328-29 (Tex. App.—Eastland 2025, pet. denied)
- *In re Facebook, Inc.*, 625 S.W.3d 80, 92 (Tex. 2021)
- *A.D. v. Texas Department of Family and Protective Services*, 673 S.W.3d 704, 714 (Tex. App.—Austin 2023, no pet.)
- *In re A.L.H.*, 468 S.W.3d 738, 744 (Tex. App.—Houston [14th Dist.] 2015, no pet.)
- *In re J.A.*, No. 04-20-00242-CV, 2020 WL 5027663, at *2 (Tex. App.—San Antonio Aug. 26, 2020, no pet.) (mem. op.)

- C.G. v. Texas Department of Family and Protective Services, No. 03-18-00852-CV, 2019 WL 3367524, at *7 (Tex. App.—Austin July 26, 2019, no pet.) (mem. op.)
- In re T.D.-B., No. 06-25-00054-CV, 2025 WL 3684457, at *6 (Tex. App.—Texarkana Dec. 19, 2025, no pet. h.) (mem. op.)
- In re S.B., 597 S.W.3d 571, 583 (Tex. App.—Amarillo 2020, pet. denied)
- In re C.S.L.E.H., No. 02-10-00475-CV, 2011 WL 3795226, at *4 (Tex. App.—Fort Worth Aug. 25, 2011, no pet.) (mem. op.)
- In re M.R.J.M., 280 S.W.3d 494, 502 (Tex. App.—Fort Worth 2009, no pet.)
- J.G. v. Texas Department of Family and Protective Services, 592 S.W.3d 515, 524-25 (Tex. App.—Austin 2019, no pet.)
- In re P.W., 579 S.W.3d 713, 727 (Tex. App.—Houston [14th Dist.] 2019, no pet.)
- In re I.G., 383 S.W.3d 763, 770 (Tex. App.—Amarillo 2012, no pet.)
- Holley v. Adams, 544 S.W.2d 367, 371-72 (Tex. 1976)
- In re R.R., 209 S.W.3d 112, 116 (Tex. 2006) (per curiam)
- In re C.H., 89 S.W.3d 17, 27 (Tex. 2002)
- M.R. v. Texas Department of Family and Protective Services, No. 03-17-00715-CV, 2018 WL 1023899, at *3-4 (Tex. App.—Austin Feb. 23, 2018, no pet.) (mem. op.)
- Robert T. v. Texas Department of Family and Protective Services, No. 03-12-00061-CV, 2013 WL 812116, at *12 (Tex. App.—Austin Mar. 1, 2013, no pet.) (mem. op.)
- E.R. v. Texas Department of Family and Protective Services, No. 03-20-00033-CV, 2020 WL 3968233, at *8 (Tex. App.—Austin July 7, 2020, no pet.) (mem. op.)