

COURT OF APPEALS OF THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

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

No. 02-25-00545-CV · No. 02-25-00545-CV · Decided January 22, 2026

SUMMARY

The Texas Court of Appeals for the Second District at Fort Worth reviewed the termination of a father's parental rights to E.T. The court held that the evidence was legally and factually sufficient to support termination based on endangering conduct and the child's best interest, and it affirmed the trial court's order. The court did not reach the father's challenge to the criminal-conduct termination ground.

CASE DETAILS

COURT	Court of Appeals of the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Elizabeth Kerr; Bassel; Womack
JURISDICTION	Texas Court of Appeals, Second Appellate District, Fort Worth
DECIDED	January 22, 2026
DOCKET	02-25-00545-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed from a trial court order terminating his parental rights to E.T., challenging the legal and factual sufficiency of the evidence supporting termination under Texas Family Code sections 161.001(b)(1)(E) and (P), and the finding that termination was in E.T.'s best interest.
STANDARD OF REVIEW	Termination of parental rights must be supported by clear and convincing evidence. For legal sufficiency, the court views the evidence in the light most favorable to the finding, resolves disputed facts in favor of the finding when a reasonable factfinder could do so, disregards evidence a reasonable factfinder could disbelieve, and considers undisputed contrary evidence. For factual sufficiency, the court reviews the entire record, gives due deference to the factfinder, and asks whether disputed evidence is so significant that a factfinder could not reasonably have formed a firm belief or conviction. The

	court does not reweigh credibility determinations dependent on witness demeanor.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is identified as published in the supplied metadata.
PARTIES	Father v. the State of Texas

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QUESTIONS PRESENTED

1. Whether the evidence was legally and factually sufficient to support termination under Texas Family Code section 161.001(b)(1)(E) based on endangering conduct.
2. Whether the evidence was legally and factually sufficient to support termination under Texas Family Code section 161.001(b)(2) based on E.T.'s best interest.
3. Whether the evidence was legally and factually sufficient to support termination under Texas Family Code section 161.001(b)(1)(P) based on Father's criminal conduct, conviction, imprisonment, and inability to care for E.T.

HOLDINGS

1. The evidence was legally and factually sufficient to support the finding that Father engaged in a voluntary, deliberate, and conscious course of conduct that endangered E.T.'s physical or emotional well-being.
2. The evidence was legally and factually sufficient to support the finding that termination of Father's parental rights was in E.T.'s best interest.

KEY QUOTATIONS

“In short, the Department did not present a case of Father’s mere incarceration, standing alone; rather, it presented evidence of a history and repeating pattern of criminal conduct, convictions, and confinement creating familial instability and endangering his ex-wife and their two children—and now E.T—with no definite end in sight.” (at 14)

“Considering the record as a whole, we conclude that the Holley factors weigh against Father.” (at 25)

FACTUAL BACKGROUND

Father had a lengthy history of drug use, criminal conduct, and repeated incarceration, including convictions for burglary and aggravated assault with a deadly weapon. He was incarcerated when E.T. was born and had never

met her; before the Department contacted him, he made little effort to establish contact or learn about her. E.T. lived with her mother, stepfather, and half-siblings before removal, and at trial she was thriving in a stable foster placement with her half-siblings while Father remained incarcerated and lacked immediate housing or a concrete plan to care for her.

PROCEDURAL HISTORY

After a bench trial, the 231st District Court of Tarrant County terminated Father's parental rights based on endangering conduct, criminal conduct resulting in conviction and imprisonment, and the child's best interest. Father appealed. The court of appeals affirmed the termination order, reaching the endangering-conduct and best-interest issues but not reaching the challenge to the criminal-conduct ground.

DISPOSITION

affirmed

CASES CITED

- In re E.N.C., 384 S.W.3d 796, 802-03, 807 (Tex. 2012)
- In re E.R., 385 S.W.3d 552, 555 (Tex. 2012)
- Santosky v. Kramer, 455 U.S. 745, 758-59 (1982)
- In re N.G., 577 S.W.3d 230, 237 & n.1 (Tex. 2019)
- In re J.L., 163 S.W.3d 79, 84 (Tex. 2005)
- Tex. Dep't of Human Servs. v. Boyd, 727 S.W.2d 531, 533-34 (Tex. 1987)
- In re J.F.C., 96 S.W.3d 256, 266 (Tex. 2002)
- In re J.P.B., 180 S.W.3d 570, 573 (Tex. 2005)
- In re A.B., 437 S.W.3d 498, 500 (Tex. 2014)
- In re H.R.M., 209 S.W.3d 105, 108 (Tex. 2006)
- In re J.T.G., 121 S.W.3d 117, 125 (Tex. App.—Fort Worth 2003, no pet.)
- In re J.O.A., 283 S.W.3d 336, 345-46 (Tex. 2009)
- In re J.F.-G., 627 S.W.3d 304, 312-13 (Tex. 2021)
- In re R.R., 209 S.W.3d 112, 116 (Tex. 2006)
- Holley v. Adams, 544 S.W.2d 367, 371-72 (Tex. 1976)
- In re C.H., 89 S.W.3d 17, 25, 27-28 (Tex. 2002)
- In re A.C., 560 S.W.3d 624, 631 (Tex. 2018)
- In re E.C.R., 402 S.W.3d 239, 249 (Tex. 2013)
- In re M.E.-M.N., 342 S.W.3d 254, 263 (Tex. App.—Fort Worth 2011, pet. denied)
- In re Z.R., No. 02-25-00268-CV, 2025 WL 3181160, at *3 n.10 (Tex. App.—Fort Worth Nov. 13, 2025, no pet.)
- In re E.T., No. 02-25-00031-CV, 2025 WL 1717139, at *1 (Tex. App.—Fort Worth June 19, 2025, no pet.)

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