

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

In the Interest of N. L. S. and E. J. C., Children

In re N. L. S. and E. J. C. · No. 01-26-00100-CV · Decided May 12, 2026

SUMMARY

The Texas Court of Appeals for the First District affirmed the denial of a former parent’s petition to reinstate parental rights. The court held that the petitioner must prove at the reinstatement hearing that the child is not subject to an adoption placement agreement, even if no such agreement existed when the petition was filed.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Terry Adams, Chief Justice; Justice Guerra; Justice Guiney
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	May 12, 2026
DOCKET	01-26-00100-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the denial of her petition to reinstate her parental rights after the trial court found that the children were subject to an adoption placement agreement at the time of the reinstatement hearing.
STANDARD OF REVIEW	De novo review applies to statutory interpretation because it presents a question of law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Mother v. Texas Department of Family and Protective Services

TOPICS

- termination of parental rights
- adoption
- statutory interpretation
- plain meaning rule
- appellate procedure

PRACTICE AREAS

- family law
- termination of parental rights
- adoption

QUESTIONS PRESENTED

1. Whether Texas Family Code section 161.303(c)(3) requires a former parent seeking reinstatement of parental rights to prove at the reinstatement hearing that the child is not subject to an adoption placement agreement.
2. Whether the filing of a petition for reinstatement creates a statutory stay prohibiting DFPS from entering an adoption placement agreement while the petition is pending.

HOLDINGS

1. Texas Family Code section 161.302(b) establishes eligibility and filing requirements for a petition, while section 161.303(c) establishes separate proof requirements at the reinstatement hearing. Section 161.303(c)(3) therefore requires the former parent to prove at the time of the hearing that the child is not the subject of an adoption placement agreement.
2. The filing of a petition for reinstatement does not create a statutory stay prohibiting DFPS from entering an adoption placement agreement while the petition is pending.

KEY QUOTATIONS

“Accordingly, we hold that Family Code section 161.303(c)(3) unambiguously requires a former parent to prove, at the time of the reinstatement hearing, that the child is not the subject of an adoption placement agreement.” (9)

“Section 161.302(b) sets forth the mandatory filing requirements for a petition for reinstatement of parental rights and section 161.303(c) sets forth the separate proof requirements that the petitioner must show at the reinstatement hearing in order for the petition to be granted.” (8)

FACTUAL BACKGROUND

Mother’s parental rights to N.L.S. and E.J.C. were terminated in 2023, and DFPS was appointed managing conservator. The children began residing with prospective adoptive parents in 2025, and the prospective adoptive parents later signed intent-to-adopt forms. Mother filed a petition for reinstatement on November 19, 2025, when no adoption placement agreement was in place, but DFPS entered adoption placement agreements before the reinstatement hearing. At the hearing, the trial court found that the children were subject to adoption placement agreements and denied the petition.

PROCEDURAL HISTORY

The trial court terminated Mother’s and Father’s parental rights on March 31, 2023, and named the Department of Family and Protective Services managing conservator. After the children’s prospective adoptive parents entered adoption placement agreements with DFPS, Mother filed a petition for reinstatement of parental rights. Following a January 20, 2026 hearing, the trial court denied the petition because the children were subject to an adoption placement agreement. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- In re N.L.S., 716 S.W.3d 612, 645–55 (Tex. App.—Houston [1st Dist.] 2023), rev'd in part, 715 S.W.3d 760 (Tex. 2025)
- Bush v. Lone Oak Club, LLC, 601 S.W.3d 639, 647 (Tex. 2020)
- In re Estate of Nash, 220 S.W.3d 914, 917 (Tex. 2007)
- Alex Sheshunoff Mgmt. Servs., L.P. v. Johnson, 209 S.W.3d 644, 651 (Tex. 2006)
- Tex. Med. Res., LLP v. Molina Healthcare of Tex., Inc., 659 S.W.3d 424, 435 (Tex. 2023)
- McLane Champions, LLC v. Houston Baseball Partners LLC, 671 S.W.3d 907, 918 (Tex. 2023)
- TGS-NOPEC Geophysical Co. v. Combs, 340 S.W.3d 432, 439 (Tex. 2011)
- Fitzgerald v. Advanced Spine Fixation Sys., Inc., 996 S.W.2d 864, 866 (Tex. 1999)
- Simmons v. Arnim, 220 S.W. 66, 70 (Tex. 1920)
- Mouton v. Houston Indep. Sch. Dist., No. 01-22-00205-CV, 2023 WL 4065602, at *4 (Tex. App.—Houston [1st Dist.] June 15, 2023, pet. denied) (mem. op.)
- In re S.H.V.V., No. 14-23-00807-CV, 2025 WL 1765511, at *5–7 (Tex. App.—Houston [14th Dist.] June 26, 2025, no pet.) (mem. op.)
- Ford Motor Co. v. Parks, 691 S.W.3d 475, 482 n.36 (Tex. 2024)
- Urban Carbide Corp. v. Synatzske, 438 S.W.3d 39, 52 (Tex. 2014)