

TEXAS COURT OF APPEALS FOR THE FIRST DISTRICT AT HOUSTON

In the Interest of P.M.B., J.Q.B., M.B. aka Baby Girl B., K.L.B. aka K.L.B., Children v. Department of Family and Protective Services

No. 01-25-00999-CV (Tex. App.—Houston [1st Dist.] May 28, 2026) · No. 01-25-00999-CV · Decided May 28, 2026

SUMMARY

The Texas Court of Appeals for the First District affirmed an order terminating the parental rights of the mother of K.L.B. The court held that legally and factually sufficient evidence supported termination under Texas Family Code sections 161.001(b)(1)(D) and (E), as well as the finding that termination was in the child’s best interest. The court also held that, following termination, the mother lacked standing to challenge the appointment of the Texas Department of Family and Protective Services as sole managing conservator.

CASE DETAILS

COURT	Texas Court of Appeals for the First District at Houston
WRITING FOR THE COURT	Clint Morgan; Justice Gunn; Justice Caughey; Justice Morgan
JURISDICTION	Texas Court of Appeals for the First District
DECIDED	May 28, 2026
DOCKET	01-25-00999-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed from a bench-trial decree terminating her parental rights and appointing the Texas Department of Family and Protective Services as the child's sole managing conservator.
STANDARD OF REVIEW	Termination findings are reviewed under heightened legal- and factual-sufficiency standards because the burden of proof is clear and convincing evidence. For legal sufficiency, the court views the evidence in the light most favorable to the finding, assumes disputed facts were resolved in favor of the finding if a reasonable factfinder could do so, and disregards contrary evidence that a reasonable factfinder could disbelieve. For factual sufficiency, the court considers the entire record and asks whether disputed contrary evidence is so significant that a factfinder could not reasonably form a firm belief or conviction. The trial court remains the sole arbiter of witness credibility and demeanor. The standing challenge to the appointment

	of the Department as sole managing conservator was reviewed as a legal issue arising from the termination order.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status identified as published in the supplied metadata.
PARTIES	C.A.A., Mother v. Texas Department of Family and Protective Services

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QUESTIONS PRESENTED

1. Whether legally and factually sufficient evidence supported termination under Texas Family Code section 161.001(b)(1)(D).
2. Whether legally and factually sufficient evidence supported termination under Texas Family Code section 161.001(b)(1)(E).
3. Whether legally and factually sufficient evidence supported the finding that termination of Mother's parental rights was in Katie's best interest.
4. Whether Mother had standing to challenge the appointment of the Department as Katie's sole managing conservator after her parental rights were terminated.

HOLDINGS

1. The evidence was legally and factually sufficient to support the finding that Mother knowingly placed or allowed Katie to remain in conditions or surroundings that endangered her physical or emotional well-being, including by continuing to live with a known abuser and failing to protect Katie and by neglecting Katie's serious medical and nutritional needs.
2. The evidence was legally and factually sufficient to support the finding that Mother engaged in a voluntary, deliberate, and conscious course of conduct that endangered Katie's physical and emotional well-being.
3. Legally and factually sufficient evidence supported the trial court's finding that termination of Mother's parental rights was in Katie's best interest.
4. Mother lacked standing to challenge the appointment of the Department as Katie's sole managing conservator because the affirmed termination order divested her of legal rights and duties concerning Katie, making the conservatorship appointment a consequence of termination.

KEY QUOTATIONS

“Because the burden of proof in termination proceedings is clear and convincing evidence, a heightened standard of review in an evidentiary challenge is required.” (7)

“The endangerment analysis under subsection (D) focuses on the evidence of the child’s physical environment but allows termination if DFPS proves the parent’s conduct caused a child to be placed or remain in an “endangering environment.”” (10)

“Under subsection (E), DFPS must prove that the parent engaged in a voluntary, deliberate, and conscious course of conduct that endangered the child, rather than a single endangering act or omission, as permitted by subsection (D).” (11)

“As a result, Mother lacks standing to challenge the portion of the order appointing DFPS as Katie’s conservator.” (18)

FACTUAL BACKGROUND

Katie was born prematurely and later hospitalized for severe chronic malnutrition, failure to thrive, developmental regression, microcephaly, and hypothermia; medical testing found no underlying genetic or physical cause. Mother missed medical appointments, did not obtain timely care until urged by relatives, used marijuana frequently, later tested positive, and failed to comply with ordered drug testing, substance-abuse counseling, and parenting classes. Mother continued living with Father after reports that he physically abused another child in the home and did not take protective action. After removal, Katie made substantial developmental progress in foster care, while Mother lacked stable housing and employment and declined to allow the Department to inspect her living arrangement.

PROCEDURAL HISTORY

The Department filed a suit to terminate Mother's parental rights. After a bench trial in the 314th District Court of Harris County, the trial court found predicate endangerment grounds and that termination was in the child's best interest, terminated Mother's parental rights, and appointed the Department sole managing conservator. Mother brought an accelerated appeal asserting legal and factual insufficiency and error in the conservatorship appointment; the court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Holick v. Smith, 685 S.W.2d 18, 20 (Tex. 1985)
- Santosky v. Kramer, 455 U.S. 745, 759 (1982)
- In re J.D.G., 570 S.W.3d 839, 850, 856 (Tex. App.—Houston [1st Dist.] 2018, pet. denied)
- In re A.V., 113 S.W.3d 355, 361 (Tex. 2003)
- In re C.H., 89 S.W.3d 17, 25, 27 (Tex. 2002)
- In re J.W., 645 S.W.3d 726, 741, 748 (Tex. 2022)

- In re J.F.C., 96 S.W.3d 256, 266 (Tex. 2002)
- In re R.J., 579 S.W.3d 97, 117 (Tex. App.—Houston [1st Dist.] 2019, pet. denied)
- Jordan v. Dossey, 325 S.W.3d 700, 721, 723 (Tex. App.—Houston [1st Dist.] 2010, pet. denied)
- In re N.J.H., 575 S.W.3d 822, 831 (Tex. App.—Houston [1st Dist.] 2018, pet. denied)
- In re J.F.-G., 627 S.W.3d 304, 312 (Tex. 2021)
- In re L.M.N., No. 01-18-00413-CV, 2018 WL 5831672, at *16 (Tex. App.—Houston [1st Dist.] Nov. 8, 2018, pet. denied) (mem. op.)
- In re J.O.A., 283 S.W.3d 336, 345 (Tex. 2009)
- In re R.R.A., 687 S.W.3d 269, 278-81 (Tex. 2024)
- In re D.D.D., No. 01-23-00078-CV, 2023 WL 4872399, at *11 (Tex. App.—Houston [1st Dist.] Aug. 1, 2023, no pet.) (mem. op.)
- In re A.C., 560 S.W.3d 624, 631 & n.29 (Tex. 2018)
- Holley v. Adams, 544 S.W.2d 367, 371-72 (Tex. 1976)
- In re J.M.T., 519 S.W.3d 258, 269 (Tex. App.—Houston [1st Dist.] 2017, pet. denied)
- In re J.R.W., No. 14-12-00850-CV, 2013 WL 507325, at *9 (Tex. App.—Houston [14th Dist.] Feb. 12, 2013, pet. denied) (mem. op.)
- In re A.S., 261 S.W.3d 76, 92 (Tex. App.—Houston [14th Dist.] 2008, pet. denied)
- In re S.M.M., No. 01-22-00482-CV, 2022 WL 17981669, at *12 (Tex. App.—Houston [1st Dist.] Dec. 29, 2022, pet. denied) (mem. op.)

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