

TEXAS COURT OF APPEALS, SECOND APPELLATE DISTRICT, FORT WORTH

In the Interest of I.H., a Child v. the State of Texas

No. 02-25-00524-CV (Tex. App.—Fort Worth Jan. 30, 2026) · No. 02-25-00524-CV · Decided January 30, 2026

SUMMARY

The Texas Court of Appeals for the Second Appellate District affirmed a judgment terminating both parents’ parental rights to their child. The court held that the father failed to preserve his due-process and due-course-of-law complaints, that the evidence was legally and factually sufficient to support termination under Texas Family Code Section 161.001(b)(1)(E), and that termination was in the child’s best interest. The court independently reviewed the mother’s Anders appeal and determined that it was frivolous.

CASE DETAILS

COURT	Texas Court of Appeals, Second Appellate District, Fort Worth
WRITING FOR THE COURT	Mike Wallach; Sudderth, C.J.; Wallach, J.; Walker, J.
JURISDICTION	Texas Court of Appeals, Second Appellate District, Fort Worth
DECIDED	January 30, 2026
DOCKET	02-25-00524-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Accelerated appeal from a judgment terminating both parents' parental rights. Mother appealed through appointed counsel's Anders brief; Father challenged the denial of a continuance, the sufficiency of the evidence supporting predicate termination grounds, and the child's best interest.
STANDARD OF REVIEW	Constitutional complaints and complaints about matters not raised in the trial court are subject to preservation requirements. Denial of a continuance is reviewed for abuse of discretion. Termination findings are reviewed for legal and factual sufficiency under the clear-and-convincing-evidence standard. For legal sufficiency, the court views the evidence in the light most favorable to the finding; for factual sufficiency, it weighs disputed contrary evidence against the evidence supporting the finding. The court conducted a consolidated legal- and factual-sufficiency review.

PRECEDENTIAL VALUE	Published memorandum opinion; precedential status identified as published in the supplied metadata.
PARTIES	Mother, Father v. The State of Texas

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QUESTIONS PRESENTED

1. Whether Father preserved his federal due-process and Texas due-course-of-law complaints concerning the denial of counsel's request for additional time to secure Father's presence at trial.
2. Whether legally and factually sufficient evidence supported termination under Texas Family Code section 161.001(b)(1)(E), based on conduct endangering the child's physical or emotional well-being.
3. Whether legally and factually sufficient evidence supported the finding that termination was in the child's best interest under Texas Family Code section 161.001(b)(2).
4. Whether Mother's appeal was wholly frivolous under Anders.

HOLDINGS

1. Father failed to preserve his federal due-process and Texas due-course-of-law complaints because he did not present those constitutional arguments to the trial court when requesting a continuance.
2. The evidence was legally and factually sufficient to establish that Father engaged in a voluntary, deliberate, and conscious course of conduct that endangered the child's physical or emotional well-being.
3. The evidence was legally and factually sufficient to support the finding that terminating Father's parental rights was in the child's best interest.
4. Mother's appeal was wholly frivolous after the court independently reviewed the record, and the judgment terminating her parental rights was affirmed.

KEY QUOTATIONS

"We hold that the evidence is legally and factually sufficient to show that Father engaged in a course of conduct that endangered Ann's physical or emotional well-being." (14)

"Applying the appropriate standards of review, we conclude that legally and factually sufficient evidence supports the trial court's best-interest finding and overrule Father's fourth issue." (17)

FACTUAL BACKGROUND

The child was born with an umbilical cord and meconium that tested positive for methamphetamines, and the Department removed her from Mother and Father shortly after birth. Father admitted a history of methamphetamine use, admitted using methamphetamine with Mother, refused drug testing, failed to complete his service plan, rarely visited the child, and lacked safe and stable housing. By trial, Father was living in an uncertain location and had been arrested and jailed that morning; the child was living safely with prospective adoptive caregivers who had already adopted two of her siblings.

PROCEDURAL HISTORY

The 324th District Court of Tarrant County terminated Mother's and Father's parental rights to their child. Mother did not file a pro se response to appointed counsel's Anders brief. Father appealed, asserting constitutional, evidentiary-sufficiency, and best-interest issues. The court of appeals affirmed the termination judgment as to both parents.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738, 744 (1967)
- Penson v. Ohio, 488 U.S. 75, 80 (1988)
- In re P.M., 520 S.W.3d 24, 27 & n.10 (Tex. 2016)
- In re L.M.I., 119 S.W.3d 707, 710-11 (Tex. 2003)
- In re J.P.-L, 592 S.W.3d 559, 575 (Tex. App.—Fort Worth 2019, pet. denied)
- In re E.N.C., 384 S.W.3d 796, 802-03, 807 (Tex. 2012)
- In re J.L., 163 S.W.3d 79, 84 (Tex. 2005)
- In re Z.N., 602 S.W.3d 541, 545 (Tex. 2020)
- In re A.C., 560 S.W.3d 624, 630-31 (Tex. 2018)
- In re J.F.C., 96 S.W.3d 256, 266 (Tex. 2002)
- In re J.O.A., 283 S.W.3d 336, 345 (Tex. 2009)
- In re N.G., 577 S.W.3d 230, 237 & n.1 (Tex. 2019)
- In re R.H., 693 S.W.3d 846, 856 (Tex. App.—Fort Worth 2024, pet. denied)
- In re C.A.B., 289 S.W.3d 874, 883 (Tex. App.—Houston [14th Dist.] 2009, no pet.)
- In re H.H., 622 S.W.3d 460, 471 (Tex. App.—Texarkana 2020, no pet.)
- In re M.R.J.M., 280 S.W.3d 494, 503 (Tex. App.—Fort Worth 2009, no pet.)
- In re J.D., No. 07-23-00091-CV, 2023 WL 4753771, at *7 (Tex. App.—Amarillo July 25, 2023, pets. denied)
- In re A.J.D.-J., 667 S.W.3d 813, 823 (Tex. App.—Houston [1st Dist.] 2023, no pet.)
- Holley v. Adams, 544 S.W.2d 367, 371-72 (Tex. 1976)
- In re C.H., 89 S.W.3d 17, 27-28 (Tex. 2002)
- In re E.C.R., 402 S.W.3d 239, 249 (Tex. 2013)

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