

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

K. F. v. Texas Department of Family and Protective Services

No. 03-25-00823-CV (Tex. App.—Austin May 20, 2026) · No. 03-25-00823-CV · Decided May 20, 2026

SUMMARY

The Texas Court of Appeals, Third District, granted the parties' joint motion to remand an appeal arising from a suit affecting the parent-child relationship. The court set aside the trial court's judgment without regard to the merits and remanded for a new hearing consistent with the parties' agreement, including application of the clear-and-convincing-evidence standard and appointment of new counsel.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Darlene Byrne, Chief Justice; Justices Theofanis; Crump
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	May 20, 2026
DOCKET	03-25-00823-CV
DISPOSITION	vacated
PROCEDURAL POSTURE	K. F. appealed the trial court's final order in a suit affecting the parent-child relationship. The parties jointly requested remand for a new trial.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential effect is not otherwise specified in the source.
PARTIES	K. F. v. Texas Department of Family and Protective Services

TOPICS

[family law procedure](#)[appellate procedure](#)[injunctions](#)[remedies](#)[parental rights](#)

PRACTICE AREAS

[family law](#)[appellate procedure](#)[civil procedure](#)[remedies](#)

QUESTIONS PRESENTED

1. Whether the court should grant the parties' agreed motion requesting remand for a new trial.
2. Whether the trial court's judgment should be set aside without regard to the merits and the case remanded for proceedings consistent with the parties' agreement.

HOLDINGS

1. The court granted the parties' joint motion, set aside the trial court's judgment without regard to the merits, and remanded the case for further proceedings in accordance with the parties' agreement.
2. If the Texas Department of Family and Protective Services continues to pursue a permanent restraining order against K. F., the new hearing on the permanent injunction must be conducted under the clear-and-convincing-evidence standard required by *Stary v. Ethridge*.
3. On remand, K. F.'s appointed counsel shall be discharged and the trial court shall appoint new counsel for K. F. for the new hearing pursuant to Texas Family Code section 107.013.

KEY QUOTATIONS

"We grant the parties' joint motion, set aside the trial court's judgment without regard to the merits, and remand this case to the trial court for further proceedings in accordance with the parties' agreement." (at 2)

FACTUAL BACKGROUND

The appeal arose from a final order in an underlying suit affecting the parent-child relationship. The parties agreed that, if the Texas Department of Family and Protective Services continued pursuing a permanent restraining order against K. F., the new hearing on the permanent injunction would use the clear-and-convincing-evidence standard identified in *Stary v. Ethridge*. They also agreed that K. F.'s appointed counsel would be discharged and that the trial court would appoint new counsel for the new hearing.

PROCEDURAL HISTORY

The 33rd District Court of Llano County entered a final order in the underlying suit affecting the parent-child relationship. On appeal, the parties filed an agreed motion requesting that the case be remanded for a new trial. The court granted the joint motion, set aside the trial court's judgment without reaching the merits, and remanded for further proceedings under the parties' agreement.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The case is remanded for further proceedings in accordance with the parties' agreement. If the Texas Department of Family and Protective Services continues to pursue a permanent restraining order, the new permanent-injunction hearing must use the clear-and-convincing-evidence standard required by *Stary v. Ethridge*. K. F.'s appointed counsel is to be discharged, and the trial court is to appoint new counsel under Texas Family Code section 107.013.

CASES CITED

- *Stary v. Ethridge*, 712 S.W.3d 584 (Tex. 2025)

OPINION

K. F. v. Texas Department of Family and Protective Services

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-25-00823-CV

K. F., Appellant v. Texas Department of Family and Protective Services, Appellee

FROM THE 33RD DISTRICT COURT OF LLANO COUNTY

NO. 22729, THE HONORABLE CHERYLL MABRAY, JUDGE PRESIDING

MEMORANDUM OPINION

K.F. appealed the trial court's final order in the underlying suit affecting the parent-child relationship. The parties have filed an agreed motion requesting remand of this case to the trial court for a new trial. The motion recites the parties' agreement that (1) if the Texas Department of Family and Protective Services continues to pursue a permanent restraining order against K.F., the new hearing on the permanent injunction shall be conducted under the clear-and-convincing-evidence standard required by *Stary v. Ethridge*, 712 S.W.3d 584 (Tex. 2025); and (2) on remand, counsel for K.F. shall be discharged from her appointment, and the trial court shall appoint new counsel to represent K.F. for the new hearing pursuant to Texas Family Code § 107.013. We grant the parties' joint motion, set aside the trial court's judgment without regard to the merits, and remand this case to the trial court for further proceedings in accordance with the parties' agreement. See Tex. R. App. P. 42.1(a)(2)(B). _____

Darlene Byrne, Chief Justice Before Chief Justice Byrne, Justices Theofanis and Crump Vacated and Remanded on Joint Motion Filed: May 20, 2026 2