

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

D. L. J. v. M. D. S.

No. 03-25-00696-CV · No. No. 03-25-00696-CV · Decided November 21, 2025

SUMMARY

The Texas Court of Appeals, Third District, abated and remanded an appeal involving termination of parental rights and adoption because the trial court’s adoption order was ambiguous as to whether it disposed of the grandmother’s pending conservatorship claims. The court directed the trial court to clarify its intent by modifying or amending the order or taking other necessary action, and required supplemental records to be filed before the appeal would be reinstated.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Texas Court of Appeals, Third District, at Austin                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Per Curiam; Justice Triana; Justice Kelly; Justice Theofanis                                                                                                                                                                                                    |
| JURISDICTION          | Texas Court of Appeals, Third District, at Austin                                                                                                                                                                                                               |
| DECIDED               | November 21, 2025                                                                                                                                                                                                                                               |
| DOCKET                | No. 03-25-00696-CV                                                                                                                                                                                                                                              |
| DISPOSITION           | remanded                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Accelerated appeal from an adoption order in a parental-rights termination and adoption proceeding. The court questioned whether the order was final and appealable because it did not expressly dispose of the intervenor Grandmother's conservatorship claim. |
| STANDARD OF REVIEW    | The court examined the language of the order and the record to determine whether the order was final and appealable; when finality is unclear, the appellate court may abate the appeal for clarification.                                                      |
| PRECEDENTIAL VALUE    | Published                                                                                                                                                                                                                                                       |
| PARTIES               | D. L. J. v. M. D. S.                                                                                                                                                                                                                                            |

TOPICS

- termination of parental rights
- adoption
- final judgment rule
- appellate jurisdiction
- appellate procedure

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

## QUESTIONS PRESENTED

1. Whether the district court's adoption order was a final and appealable judgment when it did not expressly address Grandmother's pending conservatorship claim.
2. Whether the adoption order's Mother Hubbard clause, together with the final hearing and temporary-orders order, demonstrated that all parties and claims had been disposed of.
3. Whether the appropriate appellate disposition was dismissal or abatement and remand for clarification of the district court's intent.

## HOLDINGS

1. The adoption order was ambiguous as to finality because it did not state that it was final, disposed of all claims and parties, or was appealable, and it was silent regarding Grandmother's conservatorship claim.
2. The temporary-orders order did not dispose of Grandmother's conservatorship claim, even assuming it merged with the adoption order.
3. The appeal should be abated and remanded rather than dismissed so that the district court could clarify whether it intended the adoption order to be final.

## KEY QUOTATIONS

*"Therefore, rather than dismiss the appeal, we believe the appropriate course of action is to abate the appeal and remand the case to the district court to clarify its intent."* (3)

*"A judicial decree is final when it disposes of all issues and all parties in the record."* (2)

*"When an order 'finally disposes of all claims and all parties' in 'clear and unequivocal language,' it is a final order."* (2)

## FACTUAL BACKGROUND

Father's parental rights to his approximately nine-year-old daughter were terminated in connection with Stepfather's petition for adoption. Grandmother had separately sought conservatorship and intervened in Stepfather's suit seeking visitation and appointment as sole managing conservator. The district court's adoption order followed a final hearing but did not expressly address Grandmother's pending conservatorship claim, while a separate temporary-orders order continued her visitation rights.

## PROCEDURAL HISTORY

Stepfather and Mother petitioned to terminate Father's parental rights and adopt the child, while Grandmother intervened seeking visitation and appointment as sole managing conservator. The district court previously granted partial summary judgment terminating Father's parental rights, but an appeal from that order was dismissed for want of jurisdiction because the adoption and Grandmother's claims remained unresolved. After a final hearing, the district court entered an adoption order, but the order did not address Grandmother's conservatorship claim. The court of appeals abated the appeal and remanded for the district court to clarify whether it intended the adoption order to be final.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

The appeal was abated and remanded to the district court. The district court may modify the adoption order, issue an amended order, or take any other action necessary to clarify its intent, including holding a hearing. A supplemental clerk's record containing any modified or amended order and a supplemental reporter's record of any hearing was ordered filed on or before December 22, 2025. The appeal was to be reinstated after the supplemental records were filed.

## CASES CITED

- Johnson v. Skaggs, No. 03-24-00498-CV, 2024 WL 4520894, at \*1-2 (Tex. App.—Austin Oct. 18, 2024, no pet.) (mem. op.)
- Lehmann v. Har-Con Corp., 39 S.W.3d 191, 195, 205-06 (Tex. 2001)
- In re R.R.K., 590 S.W.3d 535, 540-41 (Tex. 2019)
- In re Elizondo, 544 S.W.3d 824, 827-28 (Tex. 2018) (per curiam)

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