

TEXAS COURT OF APPEALS, THIRTEENTH DISTRICT, CORPUS CHRISTI–
EDINBURG

In the Interest of A.W., N.W., N.W., P.W., Children v. the State of
Texas

In re A.W. · No. 13-25-00633-CV · Decided May 7, 2026

SUMMARY

The Texas Thirteenth Court of Appeals affirmed an order terminating the mother’s parental rights to four children. The court held that the mother failed to preserve her legal and factual sufficiency challenges and her complaint that the termination order lacked findings required by Texas Family Code subsections 161.001(f) and (g).

CASE DETAILS

COURT	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	L. Aron Peña Jr.; Justice Silva; Justice Peña; Justice Fonseca
JURISDICTION	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
DECIDED	May 7, 2026
DOCKET	13-25-00633-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed an order terminating her parental rights to four children after a jury trial. She challenged the absence of statutorily required findings in the termination order and the legal and factual sufficiency of the evidence supporting a predicate termination ground and the children's best interest.
STANDARD OF REVIEW	Complaints about evidentiary sufficiency and alleged deficiencies in the termination order are reviewed only if preserved in the trial court. After a jury trial, legal-sufficiency complaints must be preserved by an instructed-verdict motion, JNOV motion, objection to submission, motion to disregard a vital jury answer, or motion for new trial; factual-sufficiency complaints require a motion for new trial. Complaints that a termination order lacks findings required by Texas Family Code subsections 161.001(f) and (g) likewise must be timely raised in the trial court under Texas Rule of Appellate Procedure 33.1(a).

PRECEDENTIAL VALUE	Published
PARTIES	T.P. (Mother) v. The State of Texas, Texas Department of Family and Protective Services

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QUESTIONS PRESENTED

1. Whether Mother preserved her legal- and factual-sufficiency challenges to the jury's finding under Texas Family Code section 161.001(b)(1)(N) and to the best-interest finding under section 161.001(b)(2).
2. Whether the court needed to address Mother's challenge to subsection (N) when she did not challenge additional predicate grounds under subsections (D), (E), and (O).
3. Whether Mother's complaint that the termination order lacked the written findings required by Texas Family Code subsections 161.001(f) and (g) was preserved for appellate review.

HOLDINGS

1. Mother failed to preserve her legal- or factual-sufficiency complaints because she did not file or urge any of the required trial-court motions or objections, including a motion for new trial.
2. The court need not address Mother's sufficiency challenge to subsection 161.001(b)(1)(N) because the jury also found unchallenged predicate grounds under subsections (D), (E), and (O), and termination requires clear and convincing proof of only one predicate ground in addition to best interest.
3. A complaint that a termination order lacks the written findings required by subsections 161.001(f) and (g) must be timely raised in the trial court; because Mother did not object or otherwise apprise the trial court of the alleged omission, she could not assert the error for the first time on appeal.

KEY QUOTATIONS

“Following a jury trial, a challenge to the legal sufficiency of the evidence must be preserved in one of five ways: “(1) a motion for instructed verdict; (2) a motion for judgment notwithstanding the verdict (JNOV); (3) an objection to the submission of the question to the jury; (4) a motion to disregard the jury’s answer to a vital fact question; or (5) a motion for new trial.”” (at 4)

“Therefore, the termination order was required to comply with subsections (f) and (g) by including separate sections with specific, written findings about the Department’s reasonable efforts to return the children to their home.” (at 6)

FACTUAL BACKGROUND

The Department became involved with Mother after allegations that two children were born with drugs in their systems and that Mother appeared under the influence, handled the children roughly, and violated shelter rules. The Department later sought emergency removal based on neglectful supervision, including leaving the children with unsuitable caregivers and sending them to daycare dirty and unbathed. Mother had limited contact with the children despite offered services, moved among Texas, Indiana, and Arkansas, and tested positive for amphetamines and marijuana shortly before trial. The jury found multiple statutory grounds for termination and found termination to be in the children's best interest.

PROCEDURAL HISTORY

The Texas Department of Family and Protective Services filed an amended petition to modify a prior suit affecting the parent-child relationship and terminate Mother's parental rights. After a jury trial, the jury found several statutory predicate grounds and that termination was in the children's best interest, and the trial court entered a termination order. Mother appealed, and the court of appeals affirmed because she failed to preserve her appellate complaints.

DISPOSITION

affirmed

CASES CITED

- In re D.T., 593 S.W.3d 437, 439 (Tex. App.—Texarkana 2019), *aff'd*, 625 S.W.3d 62 (Tex. 2021)
- In re A.L., 486 S.W.3d 129, 129–30 (Tex. App.—Texarkana 2016, no pet.)
- In re E.M., No. 13-24-00009-CV, 2024 WL 2340833, at *1 (Tex. App.—Corpus Christi–Edinburg May 23, 2024, no pet.) (mem. op.)
- In re L.M.I., 119 S.W.3d 707, 711 (Tex. 2003)
- In re J.P.B., 180 S.W.3d 570, 574 (Tex. 2005)
- In re N.G., 577 S.W.3d 230, 234 (Tex. 2019) (per curiam)
- Toliver v. Tex. Dep't of Fam. & Protective Servs., 217 S.W.3d 85, 102–03 (Tex. App.—Houston [1st Dist.] 2006, no pet.)
- In re J.S., 670 S.W.3d 591, 605–06 (Tex. 2023)
- In re D.E., No. 02-25-00665-CV, 2026 WL 969502, at *4 (Tex. App.—Fort Worth Apr. 9, 2026, no pet. h.) (mem. op.)
- In re M.S., No. 02-25-00704-CV, 2026 WL 628147, at *4 (Tex. App.—Fort Worth Mar. 5, 2026, no pet.) (mem. op.)
- In re P.Y., No. 14-25-00696-CV, 2026 WL 363515, at *6 (Tex. App.—Houston [14th Dist.] Feb. 10, 2026, no pet.)
- In re C.J.P., No. 05-22-00233-CV, 2022 WL 7936574, at *3 (Tex. App.—Dallas Oct. 14, 2022, pet. denied) (mem. op.)

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