

TEXAS COURT OF APPEALS, FOURTH DISTRICT, SAN ANTONIO

In the Interest of P.H.S. and E.K.S., Children v. the State of Texas

No. 04-25-00838-CV · No. 04-25-00838-CV · Decided June 24, 2026

SUMMARY

The Fourth Court of Appeals of San Antonio reviewed an order terminating the parental rights of Mother and Father to P.H.S. and E.K.S. The court held that the evidence was legally insufficient to support the trial court’s termination findings against Father under Texas Family Code subsections 161.001(b)(1)(D) and (E), but affirmed the termination order on the unchallenged subsection (P) ground and affirmed the findings against Mother. The court also addressed the parties’ challenges to the children’s best interests.

CASE DETAILS

COURT	Texas Court of Appeals, Fourth District, San Antonio
WRITING FOR THE COURT	Irene Rios; Lori Massey Brissette; Velia J. Meza
JURISDICTION	Texas Court of Appeals, Fourth District, San Antonio
DECIDED	June 24, 2026
DOCKET	04-25-00838-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a bench-trial order terminating Mother’s and Father’s parental rights to their children.
STANDARD OF REVIEW	Termination of parental rights requires clear and convincing evidence of at least one predicate statutory ground and that termination is in the child’s best interest. Legal sufficiency is reviewed in the light most favorable to the finding to determine whether a reasonable factfinder could have formed a firm belief or conviction. Factual sufficiency requires consideration of the entire record and reversal when disputed contrary evidence is so significant that a reasonable factfinder could not have resolved it in favor of the finding. The appellate court defers to the trial court’s credibility determinations and evaluation of witness testimony.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Mother, Father v. the State of Texas

TOPICS

termination of parental rights

parental rights

child custody

standard of review

appellate procedure

PRACTICE AREAS

family law

termination of parental rights

appellate procedure

QUESTIONS PRESENTED

1. Whether legally and factually sufficient evidence supported Mother's termination under Texas Family Code section 161.001(b)(1)(D) and (E).
2. Whether legally and factually sufficient evidence supported Father's termination under Texas Family Code section 161.001(b)(1)(D) and (E).
3. Whether legally and factually sufficient evidence supported Father's termination under section 161.001(b)(1)(N), where Father did not challenge the separate predicate ground (P).
4. Whether legally and factually sufficient evidence established that termination of Mother's and Father's parental rights was in the children's best interests.
5. Whether the appellate court was required to review the challenged findings under grounds (D) and (E) because those findings may affect termination proceedings involving other children.

HOLDINGS

1. The evidence was legally and factually sufficient to support findings that Mother knowingly allowed the children to remain in an endangering environment and engaged in a course of conduct that endangered their physical or emotional well-being.
2. The evidence was legally insufficient to support termination of Father's parental rights under statutory grounds (D) and (E).
3. The court did not need to address Father's challenge to ground (N) because Father failed to challenge ground (P), an independent predicate ground supporting termination.
4. The evidence was legally and factually sufficient to support the findings that termination of both Mother's and Father's parental rights was in the children's best interests.
5. Due process required the appellate court to review and detail its analysis of the challenged findings under grounds (D) and (E), even though another predicate ground could support termination.

KEY QUOTATIONS

"We hold there is legally insufficient evidence supporting the trial court's findings that:" (2)

"To put it plainly, the Department wholly failed to meet its burden to connect the circumstances around Father's incarceration to a course of conduct that endangered the children." (13)

"Because Father does not challenge the trial court's finding under statutory ground (P), we must accept the validity of that unchallenged ground and affirm the termination on statutory ground (P)." (14)

“Whenever the [D]epartment contemplates the death penalty of civil cases, it should proceed only on the basis of a solid record that meticulously documents the grounds for termination, the children’s interests, and the [D]epartment’s efforts to preserve the family.” (25)

FACTUAL BACKGROUND

The children initially lived with Mother in a home the Department alleged was unsanitary and affected by domestic violence. Mother participated in Family Based Safety Services but failed to correct the home conditions and violated a safety plan by bringing the children back to live with her paramour. One child suffered extensive facial bruising while in Mother’s care, after which the Department removed the children. Father was incarcerated for drug possession with intent to deliver and unlawful possession of a firearm, but the Department presented no evidence connecting Father’s criminal conduct or knowledge to the children’s endangering environment. At trial, the children were thriving in a stable foster-to-adopt placement.

PROCEDURAL HISTORY

The Texas Department of Family and Protective Services filed a petition seeking termination of both parents’ parental rights on November 22, 2024. After a bench trial on November 10, 2025, the 224th Judicial District Court of Bexar County signed an order terminating Mother’s rights under statutory grounds (D) and (E), Father’s rights under grounds (D), (E), (N), and (P), and finding termination in the children’s best interests. The parents appealed the sufficiency of the evidence. The court of appeals reversed the findings against Father under grounds (D) and (E), affirmed termination on the unchallenged ground (P), and affirmed the termination order in all other respects.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The opinion reverses the trial court’s findings that Father endangered the children under sections 161.001(b)(1) (D) and (E), while affirming the termination order in all other respects, including termination based on the unchallenged ground (P). No further specific remand instructions are stated.

CASES CITED

- In re H.R.M., 209 S.W.3d 105, 108 (Tex. 2006)
- In re J.P.B., 180 S.W.3d 570, 573 (Tex. 2005)
- In re J.F.C., 96 S.W.3d 256, 266 (Tex. 2002)
- In re J.F.-G., 627 S.W.3d 304, 312, 317 (Tex. 2021)
- In re R.R.A., 687 S.W.3d 269, 279 & n.50 (Tex. 2024)
- In re A.V., 113 S.W.3d 355, 361-62 (Tex. 2003)
- In re N.G., 577 S.W.3d 230, 234 (Tex. 2019)
- In re C.W., 586 S.W.3d 405, 407 (Tex. 2019)

- In re J.W., 645 S.W.3d 726, 748 (Tex. 2022)
- In re A.L.S., 660 S.W.3d 257, 264, 271 (Tex. App.—San Antonio 2022, pet. denied)
- In re R.S.-T., 522 S.W.3d 92, 109-10 (Tex. App.—San Antonio 2017, no pet.)
- In re R.D., 955 S.W.2d 364, 367 (Tex. App.—San Antonio 1997, pet. denied)
- In re N.L.S., 715 S.W.3d 760, 765 (Tex. 2025)
- In re A.L.H., 468 S.W.3d 738, 746 (Tex. App.—Houston [14th Dist.] 2015, 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 J.M.T., 519 S.W.3d 258, 270 (Tex. App.—Houston [1st Dist.] 2017, pet. denied)
- In re J.M.G., 608 S.W.3d 51, 57 (Tex. App.—San Antonio 2020, pet. denied)
- In re K.N., No. 24-0881, 2026 WL 1614378, at *1, ___ S.W.3d ___ (Tex. June 5, 2026)
- In re A.C.P., No. 25-0688, 2026 WL 1614376, at *2, ___ S.W.3d ___ (Tex. June 5, 2026)
- Z.R.M., 665 S.W.3d 825, 829 n.6 (Tex. App.—San Antonio 2023, pet. denied)

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