

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

In the Interest of A.D. A/K/A A.V. A/K/A A.M.V., a Child v.
Department of Family and Protective Services

In re A.D. · No. 01-25-00518-CV · Decided December 11, 2025

SUMMARY

The Texas Court of Appeals for the First District reviews an accelerated appeal from an order terminating a mother's parental rights to A.D. and awarding the Department of Family and Protective Services sole managing conservatorship. The mother challenged the denial of possessory conservatorship and supervised visitation and argued that the evidence was legally and factually insufficient to support several statutory termination grounds and the child's best interest. The court affirmed the trial court's order.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Kristin Guiney; Guerra; Guiney; Johnson
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	December 11, 2025
DOCKET	01-25-00518-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Accelerated appeal from a bench-trial order terminating mother's parental rights to A.D. and awarding the Department of Family and Protective Services sole managing conservatorship.
STANDARD OF REVIEW	In termination cases, legal and factual sufficiency are reviewed under the clear-and-convincing-evidence standard. For legal sufficiency, the appellate court views evidence in the light most favorable to the finding and asks whether a reasonable factfinder could form a firm belief or conviction. For factual sufficiency, the court considers the entire record, including contrary evidence, and asks whether disputed evidence is so significant that a reasonable factfinder could not form a firm belief or conviction. Conservatorship determinations are generally reviewed for abuse of discretion, but a parent whose rights have been terminated lacks standing to challenge the failure to appoint the parent as possessory conservator.

PRECEDENTIAL VALUE	Published memorandum opinion according to the supplied metadata; no reporter citation appears in the opinion text.
PARTIES	Mother v. Texas Department of Family and Protective Services

TOPICS

termination of parental rights parental rights family law procedure appellate procedure standard of review

PRACTICE AREAS

family law termination of parental rights appellate procedure constitutional law

QUESTIONS PRESENTED

1. Whether legally and factually sufficient evidence supported the finding that mother engaged in, or knowingly placed A.D. with persons who engaged in, conduct endangering A.D.'s physical or emotional well-being under Texas Family Code section 161.001(b)(1)(E).
2. Whether legally and factually sufficient evidence supported the finding that termination of mother's parental rights was in A.D.'s best interest under Texas Family Code section 161.001(b)(2).
3. Whether the evidence was legally and factually sufficient to support the additional predicate findings under Texas Family Code section 161.001(b)(1)(D), (N), and (O).
4. Whether the trial court erred by failing to appoint mother as A.D.'s possessory conservator with supervised visitation.

HOLDINGS

1. The evidence was legally and factually sufficient to support the finding that mother engaged in, or knowingly placed A.D. with persons who engaged in, conduct that endangered A.D.'s physical or emotional well-being.
2. The evidence was legally and factually sufficient to support the finding that termination of mother's parental rights was in A.D.'s best interest.
3. Mother lacked standing to challenge the trial court's failure to appoint her as a possessory conservator because affirmance of the termination order divested her of all legal rights and duties regarding A.D.

KEY QUOTATIONS

"Because termination of parental rights is "complete, final, irrevocable and divests for all time that natural right . . . , the evidence in support of termination must be clear and convincing before a court may involuntarily terminate a parent's rights." (21)

"A parent's narcotics use can qualify as a voluntary, deliberate, and conscious course of conduct that endangers the child's well-being." (25-26)

"The best-interest analysis evaluates the best interest of the child." (34)

“Having no legal rights with respect to A.D., we hold that mother lacks standing to challenge the trial court’s failure to appoint her as a possessory conservator of A.D.” (51-52)

FACTUAL BACKGROUND

A.D. was removed from mother's care and placed with a foster mother who wanted to adopt him. Evidence showed that mother had previously tested positive for methamphetamine, cocaine, and amphetamine use, admitted relapsing on methamphetamine, failed to participate in required narcotics-use testing, and was arrested during the termination proceeding for alleged possession of methamphetamine. Witnesses also described mother's home as unsafe because of renovations, clutter, debris, broken glass, and a lack of running water, and testified about domestic-violence incidents involving mother's boyfriend. Mother failed to complete substantial portions of her family service plan and missed visits, while A.D. was thriving in a safe and stable placement that supported his developmental and sibling relationships.

PROCEDURAL HISTORY

The Department filed a petition seeking termination of mother's parental rights and managing conservatorship of A.D. After a bench trial, the 505th District Court of Fort Bend County terminated mother's parental rights, found statutory grounds under Texas Family Code section 161.001(b)(1), found termination in A.D.'s best interest, and awarded DFPS sole managing conservatorship. Mother appealed, challenging the sufficiency of the evidence supporting the endangerment and best-interest findings, other predicate findings, and the refusal to appoint her possessory conservator.

DISPOSITION

affirmed

CASES CITED

- Santosky v. Kramer, 455 U.S. 745, 758-59 (1982)
- Troxel v. Granville, 530 U.S. 57, 65 (2000)
- Holick v. Smith, 685 S.W.2d 18, 20 (Tex. 1985)
- In re E.N.C., 384 S.W.3d 796, 802 (Tex. 2012)
- In re J.F.C., 96 S.W.3d 256, 264-68 (Tex. 2002)
- In re J.P.B., 180 S.W.3d 570, 573 (Tex. 2005)
- Tex. Dep't of Human Servs. v. Boyd, 727 S.W.2d 531, 533 (Tex. 1987)
- In re A.V., 113 S.W.3d 355, 362 (Tex. 2003)
- In re M.C., 917 S.W.2d 268, 270 (Tex. 1996)
- In re J.T.G., 121 S.W.3d 117, 125 (Tex. App.—Fort Worth 2003, no pet.)
- In re L.M.N., No. 01-18-00413-CV, 2018 WL 5831672, at *14 (Tex. App.—Houston [1st Dist.] Nov. 8, 2018, pet. denied)
- In re C.V.L., 591 S.W.3d 734, 751 (Tex. App.—Dallas 2019, pet. denied)
- In re S.R., 452 S.W.3d 351, 361-62 (Tex. App.—Houston [14th Dist.] 2014, pet. denied)

- *Cervantes-Peterson v. Tex. Dep't of Fam. & Protective Servs.*, 221 S.W.3d 244, 253-55 (Tex. App.—Houston [1st Dist.] 2006, no pet.)
- *In re D.D.M.*, No. 01-18-01033-CV, 2019 WL 2939259, at *4-5 (Tex. App.—Houston [1st Dist.] July 9, 2019, no pet.)
- *In re D.J.G.*, No. 01-22-00870-CV, 2023 WL 3513143, at *12-13, *23, *28 (Tex. App.—Houston [1st Dist.] May 18, 2023, no pet.)
- *In re I.W.*, No. 14-15-00910-CV, 2016 WL 1533972, at *6 (Tex. App.—Houston [14th Dist.] Apr. 14, 2016, no pet.)
- *In re C.A.B.*, 289 S.W.3d 874, 885 (Tex. App.—Houston [14th Dist.] 2009, no pet.)
- *In re A.M.*, 495 S.W.3d 573, 580 (Tex. App.—Houston [1st Dist.] 2016, pet. denied)
- *In re N.J.H.*, 575 S.W.3d 822, 831-35 (Tex. App.—Houston [1st Dist.] 2018, pet. denied)
- *In re C.H.*, 89 S.W.3d 17, 25-28 (Tex. 2002)
- *Gillespie v. Gillespie*, 644 S.W.2d 449, 451 (Tex. 1982)
- *In re J.A.J.*, 243 S.W.3d 611, 616 (Tex. 2007)
- *In re D.D.D.*, No. 01-23-00078-CV, 2023 WL 4872399, at *16-17 (Tex. App.—Houston [1st Dist.] Aug. 1, 2023, no pet.)