

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

E. D. v. Texas Department of Family and Protective Services

No. 03-25-00526-CV · No. 03-25-00526-CV · Decided December 18, 2025

SUMMARY

The Texas Court of Appeals, Third District, affirmed an order terminating a father's parental rights to his two children. The court held that legally and factually sufficient evidence supported termination under Texas Family Code section 161.001(b)(1)(E), based on the father's endangering course of conduct, including his criminal history, incarceration, and inability to provide a safe and stable home. Because one predicate ground was sufficient, the court did not review the constructive-abandonment finding under subsection (N).

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Chari L. Kelly; Justices Triana; Theofanis
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	December 18, 2025
DOCKET	03-25-00526-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed an order terminating his parental rights to two children following a bench trial in which the trial court found endangerment by conduct, constructive abandonment, and that termination was in the children's best interest.
STANDARD OF REVIEW	Termination of parental rights requires clear and convincing evidence. On legal-sufficiency review, the appellate court views the evidence in the light most favorable to the finding, considers undisputed contrary evidence, and determines whether a reasonable factfinder could form a firm belief or conviction that the finding was true. On factual-sufficiency review, the court weighs disputed evidence contrary to the finding against all evidence supporting it and asks whether the disputed evidence is so significant that a reasonable factfinder could not have formed a firm belief or conviction. The appellate court defers to the factfinder's credibility determinations.
PRECEDENTIAL VALUE	Published memorandum opinion

PARTIES

E. D. v. Texas Department of Family and Protective Services

TOPICS

termination of parental rights

parental rights

family law procedure

standard of review

appellate procedure

PRACTICE AREAS

family law

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QUESTIONS PRESENTED

1. Whether legally sufficient evidence supported termination of Father's parental rights under Texas Family Code section 161.001(b)(1)(E), based on endangerment by conduct.
2. Whether factually sufficient evidence supported termination under section 161.001(b)(1)(E).
3. Whether the court needed to review the sufficiency of the evidence supporting the constructive-abandonment finding under section 161.001(b)(1)(N) after affirming the endangerment finding.

HOLDINGS

1. The evidence was legally and factually sufficient to support the finding that Father engaged in conduct endangering the children's physical or emotional well-being.
2. The court did not need to review the sufficiency of the evidence supporting constructive abandonment because one supported predicate ground is sufficient to sustain termination.

KEY QUOTATIONS

"A parent's fundamental right to the care, custody, and control of his child is of constitutional magnitude." (at 4)

"But children may be endangered even if the offending conduct is not directed at them, and they are not injured." (at 5)

"Accordingly, we conclude the evidence is sufficient to support the predicate finding." (at 12)

FACTUAL BACKGROUND

Father had an extensive criminal history and was incarcerated for much of the children's lives, including during the case and at trial. He knew that Mother had a history of drug abuse, incarceration, domestic violence, and unstable living conditions, yet his criminal conduct resulted in a lengthy incarceration that left him unable to care for the children; he also used methamphetamine while imprisoned, jeopardizing parole and his availability. The children had special needs and were living in a foster placement willing to adopt, while Father's proposed alternative placement with his sister failed a home study because of drug use and a pending felony charge. Father did take steps to alert the Department to Mother's unsafe circumstances and completed services while incarcerated.

PROCEDURAL HISTORY

The 424th District Court of Burnet County terminated Father's parental rights and named the Department permanent managing conservator after a bench trial. Father challenged the legal and factual sufficiency of the evidence supporting the predicate findings under Texas Family Code subsections 161.001(b)(1)(E) and (N). The court of appeals held the evidence sufficient under subsection (E), declined to review subsection (N), and affirmed.

DISPOSITION

affirmed

CASES CITED

- In re J.W., 645 S.W.3d 726, 740, 748-49 (Tex. 2022)
- In re J.F.-G., 627 S.W.3d 304, 311-15, 317-18 (Tex. 2021)
- In re A.C., 560 S.W.3d 624, 630-31 (Tex. 2018)
- In re N.G., 577 S.W.3d 230, 237 (Tex. 2019)
- Texas Department of Human Services v. Boyd, 727 S.W.2d 531, 533 (Tex. 1987)
- In re N.L.S., 715 S.W.3d 760, 764-66 (Tex. 2025)
- In re R.R.A., 687 S.W.3d 269, 277, 281 (Tex. 2024)
- In re J.O.A., 283 S.W.3d 336, 345-46 (Tex. 2009)