

TEXAS COURT OF APPEALS, FIRST DISTRICT AT HOUSTON

In the Interest of D.D.D.-H. a/k/a D.D.D.H., A.R.M., and O.N.H. a/k/a
O.H., Children v. the State of Texas

No. 01-25-00917-CV · No. 01-25-00917-CV · Decided April 28, 2026

SUMMARY

The First Court of Appeals of Texas affirmed an order terminating the mother’s parental rights to three children. The court held that the evidence was legally and factually sufficient to support termination under Family Code sections 161.001(b)(1)(D) and (E) and to support the children’s best-interest finding, while concluding that former subsection (O) could not support the decree because the statute had been amended before the decree was signed. A separate concurring opinion emphasized that poverty, less-structured parenting, or isolated incidents of difficulty supervising children do not alone justify termination of parental rights.

CASE DETAILS

COURT	Texas Court of Appeals, First District at Houston
WRITING FOR THE COURT	David Gunn; Jennifer Caughey; Morgan
JURISDICTION	Texas Court of Appeals, First District
DECIDED	April 28, 2026
DOCKET	01-25-00917-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed an order modifying conservatorship and terminating her parental rights after a bench trial.
STANDARD OF REVIEW	Termination findings must be supported by clear and convincing evidence. On legal-sufficiency review, the court considers all evidence in the light most favorable to the finding and asks whether a reasonable factfinder could have formed a firm belief or conviction. On factual-sufficiency review, the court weighs disputed evidence contrary to the finding against the evidence supporting it and asks whether the disputed evidence is so significant that the factfinder could not reasonably have formed a firm belief or conviction. The appellate court defers to the factfinder's credibility determinations and does not substitute its judgment for that of the factfinder.
PRECEDENTIAL VALUE	Published opinion; no reporter citation provided in the source

PARTIES

Mother v. Texas Department of Family and Protective Services, the State of Texas

TOPICS

termination of parental rights parental rights family law procedure appellate procedure
statutory interpretation

PRACTICE AREAS

family law termination of parental rights appellate procedure statutory interpretation

QUESTIONS PRESENTED

1. Whether legally and factually sufficient evidence supported termination under Texas Family Code section 161.001(b)(1)(D).
2. Whether legally and factually sufficient evidence supported termination under Texas Family Code section 161.001(b)(1)(E).
3. Whether legally and factually sufficient evidence supported the finding that termination of Mother's parental rights was in the children's best interest.
4. Whether former Texas Family Code section 161.001(b)(1)(O) could support the termination decree after the Legislature removed that provision as a predicate ground before the decree was signed.

HOLDINGS

1. Legally and factually sufficient evidence supported the finding that Mother knowingly placed or knowingly allowed the children to remain in conditions or surroundings that endangered their physical or emotional well-being.
2. Legally and factually sufficient evidence supported the finding that Mother engaged in conduct, or knowingly placed the children with persons who engaged in conduct, that endangered their physical or emotional well-being.
3. Legally and factually sufficient evidence supported the trial court's finding that termination of Mother's parental rights was in the children's best interest.
4. Former Texas Family Code section 161.001(b)(1)(O) could not support the termination decree because the Legislature removed it as a predicate ground before the trial court signed the decree.

KEY QUOTATIONS

“To terminate a parent’s rights to her minor children, the factfinder must find by clear and convincing evidence that (1) at least one statutory predicate ground for termination exists, and (2) termination of parental rights is in the children’s best interest.” (at 17-18)

“We hold that legally and factually sufficient evidence supports the trial court’s findings that Mother violated subsections (D) and (E).” (at 26)

“We therefore hold that legally and factually sufficient evidence supports the trial court’s finding that termination of Mother’s parental rights was in the children’s best interest.” (at 33)

“I urge litigants and courts to focus on the relevant evidence at issue, and I emphasize the significant rights at stake and the high burden required to support termination.” (Concurring opinion at 4)

FACTUAL BACKGROUND

The Department became involved after allegations that Mother physically abused Daniel, including striking his arm with a stick and previously hitting him with an extension cord. Daniel was removed in 2021, while Alex and Oscar initially remained with Mother but were removed in 2024 after Alex suffered facial bruising from an alleged assault. The record also showed Mother's housing and employment instability, untreated mental-health concerns, positive drug tests, volatile interactions, and conduct during visits and therapy that caused the children anxiety and emotional deterioration. By trial, the children were thriving in stable adoptive foster placements, and Daniel wanted Mother's parental rights terminated.

PROCEDURAL HISTORY

The trial court appointed the Department as sole managing conservator in January 2023 without terminating Mother's parental rights. After the Department moved to modify conservatorship and sought termination, the trial court held a bench trial in August 2025 and found three statutory predicate grounds and that termination was in the children's best interest. The appellate court affirmed the modification and termination order, while declining to address former subsection (O) because the Legislature had removed it as a valid predicate ground before the trial court signed the decree.

DISPOSITION

affirmed

CASES CITED

- In re J.F.-G., 627 S.W.3d 304 (Tex. 2021)
- In re C.E., 687 S.W.3d 304 (Tex. 2024) (per curiam)
- In re R.R.A., 687 S.W.3d 269 (Tex. 2024)
- In re J.F.C., 96 S.W.3d 256, 266 (Tex. 2002)
- In re A.C., 560 S.W.3d 624, 631 (Tex. 2018)
- In re M.P., 639 S.W.3d 700, 702 (Tex. 2022) (per curiam)
- In re N.G., 577 S.W.3d 230, 234-35 (Tex. 2019) (per curiam)
- Tex. Dep't of Hum. Servs. v. Boyd, 727 S.W.2d 531, 533 (Tex. 1987)
- Jordan v. Dossey, 325 S.W.3d 700, 723, 726 (Tex. App.—Houston [1st Dist.] 2010, pet. denied)
- In re J.W., 645 S.W.3d 726, 746, 749 & n.12 (Tex. 2022)
- In re R.R., 711 S.W.3d 126, 139-40 (Tex. App.—Houston [1st Dist.] 2024, no pet.)
- In re J.O.A., 283 S.W.3d 336, 345 (Tex. 2009)

- In re S.R., 452 S.W.3d 351, 360 (Tex. App.—Houston [14th Dist.] 2014, pet. denied)
- In re J.I.T.P., 99 S.W.3d 841, 845 (Tex. App.—Houston [14th Dist.] 2003, no pet.)
- In re M.N.G., 147 S.W.3d 521, 538-39 (Tex. App.—Fort Worth 2004, pet. denied) (op. on reh'g)
- In re R.R., 209 S.W.3d 112, 116 (Tex. 2006) (per curiam)
- In re D.M., 452 S.W.3d 462, 471 (Tex. App.—San Antonio 2014, no pet.)
- In re C.H., 89 S.W.3d 17, 27 (Tex. 2002)
- D.V. v. Tex. Dep't of Fam. & Protective Servs., 722 S.W.3d 854, 858 (Tex. 2025)
- In re I.H., No. 02-25-00524-CV, 2026 WL 253453, at *7 (Tex. App.—Fort Worth Jan. 30, 2026, pet. filed) (mem. op.)