Appendix A

Twelfth Court of Appeals District of Texas Judgment
March 18, 2026

COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MARCH 18, 2026

NO. 12-25-00281-CV

IN THE INTEREST OF K.B., A CHILD

Appeal from the County Court at Law No 2
of Henderson County, Texas (Tr.Ct.No. FAM24-0598-CC2)

THIS CAUSE came to be heard on the appellate record and briefs filed herein, and the same being considered, it is the opinion of this court that there was no error in the judgment.

It is therefore ORDERED, ADJUDGED, and DECREED that the judgment of the court below **be in all things affirmed**, and that this decision be certified to the court below for observance.

James T. Worthen, Chief Justice.
Panel consisted of Worthen, C.J., Hoyle, J., and Davis, J.

Appendix A

NO. 12-25-00281-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN THE INTEREST OF	§	*APPEAL FROM THE*
K.B.,	§	*COUNTY COURT AT LAW NO. 2*
A CHILD	§	*HENDERSON COUNTY, TEXAS*

MEMORANDUM OPINION

M.B. and R.B. appeal the termination of their parental rights to their minor child, K.B. Appellants challenge the legal and factual sufficiency of the evidence and the admission of certain evidence.[1] We affirm.

BACKGROUND

M.B. is K.B.'s biological mother, and R.B. is K.B.'s biological father. M.B. also has two older children, A.B. and A.B.2, whose father is T.B., and R.B. is their stepfather.[2] On November 8, 2024, the Department of Family and Protective Services (the Department) filed an original petition for protection of K.B., for conservatorship, and for termination of Appellants' parental rights. The trial court appointed the Department as temporary managing conservator of K.B. and allowed Appellants limited rights of possession and access. After a trial on the merits, the jury found that the Department established, by clear and convincing evidence, that (1) both M.B. and R.B. placed or knowingly allowed K.B. to remain in conditions or surroundings which endangered her physical or emotional wellbeing and engaged in conduct or knowingly placed K.B. with persons who engaged in conduct which endangered her physical or emotional wellbeing and (2)

[1] M.B. and R.B. filed separate briefs.

[2] Parental rights to A.B. and A.B.2 are not at issue in this appeal.

termination of Appellants' parental rights is in K.B.'s best interest. The trial court signed an order terminating the parental rights of both R.B. and M.B. in accordance with the jury's verdict. R.B. and M.B. separately filed motions for new trial, which the trial court denied. This appeal followed.

THE EVIDENCE

Shawnn Oliver, one of A.B.'s teachers, testified that on November 7, 2024, she asked her students to turn in their signed report cards. A.B. stated that he did not have his, and Oliver told A.B. that he could turn it in the next day. Nevertheless, A.B.'s demeanor changed, he became upset, and said, "I don't think I can do that." R.B.'s counsel objected that Oliver's testimony about A.B.'s statements constituted hearsay, and the Department's attorney responded that A.B.'s statements were admissible as excited utterances. The trial court overruled the objection, and Oliver testified that A.B. told her, "whenever I took it home yesterday, my parents were drunk, and they were not able to sign it. So[,] if I take it back today, I know they won't be able to sign it." According to Oliver, A.B. was teary and in a state of excitement. Oliver contacted T.B. (the biological father of A.B. and A.B.2) and printed another report card for T.B. to sign. Oliver stated that A.B. looked relieved when T.B. came to pick him up.

Melanie Bailey, one of A.B.2's teachers in November 2024, testified that on November 7, someone from the school office came to her classroom regarding A.B.2's report card. When A.B.2 learned of the issue, she began raising her voice, got out of her chair, became very upset, and stated, "Who brought my report card? What did they say? Are they still here?" Bailey went into the hallway with A.B.2, and she described A.B.2 as "nervous and upset." When asked what A.B.2 related, R.B.'s counsel objected on the basis of hearsay and asserted that being nervous is "far from being excited." The Department's counsel argued that being nervous and scared satisfied the definition of an excited utterance. The trial court overruled the objection, and Bailey testified that A.B.2 asked how her signed report card reached the school. Bailey told A.B.2 she was not in trouble and someone dropped off her signed report card. Bailey testified that A.B.2 started to cry, "became more upset, and expressed that she was scared." According to Bailey, A.B.2 "expressed fear of her stepdad coming to the school with [M.B.]." A.B.2 and A.B. went home with T.B., and Bailey observed that both children seemed relieved.

Colton Monroe, an investigator with the Department, went to A.B. and A.B.2's school to investigate a report of neglect and abuse concerning K.B. on November 7, 2024. Monroe

explained that Heather McKinley, another investigator from the Department, was the primary investigator. Monroe spoke with A.B. and A.B.2., and both children disclosed things that concerned him, so he contacted his supervisor and law enforcement. When Appellants arrived, Monroe discussed the Department's "notification of rights" forms with them. Shortly thereafter, McKinley arrived and took over. Monroe went inside the school to check on A.B. and A.B.2, and Appellants were detained. When Monroe went back outside, he learned that K.B. was in Appellants' vehicle. According to Monroe, K.B. was not wearing shoes or a jacket, and she was covered with what appeared to be bug bites, which were bloody from being scratched.

McKinley testified that the Department became involved due to Appellants "being intoxicated with alcohol while trying to pick up their older two children from school, concerns of domestic violence between [R.B.] and [M.B.], and . . . concerns that [R.B.] had made threats of violence towards the older two children." When McKinley arrived at the school on November 7, she made contact with Appellants at their vehicle and provided them with a notification of rights form. R.B. was in the driver's seat, and M.B. was a passenger. M.B. told McKinley that she and R.B. consumed alcohol earlier that day. After Appellants' arrest, McKinley and Monroe removed K.B. from her car seat. According to McKinley, K.B. was unkempt, wore a dirty shirt, and had "bug bites that were actively bleeding." McKinley explained that the Department decided to remove K.B. because although Appellants knew they were intoxicated, they "still chose to put [K.B.] in the vehicle and drive with her to go pick up the older two children[,]" and both M.B. and R.B. previously failed to utilize resources the Department provided regarding alcohol abuse. K.B. was ultimately placed with S.B., an adult sibling.

Amy Hillhouse Thomas, a Eustace ISD Police officer, talked to A.B.2 on November 7, 2024, and she described A.B.2 as nervous, fidgeting, upset, and scared. Later that afternoon, Thomas saw Appellants arrive at the school in their vehicle. Johnny Pitman, the police chief for Eustace ISD, also saw R.B. pull his vehicle into the parking lot. Upon approaching the vehicle, Pitman noticed that R.B.'s eyes were glossy, and a strong odor of alcohol emanated from the vehicle. Pitman began administering a field sobriety test to R.B., but R.B. "said he was intoxicated and didn't want to continue[,]" so Pitman placed him under arrest. M.B. told Thomas that she drank wine. According to Thomas, both R.B. and M.B. appeared intoxicated. Thomas arrested M.B. and transported her to the hospital, and another officer transported R.B. to the hospital. Both M.B. and R.B. received citations for public intoxication. Appellants could not be medically

cleared for jail because M.B. caused a disturbance at the hospital and both M.B. and R.B. refused treatment, so they were ultimately released.

Daryl Bolton, a parent collaboration specialist with 4Kids4Families and former caseworker with the Department, was the first conservatorship caseworker assigned to the case.[3] Bolton testified that Appellants participated at the family group conference, during which a family plan of service was developed for each parent, worked on the requirements of their service plans, and removed alcohol from their home. According to Bolton, M.B. was diagnosed with alcohol use disorder, and R.B. was diagnosed with alcohol use disorder and cannabis use disorder. Bolton explained that during visitations, M.B. interacted well with K.B., but R.B. minimally interacted with K.B. He observed that K.B. was excited to see Appellants and became upset when it was time to leave them. Bolton agreed that K.B. was bonded to Appellants. In addition, Bolton visited K.B. in her placement, and he opined that she adapted well to the placement and appeared to be "[e]xcited, happy, [and] safe." Bolton agreed that, during his involvement in the case, R.B. demonstrated sobriety. Bolton's primary goal was family reunification, but he noted that although Appellants were working on their family service plans, they did not demonstrate change toward mitigating the circumstances that brought K.B. into the Department's care. Bolton's "concurrent permanency goal [was] relative next of kin adoption."

Angela Bass, a permanency specialist with 4Kids4Families and former investigator for the Department, received the instant case from Bolton after Appellants began working on their service plans. With the exception of the requirements that R.B. attend the Batterer's Intervention Prevention Program (BIPP) and M.B. attend Heart Group, Appellants' service plans were identical. According to Bass, M.B. did not complete her assessment truthfully and honestly because M.B. "never believed she had an alcohol problem." Although the Department wanted M.B. to participate in Alcoholics Anonymous (AA) in person, M.B. participated virtually. M.B. did not provide the Department with the name of a sponsor, and Bass opined that M.B. failed to demonstrate that she can address the issue that led to K.B.'s removal. Bass further opined that M.B. could not discuss her addiction and recovery honestly, as required by her substance abuse evaluation. In addition, Bass expressed concern that M.B. was not honest with her counselor "about the issues in her home or the issues that she had mentally and emotionally." M.B. also completed parenting classes, parent collaboration group, substance abuse counseling, individual

[3] 4Kids4Families is a private entity that contracts with the Department to provide services to families.

counseling, and Heart Group. Bass explained that Heart Group is a twelve-week program, which M.B. finished in six weeks.

Bass testified that R.B. completed his drug assessment but not the resulting recommendation regarding coping skills because "he could never be forthcoming about what's going on. He can't identify what coping skills look like and use those." R.B. attended AA meetings virtually, obtained a sponsor, and worked on the twelve steps. In addition, R.B. completed his psychological evaluation, attended individual counseling, attended parenting classes, and completed family violence classes (which were substituted for BIPP). Appellants attended all of their supervised visits, some of which Bass supervised. According to Bass, K.B. was "very excited" to see M.B., but was less excited to see R.B. Bass stated that M.B. was engaged with K.B. throughout the visits, but R.B. did not "engage a whole lot" with K.B. Bass spoke to R.B. about her concerns, and his attitude changed somewhat. Bass opined that Appellants' home is not appropriate and stable because of the occurrence of domestic violence.

Bass visits K.B. almost every week, and she testified that K.B. is doing well and appears to be very happy in her current placement, which provides a safe and stable home for her. Bass sometimes transports K.B. to and from visits with Appellants, and Bass testified that K.B. is excited to return to S.B. According to Bass, it is in K.B.'s best interest to continue in her current placement, where she has permanency, stability, and structure. Bass opined that terminating Appellants' parental rights is in K.B.'s best interest. Bass explained that the Department decided to seek termination rather than reunification during its monitored return staffing. When asked about the Department's view of S.B.'s sexual abuse accusation against R.B., Bass stated, "It was a concern." Bass agreed that R.B. adamantly denied S.B.'s accusations, and the notes from R.B.'s sessions reflect that he did so. According to Bass, the Department believes R.B.'s issues with alcohol and family violence are substantial problems. Bass denied that the Department based much of its information upon reports from A.B. and A.B.2, but agreed that such information played a part in the Department's recommendation. When asked about the fact that all of Appellants' drug tests during the pendency of the case were negative, Bass explained that "[n]egative tests do not show that they are actually implementing what they're learning and changing." Bass testified that R.B. tested positive for marijuana.

Bass opined that Appellants rushed through completing their services and merely checked the boxes. She denied that the Department's only information regarding domestic violence came

from A.B. and A.B.2. Rather, according to Bass, the Department also obtained information from officers, teachers, and service providers. Bass agreed that both M.B. and R.B. obtained certificates of completion from all of the Department's service providers, but explained that they failed to "work the service plan honestly and openly." According to Bass, Appellants behaved "[l]ike there wasn't an issue, aggravated. Just didn't feel the need that there should be a case."

Kayla Mullins, an investigator with the Department, testified that in May 2020, she investigated a case concerning A.B. and A.B.2, which began after a report that R.B. held a gun to M.B.'s head. When Mullins went to Appellants' home, M.B. refused to open the gate. Mullins left paperwork and informed M.B. that A.B. and A.B.2 needed to undergo forensic interviews. Mullins later returned to the home after the Department obtained an order allowing access to the home and forensic interviews of the children. According to Mullins, Appellants refused to allow her to transport the children for their interviews, and R.B. instead transported the children against Mullins's wishes. A.B. and A.B.2 made outcries during the interview, and M.B. told Mullins that their outcries were untrue. When Mullins told M.B. that the children should not return home due to safety concerns, M.B. said "no" and "walked back to the truck with the kids." Mullins contacted the Department's attorney, and A.B. and A.B.2 were removed.

M.B. testified that on the afternoon of November 7, 2024, while she and R.B. were at home with K.B., she drank two glasses of wine over a two-hour period. According to M.B., A.B. and A.B.2 do not "like when anybody drinks at all. They're pretty outspoken about it." When the family needed to pick A.B. and A.B.2 up from school, M.B. put K.B. into her car seat, and R.B. drove. M.B. denied knowing that R.B. consumed alcohol, stated that he "looked completely fine[,]" and opined that his "ability to operate a motor vehicle was not impaired." Upon arriving at the school, Appellants encountered representatives from the Department. M.B. denied admitting to school police officers that she could not pass a field sobriety test, and she explained, "I also had chamomile tea, so I was super, super relaxed. I was just relaxed." Appellants ultimately received citations for public intoxication, pleaded "no contest," paid their fines, and received deferred adjudication. M.B. explained that she refused to take a Breathalyzer test because an arrest for public intoxication does not require a 0.08 blood alcohol level. M.B. denied being belligerent at the hospital but admitted that she became upset and refused medical treatment.

M.B. testified that the Department previously removed A.B. and A.B.2 in 2017 after T.B. reported that she threatened him with a knife. A grand jury indicted M.B. of aggravated assault

with a deadly weapon. M.B. denied cutting or stabbing T.B. and explained that she, T.B., A.B., and A.B.2 were all lying on the bed when T.B. called 911. M.B. agreed that the Department also removed A.B. and A.B.2 in 2020, when T.B. reported that R.B. held a gun to M.B.'s head and refused to allow her to leave her residence. When the Department's investigator arrived, M.B. refused to open the gate and told her to obtain a warrant. The investigator left paperwork under the gate and returned the following day with a warrant, and M.B. refused to allow her to drive the children to their forensic interview, so R.B. drove them instead. After learning that the children outcried, M.B. attempted to leave with R.B. and the children. The Department's investigator contacted the police, and the Department removed the children. M.B. denied telling the children that the removal was T.B.'s fault. When asked why she remained with R.B., M.B. explained, "I've been with him for six years. And I'm there day in and day out. I can see how he is. He's very kind." In addition, when asked if she did not believe A.B. and A.B.2's outcries, M.B. testified that the children did not outcry to her, and she would like to hear directly from them. M.B. denied that R.B. abused her and denied telling T.B. that R.B. held her hostage with the children. M.B. stated that she does not believe the sexual abuse allegations made by A.B., A.B.2, and S.B. According to M.B., A.B., and A.B.2 "have been proven to lie so many times in this case[,]" and she believes T.B. is responsible for the outcries of A.B. and A.B.2.

M.B. agreed that during the pendency of the instant case, she underwent a psychological evaluation by Dr. Dawn Lowe at East Texas Psychological (ETP). The Department's attorney offered records from ETP into evidence as business records, and M.B.'s attorney objected that (1) the danger of unfair prejudice outweighed the evidence's probative value, (2) the records do not constitute the best evidence because Lowe could testify in person, and (3) the records constituted hearsay within hearsay. In response, the Department's attorney argued that the records were kept within the ordinary course of business. M.B.'s attorney replied that "a business records affidavit [does not] just give free rein that it can get in no matter what. There's a hearsay exception. There's hearsay within hearsay. And additionally, [the] best evidence rule [provides] that we need to have Ms. Lowe here to testify[.]" The trial court overruled the objections. The Department's counsel asked M.B. to read portions of the records indicating that (1) her profile "was considered invalid for interpretation due [to] faking good[;]" (2) M.B.'s response style shows a distinct tendency toward avoiding self-disclosure; and (3) "[a]lso possible are broad deficits in introspectiveness and psychological mindedness, owing to emotional impoverishment or thought dullness."

M.B. explained that, as required by her service plan, she underwent substance abuse and psychological assessments, participated in weekly counseling sessions, took parenting classes, attended a support group for victims of domestic violence, attended substance abuse counseling, and attended online AA meetings twice weekly. M.B. testified that she learned that alcohol is not a good coping mechanism. Additionally, M.B. stated that she has not consumed alcohol since November 7, 2024. When asked why she attended AA meetings online rather than in person, M.B. testified that although the Department preferred for her to attend in person, the trial court's order did not require her to do so, and attending virtually is "more financially responsible" for her. M.B. stated that she has not found a sponsor and is on step one of the twelve steps because she is not yet ready to label herself as an alcoholic. M.B. has been self-employed since 2017 as manager of some rental properties she owns, but due to arson at one of the properties, she earned no income since 2024. According to M.B., she does not work full time because she wants to raise her children. M.B. opined that she addressed the reasons for K.B.'s removal and learned from the services in which she participated, and her home is safe for K.B.

R.B. testified that he has six biological children and twelve grandchildren. Appellants own their home. R.B. is disabled and receives monthly disability payments. When their neighborhood declined, R.B. surrounded his home with a ten-foot fence, which has a remote-controlled gate. R.B. keeps one remote control on his person, and the family keeps the other remote control on top of the refrigerator. When asked whether A.B. and A.B.2 mentioned that they fear being locked inside the fence, R.B. testified, "[t]hey informed me [that] they love the fence." R.B. denied that alcohol was a problem in his relationship with M.B., that domestic violence occurred in their home, or that he threatened to kill A.B. and A.B.2. R.B. explained that he and M.B. have not consumed alcohol since the Department removed K.B. During his counseling sessions, R.B. denied S.B.'s allegations of sexual abuse.

When the Department removed A.B. and A.B.2 in 2020 after a report that R.B. "was holding everybody hostage[,]" R.B. transported A.B. and A.B.2 to their forensic interviews because M.B. wanted him to do so. R.B. denied coaching the children about what to say during their interviews or telling them that if they did not lie during their interviews, they would be placed in a foster home. R.B. testified that on the afternoon of November 7, 2024, he consumed two glasses of wine, but he did not believe he was inebriated, so he drove to pick up A.B. and A.B.2 from school. Upon arriving at the school, two investigators from the Department approached, and

a school district police officer performed a "pen test" on R.B. and arrested him. R.B. denied telling the officer that he could not pass additional field sobriety tests after undergoing the horizontal gaze nystagmus test. R.B. explained that he pleaded "no contest" to the citation for public intoxication and received deferred adjudication.

R.B.'s family plan of service required him to take a drug assessment and follow the recommendations, which included attending AA or Celebrate Recovery meetings twice weekly. R.B. agreed that Bass instructed him to attend AA meetings in person rather than online. R.B. stated that he has a sponsor, but he did not provide his sponsor's name to the caseworker because his sponsor wanted to remain anonymous. K.B. explained that he tested positive for marijuana because he consumed CBD oil. R.B.'s service plan also required him to attend BIPP, and he completed some BIPP classes but could not afford to complete the program. During one of R.B.'s visits with K.B., the Department's caseworker told R.B. that he was not interacting with K.B. According to R.B., he played with K.B. during the visit, and K.B. was happy and affectionate. R.B. stated that all of the unsupervised visits with K.B. at their home went well. R.B. testified that S.B. cut him out of her life four or five years ago, and she currently has possession of K.B. R.B. explained that he and M.B. want K.B. back, and he believes that K.B. would be safe in their care. R.B. also believes that T.B. manipulated A.B. into making allegations against him. According to R.B., M.B. is a good, caring mother who puts her children's needs first. During cross-examination, R.B. testified that one of his older sons ran away from home and was placed in a boys' home.

A.B., who was eleven years old at the time of trial, testified that in November 2024, he told his teacher he could not turn in his signed progress report because Appellants were drunk. When asked whether there are things at M.B.'s home that scare him, A.B. responded, "[R.B.] and guns." According to A.B., R.B. owns a gun and does not always store it safely. A.B. explained that R.B.'s gun was beside the TV when it was not safely stored. A.B. related that his mother and R.B. drank alcohol and then drove him and A.B.2 to school. A.B. stated that on one such occasion, R.B. swerved during a turn, causing "half of the wheels" to come off the road. A.B. testified that if he needed to leave home to get help, he could not do so because the keys to the gate around the property were kept in R.B.'s room "at all times." A.B. stated, "[R.B.] threatened to kill us if . . . [K.B.] ever got taken away from him by CPS[,]" so T.B. obtained a protective order against R.B. on behalf of his children. A.B. responded affirmatively when asked whether he believed R.B. would hurt him, and he stated that he does not believe M.B. could protect him from R.B.

When A.B., A.B.2, and T.B. met with the Department's attorney to prepare for trial, A.B. spoke privately with T.B. and disclosed that R.B. sexually abused him when he was approximately five years old. Specifically, A.B. told his father that when he asked R.B. for a piece of chocolate, R.B. told him to lick A.B.2's vagina, and A.B. did so. A.B. explained that he chose to reveal the abuse for K.B.'s safety. T.B. informed the Department's counsel, and A.B. underwent a forensic interview that day. Later in the trial, A.B. testified that he believes the incident was a dream. A.B. explained that he feels safe at his father's house, but he does not feel safe at M.B.'s home and he believes K.B. is not safe at M.B.'s home. A.B. testified, "[o]nce [M.B. and R.B.] were really drunk, a whole week, they weren't really cooking or coming out of their room, so [A.B.2] had to cook for us, because she's the second best cook in the house. So[,] I don't think [K.B.] knows how to cook yet." According to A.B., K.B. grabbed the gun that was by the TV, which frightened him. A.B. testified that R.B. took the gun from K.B. quickly, but when K.B. grabbed the gun, "[s]he tried to shoot [R.B.]." A.B. stated, "I thought we were going to die because a [three]-year-old has a gun." A.B. explained that on one occasion, R.B. hurt his mother's hand, and on another occasion, his mother had a black eye. M.B. said her black eye was from hitting her head on the doorknob, but A.B. believes she was punched. When asked whether M.B.'s rights to K.B. should be terminated, A.B. testified, "I don't think she deserves that, but I don't think . . . she should live with her. If it was visitations, I think that's the perfect solution."

A.B.2, who was ten years old at the time of trial, testified that she told a teacher about Appellants drinking alcohol, as well as Appellants fighting and M.B. having a black eye. A.B.2 explained that she did not see how M.B.. got a black eye, but she heard M.B. screaming "stop" in R.B.'s bedroom, and M.B. had a black eye the next day. When asked whether anything happened at Appellants' home that scared her, A.B.2 stated, "when they were drinking, they fought a lot, and [R.B.] would get really mad. And once he shot a gun at the ground." A.B.2 did not recall whether K.B. had been born when the gun incident occurred. According to A.B.2, R.B.'s driving frightened her because he swerved frequently and his breath smelled of alcohol. A.B.2 estimated that R.B. drove while intoxicated approximately twenty times.

A.B.2 explained that she sometimes cooked food for both herself and A.B. because Appellants "were drunk, so they passed out." According to A.B.2, R.B. threatened to kill her if K.B. were ever taken from him, so she was frightened when the Department removed K.B. A.B.2 recalled that she underwent a forensic interview after she, T.B., and A.B. met with the

Department's attorney to prepare for trial. During her interview, A.B.2 disclosed that R.B. made her lick his tongue when she asked for a grape. A.B.2 further disclosed that R.B. showed her and A.B. a pornographic video. A.B.2 testified that she does not recall A.B. licking her private part. A.B.2 stated that she does not feel safe at M.B.'s home, and she does not believe K.B. would be safe if she were returned to M.B.

T.B. testified that he previously struggled with alcoholism, but he stopped drinking after being hospitalized for alcohol poisoning in the summer of 2024. When asked to describe M.B.'s alcohol issues, T.B. responded, "[a]s bad as mine." According to T.B., the Department became involved with the family in 2017, when M.B. cut his throat with a knife. M.B. was charged with aggravated assault with a deadly weapon and jailed for six or seven months, but the charge was ultimately dropped when T.B. recanted. During the pendency of the Department's case, T.B. went to prison for driving while intoxicated. Upon his release from prison, T.B. lived at M.B.'s home and M.B. moved in with R.B. In May 2020, M.B. called T.B. and informed him that she was experiencing domestic abuse. Both A.B. and A.B.2 were with M.B. The Department removed the children again and placed them with friends of T.B. According to T.B., both children expressed concerns about R.B., but M.B. was dismissive regarding their concerns. The Department's case was ultimately resolved and the children were reunited with M.B.

T.B. testified that he went to the children's school on November 7, 2024, and ultimately took A.B. and A.B.2 home with him. According to T.B., both children were visibly concerned upon learning that Appellants were not in jail, and T.B. obtained a protective order against R.B. the next day due to his threats against the children. T.B. explained that when A.B. disclosed new information while they were preparing for trial, A.B. was crying, seemed extremely guilty, and stated that he did not know what he did was wrong. T.B. called 911, and both children underwent forensic interviews. T.B. later learned that R.B.'s adult daughter, S.B., accused R.B. of sexually abusing her during her childhood. Both A.B. and A.B.2 related that R.B. never touched them inappropriately, but T.B. stated, "I just got a feeling that they were hiding something." When asked whether M.B. met the children's needs, T.B. testified that she sometimes did so, but there were times when she could not function due to intoxication.

Curtis Pickle, a licensed professional counselor with East Texas Psychological Services (ETPS), provided individual therapy to M.B. and R.B. twice monthly between April and June 2025. According to Pickle, both M.B. and R.B. were diagnosed with "unspecified personality

disorder, turbulent type[.]" Pickle explained that the Department wanted him to help Appellants improve the situation that led to the Department's case regarding K.B. Pickle opined that Appellants did not acknowledge their problems with alcohol, and both of them blamed T.B. for the Department's opening of a case regarding K.B. Pickle discharged Appellants because they were not "forthcoming with anything that they specifically needed to work on." Pickle stated that Appellants also sought therapy from ETPS in 2020 during the Department's case regarding A.B. and A.B.2.

According to Pickle, both he and the Department caseworker believed that Appellants failed to take responsibility for having a case with the Department and both of them were simply "checking boxes" while in therapy. During the pendency of the case, a Department caseworker disclosed to Pickle that R.B.'s adult daughter, S.B., made an outcry of sexual abuse against R.B. When Pickle discussed the outcry with Appellants, both denied the allegation. When asked why he discontinued therapy with Appellants after only six visits, Pickle testified, "They weren't willing to work. They didn't want to be there." Pickle stated that he and the Department's caseworker agreed that Appellants were not honest about their drinking, "abuse that was going on in the family[,] and the fear that the children were experiencing." In addition, Pickle testified that he learned from the caseworker that the children indicated that R.B. brandished a machete and had guns in the house. Both R.B. and M.B. told Pickle that said reports were untrue. A caseworker also told Pickle that R.B. was overly affectionate with the children. During cross-examination, Pickle testified that he stated in his notes regarding Appellants that he was not certain that the older two children's "fear is as real as they make it out to be, or just manipulation and pressure from the father." Pickle never spoke to A.B. or A.B.2.

S.B. is K.B.'s paternal half-sister and current caregiver. S.B. has two children, both of whom grew close to K.B. S.B. testified that K.B. is quiet, timid, and currently in speech classes due to a speech delay. S.B. also takes K.B. to counseling once weekly. Shortly after K.B. was placed with S.B., K.B. exhibited strange behaviors, such as poking her vagina before showering. S.B. informed K.B.'s CASA (Court Appointed Special Advocate) representative that R.B. sexually abused S.B. as a child and she "wanted to make sure that nothing had happened to [K.B.]" S.B. related that the abuse occurred on multiple occasions, but it ceased sometime before she turned fourteen and began to menstruate. According to S.B., R.B. performed oral sex on her, asked her to perform oral sex on him, and rubbed his genitals on her genitals. S.B. did not tell her mother

about the abuse or report it to the police because R.B. was "the main person" that she and her siblings knew. S.B. and her husband want to adopt K.B., and she opined that adoption is in K.B.'s best interest.

Licensed counselor Pennye West began providing play therapy to K.B. in January 2025. West testified that at the beginning, K.B. did not know shapes, colors, or the alphabet song, but K.B. now counts, sings, knows colors and shapes, recognizes letters of the alphabet, can spell her name, and her speech has significantly improved. West explained that K.B. needs structure, consistency, and predictability, and opined that her current placement with S.B. and her family is stable and will meet those needs. According to West, removing K.B. from her current placement would be "very difficult" for K.B. and there would be "effects with attachment relationship connections, friendships." When asked whether K.B. has a bond with her parents, West testified that K.B.'s behaviors "are typical of children that do not have a clear attachment or bonding." In addition, West explained that K.B. never mentioned M.B., R.B., A.B., or A.B.2 during her therapy sessions, but K.B. discussed S.B., S.B.'s husband, and her foster siblings. According to West, after K.B.'s unsupervised visits with R.B. and M.B., she began using the words "penis" and "vagina" during her sessions. West stated that K.B. is vulnerable because of her age and circumstances and noted that K.B.'s placement with S.B. is her longest out-of-home placement. According to West, K.B. is thriving in her placement with S.B. West opined that Appellants' alcohol consumption created an unpredictable environment that caused K.B. to become hypervigilant. West also testified that R.B. has a history of abusive or assaultive conduct in the home.

Penny LaPlant with CASA recommended termination of Appellants' parental rights because (1) they failed to take ownership of the reason K.B. came into the Department's care, which makes correcting the issue difficult; (2) K.B.'s three older siblings outcried; and (3) "domestic violence was never addressed appropriately." LaPlant explained that the Department wanted Appellants to address "the root issue of their alcohol use and domestic violence." According to LaPlant, during Appellants' first visit with K.B., M.B. was engaged with K.B., but R.B. "sat on the couch and slept off and on throughout the visit. And when he was awake, he was recording the visit." LaPlant stated that K.B. engaged with R.B. "[a] little bit" during the visit, but R.B. "never engaged her."

TERMINATION OF PARENTAL RIGHTS

Involuntary termination of parental rights involves fundamental constitutional rights. ***Vela v. Marywood***, 17 S.W.3d 750, 759 (Tex. App.—Austin 2000), *pet. denied per curiam*, 53 S.W.3d 684 (Tex. 2001), ***In re J.J.***, 911 S.W.2d 437, 439 (Tex. App.—Texarkana 1995, writ denied). Because a termination action permanently sunders the bonds between parent and child, the proceedings must be strictly scrutinized. ***Wiley v. Spratlan***, 543 S.W.2d 349, 352 (Tex. 1976); ***In re Shaw***, 966 S.W.2d 174, 179 (Tex. App.—El Paso 1998, no pet.). "[W]e must exercise the utmost care in reviewing the termination of parental rights to be certain that the child's interests are best served and that the parent's rights are acknowledged and protected." ***Vela***, 17 S.W.3d at 759.

Section 161.001(b) of the Texas Family Code permits a court to order termination of parental rights if two elements are established. TEX. FAM. CODE ANN. § 161.001(b) (West Supp. 2025). The movant must show that (1) the parent committed one or more of the predicate acts or omissions, and (2) termination is in the child's best interest. *See* ***id.*** § 161.001(b)(1), (2). Both elements must be established by clear and convincing evidence, and proof of one element does not alleviate the petitioner's burden of proving the other. ***Id.*** § 161.001(b); ***Wiley***, 543 S.W.2d at 351. The "clear and convincing" evidentiary standard for termination of parental rights is both constitutionally and statutorily mandated. TEX. FAM. CODE ANN. § 161.001; ***In re J.J.***, 911 S.W.2d at 439. "Clear and convincing evidence" is defined as "the measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established." TEX. FAM. CODE ANN. § 101.007 (West 2019). The party seeking termination of parental rights bears the burden of proof. ***In re J.F.C.***, 96 S.W.3d 256, 266 (Tex. 2002).

TERMINATION FOR CONDITION ENDANGERMENT AND CONDUCT ENDANGERMENT

In M.B.'s third issue and R.B.'s second issue, they challenge the sufficiency of the evidence supporting the termination of their parental rights on the grounds of condition endangerment and conduct endangerment. Because evidence concerning condition endangerment and conduct endangerment is often interrelated, we will consider them together in evaluating the legal and factual sufficiency of the evidence. *See* ***In re A.J.H.***, No. 01-18-00245-CV, 2019 WL 190050, at *8 (Tex. App.—Houston [1st Dist.] 2019, no pet.) (mem. op.) (holding that appellate court "may consolidate its examination of the evidence" for condition endangerment and conduct

endangerment). Within her discussion of issue three, M.B. also challenges the sufficiency of the evidence supporting the finding that termination of her parental rights is in the best interest of K.B. R.B. does not challenge the sufficiency of the evidence supporting the best interest finding.

Standard of Review

When presented with a challenge to both the legal and factual sufficiency of the evidence, we must first review the legal sufficiency of the evidence. ***Glover v. Tex. Gen. Indem. Co.***, 619 S.W.2d 400, 401 (Tex. 1981); ***In re M.D.S.***, 1 S.W.3d 190, 197 (Tex. App.—Amarillo 1999, no pet.). When reviewing the legal sufficiency of the evidence, we review all the evidence in the light most favorable to the finding to determine "whether a reasonable trier of fact could have formed a firm belief or conviction that its finding was true." ***In re J.F.C.***, 96 S.W.3d at 266. We assume that the factfinder resolved disputed facts in favor of its holding if a reasonable factfinder could do so, and we disregard all evidence that a reasonable factfinder could have disbelieved or found to have been incredible. ***Id.*** If no reasonable factfinder could form a firm belief or conviction that the matter that must be proven is true, the evidence is legally insufficient. ***Id.*** The trier of fact is the exclusive judge of the credibility of the witnesses and the weight to be given their testimony. ***Nordstrom v. Nordstrom***, 965 S.W.2d 575, 580 (Tex. App.—Houston [1st Dist.] 1997, pet. denied).

When reviewing the factual sufficiency of the evidence, we must determine whether the evidence is such that a factfinder could reasonably form a firm belief or conviction about the truth of the Department's allegations. ***In re C.H.,*** 89 S.W.3d 17, 25 (Tex. 2002). We give due consideration to evidence that the factfinder could reasonably have found to be clear and convincing, and we consider whether disputed evidence is such that a reasonable factfinder could not have resolved that disputed evidence in favor of its ruling. ***In re J.F.C.***, 96 S.W.3d at 266. If, considering the entire record, the disputed evidence that a reasonable factfinder could not have credited in favor of the finding is so significant that a factfinder could not reasonably have formed a firm belief or conviction, the evidence is factually insufficient. ***Id.***

Applicable Law

"'Endanger' means to expose to loss or injury or to jeopardize." ***In re S.A.***, 665 S.W.3d 59, 69 (Tex. App.—Tyler 2022, pet. denied). Conduct that subjects a child to a life of uncertainty and instability endangers the child's emotional wellbeing. ***In re M.R.J.M.***, 280 S.W.3d 494, 503 (Tex. App.—Fort Worth 2009, no pet.). In addition, endangering conduct is not limited to actions

directed toward the child, and the child need not actually suffer injury. ***Tex. Dep't of Human Servs. v. Boyd***, 727 S.W.2d 531, 533 (Tex. 1987); ***In re J.J.***, 911 S.W.2d at 440. Endangering conduct may include the parent's actions before the child's birth and while the parent had custody of older children. ***Id.***; *see also* ***In re J.O.A.***, 283 S.W.3d 336, 345 (Tex. 2009). Evidence of alcohol abuse or illegal drug use by a parent will support an affirmative finding that the parent engaged in a course of conduct that endangered the child. ***In re R.W.***, 129 S.W.3d 732, 741 (Tex. App.—Fort Worth 2004, pet. denied) (concluding that father's history of drug and alcohol abuse constituted endangering conduct); ***In re J.T.G.***, 121 S.W.3d 117, 125 (Tex. App.—Fort Worth 2003, no pet.) (holding that parent's use of illegal drug supported finding of endangerment).

A trial court "may order termination of the parent-child relationship if the court finds by clear and convincing evidence . . . that the parent has . . . knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child[.]" TEX. FAM. CODE ANN. § 161.001(b)(1)(D). Subsection (D) addresses the child's surroundings and environment. ***In re N.R.***, 101 S.W.3d 771, 775-76 (Tex. App.—Texarkana 2003, no pet.). "[A]lthough the focus of [S]ubsection (D) is on the child's living environment and not on the parent's conduct, parental conduct may produce an endangering environment." ***In re M.T.W.***, No. 01-11-00162-CV, 2011 WL 6938542, at *12 (Tex. App.—Houston [1st Dist.] Dec. 29, 2011, no pet.) (mem. op.); *see* ***In re S.R.***, 452 S.W.3d 351, 360 (Tex. App.—Houston [14th Dist.] 2014, pet. denied) (holding that child's environment refers to suitability of child's living conditions as well as parents conduct in home). A child is endangered under subsection (D) when the environment creates a potential for danger that the parent is aware of but disregards. ***Jordan v. Dossey***, 325 S.W.3d 700, 721 (Tex. App.—Houston [1st Dist.] 2010, pet. denied); ***In re A.S.***, 261 S.W.3d 76, 83 (Tex. App.—Houston [14th Dist.] 2008, pet. denied). Therefore, we examine evidence related to the child's environment to determine if the environment was the source of endangerment. ***Ruiz v. Tex. Dep't of Family & Protective Servs.***, 212 S.W.3d 804, 815 (Tex. App.—Houston [1st Dist.] 2006, no pet.). Inappropriate, abusive, or unlawful conduct by persons who live in the child's home or with whom the child is compelled to regularly associate in his home is part of the "conditions or surroundings" of the child's home under Section 161.001(b)(1)(D). ***Jordan***, 325 S.W.3d at 721; ***In re B.R.***, 822 S.W.2d 103, 106 (Tex. App.—Tyler 1991, writ denied). A single act or omission may support termination pursuant to subsection (D). ***In re R.D.***, 955 S.W.2d 364, 367 (Tex. App.—San Antonio 1997, pet. denied).

Section 161.001(b)(1)(E) permits the trial court to order termination of the parent-child relationship if it finds by clear and convincing evidence that the parent has "engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child[.]" TEX. FAM. CODE ANN. § 161.001(b)(1)(E). "Subsection (E) requires us to look at the parent's conduct alone, including actions, omissions, or the parent's failure to act." ***In re S.A.***, 665 S.W.3d at 70. Unlike subsection (D), termination under subsection (E) must be based on more than a single act or omission. ***Id.*** To terminate a parent's rights pursuant to subsection (E), the evidence must demonstrate a voluntary, deliberate, and conscious course of conduct by the parent that endangers the child's physical or emotional wellbeing. ***Id.***

Analysis

The evidence at trial showed that the Department became aware that Appellants abused alcohol after A.B. informed his teacher that Appellants could not sign his report card because they were drunk. The Department's case regarding K.B. began when R.B. drove K.B. and M.B. as passengers while he was intoxicated. The Department also learned of concerns about domestic violence between Appellants and that R.B. threatened A.B. and A.B.2. When R.B. arrived at A.B. and A.B.2's school, his eyes were glossy and a strong odor of alcohol emanated from the vehicle. The evidence also showed that both Appellants failed field sobriety tests and pleaded "no contest" to public intoxication. When Department investigators removed K.B. from the vehicle, she was unkempt, her shirt was dirty, and she was covered in bleeding insect bites.

The factfinder heard evidence that while Appellants were intoxicated, they drove with A.B., A.B.2, and K.B. as passengers on other occasions. The factfinder also heard evidence that R.B. has a gun, which he does not always safely store, and on one occasion, K.B. picked up the gun. Additionally, R.B. threatened to kill A.B. and A.B.2 if K.B. were removed, and A.B. does not believe M.B. could protect him from R.B. The factfinder further heard evidence that R.B. told A.B. to lick A.B.2's vagina, made A.B.2 lick R.B.'s tongue, showed both children a pornographic video, and sexually abused S.B. when she was a child. Moreover, the factfinder heard evidence that Appellants were intoxicated for a week and did not leave their room, so A.B.2 prepared food. T.B., A.B., and A.B.2 testified that R.B. physically abused M.B.

After reviewing the evidence in the light most favorable to the judgment, we conclude that a reasonable factfinder could have formed a firm belief or conviction that M.B. and R.B. knowingly placed or knowingly allowed K.B. to remain in conditions or surroundings that

endangered her physical or emotional well-being and engaged in conduct or knowingly placed K.B. with persons who engaged in conduct that endangered her physical or emotional well-being. *See* TEX. FAM. CODE ANN. §§ 161.001(b)(1)(D), (E); ***In re J.F.C.***, 96 S.W.3d at 266. Furthermore, having considered the entirety of the evidence, both that which supports and that which is contrary to the findings, we conclude that any disputed evidence is such that a reasonable factfinder could reconcile said disputed evidence in favor of its findings. *See* ***In re J.F.C.***, 96 S.W.3d at 266. We therefore hold that the evidence is legally and factually sufficient to support termination of the parental rights of M.B. and R.B. to K.B. under subsections (D) and (E) of Section 161.001(b)(1) of the Texas Family Code. Accordingly, we overrule R.B.'s second issue and the portion of M.B.'s third issue that challenges the legal and factual sufficiency of the evidence supporting termination under subsections (D) and (E) of Section 161.001(b)(1) of the Texas Family Code.

BEST INTEREST OF THE CHILD

In part of her argument in issue three, M.B. contends the evidence is legally and factually insufficient to support the trial court's finding that termination of her parental rights is in K.B.'s best interest.

Applicable Law

Trial courts have wide latitude in determining a child's best interest. ***In re I.N.B.***, 662 S.W.3d 631, 647 (Tex. App.—Beaumont 2023, no pet.). In determining the best interest of the child, courts consider a non-exhaustive list of factors, including: (1) the desires of the child; (2) the child's emotional and physical needs now and in the future; (3) the emotional and physical danger to the child now and in the future; (4) the parental abilities of the individuals seeking custody; (5) programs available to assist these individuals to promote the child's best interest; (6) plans for the child by these individuals or the agency seeking custody; (7) stability of the home or proposed placement; (8) acts or omissions of the parent which may indicate that the existing parent-child relationship is not proper; and (9) any excuse for the parent's acts or omissions. ***Holley v. Adams***, 544 S.W.2d 367, 371-72 (Tex. 1976).

The Texas Family Code also provides a list of factors that we will consider in conjunction with the ***Holley*** factors. TEX. FAM. CODE ANN. § 263.307(b) (West 2019). These statutory factors include: (1) the child's age and physical and mental vulnerabilities; (2) the frequency and nature of out-of-home placements; (3) the magnitude, frequency, and circumstances of the harm to the

child; (4) whether the child has been the victim of repeated harm after the initial report and intervention by the Department; (5) whether the child is fearful of living in or returning to the child's home; (6) the results of psychiatric, psychological, or developmental evaluations of the child, the child's parents, other family members, or others who have access to the child's home; (7) whether there is as history of abusive or assaultive conduct by the child's family or others who have access to the child's home; (8) whether there is a history of substance abuse by the child's family or others who have access to the child's home; (9) whether the perpetrator of the harm to the child is identified; (10) the willingness and ability of the child's family to seek out, accept, and complete counseling services and to cooperate with and facilitate an appropriate agency's close supervision; (11) the willingness and ability of the child's family to effect positive environmental and personal changes within a reasonable period of time; (12) whether the child's family demonstrates adequate parenting skills; and (13) whether an adequate social support system consisting of extended family and friends is available to the child. ***Id.***

No particular ***Holley*** factor is controlling, and evidence of one factor may be sufficient to support a finding that termination is in the child's best interest. ***In re A.P.***, 184 S.W.3d 410, 414 (Tex. App.—Dallas 2006, no pet.). The evidence need not prove all the statutory or ***Holley*** factors to show that termination of parental rights is in a child's best interest. *See* ***Holley***, 544 S.W.2d at 372; ***In re J.I.T.P.***, 99 S.W.3d 841, 848 (Tex. App.—Houston [14th Dist.] 2003, no pet.). The best interest of the child does not require proof of any unique set of factors nor limit proof to any specific factors. ***In re D.M.***, 58 S.W.3d 801, 814 (Tex. App.—Fort Worth 2001, no pet.). Evidence supporting the statutory predicate grounds for termination of parental rights is also probative in determining whether termination is in the child's best interest. ***In re C.H.***, 89 S.W.3d at 28-29. In conducting a best-interest analysis, "a court may consider not only direct evidence but also may consider circumstantial evidence, subjective factors, and the totality of the evidence." ***In re J.M.T.***, 519 S.W.3d 258, 269 (Tex. App.—Houston [1st Dist.] 2017, pet. denied). We will apply the relevant statutory and ***Holley*** factors below.

Analysis

In her brief, M.B. argues that terminating her parental rights requires proof, by clear and convincing evidence, that termination is in K.B.'s best interest. However, M.B.'s brief does not provide appropriate citations to the record, nor does it cite any pertinent case law or statutory authority regarding the best interest determination. We therefore conclude that M.B. failed to

adequately brief her challenge to the legal and factual sufficiency of the evidence supporting the trial court's finding that termination of her parental rights is in K.B.'s best interest. *See* TEX. R. APP. P. 38.1(i) (providing that "[t]he brief must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record.").

We further conclude that even if M.B. properly briefed her challenge to the sufficiency of the evidence supporting the best interest finding, she would not prevail. The evidence demonstrated the following: (1) although M.B. removed alcohol from her home and completed the programs required by their service plan, both caseworkers from the Department and M.B.'s counselor believed that she rushed through doing so and failed to acknowledge and address the issues that led to K.B.'s removal; (2) despite completing services when A.B. and A.B.2 were removed, M.B. continued to abuse alcohol, which sometimes rendered her unable to care for her children; (3) M.B. refuses to acknowledge that she has a drinking problem; (4) despite knowing that A.B. and A.B.2 made outcries against R.B. and that T.B. obtained protective orders against R.B. on their behalf, M.B. stayed with R.B. and continued to expose her children to him; (5) A.B. and A.B.2 felt unsafe in Appellants' home; (6) domestic violence occurred in the home; (7) M.B. disbelieved the outcries of A.B., A.B.2, and S.B. regarding R.B.; (8) M.B. denied that domestic abuse occurred; (9) immediately after removal, K.B. exhibited concerning behaviors and had a speech delay; (10) domestic violence, as well as M.B.'s alcohol abuse, exposed K.B. to unpredictability and instability and caused her to become hypervigilant; (11) K.B. is placed with S.B., and said placement offers stability, safety, and predictability; (12) since being placed with S.B., K.B. receives speech therapy, counseling, and education; (13) K.B. is bonded to S.B. and the other members of her foster family; (14) K.B. is vulnerable due to her age and circumstances; (15) West opined that staying in S.B.'s home is in K.B.'s best interest; (16) CASA recommended termination of M.B.'s parental rights due to her failure to take ownership of the reason K.B. came into the Department's care, failure to address domestic violence in her home, and the fact that three of K.B.'s siblings outcried about abuse by R.B.; and (17) as detailed above, M.B. endangered K.B. by allowing R.B. to drive while intoxicated, with K.B. as a passenger, and exposing K.B. to domestic violence and alcohol abuse.

"[T]he prompt and permanent placement of the child in a safe environment is presumed to be in the child's best interest." TEX. FAM. CODE ANN. § 263.307(a) (West 2019). After viewing the evidence in the light most favorable to the trial court's best interest finding and applying the

statutory and ***Holley*** factors, we conclude that a reasonable trier of fact could have formed a firm belief or conviction that termination of M.B.'s parental rights was in K.B.'s best interest. *See* ***id.*** § 161.001(b)(2); ***In re J.F.C.***, 96 S.W.3d at 266. Any contrary evidence is not so significant that a reasonable factfinder could not have reconciled it in favor of its finding and formed a firm belief or conviction that terminating M.B.'s parental rights is in K.B.'s best interest. *See* ***In re J.F.C.***, 96 S.W.3d at 266. We conclude that the evidence is legally and factually sufficient to support the trial court's finding that termination of M.B.'s parental rights is in K.B.'s best interest. For all these reasons, we overrule M.B.'s third issue.

ADMISSION OF EVIDENCE

In issue one, M.B. contends the trial court abused its discretion by admitting the statements of A.B. and A.B.2 into evidence because their statements constituted hearsay, and in issue two, she contends the trial court abused its discretion by admitting her psychological report into evidence under an exception to the hearsay rule. In issue one, R.B. contends the trial court erred by admitting the statements of A.B. and A.B.2 into evidence because their statements constituted hearsay.

Standard of Review and Applicable Law

We review a trial court's evidentiary rulings for abuse of discretion. ***In re A.C.R.***, No. 11-22-00358-CV, 2023 WL 3872722, at *2 (Tex. App.—Eastland June 8, 2023, no pet.) (mem. op.) (citing ***Sw. Energy Prod. Co. v. Berry-Helfand***, 491 S.W.3d 699, 727 (Tex. 2016)). A trial court abuses its discretion if it acts without reference to any guiding rules or principles or if its actions are arbitrary and unreasonable. ***U-Haul Int'l, Inc. v. Waldrip***, 380 S.W.3d 118, 132 (Tex. 2012); ***Downer v. Aquamarine Operators, Inc.***, 701 S.W.2d 238, 241-42 (Tex. 1985). We must uphold the trial court's evidentiary ruling if there is any legitimate basis for the ruling. ***Owens-Corning Fiberglas Corp. v. Malone***, 972 S.W.2d 35, 43 (Tex. 1998).

To obtain reversal of a judgment based upon the erroneous admission of evidence, an appellant must show that (1) the trial court's ruling was erroneous and (2) the error probably caused the rendition of an improper judgment. ***Waldrip***, 380 S.W.3d at 132; *see* TEX. R. APP. P. 44.1(a)(1). An appellant seeking reversal on a purportedly improper evidentiary ruling must demonstrate, in light of the entire record, that the judgment turns on said evidence. ***M.S. v. Tex. Dep't of Family & Protective Servs.***, No. 03-24-00466-CV, 2024 WL 4867278, at *4 (Tex. App.—Austin Nov. 22, 2024, no pet.) (mem. op.) (citing ***Bay Area Healthcare Grp. v. McShane***,

239 S.W.3d 231, 234 (Tex. 2007)). An erroneous admission of evidence is harmless if it is cumulative of other evidence. ***Etheridge v. Opitz***, 580 S.W.3d 167, 175 (Tex. App.—Tyler 2019, pet. dism'd).

Analysis

We first address Appellants' contention that the trial court abused its discretion by admitting hearsay testimony regarding statements by A.B. and A.B.2. To prevail, Appellants must establish that the complained-of error probably caused the rendition of an improper judgment or probably prevented them from properly presenting their case on appeal. *See* TEX. R. APP. P. 44.1(a). Assuming without deciding that the trial court abused its discretion by improperly admitting hearsay testimony regarding statements by A.B. and A.B.2, we conclude that Appellants fail to demonstrate harm because said testimony was cumulative of testimony given by A.B. and A.B.2 at trial. *See* ***id.***; ***Etheridge***, 580 S.W.3d at 175. Accordingly, we overrule M.B.'s issue one and R.B.'s issue one.

We now turn to M.B.'s second issue, in which she contends the trial court abused its discretion by admitting her psychological report from ETP into evidence because the report constituted hearsay. "Hearsay" is a statement not made by the declarant while testifying at the trial or hearing that is offered in evidence to prove the truth of the matter asserted. TEX. R. EVID. 801(d). The proponent of the hearsay evidence bears the burden of showing that the evidence fits within an exception to the general rule prohibiting the admission of hearsay evidence. ***Volkswagen of Am., Inc. v. Ramirez***, 159 S.W.3d 897, 908 n.5 (Tex. 2004). For a document to be properly admitted under the business record exception to the hearsay rule, the proponent must prove that: (1) the records were made and kept in the course of a regularly conducted business activity, (2) it was the regular practice of the business activity to make the records, (3) the records were made at or near the time of the event that they record, (4) the records were made by a person with knowledge who was acting in the regular course of business, and (5) "the opponent fails to demonstrate that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness." TEX. R. EVID. 803(6); ***In re A.T.***, No. 02-04-00355-CV, 2006 WL 563565, at *3 (Tex. App.—Fort Worth Mar. 9, 2006, pet. denied) (mem. op.); ***Powell v. Vavro, McDonald, and Assocs., L.L.C.***, 136 S.W.3d 762, 765 (Tex. App.—Dallas 2004, no pet.); ***Daimler-Benz Aktiengesellschaft v. Olson***, 21 S.W.3d 707, 716 (Tex. App.—Austin 2000, pet. dism'd). Said requirements may be demonstrated by an affidavit that complies with Rule 902(10)

of the Texas Rules of Evidence. TEX. R. EVID. 803(6)(D); *see* TEX. R. EVID. 902(10) (requiring service of affidavit and record on opposing party at least fourteen days before trial and setting forth language for sufficient affidavit).

The Department required M.B. to undergo a psychological evaluation as part of her service plan. The psychological records from ETP were supported by the affidavit of W.A. McBride, Ph.D., in which McBride averred that (1) he is ETP's custodian of records and attached 189 pages of records to his affidavit, (2) ETP kept the 189 pages in the regular course of its business, (3) it was ETP's regular course of business for an employee or representative of ETP "with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record[,]" (4) the record was made at or near the time of the act, event, condition, opinion, or diagnosis or reasonably soon thereafter[,]" and (5) the attached 189 pages "are the original or exact duplicates of the original." Because the affidavit by ETP's custodian of records satisfied the requirements of Rules 803(6) and 902(10) of the Texas Rules of Evidence and M.B. does not challenge that she was timely served with the affidavit and records, we conclude that the trial court did not err by admitting the psychological report from ETP into evidence under the business records exception to the hearsay rule. *See* TEX. R. EVID. 803(6), 902(10); ***In re A.T.***, 2006 WL 563565, at *3; ***Powell***, 136 S.W.3d at 765; ***Olson***, 21 S.W.3d at 716.

As part of her argument within her discussion of issue two, M.B. also complains of the trial court's overruling of her objection to a question by the Department's counsel, in which counsel stated, "It's really nice to know that at least it's not just the Henderson County, the Eustace ISD officers that you think are wrong, it's Smith County as well." M.B.'s counsel stated, "Your Honor, I'm going to object[,]" and the trial court overruled the objection. As a prerequisite to presenting a complaint for appellate review, the record must show that the appellant made her complaint to the trial court by a timely objection that stated the grounds for the ruling sought "with sufficient specificity to make the trial court aware of the complaint, unless the specific grounds were apparent from the context[.]" TEX. R. APP. P. 33.1(a)(1)(A). We conclude that because M.B.'s objection failed to state the grounds for her objection with sufficient specificity to make the trial court aware of her complaint, the trial court did not err by overruling it. *See* ***id.*** We further conclude that M.B. fails to demonstrate that the trial court's overruling of her objection probably caused the rendition

of an improper judgment or prevented her from properly presenting her case to this Court. *See* TEX. R. APP. P. 44.1(a). For all these reasons, we overrule M.B.'s second issue.

DISPOSITION

Having overruled each of the issues raised by M.B. and R.B., we ***affirm*** the trial court's judgment. *See* TEX. R. APP. P. 43.2(a).

JAMES T. WORTHEN
Chief Justice

Opinion delivered March 18, 2026.
Panel consisted of Worthen, C.J., Hoyle, J., and Davis, J.

COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MARCH 18, 2026

NO. 12-25-00281-CV

IN THE INTEREST OF K.B., A CHILD

Appeal from the County Court at Law No 2
of Henderson County, Texas (Tr.Ct.No. FAM24-0598-CC2)

THIS CAUSE came to be heard on the appellate record and briefs filed herein, and the same being considered, it is the opinion of this court that there was no error in the judgment.

It is therefore ORDERED, ADJUDGED, and DECREED that the judgment of the court below **be in all things affirmed**, and that this decision be certified to the court below for observance.

James T. Worthen, Chief Justice.
Panel consisted of Worthen, C.J., Hoyle, J., and Davis, J.

Appendix B

County Court At Law No. 2 Order of Termination
October 17, 2025

FILED FOR RECORD
At 8:41 O'clock A M.

OCT 17 2025

Betty Herring
District Clerk
By RB Henderson County, Texas Deputy

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. FAM24-0598-CC2

IN THE INTEREST OF	§	**IN COUNTY COURT**
	§	
K[redacted]B[redacted]	§	**AT LAW #2**
	§	
A CHILD	§	**HENDERSON COUNTY, TEXAS**

ORDER OF TERMINATION

On October 6, 2025 through October 14, 2025, the Court heard and rendered this case.

1. Appearances

1.1. The Department of Family and Protective Services ("the Department") appeared through **ANGELA BASS**, caseworker, and by attorney, **REBECCA RAY** and announced ready.

1.2. Respondent Mother **MARINA BURROUGHS** appeared in person and through attorney of record **EMILY DUNN** and announced ready.

1.3. Respondent Presumed Father **ROBERT BURROUGHS** appeared in person and through attorney of record **MATT HAWKINS** and announced ready.

1.4. **CASA OF TRINITY VALLEY**, appointed by the Court as Attorney Ad Litem for the child the subject of this suit, appeared and announced ready.

1.5. **DANNA MAYHALL**, appointed by the Court as Attorney Ad Litem for the child the subject of this suit, appeared and announced ready.

2. Jurisdiction and Service of Process

2.1. The Court, having examined the record and heard the evidence and argument of counsel, finds the following:

2.1.1. a request for identification of a court of continuing, exclusive jurisdiction has been made as required by Section 155.101, Texas Family Code.

2.1.2. this Court has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case.

2.2. The Court, having examined the record and heard the evidence and argument of counsel, finds that the State of Texas has jurisdiction to render final orders regarding the child the subject of this suit pursuant to Subchapter C, Chapter 152, Texas Family Code, by virtue of the fact that Texas is the home state of the child.

Appendix B

2.3. The Court finds that all persons entitled to citation were properly cited.

2.4. The Court finds that pursuant to Texas Family Code Chapter 264, Subchapter B-1, employees of **4Kids4Families a division of Arrow Child & Family Ministries,** the Single Source Continuum Contractor (SSCC) act as authorized agents of the Department of Family and Protective Services and have the same authority as Department of Family and Protective Services Caseworkers regarding case management duties and associated responsibilities.

3. ICWA FINDINGS

The Court finds that K[redacted] B[redacted], is not a member of an Indian tribe, is not eligible for membership in an Indian tribe, and is not an Indian child within the definition of the Indian Child Welfare Act, 25 U.S.C. § 1903(4). The Court finds that there exists no credible reason to know that the child made subject of this suit has Native American Heritage.

4. Jury

A jury was duly selected. The Court submitted this case to the jury on questions, and the jury returned its findings on those questions. The jury's findings were received by the Court and filed of record. The questions submitted to the jury and the findings on those questions are approved by the Court and incorporated in this order.

5. Record

Cindy McCullough, P.O. Box 494 Scurry, Texas 75158, duly reported the record of testimony.

6. The Child

The Court finds that the following child is the subject of this suit:

Name:	K[redacted] B[redacted]
Sex:	Female
Birth Date:	[redacted] 2021
Present Residence:	Relative's Home
Driver's License Number:	n/a

7. Reasonable Efforts to Return the Child

7.1. The Court finds by clear and convincing evidence that the Department made reasonable efforts to return the child to the parents. However, despite those reasonable efforts to return the child home to the parents, a continuing danger remains in the home that prevents return.

7.2. The Court specifically finds that those reasonable efforts include the following:

7.2.1. The Department created a family service plan that is narrowly tailored to address any specific issues identified.

7.2.2. The Department made a referral for services, provided services, or paid for services.

7.3. The jury specifically listed that the reasonable efforts that they found that the Department provided included the following:

7.3.1. Creation of a service plan.

7.3.2. Visitation.

7.3.3. Paid family services.

8. Termination of Respondent Mother MARINA BURROUGHS'S Parental Rights

8.1. The Court finds by clear and convincing evidence that termination of the parent-child relationship between **MARINA BURROUGHS** and the child, **K[redacted] B[redacted]** the subject of this suit is in the child's best interest, pursuant to § 161.001(b)(2), Texas Family Code.

8.2. Further, the Court finds by clear and convincing evidence that **MARINA BURROUGHS** has:

8.2.1. knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child, pursuant to § 161.001(b)(1)(D), Texas Family Code;

8.2.2. engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child, pursuant to § 161.001(b)(1)(E), Texas Family Code;

8.3. **IT IS THEREFORE ORDERED** that the parent-child relationship between **MARINA BURROUGHS** and the child, **K[redacted] B[redacted]**, the subject of this suit is terminated.

8.4. In accordance with §161.001(c), Texas Family Code, the Court finds that the order of termination of the parent child relationship as to **MARINA BURROUGHS** is not based on evidence that **MARINA BURROUGHS**:

8.4.1. homeschooled the child;

8.4.2. is economically disadvantaged;

8.4.3. has been charged with a nonviolent misdemeanor other than:

8.4.3.1. an offense under Title 5, Penal Code;

8.4.3.2. an offense under Title 6, Penal Code; or

8.4.3.3. an offense that involves family violence, as defined by §71.004 of this code;

8.4.4. provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code;

8.4.5. declined immunization for the child for reasons of conscience, including a religious belief;

8.4.6. sought an opinion from more than one medical provider relating to the child's medical care, transferred the child's medical care to a new medical provider, or transferred the child to a new health care facility;

8.4.7. allowed the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture;

8.4.8. refused to administer or consent to the administration of a psychotropic medication to the child, or to consent to any other psychiatric or psychological treatment of the child, unless the refusal:

8.4.8.1. presents a substantial risk of death, disfigurement, or bodily injury to the child; or

8.4.8.2. results in an observable and material impairment to the growth, development, or functioning of the child; or

8.4.9. chose a recognized alternative health care treatment or therapy for the child that could be considered as new, emerging, or nonstandard, unless the treatment or therapy:

8.4.9.1. presents a substantial risk of death, disfigurement, or bodily injury to the child; or

8.4.9.2. results in an observable and material impairment to the growth, development, or functioning of the child.

9. Termination of Respondent Father ROBERT BURROUGHS'S Parental Rights

9.1. The Court finds by clear and convincing evidence that termination of the parent-child relationship between **ROBERT BURROUGHS** and the child **K[redacted] B[redacted]**, is in the child's best interest, pursuant to § 161.001(b)(2), Texas Family Code.

9.2. Further, the Court finds by clear and convincing evidence that **ROBERT BURROUGHS** has:

9.2.1. knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child, pursuant to § 161.001(b)(1)(D), Texas Family Code;

9.2.2. engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child, pursuant to § 161.001(b)(1)(E), Texas Family Code;

9.3. **IT IS THEREFORE ORDERED** that the parent-child relationship between **ROBERT BURROUGHS** and the child **K[redacted] B[redacted]** is terminated.

9.4. In accordance with §161.001(c), Texas Family Code, the Court finds that the order of termination of the parent child relationship as to **ROBERT BURROUGHS** is not based on evidence that **ROBERT BURROUGHS**:

9.4.1. homeschooled the child;

9.4.2. is economically disadvantaged;

9.4.3. has been charged with a nonviolent misdemeanor other than:

9.4.3.1. an offense under Title 5, Penal Code;

9.4.3.2. an offense under Title 6, Penal Code; or

9.4.3.3. an offense that involves family violence, as defined by §71.004 of this code;

9.4.4. provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code;

9.4.5. declined immunization for the child for reasons of conscience, including a religious belief;

9.4.6. sought an opinion from more than one medical provider relating to the child's medical care, transferred the child's medical care to a new medical provider, or transferred the child to a new health care facility;

9.4.7. allowed the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture,

9.4.8. refused to administer or consent to the administration of a psychotropic medication to the child, or to consent to any other psychiatric or psychological treatment of the child, unless the refusal:

9.4.8.1. presents a substantial risk of death, disfigurement, or bodily injury to the child; or

9.4.8.2. results in an observable and material impairment to the growth, development, or functioning of the child; or

9.4.9. chose a recognized alternative health care treatment or therapy for the child that could be considered as new, emerging, or nonstandard, unless the treatment or therapy:

9.4.9.1. presents a substantial risk of death, disfigurement, or bodily injury to the child; or

9.4.9.2. results in an observable and material impairment to the growth, development, or functioning of the child.

10. Interstate Compact

The Court finds that Petitioner has filed a verified allegation or statement regarding compliance with the Interstate Compact on the Placement of Children as required by § 162.002(b)(1) of the Texas Family Code.

11. Managing Conservatorship: K[redacted] B[redacted]

11.1. The Court finds that the appointment of the Respondents as permanent managing conservator of the child is not in the child's best interest because the appointment would significantly impair child's physical health or emotional development.

11.2. **IT IS ORDERED** that the **DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES** is appointed Permanent Managing Conservator of K[redacted] B[redacted], a child the subject of this suit, with the rights and duties specified in § 153.371, Texas Family Code; the Court finding this appointment to be in the best interest of the child.

11.3. In accordance with § 153.371, Texas Family Code, the Court finds the Department of Family and Protective Services appointed as the Permanent Managing Conservator of the child has the following rights and duties:

11.3.1. the right to have physical possession and to direct the moral and religious training of the child;

11.3.2. the duty of care, control, protection, and reasonable discipline of the child;

11.3.3. the duty to provide the child with clothing, food, shelter, education, and medical, psychological, and dental care;

11.3.4. the right to consent for the child to medical, psychiatric, psychological, dental, and surgical treatment and to have access to the child's medical records;

11.3.5. the right to receive and give receipt for payments for the support of the child and to hold or disburse funds for the benefit of the child;

11.3.6. the right to the services and earnings of the child;

11.3.7. the right to consent to marriage and to enlistment in the armed forces of the United States;

11.3.8. except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government;

11.3.9. the right to designate the primary residence of the child and to make decisions regarding the child's education;

11.3.10. the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirements;

11.3.11. the right to consent to the adoption of the child and to make any other decision concerning the child that a parent could make; and

11.3.12. the right to apply for a passport for the child; renew the child's passport; and maintain possession of the child's passport.

11.3.13. In accordance with § 153.371(8), Texas Family Code, the Court finds the rights and duties of the Department of Family and Protective Services appointed as the Permanent Managing Conservator of K[redacted] B[redacted] should not include the right to represent the child in legal actions.

11.3.14. In addition to these rights and duties, **IT IS ORDERED** that the Department is authorized to consent to the medical care for K[redacted] B[redacted] under § 266.004, Texas Family Code.

12. Required Information Regarding the Parties and Child

12.1. The child's information is provided above; the information required of each party not exempted from such disclosure is:

12.1.1. Name: MARINA BURROUGHS
Driver's License: _____
Current address: 7192 Shallowater Road, Mabank, TX 75156
Home telephone number: _____
Name of employer: _____
Address of employment: _____
Work telephone number: _____

12.1.2. Name: ROBERT BURROUGHS
Driver's License: _____
Current address: 7192 Shallowater Road, Mabank, TX 75156
Home telephone number: _____
Name of employer: _____
Address of employment: _____
Work telephone number: _____

12.2. **IT IS ORDERED** that each parent, who has not previously done so, provide information regarding the medical history of the parent and parent's ancestors on the medical history report form, pursuant to § 161.2021, Texas Family Code.

13. Continuation of Court-Ordered Ad Litem or Advocate

13.1. The Court finds that the child the subject of this suit will continue in care and this Court will continue to review the placement, progress and welfare of the child.

13.2. **IT IS THEREFORE ORDERED** that **CASA OF TRINITY VALLEY**, earlier appointed as Guardian Ad Litem to represent the child, is continued in this relationship as long as the child remains in the Conservatorship of the Department.

13.3. **IT IS THEREFORE ORDERED** that **DANNA MAYHALL**, earlier appointed as Attorney Ad Litem to represent the child, is continued in this relationship as long as the child remains in the Conservatorship of the Department.

14. Court Ordered Ad Litem for Parent

14.1. **IT IS THEREFORE ORDERED** that **EMILY DUNN** earlier appointed to represent **MARINA BURROUGHS** shall continue in that capacity until all appeals of a final order terminating parental rights are exhausted or waived.

14.2. **IT IS THEREFORE ORDERED** that **MATT HAWKINS** earlier appointed to represent **ROBERT BURROUGHS** shall continue in that capacity until all appeals of a final order terminating parental rights are exhausted or waived.

15. Dismissal of Other Court-Ordered Relationships

Except as otherwise provided in this order, any other existing court-ordered relationships with the child the subject of this suit are hereby terminated and any parties claiming a court-ordered relationship with the child are dismissed from this suit.

16. Inheritance Rights

This Order shall not affect the right of any child to inherit from and through any party.

17. Denial of Other Relief

IT IS ORDERED that all relief requested in this case and not expressly granted is denied.

18. WARNING: APPEAL OF FINAL ORDER, PURSUANT TO § 263.405, TFC

A PARTY AFFECTED BY THIS ORDER HAS THE RIGHT TO APPEAL. AN APPEAL IN A SUIT IN WHICH TERMINATION OF THE PARENT-CHILD RELATIONSHIP IS SOUGHT IS GOVERNED BY THE PROCEDURES FOR ACCELERATED APPEALS IN CIVIL CASES UNDER THE TEXAS RULES OF APPELLATE PROCEDURE. FAILURE TO FOLLOW THE TEXAS RULES OF APPELLATE PROCEDURE FOR ACCELERATED APPEALS MAY RESULT IN THE DISMISSAL OF THE APPEAL.

19. NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS:

YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS $10,000.

SIGNED and ENTERED this _____ day of _____, 2025.

_____
JUDGE PRESIDING

APPELLATE PROCEDURE. FAILURE TO FOLLOW THE TEXAS RULES OF APPELLATE PROCEDURE FOR ACCELERATED APPEALS MAY RESULT IN THE DISMISSAL OF THE APPEAL.

19. NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS:

YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS $10,000.

SIGNED and ENTERED this 17th day of June, 2025.

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

REBECCA RAY
Attorney for the Petitioner, Department of Family and Protective Services
Henderson County Attorney's Office
100 E. Tyler Street
Athens, Texas 75751
email: rebecca.ray@henderson-county.com
phone: (903) 675-6112
fax: (903) 675-6192
State Bar # 24056745

CASA OF TRINITY VALLEY
Attorney Ad Litem for the Child
P.O. Box 2259
Athens, Texas 75751

APPROVED AS TO FORM ONLY:

REBECCA RAY
Attorney for the Petitioner, Department of Family and Protective Services
Henderson County Attorney's Office
100 E. Tyler Street
Athens, Texas 75751
email: rebecca.ray@henderson-county.com
phone: (903) 675-6112
fax: (903) 675-6192
State Bar # 24056745

CASA OF TRINITY VALLEY
Attorney Ad Litem for the Child
P.O. Box 2259
Athens, Texas 75751
email: casapenny@casaoftv.org
phone: (903) 675-7070
fax: (903) 677-0306

Danna Kirk Mayhall
DANNA MAYHALL
Attorney Ad Litem for the Child
2166 Cedar Lane
Athens, Texas 75751
email: dkmlaw93@gmail.com
phone: (903) 675-4529
fax: (903) 642-0051
State Bar # 00786416

Emily Dunn
Attorney for **MARINA BURROUGHS**
171 S. Buffalo St.
Canton, TX 75103
email: cps@dunnlegal.com
phone: (903) 567-1111
State Bar # 24046170

APPROVED AS TO FORM ONLY:

REBECCA RAY
Attorney for the Petitioner, Department of Family and Protective Services
Henderson County Attorney's Office
100 E. Tyler Street
Athens, Texas 75751
email: rebecca.ray@henderson-county.com
phone: (903) 675-6112
fax: (903) 675-6192
State Bar # 24056745

CASA OF TRINITY VALLEY
Attorney Ad Litem for the Child
P.O. Box 2259
Athens, Texas 75751
email: casapenny@casaoftv.org
phone: (903) 675-7070
fax: (903) 677-0306

DANNA MAYHALL
Attorney Ad Litem for the Child
2166 Cedar Lane
Athens, Texas 75751
email: dkmlaw93@gmail.com
phone: (903) 675-4529
fax: (903) 642-0051
State Bar # 00786416

Emily Dunn
Emily Dunn
Attorney for **MARINA BURROUGHS**
171 S. Buffalo St.
Canton, TX 75103
email: cps@dunnlegal.com
phone: (903) 567-1111
State Bar # 24046170

Matt Hawkins

Matt Hawkins
Attorney for **ROBERT BURROUGHS**
427 N. Gun Barrel Lane
Gun Barrel City, TX 75156
email: matt@shsfirm.com
phone: (903) 887-4878
State Bar # 24038948

Appendix C

Supreme Court of Texas Denial
May 22, 2026

FILE COPY

RE: Case No. 26-0381 DATE: 5/22/2026
COA #: 12-25-00281-CV TC#: FAM24-0598-CC2
STYLE: PT CASE: IN RE K.B., A CHILD

Today the Supreme Court of Texas denied the petitions for review in the above-referenced case.

MR. ALLEN B. BOSWELL
* DELIVERED VIA E-MAIL *

Appendix C