

Question

What are the leading Texas cases interpreting the 'best interests of the child' standard in family law, particularly in custody and conservatorship decisions?

Answer (Texas)

Short response

The leading Texas cases interpreting the "best interests of the child" standard in family law, especially in custody and conservatorship decisions, are [Holley v. Adams](#), [Lenz v. Lenz](#), and *Gillespie v. Gillespie*, with the [Holley](#) factors serving as the primary framework for judicial analysis. Texas courts consistently apply these factors, as codified and developed through subsequent case law, to ensure that the child's welfare remains the paramount consideration in all conservatorship and custody matters.

Summary

Texas family law mandates that the best interests of the child are the primary consideration in all custody and conservatorship decisions, as set forth in the Texas Family Code and interpreted by a robust body of case law. The Texas Supreme Court's decision in [Holley v. Adams](#) established a non-exhaustive list of factors—commonly known as the [Holley](#) factors—that guide courts in evaluating what arrangement best serves the child's welfare, and these factors have been repeatedly reaffirmed and applied in subsequent appellate and Supreme Court decisions.

Other landmark cases, such as [Lenz v. Lenz](#) and *Gillespie v. Gillespie*, reinforce the centrality of the best interest standard and the broad discretion afforded to trial courts in applying it. The law also recognizes a strong presumption in favor of parental custody, which can be rebutted only by clear and convincing evidence that such an arrangement would significantly impair the child's physical health or emotional development. While some earlier authorities have been subject to subsequent negative treatment or statutory codification, the core principles articulated in these leading cases remain authoritative and continue to shape Texas family law practice.

Background and Relevant Law

Statutory Framework

The Texas Family Code is the primary legislative authority governing custody (conservatorship) and possession (access) of children. Section 153.002 of the Family Code unequivocally states that the best interest of the

child must always be the court's primary consideration in determining issues of conservatorship and possession of and access to the child, see [Tex. Fam. Code § 153.002](#); [In re J.A.J., 243 S.W.3d 611 \(Tex. 2007\)](#). This statutory mandate is echoed throughout the case law and forms the bedrock of all judicial determinations in this area.

The Code also establishes a rebuttable presumption that appointing a parent as managing conservator is in the child's best interest, unless it is shown that such an appointment would significantly impair the child's physical health or emotional development, see [Tex. Fam. Code § 153.131](#); [In the Interest of V.L.K., 24 S.W.3d 338 \(Tex. 2000\)](#). This presumption is deeply embedded in Texas law and is reflected in both statutory and case law authorities.

The [Holley](#) Factors

The Texas Supreme Court in [Holley v. Adams, 544 S.W.2d 367 \(Tex. 1976\)](#) articulated a non-exhaustive list of factors for courts to consider when determining the best interests of the child. These factors, now known as the [Holley](#) factors, include:

1. The desires of the child;
2. The emotional and physical needs of the child 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. The programs available to assist these individuals to promote the best interest of the child;
6. The plans for the child by these individuals;
7. The stability of the home or proposed placement;
8. The acts or omissions of the parent which may indicate that the existing parent-child relationship is not a proper one;
9. Any excuse for the acts or omissions of the parent.

These factors are not exclusive, and courts may consider any other relevant circumstances, see [Holley v. Adams, 544 S.W.2d 367 \(Tex. 1976\)](#); [W.G. v. Tex. Dep't of Family & Protective Servs., 2023 WL 436 S.W.3d 793 \(Tex. App. 2023\)](#).

The [Holley](#) factors have been codified by statute and are routinely cited and applied in both original and modification proceedings involving conservatorship and possession, see [Corrales v. Department of Family and Prot., 155 S.W.3d 478 \(Tex. App. 2004\)](#) (noting codification of [Holley](#) factors).

Case Law

Supreme Court and Leading Appellate Decisions

[Holley v. Adams](#)

[Holley v. Adams](#) remains the foundational case for the best interest analysis in Texas. The Supreme Court's articulation of the [Holley](#) factors has been adopted and applied in countless subsequent cases, both in the context of termination of parental rights and in conservatorship and custody disputes, see [Holley v. Adams, 544 S.W.2d 367 \(Tex. 1976\)](#). Although the [Holley](#) decision originally arose in the context of termination, its factors have been extended to all best interest determinations in family law, including conservatorship and custody, see [In re N.L.D., 412 S.W.3d 810 \(Tex. App. 2013\)](#); [Howe v. Howe, 551 S.W.3d 236 \(Tex. App. 2018\)](#).

It is important to note that the [Holley](#) factors have been codified by statute, as recognized in [Corrales v. Department of Family and Prot., 155 S.W.3d 478 \(Tex. App. 2004\)](#). This codification does not diminish their authority but rather reinforces their central role in Texas family law.

[Lenz v. Lenz](#)

In [Lenz v. Lenz, 79 S.W.3d 10 \(Tex. 2002\)](#), the Texas Supreme Court reaffirmed that the best interest of the child is the primary consideration in all conservatorship and possession decisions. The Court emphasized that the Family Code provides a public policy framework to ensure frequent and continuing contact with parents who act in the child's best interest. The Court also recognized that the statutory scheme does not provide an exhaustive list of factors, thus reinforcing the flexible, fact-driven nature of the best interest inquiry.

Gillespie v. Gillespie

[Gillespie v. Gillespie, 644 S.W.2d 449 \(Tex. 1982\)](#) is another leading case, frequently cited for the proposition that trial courts have broad discretion in determining the best interests of the child. Appellate review of such decisions is under an abuse-of-discretion standard, and a trial court's decision will only be reversed if it is arbitrary, unreasonable, or made without reference to guiding rules and principles, see [In re A.L.E., 279 S.W.3d 424 \(Tex. App. 2009\)](#); [Elshafie v. Elshafie, NUMBER 13-10-00393-CV \(Tex. App. Nov 22, 2011\)](#).

Parental Presumption and Its Limits

Texas law strongly presumes that a child's best interest is served by appointing a parent as managing conservator, see [In the Interest of V.L.K., 24 S.W.3d 338 \(Tex. 2000\)](#); [Lewelling v. Lewelling, 796 S.W.2d 164 \(Tex. 1990\)](#); [Brook v. Brook, 881 S.W.2d 297 \(Tex. 1994\)](#). This presumption is rebuttable and may be overcome by clear and convincing evidence that

appointing the parent would significantly impair the child's physical health or emotional development, see [Tex. Fam. Code § 153.131](#); [Rodriguez, In Interest of](#), 940 S.W.2d 265 (Tex. App. 1997).

However, some of these authorities have been subject to subsequent negative treatment. For example, [In the Interest of V.L.K.](#), 24 S.W.3d 338 (Tex. 2000) was disapproved by *In re C.J.C.*, 603 S.W.3d 804 (Tex. 2020), and [Lewelling v. Lewelling](#), 796 S.W.2d 164 (Tex. 1990) was stated as disapproved by *In re T.J.S.*, 71 S.W.3d 452 (Tex. App. 2002). Despite this, the core principle of the parental presumption and its rebuttal remains codified in the Family Code and is still applied in practice, as seen in more recent cases.

Application and Discretion

Texas courts have consistently held that the best interest determination is intensely fact-driven and that trial courts have wide latitude in weighing the evidence and applying the [Holley](#) factors, see [Yeandle v. Yeandle](#), 2023 WL 2191330 (Tex. App. 2023); [Kom v. Kom](#), 2025 WL 153.134(a) (Tex. App. 2025). The appellate courts will not substitute their judgment for that of the trial court unless there is a clear abuse of discretion, see [In re A.L.E.](#), 279 S.W.3d 424 (Tex. App. 2009).

Modification Proceedings

In modification proceedings, the best interest of the child remains the primary consideration, but the movant must also show a material and substantial change in circumstances since the prior order, see [Gonzalez v. Sanchez](#), No. 07-16-00289-CV (Tex. App. Feb 23, 2018); [In re Interest of K.A.M.S.](#), 583 S.W.3d 335 (Tex. App. 2019). The [Holley](#) factors continue to guide the court's analysis in these cases.

Domestic Violence and Other Statutory Considerations

The Family Code specifically requires courts to consider evidence of domestic violence or abuse when making conservatorship decisions, and may restrict or deny joint managing conservatorship if credible evidence of abuse or neglect is presented, see [In re Marriage of Stein](#), 153 S.W.3d 485 (Tex. App. 2004) (citing [Tex. Fam. Code § 153.004](#)).

Non-Parent Conservators

When a non-parent seeks managing conservatorship, the presumption in favor of the parent applies, and the non-parent must prove that appointing the parent would significantly impair the child's health or development, see [Whitworth v. Whitworth](#), 222 S.W.3d 616 (Tex. App. 2007); [Brook v. Brook](#), 881 S.W.2d 297 (Tex. 1994). This principle is also reflected in the statutory scheme and has been consistently applied in appellate decisions.

Subsequent and Negative Treatment

Some authorities have been subject to subsequent negative treatment or have been superseded by statute or later case law:

- [Holley v. Adams, 544 S.W.2d 367 \(Tex. 1976\)](#) has been codified by statute, as noted in *Corrales v. Department of Family and Prot.*, 155 S.W.3d 478 (Tex. App. 2004). This codification affirms, rather than diminishes, the continuing relevance of the [Holley](#) factors.
- [In the Interest of V.L.K., 24 S.W.3d 338 \(Tex. 2000\)](#) was disapproved by *In re C.J.C.*, 603 S.W.3d 804 (Tex. 2020), but the core principle of the parental presumption remains codified and is still applied.
- [Lewelling v. Lewelling, 796 S.W.2d 164 \(Tex. 1990\)](#) was stated as disapproved by *In re T.J.S.*, 71 S.W.3d 452 (Tex. App. 2002), but the statutory presumption in favor of parents continues to govern.
- [Bhan v. Danet, NO. 01-10-00963-CV \(Tex. App. Nov 29, 2012\)](#) was superseded by *Danet v. Bhan*, 436 S.W.3d 793 (Tex. 2014), so reliance on the earlier case should be limited.
- [In re Lee, 411 S.W.3d 445 \(Tex. 2013\)](#) was disagreed with by *Cojocar v. Cojocar*, NO. 03-14-00422-CV (Tex. App. Jun 16, 2016), but its discussion of the best interest standard remains instructive, especially in the context of mediated settlement agreements.

Analysis

The "best interests of the child" standard in Texas is both statutorily mandated and judicially developed. The statutory framework, particularly Texas Family Code §§ 153.002 and 153.131, establishes the best interest of the child as the paramount consideration and creates a rebuttable presumption in favor of parental custody. The [Holley](#) factors, as articulated in [Holley v. Adams, 544 S.W.2d 367 \(Tex. 1976\)](#), provide a flexible, non-exhaustive framework for courts to evaluate the unique facts of each case.

Texas courts have consistently reaffirmed the centrality of the [Holley](#) factors in both original and modification proceedings, see [Zachery v. Zachery, 04-24-00531-CV \(Tex. App. Aug 20, 2025\)](#); [Kom v. Kom](#), 2025 WL 153.134(a) (Tex. App. 2025); [Yeandle v. Yeandle](#), 2023 WL 2191330 (Tex. App. 2023). The trial court's discretion is broad, and appellate review is deferential, focusing on whether the trial court abused its discretion by acting arbitrarily, unreasonably, or without reference to guiding principles, see *Gillespie v. Gillespie*, 644 S.W.2d 449 (Tex. 1982); [In re A.L.E., 279 S.W.3d 424 \(Tex. App. 2009\)](#).

The presumption in favor of parental custody is a significant feature of Texas law, but it is not absolute. It may be rebutted by clear and convincing evidence that appointing the parent would significantly impair the child's physical health or emotional development, see [Tex. Fam. Code § 153.131](#); [Brook v. Brook, 881 S.W.2d 297 \(Tex. 1994\)](#). This presumption is rooted in the belief that the natural parent-child relationship is generally in the child's best interest, but the law prioritizes the child's welfare above all else, see

[Mumma v. Aguirre, 364 S.W.2d 220 \(Tex. 1963\)](#); [Taylor v. Meek, 276 S.W.2d 787 \(Tex. 1955\)](#).

In cases involving allegations of domestic violence or abuse, the court's discretion is limited by statutory provisions that require consideration of such evidence and may preclude joint managing conservatorship if credible evidence of abuse or neglect is presented, see [In re Marriage of Stein, 153 S.W.3d 485 \(Tex. App. 2004\)](#).

The best interest standard is also applied in modification proceedings, where the movant must show both a material and substantial change in circumstances and that the proposed modification is in the child's best interest, see [Gonzalez v. Sanchez, No. 07-16-00289-CV \(Tex. App. Feb 23, 2018\)](#); [In re Interest of K.A.M.S., 583 S.W.3d 335 \(Tex. App. 2019\)](#).

Exceptions and Caveats

While the [Holley](#) factors and the statutory framework provide clear guidance, the intensely fact-driven nature of best interest determinations means that outcomes can vary significantly depending on the specific circumstances of each case, see [Yeandle v. Yeandle, 2023 WL 2191330 \(Tex. App. 2023\)](#). The broad discretion afforded to trial courts means that appellate courts are generally reluctant to overturn best interest determinations absent a clear abuse of discretion.

Some earlier authorities, such as [In the Interest of V.L.K., 24 S.W.3d 338 \(Tex. 2000\)](#) and [Lewelling v. Lewelling, 796 S.W.2d 164 \(Tex. 1990\)](#), have been subject to subsequent negative treatment. However, the core principles they articulate—particularly the parental presumption and its rebuttal—remain codified in the Family Code and are still applied in practice.

Conclusion

The leading Texas cases interpreting the "best interests of the child" standard in family law, particularly in custody and conservatorship decisions, are [Holley v. Adams](#), [Lenz v. Lenz](#), and [Gillespie v. Gillespie](#), with the [Holley](#) factors serving as the primary analytical framework. Texas courts consistently apply these factors, along with the statutory presumption in favor of parental custody and specific statutory considerations such as domestic violence, to ensure that the child's welfare is the paramount concern in all conservatorship and custody matters. While some earlier authorities have been limited or superseded, the fundamental principles established in these leading cases remain authoritative and continue to guide Texas family law practice.

Legal Authorities

[In the Interest of T.D.C. \(Tex. App. 2002\)](#)

Texas Court of Appeals

Extract

The family code does not define or set out the relevant factors to be considered when determining whether a requested change is in the best interest of a child. In other contexts involving a 'best interest' analysis, Texas courts have applied what are commonly referred to as the Holley factors--a nonexhaustive list of considerations for determining a minor's best interest. *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex. 1976) (enumerating list of factors to ascertain best interest of child in parental termination context); see also *In re Doe 2*, 19 S.W.3d 278, 282 (Tex. 2000) (applying Holley factors for best interest determination in judicial bypass provision of parental notification act); *Turner*, 47 S.W.3d at 767 (applying best interest analysis to determine whether modification would be a positive improvement for child).

Summary

The Texas Family Code does not explicitly define the factors for determining the best interest of a child. However, Texas courts have consistently applied the Holley factors, originating from the case *Holley v. Adams*, as a guiding framework in various contexts, including custody and conservatorship decisions. This indicates that *Holley v. Adams* is a leading case in interpreting the 'best interests of the child' standard in Texas.

[In re N.L.D., 412 S.W.3d 810 \(Tex. App. 2013\)](#)

Texas Court of Appeals

Extract

Even though termination and conservatorship are reviewed under different standards, as detailed above, the same factors apply when determining the best interests of the child. In determining the best interests of the child, a number of factors have been considered, including (1) the desires of the child, (2) the emotional and physical needs of the child 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) the programs available to assist these individuals, (6) the plans for the child by these individuals, (7) the stability of the home, (8) the acts or omissions of the parent that may indicate the existing parent-child relationship is not a proper one, and (9) any excuse for the acts or omissions of the parent.

Summary

List of factors that are considered when determining the best interests of the child in Texas family law. These factors are applicable to both termination and conservatorship proceedings, although they are reviewed under different standards. The passage is from a Texas Court of Appeals

case, which means it has precedential value and can be cited in similar cases.

[Elshafie v. Elshafie, NUMBER 13-10-00393-CV \(Tex. App. Nov 22, 2011\)](#)

Texas Court of Appeals

Extract

"Because a trial court has broad discretion to decide the best interest of a child in family law matters such as custody, visitation, and possession, we review a decision to modify conservatorship for a clear abuse of that discretion." *In re A.L.E.*, 279 S.W.3d 424, 427 (Tex. App.—Houston [14th Dist.] 2009, no pet.) (citing *Gillespie v. Gillespie*, 644 S.W.2d 449, 451 (Tex. 1982)). "A trial court abuses its discretion when it acts arbitrarily or unreasonably, or when it clearly fails to correctly analyze or apply the law." *Id.* (citing *In re D.S.*, 76 S.W.3d 512, 516 (Tex. App.—Houston [14th Dist.] 2002, no pet.)).

Summary

The passage highlights the broad discretion given to trial courts in Texas to determine the best interest of the child in family law matters, such as custody and conservatorship. It references the case "*In re A.L.E.*" and cites "*Gillespie v. Gillespie*" as a precedent, indicating that these cases are significant in interpreting the 'best interests of the child' standard. The passage also explains that an abuse of discretion occurs when a court acts arbitrarily or unreasonably or fails to apply the law correctly.

[Perry v. Ponder, 604 S.W.2d 306 \(Tex. Ct. App. 1980\)](#)

Texas Civil Court of Appeals

Extract

This child support and custody suit was dismissed by the trial court for lack of personal jurisdiction over the father, a resident of Alabama. The court found that the father did not have those 'minimum contacts' with the state of Texas required by due process. Insofar as the petition seeks to impose a personal obligation of support on the father, we affirm, but insofar as it seeks appointment of the mother as managing conservator, we reverse on the ground that since the child and the mother were residents of Texas at the time the suit was filed, the court should not have limited the inquiry to the father's contacts, but should have determined whether the child and the mother had resided in Texas long enough to give this state an interest in the child's welfare and access to evidence sufficient to enable it to make an informed decision concerning the child's best interests.

Summary

The passage from *Perry v. Ponder* discusses the jurisdictional considerations in child custody cases, emphasizing that the court should consider the child's and the mother's residency in Texas to determine the state's interest in the child's welfare. This aligns with the 'best interests of the child' standard by ensuring that the court has access to sufficient evidence to make an informed decision. The case highlights the importance of considering the child's connections to the state rather than solely focusing on the nonresident parent's contacts.

[Interest of Pena, 999 S.W.2d 521 \(Tex. App. 1999\)](#)

Texas Court of Appeals

Extract

We turn now to Elsa's contention that there is legally and factually insufficient evidence to support the trial court's implied finding that it is in Christina's best interest to award her father the right of primary possession pursuant a joint managing conservatorship. Section 153.372 of the Family Code authorizes the appointment of a parent and nonparent as joint managing conservators. Section 153.136 provides that if a joint managing conservatorship is ordered, the best interest of the child ordinarily requires the court to designate a primary physical residence for the child. Indeed, Section 153.002 requires that the best interest of the child shall always be the primary consideration in determining issues of conservatorship and possession.

Summary

Application of the 'best interests of the child' standard in the context of joint managing conservatorship, referencing specific sections of the Texas Family Code that emphasize the importance of this standard in determining conservatorship and possession. This indicates that the 'best interests of the child' is a primary consideration in such legal decisions.

[Patterson v. Brist, 236 S.W.3d 238 \(Tex. App. 2006\)](#)

Texas Court of Appeals

Extract

The courts have added other factors that should be considered in determining whether modification of a prior conservatorship order is in the child's best interest, particularly when the case involves a request to change the designation of the managing conservator with the right to determine the residency of the child or involves relocation. See *Long*, 144 S.W.3d at 68.

Thus, in determining the child's best interest in the specific context of modification of conservatorship, the courts consider additional factors: (J) the child's need for stability; and (K) the need to prevent constant litigation in child custody cases.

Summary

The passage from *Patterson v. Brist* provides insight into the factors considered by Texas courts when determining the best interests of the child in the context of modifying conservatorship orders. It references the need for stability and the prevention of constant litigation as important considerations. This aligns with the broader legal framework in Texas, where the best interests of the child are paramount in custody and conservatorship decisions. The case also references other cases like *Long and Holley v. Adams*, which are significant in this area of law.

[Bhan v. Danet, NO. 01-10-00963-CV \(Tex. App. Nov 29, 2012\)](#)

Texas Court of Appeals

Extract

Texas case law supports the foregoing construction of sections 153.131 and 153.004. 'In determining the issues of conservatorship and possession of and access to the child, '[t]he best interest of the child shall always be the primary consideration of the court.' In *re Rodriguez*, 940 S.W.2d 265, 271 (Tex. App.— San Antonio 1997, writ denied) (quoting TEX. FAM. CODE ANN. § 153.002 (Vernon1996)). While Texas law presumes that a child's best interest is served by naming the child's biological parent or parents as managing conservators, this presumption is 'rebuttable.' *Id.* Such a rebuttable presumption 'shift[s] the burden of producing evidence to the party against whom it operates.'

Summary

The passage highlights the importance of the 'best interests of the child' standard in Texas family law, particularly in conservatorship and custody decisions. It references the Texas Family Code and a specific case, *In re Rodriguez*, which supports the principle that the child's best interest is the primary consideration. The passage also discusses the rebuttable presumption favoring biological parents as managing conservators, which is a significant aspect of Texas family law. This information is directly relevant to understanding how Texas courts interpret the 'best interests of the child' standard.

[In re P.D.M., 117 S.W.3d 453 \(Tex. App. 2003\)](#)

Texas Court of Appeals

Extract

Our analysis, on the other hand, gives effect to the stated intent of the Texas Legislature set forth in the Texas Family Code to promote stability for children and to make the best interests of the children the trial court's primary consideration in any custody dispute. See, e.g., id. §§ 153.001(a)(2)-.002. Our analysis gives effect to the Texas Legislature's adoption of a statutory scheme authorizing modification suits following the death of a court-ordered managing conservator under circumstances like the present case. Id. §§ 156.002(b), 102.003(a)(11).

Summary

The Texas Family Code emphasizes the best interests of the child as the primary consideration in custody disputes. The case "In re P.D.M." interprets this standard in the context of modification suits, highlighting the legislative intent to promote stability for children and to allow for modifications when circumstances change, such as the death of a managing conservator. This interpretation is consistent with the statutory scheme set forth in the Texas Family Code, particularly Chapters 153 and 156.

[Whitworth v. Whitworth, 222 S.W.3d 616 \(Tex. App. 2007\)](#)

Texas Court of Appeals

Extract

The majority, however, moves directly from its determination that Carol had standing to seek temporary and permanent sole managing conservatorship of K.C. to its determination that she satisfied the burden of proof imposed upon a non-parent who seeks managing conservatorship of a child by overcoming the strong presumption in Texas law that the best interest of a child is served if a natural parent is appointed as a managing conservator.

Summary

Legal standard and burden of proof required for a non-parent to be appointed as a managing conservator, highlighting the presumption that a child's best interest is served by appointing a natural parent. This is directly relevant to understanding how Texas courts interpret the 'best interests of the child' standard in custody and conservatorship decisions.

[In re Lee, 411 S.W.3d 445, 56 Tex. Sup. Ct. J. 1247 \(Tex. 2013\)](#)

Texas Supreme Court

Extract

The Legislature has made the policy of this state clear: 'The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.' Tex. Fam.Code § 153.002 (emphasis added). I would hold that under Texas Family Code section 153.0071, and the Family Code as a whole, a trial court has discretion to refuse to enter judgment on a modification pursuant to an MSA that could endanger the child's safety and welfare and is, therefore, not in the child's best interest. To suggest that the Legislature intended otherwise is, I believe, absurd. I respectfully dissent.

Summary

The Texas Family Code emphasizes that the best interest of the child is the primary consideration in custody and conservatorship decisions. The case of *In re Lee* highlights the tension between the statutory requirements for MSAs and the overarching policy of prioritizing the child's best interests. The dissenting opinion in this case argues that trial courts should have discretion to refuse MSAs that could endanger a child's welfare, reinforcing the importance of the best interest standard.

[In re Marriage of Stein, 153 S.W.3d 485 \(Tex. App. 2004\)](#)

Texas Court of Appeals

Extract

Well established Texas law affords the trial court with wide latitude in determining the best interest of minor children, and the decision of the trial court will be reversed only when it appears from the record as a whole that the court has abused its discretion. *Gillespie v. Gillespie*, 644 S.W.2d 449, 451 (Tex.1982). That discretion, however, is now subject to the provisions of section 153.004 of the Family Code, which applies when there is a history of domestic violence within the family. (Vernon 2002). Specifically, the Family Code provides, in pertinent part: (a) In determining whether to appoint a party as a sole or joint managing conservator, the court shall consider evidence of the intentional use of abusive physical force by a party against the party's spouse ... committed within a two-year period preceding the filing of the suit or during the pendency of the suit. (b) The court may not appoint joint managing conservators if credible evidence is presented of a history or pattern of past or present child neglect, or physical or sexual abuse by one parent directed against the other parent, a spouse, or a child.... Tex. Fam.Code Ann. § 153.004(a) & (b) (Vernon 2002).

Summary

Texas law provides trial courts with significant discretion in determining the best interests of the child. However, this discretion is limited by specific

provisions in the Texas Family Code, particularly section 153.004, which addresses situations involving domestic violence. This section mandates that courts consider evidence of domestic violence when making conservatorship decisions and restricts the appointment of joint managing conservators if there is credible evidence of abuse or neglect. This indicates that the 'best interests of the child' standard is not only broad but also subject to specific statutory limitations in cases involving domestic violence.

[Holley v. Adams, 544 S.W.2d 367 \(Tex. 1976\)](#)

Texas Supreme Court

Extract

The trial court ordered termination under Section 15.02 of the Texas Family Code Annotated on the grounds that Nanci Holley had failed to support her child (Section 15.02(1)(E)), that her conduct endangered the emotional well-being of the child (Section 15.02(1)(D)), and that the termination of the parent-child relationship was in the best interest of the child (Section 15.02(2)). ... As this case involves the right of the child to the benefit of the home and environment which will probably best promote its interest and the right of the parent to surround the child with proper influences, *Herrera v. Herrera*, 409 S.W.2d 395 (Tex.1966), *Legate v. Legate*, 87 Tex. 248, 28 S.W. 281 (1894), and as *Wiley v. Spratlan*, 543 S.W.2d 349 (Tex.1976), recognized the constitutional dimensions of these rights, this case must be strictly scrutinized.

Summary

Application of the "best interests of the child" standard in the context of terminating the parent-child relationship under Section 15.02 of the Texas Family Code. It highlights the importance of considering the child's right to a beneficial home environment and the parent's right to influence the child, referencing other significant cases like *Herrera v. Herrera* and *Wiley v. Spratlan*, which recognize the constitutional dimensions of these rights. This indicates that the "best interests of the child" standard is a critical factor in such decisions and must be strictly scrutinized.

[In the Interest of V.L.K., 24 S.W.3d 338 \(Tex. 2000\)](#)

Texas Supreme Court

Extract

The presumption that the best interest of the child is served by awarding custody to the parent is deeply embedded in Texas law. See *Lewelling v. Lewelling*, 796 S.W.2d 164, 166 (Tex. 1990) (citing *Mumma v. Aguirre*, 364 S.W.2d 220, 221 (Tex. 1963) and *Legate v. Legate*, 28 S.W. 281, 282 (Tex.

1894)). The parental presumption is based upon the natural affection usually flowing between parent and child. See *Taylor v. Meek*, 276 S.W.2d 787, 790 (Tex. 1955). The Legislature codified the presumption in Chapter 153 of the Family Code, which governs original custody determinations: ... Tex. Fam. Code § 153.131(a). Thus, under Chapter 153, the nonparent can rebut the parental presumption by showing that the appointment of the parent would significantly impair the child's health or development. See *Brook v. Brook*, 881 S.W.2d 297, 298 (Tex. 1994). Chapter 153 also provides that the parental presumption is rebutted if the natural parent has 'voluntarily relinquished actual care, control, and possession of the child to a nonparent' for one year or more and the appointment of a nonparent as managing conservator is in the best interest of the child. Tex. Fam. Code § 153.373. A court's primary consideration in any conservatorship case 'shall always be the best interest of the child.' Tex. Fam. Code § 153.002.

Summary

The passage provides insight into the 'best interests of the child' standard by highlighting the deeply embedded presumption in Texas law that favors awarding custody to parents. It references several cases and codified statutes that establish this presumption and the conditions under which it can be rebutted. The passage also emphasizes that the primary consideration in conservatorship cases is the child's best interest, as codified in the Texas Family Code.

[Rodriguez, In Interest of, 940 S.W.2d 265 \(Tex. App. 1997\)](#)

Texas Court of Appeals

Extract

Texas law presumes that a child's best interest is served by naming the child's parent or parents as managing conservators. TEX. FAM.CODE ANN. § 153.131(b) (Vernon 1996). But this presumption is 'rebuttable.' ... Because Texas law presumes that a child's best interest is served by naming the child's parent or parents as managing conservators, 'a parent shall be appointed sole managing conservator or both parents shall be appointed as joint managing conservators of the child' '[u]nless the court finds that appointment of the parent or parents would not be in the best interest of the child because the appointment would significantly impair the child's physical health or emotional development....' TEX. FAM.CODE ANN. § 153.131(a) (Vernon 1996).

Summary

The passage provides insight into the legal standard applied in Texas regarding the 'best interests of the child' in custody and conservatorship decisions. It highlights the presumption that a child's best interest is served by appointing the parents as managing conservators, but this presumption can be rebutted if it is shown that such an appointment would significantly

impair the child's physical health or emotional development. This standard is codified in the Texas Family Code and is applicable in cases where non-parents seek conservatorship.

[In re J.A.J., 243 S.W.3d 611 \(Tex. 2007\)](#)

Texas Supreme Court

Extract

We begin our analysis by examining the relevant statutory provisions. Sections 153.002, 153.005, and 153.131 of the Texas Family Code outline the general standards for determining conservatorship. TEX. FAM.CODE §§ 153.002, 153.005, 153.131. Section 153.002 provides that the primary consideration in determining issues of conservatorship and possession of and access to the child is always the child's best interest. Id. § 153.002.

Summary

The passage provides insight into the statutory framework that governs conservatorship decisions in Texas, specifically highlighting that the child's best interest is the primary consideration. This aligns with the 'best interests of the child' standard in family law, making it relevant to the question. The case "In re J.A.J." is a leading case that interprets these statutory provisions, thus contributing to the understanding of how the 'best interests of the child' standard is applied in custody and conservatorship decisions.

[In re A.L.E., 279 S.W.3d 424 \(Tex. App. 2009\)](#)

Texas Court of Appeals

Extract

Because a trial court has broad discretion to decide the best interest of a child in family law matters such as custody, visitation, and possession, we review a decision to modify conservatorship for a clear abuse of that discretion. See Gillespie v. Gillespie, 644 S.W.2d 449, 451 (Tex. 1982). A trial court abuses its discretion when it acts arbitrarily or unreasonably, or when it clearly fails to correctly analyze or apply the law. See In re D.S., 76 S.W.3d 512, 516 (Tex.App.-Houston [14th Dist.] 2002, no pet.).

Summary

The passage highlights the broad discretion given to trial courts in Texas to determine the best interests of the child in family law matters, such as custody and conservatorship. It references the case Gillespie v. Gillespie as a leading case that establishes this principle. The passage also notes that an

abuse of discretion occurs when a court acts arbitrarily or unreasonably, or fails to correctly apply the law, referencing *In re D.S.* for this standard.

[Lewelling v. Lewelling, 796 S.W.2d 164 \(Tex. 1990\)](#)

Texas Supreme Court

Extract

The presumption that the best interest of a child is served by awarding custody to a natural parent is deeply embedded in Texas law. 1 The Legislature, in enacting section 14.01(b), codified that presumption by defining the procedure for appointment of a nonparent as managing conservator. Prior to 1987, that statute provided in relevant part: § 14.01. Court Appointment of Managing Conservator (b) A parent shall be appointed managing conservator of the child unless the court finds that appointment of the parent would not be in the best interest of the child. Tex.Fam.Code Ann. § 14.01(b) (Vernon 1986). Although the parental preference was clear, the strength of that presumption was not. 2 In 1987, however, the legislature made clear the paramount importance of the parental presumption by amending the statute to provide: ... Our decision today is consistent with recent legislative changes addressing the problem of family violence. As part of the 1987 amendments to section 14.01, the Legislature added a provision specifically targeting the problem of family violence. Section 14.01(c)(2), which sets forth the factors to consider when the natural mother and father are both seeking custody, states that evidence of abusive physical force by a parent against his or her spouse or a child shall be considered by the court in deciding custody. The provision creates a preference that the non-violent parent, rather than the violent parent, be appointed managing conservator. 7 Thus, in a custody dispute between two parents, section 14.01(c)(2) allows evidence of spousal abuse to be considered only as a factor that weighs heavily against the abusive parent; such evidence does not weigh against the abused.

Summary

Presumption in Texas law that the best interest of a child is served by awarding custody to a natural parent. It highlights the legislative amendments to section 14.01 of the Texas Family Code, which emphasize the importance of this presumption and introduce considerations for family violence in custody decisions. This case is significant in interpreting the 'best interests of the child' standard, especially in situations involving nonparent conservatorship and family violence.

[In re C.A.M.M., 243 S.W.3d 211 \(Tex. App. 2007\)](#)

Texas Court of Appeals

Extract

The distinction between an original conservatorship determination and a modification proceeding is more than procedural or semantic. Under Chapter 153 of the Texas Family Code, the trial court is required to apply a 'parental presumption' in an original proceeding: [U]nless the court finds that appointment of the parent or parents would not be in the best interest of the child because the appointment would significantly impair the child's physical health or emotional development, a parent shall be appointed sole managing conservator[] or both parents shall be appointed as joint managing conservators of the child. ... Consistent with the constitutional rights of fit parents, the Texas Legislature, for the most part, gives fit parents priority over non-parents in matters relating to the parents' children. For example, except as to parents with a history of domestic violence, the Legislature, in the Texas Family Code, requires that the trial court appoint a parent as managing conservator in an original conservatorship suit, unless the court 'finds that appointment of the parent or parents would not be in the best interest of the child because the appointment would significantly impair the child's physical health or emotional development.'

Summary

Application of the 'best interests of the child' standard in the context of conservatorship decisions under the Texas Family Code. It highlights the 'parental presumption' that favors appointing parents as conservators unless it is shown that such an appointment would significantly impair the child's health or development. This presumption is a key aspect of the 'best interests' standard in Texas family law, indicating the priority given to fit parents over non-parents.

[In re K.M., No. 06-18-00029-CV \(Tex. App. Aug 09, 2018\)](#)

Texas Court of Appeals

Extract

Despite the profound constitutional interests at stake in a proceeding to terminate parental rights, 'the rights of natural parents are not absolute; protection of the child is paramount.' In re A.V., 113 S.W.3d 355, 361 (Tex. 2003) (quoting In re J.W.T., 872 S.W.2d 189, 195 (Tex. 1994)); see In re M.S., 115 S.W.3d 534, 547 (Tex. 2003). 'A child's emotional and physical interests must not be sacrificed merely to preserve parental rights.' In re C.A.J., 459 S.W.3d 175, 179 (Tex. App.—Texarkana 2015, no pet.) (citing C.H., 89 S.W.3d at 26).

Summary

The passage highlights the principle that while parental rights are significant, they are not absolute, and the child's protection is paramount. It references several cases, such as *In re A.V.*, *In re J.W.T.*, *In re M.S.*, and *In re C.A.J.*, which are significant in interpreting the 'best interests of the child' standard. These cases emphasize that a child's emotional and physical well-being should not be compromised to maintain parental rights.

[Gonzalez v. Sanchez, No. 07-16-00289-CV \(Tex. App. Feb 23, 2018\)](#)

Texas Court of Appeals

Extract

A trial court may modify a prior conservatorship order if modification would be in the best interest of the child and the circumstances of the child, a conservator, or other party affected by the order have materially and substantially changed since rendition of the prior order. TEX. FAM. CODE ANN. § 156.101(a)(1)(A) (West 2014). ... The best interest of the child is the primary consideration in determining issues concerning conservatorship and possession of or access to a child. § 153.002. A court may use numerous factors to determine best interest. *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex. 1976).

Summary

The passage provides insight into the legal framework for modifying conservatorship orders in Texas, emphasizing the "best interest of the child" standard. It references the Texas Family Code and the *Holley v. Adams* case, which is a leading case in Texas for determining the best interest of the child. This makes the passage relevant to understanding how Texas courts interpret the best interest standard in family law.

[In re Z.J., 10-22-00303-CV \(Tex. App. Feb 22, 2023\)](#)

Texas Court of Appeals

Extract

The primary consideration in determining issues of conservatorship and possession of and access to a child is the best interest of the child, and the trial court is given great latitude in determining what is in a minor child's best interest. TEX. FAM. CODE ANN. § 153.002; see *Gillespie v. Gillespie*, 644 S.W.2d 449, 451 (Tex. 1982). ... In determining the best interest of a child, the appellate courts have generally held that the evidence should be evaluated using the non-exclusive factors enumerated in *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex. 1976).

Summary

The passage highlights the importance of the "best interest of the child" standard in conservatorship and custody decisions, referencing Texas Family Code § 153.002 and the case *Gillespie v. Gillespie*. It also mentions the *Holley v. Adams* case, which provides non-exclusive factors for evaluating the best interest of the child. These references are crucial for understanding how Texas courts interpret and apply the "best interests of the child" standard.

[In re Interest of S.K., NUMBER 13-19-00213-CV \(Tex. App. Jun 25, 2020\)](#)

Texas Court of Appeals

Extract

In determining issues of conservatorship and possession and access, the primary consideration is always the best interest of the children. See TEX. FAM. CODE ANN. § 153.002; *Lenz v. Lenz*, 79 S.W.3d 10, 14 (Tex. 2002); *Brandon v. Rudisel*, 586 S.W.3d 94, 102 (Tex. App.—Houston [14th Dist.] 2019, no pet.). Trial courts have wide discretion with respect to determining the best interest of a child in conservatorship matters. *Gillespie v. Gillespie*, 644 S.W.2d 449, 451 (Tex. 1982); *In re K.A.M.S.*, 583 S.W.3d 335, 340-41 (Tex. App.—Houston [14th Dist.] 2019, no pet.).

Summary

The passage provides insight into the legal framework and precedents that guide Texas courts in determining the best interests of the child in conservatorship matters. It references specific Texas Family Code provisions and leading cases such as *Lenz v. Lenz* and *Gillespie v. Gillespie*, which are instrumental in shaping the interpretation of this standard.

[Yeandle v. Yeandle](#)

Texas Court of Appeals

Extract

The best interest of the child shall always be the primary consideration in determining conservatorship, possession of, and access to the child. *Id.* § 153.002; *Lenz v. Lenz*, 79 S.W.3d 10, 14 (Tex. 2002). 'Suits affecting the parent-child relationship are 'intensely fact-driven' and require courts to balance many factors.' *Billisits v. Billisits*, No. 03-21-00358-CV, 2023 WL 2191330, at *2 (Tex. App.-Austin Feb. 24, 2023, no pet.) (mem. op.). Due to the intensely fact-driven nature of conservatorship determinations, a trial court has wide latitude in determining a child's best interest. *Id.* at *3. In reviewing issues concerning the best interest of the child, courts are often

guided by the non-exhaustive list of Holley factors: *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex. 1976).

Summary

The passage provides insight into the legal framework and considerations that Texas courts use when determining the best interests of the child in conservatorship and custody cases. It references the Texas Family Code, the case of *Lenz v. Lenz*, and the Holley factors, which are well-established guidelines in Texas family law. This indicates that the material is relevant to understanding how Texas courts interpret the 'best interests of the child' standard.

[In re Interest of S.D.A., 587 S.W.3d 484 \(Tex. App. 2019\)](#)

Texas Court of Appeals

Extract

The best interest of the child is always the primary consideration in determining issues of conservatorship and possession. TEX.FAM.CODE ANN. § 153.002. Courts may use the non-exhaustive list of Holley factors to determine the child's best interest. See *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex. 1976) ; see also *In re Doe 2*, 19 S.W.3d 278, 282 n.20 (Tex. 2000) (recognizing that intermediate courts employ the Holley factors to ascertain best interest in conservatorship cases); *Howe v. Howe*, 551 S.W.3d 236, 259 (Tex.App.—El Paso 2018, no pet.).

Summary

The passage highlights that the "best interest of the child" is the primary consideration in conservatorship and possession issues, as per Texas Family Code § 153.002. It also references the Holley factors, established in *Holley v. Adams*, as a guiding framework for determining a child's best interest. This indicates that *Holley v. Adams* is a leading case in interpreting the "best interests of the child" standard in Texas family law.

[Kom v. Kom](#)

Texas Court of Appeals

Extract

In our review of a trial court's discretionary ruling on a conservatorship issue, the primary consideration is always the best interest of the child. *Gillespie v. Gillespie*, 644 S.W.2d 449, 451 (Tex. 1982); see also Tex. Fam. Code Ann. § 153.002. The trial court has wide latitude in determining the child's best interest, and it may consider a variety of factors in doing so. See

Tex. Fam. Code Ann. § 153.134(a); *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex. 1976) (listing non-exhaustive factors). Such factors include the child's physical and emotional needs, the parties' plans for the child, and the stability of the home.

Summary

The passage provides insight into the 'best interests of the child' standard by referencing key Texas cases such as *Gillespie v. Gillespie* and *Holley v. Adams*. These cases are instrumental in guiding how courts determine the best interests of the child, emphasizing the trial court's discretion and the various factors considered, such as the child's needs and home stability.

[In re R.M., NO. 02-18-00004-CV \(Tex. App. May 21, 2018\)](#)

Texas Court of Appeals

Extract

When a trial court determines issues related to conservatorship and possession of and access to a child, its primary consideration must be the child's best interest. Tex. Fam. Code Ann. § 153.002 (West 2014); see id. § 153.001(a)(1) (West 2014) (stating that Texas's public policy is to assure that children will have frequent and continuing contact with parents 'who have shown the ability to act in the best interest of the child'). Trial courts have broad discretion to determine what is in the child's best interest. *In re P.M.*, No. 02-14-00205-CV, 2014 WL 8097064, at *30 (Tex. App.—Fort Worth Dec. 31, 2014, pet. denied) (mem. op. on reh'g). A trial court abuses its discretion if it acts arbitrarily and unreasonably or without reference to guiding principles. *Iliff v. Iliff*, 339 S.W.3d 74, 78 (Tex. 2011); *Low v. Henry*, 221 S.W.3d 609, 614 (Tex. 2007). A trial court also abuses its discretion by ruling without supporting evidence. *Ford Motor Co. v. Garcia*, 363 S.W.3d 573, 578 (Tex. 2012). ... *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex. 1976) (citations omitted). We consider the above factors as to a child's best interest in conservatorship, possession, and access decisions. See *In re D.M.*, No. 02-16-00473-CV, 2017 WL 1173847, at *1 (Tex. App.—Fort Worth Mar. 30, 2017, no pet.) (mem. op.) (citing *Holley* and family code section 263.307 with regard to making a conservatorship best-interest determination). These factors are not exhaustive, and some listed factors may be inapplicable to some cases. *In re C.H.*, 89 S.W.3d 17, 27 (Tex. 2002). There is a strong presumption that the best interest of a child is served by appointing a parent as managing conservator, but that presumption may be rebutted by showing that such an appointment would not be in the child's best interest because such an appointment 'would significantly impair the child's physical health or emotional development.' Tex. Fam. Code Ann. § 153.131 (West 2014); see *Lewelling v. Lewelling*, 796 S.W.2d 164, 166 (Tex. 1990) ('The presumption that the best interest of a child is served by awarding custody to a natural parent is deeply embedded in Texas law.'). It is the Department's burden to rebut this presumption. *In re A.J.I.L.*, No.

14-16-00350-CV, 2016 WL 6110450, at *4 (Tex. App.—Houston [14th Dist.] Oct. 18, 2016, pet. denied) (mem. op.).

Summary

Comprehensive overview of the 'best interests of the child' standard in Texas family law, highlighting the broad discretion given to trial courts, the guiding principles from case law such as *Holley v. Adams*, and the statutory presumption favoring parental conservatorship. It also references specific cases and statutes that are pivotal in interpreting this standard.

[J.H. v. Tex. Dep't of Family & Protective Servs., NO. 03-21-00162-CV \(Tex. App. Jul 08, 2021\)](#)

Texas Court of Appeals

Extract

The primary consideration in conservatorship determinations is the child's best interest. Tex. Fam. Code § 153.002; see *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex. 1976) (listing non-exclusive factors for best-interest determination); see also *Lenz v. Lenz*, 79 S.W.3d 10, 19 (Tex. 2002) (explaining that '[s]uits affecting the parent-child relationship are intensely factdriven, which is why courts have developed best-interest tests that consider and balance numerous factors'). 'When a court determines conservatorship between a parent and a nonparent, a presumption exists that appointing the parent as the sole managing conservator is in the child's best interest.'

Summary

The passage highlights the primary consideration in conservatorship determinations, which is the child's best interest, as outlined in Tex. Fam. Code § 153.002. It references leading Texas cases such as *Holley v. Adams* and *Lenz v. Lenz*, which are significant in interpreting the 'best interests of the child' standard. These cases provide a framework for courts to consider and balance numerous factors in making custody and conservatorship decisions. The passage also notes the presumption in favor of appointing a parent as the sole managing conservator, which is deeply embedded in Texas law.

[W.G. v. Tex. Dep't of Family & Protective Servs.](#)

Texas Court of Appeals

Extract

We review a trial court's best-interest determination in light of the considerations set out in *Holley v. Adams*, taking into account the child's wishes, their emotional and physical needs now and in the future, present and future emotional or physical danger posed to the child, the parenting skills of those seeking custody, any programs available to assist those seeking custody to promote the child's best interest, plans for the child's future, the stability of the home or proposed placement, conduct by the parent that might show that the parent-child relationship is inappropriate, and any excuses for the parent's conduct. 544 S.W.2d 367, 371-72 (Tex. 1976). The *Holley* factors are not exhaustive and need not all be proved, and a lack of evidence about some of the factors does not 'preclude a factfinder from reasonably forming a strong conviction or belief that termination is in the child's best interest, particularly if the evidence were undisputed that the parental relationship endangered the safety of the child.' *In re C.H.*, 89 S.W.3d 17, 27 (Tex. 2002). The child's need for permanence is the paramount consideration when determining a child's present and future physical and emotional needs.

Summary

The passage references the *Holley v. Adams* case, which is a leading case in Texas for determining the 'best interests of the child' standard. It outlines several factors that courts consider, such as the child's wishes, emotional and physical needs, and the stability of the home. The passage also references *In re C.H.*, which emphasizes the importance of the child's need for permanence. These cases are foundational in guiding courts on how to assess the best interests of the child in custody and conservatorship decisions.

[Zachery v. Zachery, 04-24-00531-CV \(Tex. App. Aug 20, 2025\)](#)

Texas Court of Appeals

Extract

The best interests of the children is the primary consideration in determining conservatorship, possession, and access. Tex. Fam. Code §§ 153.002, 153.134; see *Lenz v. Lenz*, 79 S.W.3d 10, 14 (Tex. 2002). In determining best interests, the trial court should utilize the *Holley* factors as set forth in *Holley v. Adams*. 544 S.W.2d 367, 371-72 (Tex. 1976). These factors include (a) the desires of the children; (b) the emotional and physical needs of the children now and in the future; (c) the emotional and physical danger to the children now and in the future; (d) the parental abilities of the individuals seeking custody; (e) the programs available to assist these individuals to promote the best interest of the children; (f) the plans for the children by these individuals; (g) the stability of the home; (h) the acts or omissions of the parent which may indicate that the existing parent-child

relationship is not a proper one; and (i) any excuse for the acts or omissions of the parent.

Summary

The passage from *Zachery v. Zachery* references the Texas Family Code and two significant cases, *Lenz v. Lenz* and *Holley v. Adams*, which are pivotal in interpreting the 'best interests of the child' standard. The Holley factors are a well-established set of criteria used by Texas courts to assess what constitutes the best interests of the child. This makes the passage highly relevant to understanding the legal framework and precedents guiding custody and conservatorship decisions in Texas.

[E. T.- M. v. Tex. Dep't of Family & Protective Servs., NO. 03-18-000622-CV \(Tex. App. Mar 01, 2019\)](#)

Texas Court of Appeals

Extract

When the trial court appoints joint managing conservators, it must designate the conservator who has the exclusive right to determine the primary residence of the child. Tex. Fam. Code § 153.134. In determining which joint conservator should have the exclusive right, the best interest of the child is the court's primary consideration, as it is in determining all 'issues of conservatorship and possession of and access to the child.' Id. § 153.002. Trial courts generally have wide latitude in determining what is in a child's best interest, *Gillespie v. Gillespie*, 644 S.W.2d 449, 451 (Tex. 1982), and may use a non-exhaustive list of factors to aid in the determination, *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex. 1976).

Summary

The passage provides insight into how Texas courts interpret the "best interests of the child" standard in custody and conservatorship decisions. It references specific Texas Family Code sections and leading cases such as *Gillespie v. Gillespie* and *Holley v. Adams*, which are instrumental in guiding courts on this issue. The passage highlights the court's discretion and the factors considered in determining a child's best interest.

[Long v. Long, 144 S.W.3d 64 \(Tex. App. 2004\)](#)

Texas Court of Appeals

Extract

Family Code Section 156.101 specifies that a court may modify an order that provides for the appointment of a conservator of a child if modification

would be in the best interest of the child and the circumstances of the child, a conservator, or other party affected by the order have materially and substantially changed since the rendition of the order. Tex. Fam.Code Ann. § 156.101 (Vernon 2002). The Legislature has made clear that '[t]he best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.' Tex. Fam.Code Ann. § 153.002 (Vernon 2002). Courts may use the nonexhaustive list of Holley factors to determine the child's best interest. *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex.1976); see also *In re Doe 2*, 19 S.W.3d 278, 300 n. 20 (Tex.2000) (recognizing that intermediate courts employ the Holley factors to ascertain best interest in conservatorship cases).

Summary

The passage from *Long v. Long* references Texas Family Code Sections 156.101 and 153.002, which emphasize that the best interest of the child is the primary consideration in conservatorship and possession cases. It also mentions the Holley factors, derived from *Holley v. Adams*, as a nonexhaustive list used by courts to determine a child's best interest. This indicates that the Holley case is a leading case in interpreting the best interest standard. The passage also references *In re Doe 2*, which acknowledges the use of Holley factors by intermediate courts.

[Chacon v. Gribble, NO. 03-18-00737-CV \(Tex. App. Nov 27, 2019\)](#)

Texas Court of Appeals

Extract

The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child." Tex. Fam. Code § 153.002. Ordinarily, there is a presumption that it is in the child's best interest for the court to appoint both parents as joint managing conservators. See *id.* § 153.131(b). ... When the trial court appoints joint managing conservators, it must designate the conservator who has the right to determine the primary residence of the child. *Id.* § 153.134. As with all "issues of conservatorship," the primary consideration for the trial court in deciding who should have this exclusive right is the best interest of the child. *Id.* § 153.002. Trial courts generally have wide discretion in determining what is in the child's best interest, see *Gillespie v. Gillespie*, 644 S.W.2d 449, 451 (Tex. 1982), and may use a non-exhaustive list of factors to aid in the determination, *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex. 1976). These factors include (1) the child's desires; (2) the emotional and physical needs of the child 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 of the child; (5) the programs available to assist these individuals to promote the best interest of the child; (6) plans for the child by the parties seeking custody; (7) the stability of the proposed placement; (8) the parent's acts or omissions that

may indicate that the parent-child relationship is not proper; and (9) any excuse for the acts or omissions of the parent. *Id.* Proof of best interest is not limited to these factors, and no single factor is controlling.

Summary

The passage from the *Chacon v. Gribble* case provides insight into how Texas courts interpret the "best interests of the child" standard in family law, particularly in custody and conservatorship decisions. It references specific sections of the Texas Family Code that emphasize the primary consideration of the child's best interest in these matters. The passage also cites the case of *Gillespie v. Gillespie*, which highlights the wide discretion courts have in determining the child's best interest, and *Holley v. Adams*, which provides a non-exhaustive list of factors that courts may consider. This indicates that the "best interests of the child" standard is a flexible and comprehensive guideline used by Texas courts.

[In re Interest of C.F., 565 S.W.3d 832 \(Tex. App. 2018\)](#)

Texas Court of Appeals

Extract

Texas courts employ the 'parental presumption'—that is, they presume a child's best interest is served by remaining with the child's natural parent. *Id.* § 153.131(a) (West 2014); *Lewelling v. Lewelling*, 796 S.W.2d 164, 166 (Tex. 1990). That presumption is 'deeply embedded in Texas law' and 'based upon the natural affection usually flowing between parent and child.' *In re V.L.K.*, 24 S.W.3d 338, 341 (Tex. 2000). The trial court is required to appoint the parents as joint managing conservators unless it finds (1) appointment of one or both parents as managing conservator would significantly impair the child's health or development; or (2) there is a history of family violence involving the child's parents. Tex. Fam. Code Ann. § 153.131(a), (b). The party seeking appointment of a non-parent as managing conservator bears the burden to rebut the parental presumption. *In re K.S.*, 492 S.W.3d 419, 427 (Tex. App.—Houston [14th Dist.] 2016, pet. denied). The best interest of the child shall always be the primary consideration of the court in determining conservatorship, possession, and access. See *id.* § 153.002.

Summary

The passage provides insight into the 'best interests of the child' standard by discussing the 'parental presumption' in Texas law, which favors the natural parent unless specific conditions are met. It references several cases and statutes that are central to understanding how Texas courts interpret this standard. The passage also outlines the conditions under which a non-parent may be appointed as a managing conservator, emphasizing the importance of the child's best interest as the primary consideration.

[Taylor v. Meek, 154 Tex. 305, 276 S.W.2d 787 \(Tex. 1955\)](#)

Texas Supreme Court

Extract

The natural parent need only show 'any change of circumstances demonstrative of the parent's improved condition or fitness as a custodian, any change of circumstances demonstrative of the fact that the other person is less well fitted or situated as custodian, or any change of circumstances relating to the existing custody which is injurious to the best interest of the child.' The establishment of any one of these changes of condition 'reopens' the case and it is then tried as though there had been no other decree. Thereupon the burden shifts to the party contesting the natural parent to 'demonstrate that the best interests of the child require that the parent be deprived of the custody' which in turn requires a finding that the natural parent is unfit to have custody; and, therefore, ... Because a change of custody disrupts the child's living arrangements and the channels of a child's affection, a change should be ordered only when the trial court is convinced that the change is to be a positive improvement for the child. *Duckworth v. Thompson*, supra; *Oldham v. Oldham*, Tex.Civ.App., 1939, 135 S.W.2d 564, error refused; *Miller v. Banks*, supra; *Cecacci v. Martilli*, supra. The paramount right of a natural parent to a child comes from a legal presumption that to be raised by its natural parents is to the child's best interest. This presumption is based upon the natural affection usually flowing from parentage. *Clayton v. Kerbey*, Tex.Civ.App., 1921, 226 S.W. 1117.

Summary

The passage from "Taylor v. Meek" provides insight into how the 'best interests of the child' standard is interpreted in Texas family law. It outlines the conditions under which a natural parent can seek a change in custody, emphasizing the need for a change in circumstances that affects the child's best interests. It also highlights the legal presumption that being raised by natural parents is generally in the child's best interest, unless proven otherwise. This case is significant in understanding the burden of proof and the considerations involved in custody decisions.

[Mumma v. Aguirre, 364 S.W.2d 220 \(Tex. 1963\)](#)

Texas Supreme Court

Extract

The presumption is based upon a logical belief that the ties of the natural relationship of parent and child ordinarily furnish strong assurance of genuine efforts on the part of the custodians to provide the child with the best care and opportunities possible, and, as well, the best atmosphere for the mental, moral and emotional development of the child. *State ex rel.*

Wood v. Deaton, 93 Tex. 243, 54 S.W. 901. However, wholly aside from the binding force of the rule of res judicata, the law favors a high degree of stability in a young child's home and surroundings, and to achieve that stability will not permit a change of custody, once judicially determined, except upon a showing of materially changed conditions, Short v. Short, Tex.Sup., 354 S.W.2d 933; and will not require it, even then, unless denying it would constitute an abuse of discretion by the trial judge.

Summary

The passage from Mumma v. Aguirre highlights the presumption that the natural relationship between parent and child is generally in the child's best interest, emphasizing stability in the child's environment. It also references the need for materially changed conditions to alter custody, unless not doing so would be an abuse of discretion. This case, along with State ex rel. Wood v. Deaton and Short v. Short, provides insight into how Texas courts interpret the 'best interests of the child' standard, focusing on stability and the natural parent-child relationship.

[Brook v. Brook, 881 S.W.2d 297 \(Tex. 1994\)](#)

Texas Supreme Court

Extract

In this child custody dispute we are concerned with the type of finding required for appointment of a parent and a nonparent to be joint managing conservators under section 14.01(b)(1) of the Texas Family Code. ... The trial court rendered an order pursuant to the jury's decision in favor of the latter joint managing conservatorship and determination that such appointment was in the best interest of the child. ... TEX.FAM.CODE ANN. § 14.01(b)(1) (Vernon Supp.1994). This provision codifies the longstanding presumption that 'the best interest of a child is served by awarding custody to a natural parent.' Lewelling v. Lewelling, 796 S.W.2d 164, 166 (Tex.1990). ... The party seeking to bar the natural parent from appointment as managing conservator[]... must prove that the appointment of the parent ... would significantly impair the child's health or emotional development.

Summary

Application of the 'best interests of the child' standard in the context of appointing joint managing conservators, including a nonparent. It highlights the presumption in favor of natural parents and the requirement for evidence of significant impairment to the child's health or emotional development to bar a natural parent from being appointed as a conservator. This aligns with the broader legal principle that custody decisions should prioritize the child's best interests, a central tenet in Texas family law.

[In re M.S., 115 S.W.3d 534, 2003 WL 21512654 \(Tex. 2003\)](#)

Texas Supreme Court

Extract

The child bears a substantial interest in the proceedings as well. Indeed, the Family Code's entire statutory scheme for protecting children's welfare focuses on the child's best interest. Those interests, some of which the child shares with the parent, and some of which the child shares with the State, must necessarily be considered in this analysis.

Summary

The passage from "In re M.S." highlights the importance of the child's best interests in proceedings related to parental rights. It emphasizes that the statutory scheme in Texas family law is centered around the child's welfare, which is a critical component in custody and conservatorship decisions. This aligns with the broader legal principle that the child's best interests are paramount in family law cases. The case provides insight into how Texas courts interpret and apply this standard, making it relevant to the question.

[In re Interest of C.A.J., 459 S.W.3d 175 \(Tex. App. 2015\)](#)

Texas Court of Appeals

Extract

There is a strong presumption that a child's interest is best served by preserving the conservatorship of the parents; however, clear and convincing evidence to the contrary may overcome the presumption. In re R.R., 209 S.W.3d 112, 116 (Tex.2006) (per curiam); In re K.S., 420 S.W.3d 852, 855 (Tex.App.-Texarkana 2014, no pet.). In deciding whether termination would be in the best interest of the child, the trial court may consider this nonexclusive list of factors: (A) the desires of the child; (B) the emotional and physical needs of the child now and in the future; (C) the emotional and physical danger to the child now and in the future; (D) the parental abilities of the individuals seeking custody; (E) the programs available to assist these individuals to promote the best interest of the child; (F) the plans...

Summary

The passage provides insight into the 'best interests of the child' standard by highlighting the presumption in favor of parental conservatorship and the factors considered by the court in determining the child's best interest. It references other cases, such as In re R.R. and In re K.S., which are relevant to understanding how Texas courts interpret this standard.

[Wiley v. Spratlan, 543 S.W.2d 349 \(Tex. 1976\)](#)

Texas Supreme Court

Extract

Suits for conservatorship, possession, and support are governed by Chapter 14 of the Family Code and those matters are determined by the 'best interest' test. Section 14.07. Those proceedings are different and have different purposes from termination cases. Decrees under Chapter 14 may be modified or changed from time to time, but the parent still retains some rights in and control over a child. A termination decree, on the other hand, is complete, final, irrevocable. It divests for all time the parent and child of all legal rights, privileges, duties, and powers with respect to each other except for the child's right to inherit. See Section 15.07. The difference in the proceedings justifies the caution with which courts have characteristically considered termination cases. Actions which break the ties between a parent and child 'can never be justified without the most solid and substantial reasons.' *State v. Deaton*, 93 Tex. 243, 54 S.W. 901 (1900). Particularly in an action which permanently sunders those ties, should the proceedings be strictly scrutinized. This court has always recognized the strong presumption that the best interest of a minor is usually served by keeping custody in the natural parents. *Herrera v. Herrera*, 409 S.W.2d 395 (Tex.1966); *Gunn v. Cavanaugh*, 391 S.W.2d 723 (Tex.1965); *Mumma v. Aguirre*, 364 S.W.2d 220 (Tex.1963).

Summary

The passage from "*Wiley v. Spratlan*" provides insight into how the 'best interests of the child' standard is applied in Texas family law, particularly in cases of conservatorship, possession, and support. It distinguishes between these proceedings and termination cases, emphasizing the importance of maintaining parental rights unless there are substantial reasons for termination. The passage also references other Texas cases that support the presumption that a child's best interests are usually served by remaining with their natural parents.

[In re C.H., 89 S.W.3d 17 \(Tex. 2002\)](#)

Texas Supreme Court

Extract

The jury found that the parents had engaged in conduct warranting termination and that terminating the rights of both parents would be in the best interest of the child. The trial court rendered judgment in accordance with the verdict.

Summary

The passage from "In re C.H." discusses the application of the 'best interests of the child' standard in the context of parental termination cases. The jury's finding that termination was in the best interest of the child was a key factor in the trial court's decision to terminate parental rights. This case illustrates how the 'best interests of the child' standard is applied in termination proceedings, which is relevant to custody and conservatorship decisions as well.

[Lenz v. Lenz, 79 S.W.3d 10, 45 Tex. Sup. Ct. J. 781 \(Tex. 2002\)](#)

Texas Supreme Court

Extract

The Legislature has made clear that '[t]he best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.' TEX. FAM.CODE § 153.002. Yet, the Family Code does not elaborate on the specific requirements for modification in the residency-restriction context, and we have no specific statute governing residency restrictions or their removal for purposes of relocation. Neither have Texas courts articulated any specific standards to apply in this context. Nonetheless, the Legislature has provided a basic framework upon which we may build guidelines for reviewing a modification that removes a residency restriction for purposes of relocation. Family Code § 153.001 outlines this framework by pronouncing our public policy for all suits affecting the parent-child relationship: (a) The public policy of this state is to: (1) assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; ... As most of these cases rely on a best-interest standard as the ultimate guide for determining whether a modification for purposes of relocation should be granted, the factors they consider reflect the public policy concerns implicit in Texas' own statutory best-interest standard for modification. See TEX. FAM.CODE § 156.202(2) (modification must be 'a positive improvement for and in the best interest of the child').

Summary

The passage from *Lenz v. Lenz* discusses the application of the "best interests of the child" standard in the context of conservatorship and custody decisions. It highlights that the Texas Family Code § 153.002 mandates that the best interest of the child is the primary consideration in such decisions. The passage also notes the lack of specific statutory guidance on residency restrictions and relocation, but it emphasizes the public policy framework provided by the Family Code to ensure frequent and continuing contact with parents acting in the child's best interest. This case is significant in interpreting how the best interest standard is applied, especially in modifications related to relocation.

[Brandon v. Rudisel, 586 S.W.3d 94 \(Tex. App. 2019\)](#)

Texas Court of Appeals

Extract

In determining issues of conservatorship and possession and access, the primary consideration is always the best interest of the children. See Tex. Fam. Code Ann. § 153.002 (West 2014) ; Lenz v. Lenz, 79 S.W.3d 10, 14 (Tex. 2002). We review a trial court's decision to modify an order regarding conservatorship or the terms of possession of and access to each child under an abuse-of-discretion standard. See Baltzer v. Medina, 240 S.W.3d 469, 474-75 (Tex. App.—Houston [14th Dist.] 2007, no pet.). A trial court abuses its discretion if it acts arbitrarily, unreasonably, or without reference to any guiding rules or principles.

Summary

The passage highlights the primary consideration in conservatorship and possession cases, which is the best interest of the children, as outlined in Texas Family Code § 153.002. It also references the case Lenz v. Lenz as a leading case interpreting this standard. The passage further explains the standard of review for such decisions, which is an abuse-of-discretion standard, citing Baltzer v. Medina as a relevant case. This information is crucial for understanding how Texas courts interpret and apply the 'best interests of the child' standard in family law.

[In re Interest of K.A.M.S., 583 S.W.3d 335 \(Tex. App. 2019\)](#)

Texas Court of Appeals

Extract

The trial court concluded there had been a material and substantial change in circumstances since the 2006 paternity order and that modifying the order was in the best interest of the children. See Tex. Fam. Code Ann. §§ 153.002, 156.101(a)(1). The trial court named Mother sole managing conservator and Father possessory conservator. See Tex. Fam. Code Ann. §§ 153.005 (Supp.), 153.006. The trial court concluded that a standard possession order was inappropriate or unworkable under the circumstances, a modified possession order was not more restrictive than necessary to protect the best interest of the children, and Father shall have possession at times mutually agreed to in advance by the parties. See Tex. Fam. Code Ann. §§ 153.193, 153.252 –.253, 153.256.

Summary

Application of the 'best interests of the child' standard in modifying conservatorship and possession orders. It references specific sections of the Texas Family Code that guide these decisions, emphasizing the court's discretion in determining what arrangement serves the child's best interests. The case illustrates how courts evaluate changes in circumstances and the appropriateness of standard possession orders.

[Howe v. Howe, 551 S.W.3d 236 \(Tex. App. 2018\)](#)

Texas Court of Appeals

Extract

The best interest of the child is always the primary consideration in determining issues of conservatorship and possession. TEX.FAM.CODE ANN. § 153.002 (West 2014). Courts may use the non-exhaustive list of Holley factors to determine the child's best interest. *Holley v. Adams*, 544 S.W.2d 367, 371-72 (Tex. 1976) ; see also *In re Doe 2*, 19 S.W.3d 278, 300 n. 20 (Tex. 2000) (recognizing that intermediate courts employ the Holley factors to ascertain best interest in conservatorship cases); *Long v. Long*, 144 S.W.3d 64, 68 (Tex.App.—El Paso 2004, no pet.) (applying Holley factors).

Summary

The passage highlights the importance of the 'best interests of the child' standard in Texas family law, specifically in conservatorship and possession decisions. It references the Texas Family Code § 153.002, which mandates that the child's best interest is the primary consideration. Additionally, it cites the *Holley v. Adams* case, which provides a non-exhaustive list of factors (Holley factors) that courts may use to determine the child's best interest. This indicates that the Holley factors are a leading framework used by Texas courts in these decisions.

[J.W.T., In Interest of, 872 S.W.2d 189 \(Tex. 1994\)](#)

Texas Supreme Court

Extract

the court balances his rights against the very conflicting interests it forbids the legislature from balancing--the father's 'interest in establishing a relationship,' the 'public interest in protecting the child,' and the 'public interest in securing stable homes and supportive families for children.'

Summary

Balancing of a father's interest in establishing a relationship with his child against the public interest in protecting the child and securing stable homes and supportive families. This balancing act is central to the 'best interests of the child' standard, which is a key consideration in custody and conservatorship decisions. The case highlights the court's role in weighing these interests, which is a fundamental aspect of determining what is in the best interests of the child.

[Tex. Fam. Code § 153.004 Tex. Fam. Code § 153.004 History of Domestic Violence Or Sexual Abuse](#)

Extract

In determining whether to appoint a party as a sole or joint managing conservator, the court shall consider evidence of the intentional use of abusive physical force, or evidence of sexual abuse, by a party directed against the party's spouse, a parent of the child, or any person younger than 18 years of age committed within a two-year period preceding the filing of the suit or during the pendency of the suit. ... It is a rebuttable presumption that the appointment of a parent as the sole managing conservator of a child or as the conservator who has the exclusive right to determine the primary residence of a child is not in the best interest of the child if credible evidence is presented of a history or pattern of past or present child neglect, or physical or sexual abuse by that parent directed against the other parent, a spouse, or a child.

Summary

The Texas Family Code § 153.004 provides specific guidance on how courts should consider evidence of domestic violence or sexual abuse when determining the best interests of the child in custody and conservatorship decisions. The statute establishes a rebuttable presumption against appointing a parent as a sole managing conservator if there is credible evidence of abuse or neglect, indicating that such an appointment is not in the child's best interest. This legal standard is crucial in guiding courts' decisions in relevant cases.

[Tex. Fam. Code § 153.002 Tex. Fam. Code § 153.002 Best Interest of Child: Rebuttable Presumption In Suit Between Parent and Nonparent](#)

Extract

(a) The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child. (b) In a suit between a parent and a nonparent, it is a rebuttable presumption that: a parent acts in the best interest of the

parent's child; and it is in the best interest of a child to be in the care, custody, and control of a parent. (c) In a suit between a parent and a nonparent, the nonparent may overcome the presumption under Subsection (b) by proving by clear and convincing evidence that denial of the relief requested by the nonparent would significantly impair the child's physical health or emotional development. If the court renders an order in the suit granting relief to the nonparent, the court shall state in the order: the specific facts that support the court's finding that denying the relief requested by the nonparent would significantly impair the child's physical health or emotional development; and the extent to which the nonparent has overcome the presumption under Subsection (b).

Summary

Statutory framework for determining the best interests of the child in custody and conservatorship decisions. It establishes that the best interest of the child is the primary consideration and introduces a rebuttable presumption favoring parents in suits between parents and nonparents. This presumption can be overcome by clear and convincing evidence that the child's physical health or emotional development would be significantly impaired.

[Tex. Fam. Code § 153.134 Tex. Fam. Code § 153.134 Court-Ordered Joint Conservatorship](#)

Extract

If a written agreed parenting plan is not filed with the court, the court may render an order appointing the parents joint managing conservators only if the appointment is in the best interest of the child, considering the following factors: whether the physical, psychological, or emotional needs and development of the child will benefit from the appointment of joint managing conservators; the ability of the parents to give first priority to the welfare of the child and reach shared decisions in the child's best interest; whether each parent can encourage and accept a positive relationship between the child and the other parent; whether both parents participated in child rearing before the filing of the suit; the geographical proximity of the parents' residences; if the child is 12 years of age or older, the child's preference, if any, regarding the person to have the exclusive right to designate the primary residence of the child; and any other relevant factor.

Summary

The Texas Family Code § 153.134 provides specific factors that the court must consider when determining the best interest of the child in appointing joint managing conservators. These factors include the child's physical, psychological, or emotional needs, the parents' ability to prioritize the child's welfare, the encouragement of a positive relationship with the other parent, prior participation in child-rearing, geographical proximity, the

child's preference if they are 12 or older, and any other relevant factor. This statute is directly relevant to understanding how Texas courts interpret the 'best interests of the child' standard in custody and conservatorship decisions.

[Tex. Fam. Code § 153.131 Tex. Fam. Code § 153.131 Presumption that Parent to Be Appointed Managing Conservator](#)

Extract

(a) Subject to the prohibition in Section FAMILY CODE 153.004, unless the court finds that appointment of the parent or parents would not be in the best interest of the child because the appointment would significantly impair the child's physical health or emotional development, a parent shall be appointed sole managing conservator or both parents shall be appointed as joint managing conservators of the child. (b) It is a rebuttable presumption that the appointment of the parents of a child as joint managing conservators is in the best interest of the child. A finding of a history of family violence involving the parents of a child removes the presumption under this subsection.

Summary

Texas law presumes that appointing parents as joint managing conservators is in the best interest of the child. However, this presumption can be rebutted if there is evidence that such an appointment would significantly impair the child's physical health or emotional development, or if there is a history of family violence. This statutory provision is crucial in guiding courts in custody and conservatorship decisions, as it establishes a baseline presumption that can be challenged under specific circumstances.

[Tex. Fam. Code § 263.307 Tex. Fam. Code § 263.307 Factors In Determining Best Interest of Child](#)

Extract

In considering the factors established by this section, the prompt and permanent placement of the child in a safe environment is presumed to be in the child's best interest. The following factors should be considered by the court and the department in determining whether the child's parents are willing and able to provide the child with a safe environment: the child's age and physical and mental vulnerabilities; the frequency and nature of out-of-home placements; the magnitude, frequency, and circumstances of the harm to the child; whether the child has been the victim of repeated harm after the initial report and intervention by the department; whether the child is fearful of living in or returning to the child's home; 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;

whether there is a history of abusive or assaultive conduct by the child's family or others who have access to the child's home; whether there is a history of substance abuse by the child's family or others who have access to the child's home; whether the perpetrator of the harm to the child is identified; 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; the willingness and ability of the child's family to effect positive environmental and personal changes within a reasonable period of time; whether the child's family demonstrates adequate parenting skills, including providing the child and other children under the family's care with: (A) minimally adequate health and nutritional care; (B) care, nurturance, and appropriate discipline consistent with the child's physical and psychological development; (C) guidance and supervision consistent with the child's safety; (D) a safe physical home environment; (E) protection from repeated exposure to violence even though the violence may not be directed at the child; and (F) an understanding of the child's needs and capabilities; and whether an adequate social support system consisting of an extended family and friends is available to the child.

Summary

Detailed list of factors that courts and the Department of Family and Protective Services should consider when determining the best interests of the child. These factors are crucial in custody and conservatorship decisions, as they guide the court in assessing the child's safety, the parents' ability to provide a safe environment, and the overall well-being of the child. The passage is directly relevant to understanding how the 'best interests of the child' standard is applied in Texas family law.

[Review of the Year 2018 in Family Law: Case Digests](#)

Family Law Quarterly - American Bar Association - 2019-01-01

Extract

Texas. In re A.C., Nos. 2018-308 & 2018-309, 2018 WL 5304691 (Tex. Oct. 26, 2018). Under the elevated proof standard, a parent's unrecounted and uncontroverted admission that termination is in her children's best interests, coupled with stipulations as to grounds for termination and permanency plans, is evidence to support the trial court's best interest findings. Such evidence, in the form of statements in a mediated settlement agreement signed by the parents, counsel, and others, is sufficient

Summary

Case "In re A.C." from Texas, which provides insight into how the 'best interests of the child' standard is applied in the context of terminating parental rights. The case highlights that a parent's admission, along with stipulations regarding termination grounds and permanency plans, can be

sufficient evidence for a court's best interest findings. This case is relevant to understanding how Texas courts interpret and apply the 'best interests of the child' standard in family law, particularly in termination cases.

[Marriage Dissolution](#)

Texas Small-Firm Practice Tools. Volume 1-2 - James Publishing - Cindy Stormer - 2022-05-05

Extract

A best-interest determination in any proceeding involving a nonparent's request for conservatorship or possession, over the objection of a child's fit parent, must accord that parent the presumption that he is acting in the child's best interest so long as that presumption has not previously been overcome. In Re C.J.C, No. 19-0694 (Tex. 2020).

Summary

The passage provides insight into the 'best interests of the child' standard by referencing the case "In Re C.J.C, No. 19-0694 (Tex. 2020)." This case highlights the presumption that a fit parent is acting in the child's best interest, which must be considered in any proceeding involving a nonparent's request for conservatorship or possession. This presumption is a critical aspect of the 'best interests of the child' standard in Texas family law.

[Child Custody Basics In Texas](#)

Extract

Joint managing conservatorship is presumed to be in a child's best interest. In other words, it is the default. If there is evidence that joint managing conservatorship is not in the child's best interest, a court can decide that one parent should be sole managing conservator. For example, family violence, alcohol or drug abuse, and similar issues weigh against joint managing conservatorship. Other factors a court considers include the child's physical, psychological, or emotional needs; the ability of the parents to give first priority to the welfare of the child; whether parents encourage and accept a positive relationship between the child and the other parent; whether both parents participated in raising the child prior to the suit; geographical proximity; and (if the child is 12 years of age or older) the child's preference.

Summary

N overview of the factors considered by Texas courts when determining the best interests of the child in custody and conservatorship cases. It highlights

that joint managing conservatorship is the default presumption, but courts will consider various factors, such as family violence, substance abuse, and the child's needs and preferences, to determine if sole managing conservatorship is more appropriate. This aligns with the 'best interests of the child' standard used in Texas family law.

This memo was compiled by Vincent AI based on vLex materials available as of October 09, 2025. [View full answer on vLex](#)