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DALLAS, TEXAS
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No. 05-26-01459-CV

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS
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Ruben Morin
Clerk

In the Court of Appeals
Fifth Judicial District at Dallas

In The Interest Of Unknown, a Child

Original Proceeding from Cause No. 1-25-1971
the 382nd Judicial District Court of Rockwall County, Texas

APPELLANT'S BRIEF

IDENTITY OF PARTIES AND COUNSEL

Appellant/Respondent below:
Sanford Kaplan

Appellee/Petitioner below:
Department of Family and Protective Services

Appellee/Child Subject of the Suit:
David Rohlf, ad-litem (appointed)

Trial Court:
Hon. Brett Hall, 382th Judicial District Court, Rockwall, County, Texas.

Counsel for Appellant:
Jay Johnson

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STATEMENT OF THE CASE

This is an accelerated appeal from a final order terminating Appellant's parental rights to his unnamed child. The Department of Family and Protective Servies (DFPS) sought termination after the 419th Judicial District Court granted an injunction requested by Hospital with no standing to intervene in the Appellant's petition to validate gestational agreement case.[1] A jury tried the case on August 18, 2026.[2] The jury answered the termination questions against Appellant, and the trial court signed the Order of Termination on September 16, 2026.[3] Appellant timely moved for judgment notwithstanding the verdict, new trial, and filed notice of appeal. [4]

STATEMENT REGARDING ORAL ARGUMENT

Appellee does not request oral argument. The briefs and appellate record adequately present the facts and legal issues, and Appellant respectfully requests submission on the briefs unless the Court orders otherwise.

ISSUE PRESENTED

1. Legal Sufficiency of Evidence

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[1] CR 15 - 26
[2] CR 961 - 968
[3] Id.
[4] CR 925 – 935 / 973-976/ and Supp CR 5-12

Whether the evidence is legally sufficient, under the clear and convincing standard, to support the jury's verdict that termination was in the best interest of the child subject of this suit given that the only evidence presented concerned the predict grounds for termination and Appellant never had possession and access to the child.

STATEMENT OF FACTS

A. D-1-FM-25-004895 (419th District Court- Austin, Texas) – Validation of Gestational Agreement

On June 23, 2025, Appellant executed a gestational agreement concerning the birth and conservatorship of the child subject of this suit.[5]

On July 28, 2025, Appellant filed a joint petition to validate the gestational agreement according to the Texas Family Code.[6]

On August 13, 2025, Appellant received an order validating the gestational agreement. [7]

On October 31, 2025, Baylor Scott & White Medical Center ("Medical Center") filed an obtained a temporary restraining order and order setting hearing prohibiting Appellant from possession and access to the child subject of this suit who had yet to be born.[8] Appellant filed motion to dismiss due to Medical Center

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[5] CR 277 - 307
[6] CR 273 - 314
[7] CR 315 - 320
[8] CR 396 - 399

lacking standing under the Texas Family Code to pled for any orders concerning the child subject of this suit who had yet to be born.[9] Appellant filed an original petition for mandamus with 3rd Court of Appeals under Cause No. 03-25-00877-CV. No order either granting or denying Appellant's mandamus petition signed by the 3rd Court of Appeals. [10]

Over Appellant's objections and after denying Appellant's motion to dismiss, the 417th District Court proceeded to hold a hearing and granted Medical Center's request for a temporary order enjoining Appellant from having possession and access of the child subject of this suit who had to be born.[11] At the hearing, Appellant expressed his wholesome intentions for the unborn child.[12] At the hearing, the gestational mother testified under oath that she Appellant past criminal history did not change her opinion on whether Appellant should be the father of the child subject of this suit.[13]

B. DFPS removal of the child and subsequent termination suit

On November 14, 2025, the child subject of this suit was born and Appellant filed notice of birth.[14] Appellant was not present for the child's birth. Upon birth, the

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[9] CR 389 – 393, See TEX. FAM. CODE § 160.602 and TEX. FAM. CODE § 102.003
[10] CR 414 – 415, See TEX. FAM. CODE § 160.756(d)
[11] RR Vol 6 of 6, Exhibit P #10, Page 21, Line 11 – 15 and CR 416 - 420
[12] RR, Vol 6 of 6, Exhibit P#10, Page 394, Line 21-25).
[13] RR, Vol 6 of 6, Exhibit P#10, Page 412, Line 20-23).
[14] CR 421 -422

Department of Family and Protective Services (DFPS) removed the child from gestational mother and Appellant.[15] Since the birth of the child Appellant has had no possession or access to the child.

After removing the child, DFPS filed suit for termination in 382nd District Court in Rockwall County, Texas.[16] Appellant filed petition for adjudication of parentage requesting conservatorship rights and possession and access.[17] 417th District Court transferred and consolidated it's the petition to validate and Medical Center petition to 382nd District Court in Rockwall County, Texas. [18] Appellant requested temporary orders granting him possession and access, but the request was denied.[19] Court found that there were "aggravated circumstances" and DFPS did not perform any services or take all reasonable efforts to return the child to Appellant.[20] DNA evidence confirmed that Appellant was the biological father of the child subject of this suit.[21]

On August 18, 2026, jury trial was commenced. During Appellant's testimony is declared that his concern for the child was overwhelming.[22] DFPS presented

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[15] CR 15 - 26
[16] Id.
[17] CR 203-214
[18] CR 271 - 272
[19] CR 203-214
[20] CR 218-222
[21] CR 228 - 229
[22] RR Vol 4 of 6, Page 50, Line 20.

evidence of Appellant prior criminal history but presented no evidence of any subsequent criminal activity.[23] DFPS investigator (Brandon Kennedy) witness testified that Appellant had never had possession or access to the child subject of the suit.[24] The DFPS investigator witness testified that Appellant had never physical harmed the child subject of this suit.[25] The DFPS investigator testified that Appellant had never committed a criminal offense against the child.[26] The DFPS investigator testified that he was not an expert. [27] The DFPS investigator stated that he did not conduct any mental health assessment.[28] The DFPS investigator did not conduct any home studies.[29] The DFPS investigator confirmed that the only reasons that DFPS sought removal was the criminal history of Appellant and the injunction rendered against Appellant from having possession and access of the child subject of this suit.[30] Subsequently DPFS called witnesses, Betty Schupp (CASA) to testify about the current physical state and well-being of the child but presented no evidence comparing the child's current state with the state of the child while in Appellant's care.[31]

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[23] RR Vol 4 of 6, Page 119 - 124
[24] Id.
[25] Id.
[26] Id.
[27] Id.
[28] Id.
[29] Id.
[30] Id at Page 123
[31] RR Vol 5 of 6, Page 15 - 32

Appellant moved for a directed verdict after DFPS case in chief due to the lack of evidence to support whether termination would be in the best interest of the child subject of this suit. [32]The Court denied Appellant's motion for directed verdict.[33]

The jury rendered verdict to terminate Appellant's parental rights.[34] Appellant filed Motion for Judgment Notwithstanding Verdict (JNOV).[35] As of the date of the brief, Appellant JNOV has yet to be ruled upon. Subsequently, Appellant filed notice of appeal and a Motion for New Trial including evidence that Appellant is no longer a registered sex offender in the State of Colorado.[36] As of the date of the brief, Appellant's Motion for New Trial has yet to be ruled upon.

SUMMARY OF ARGUMENT

The termination of Appellant's parental rights should be reversed because there was not sufficient evidence to support that the termination of Appellant's rights was in the best interests of the child. For the Court to render a judgment terminating a parent's parental rights, there must be sufficient evidence that termination is in the best of the child. Here, there was no sufficient evidence that Appellant's parental

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[32] RR Vol 5 of 6, Page 47-56
[33] Id. at 56
[34] CR 961 - 969
[35] CR 925 - 935
[36] 1st Supp CR 5-12

rights should have been terminated. (1) The child subject of this suit is an infant, (2) Appellant was never allowed possession of the child, (3) Appellant never harmed the child, (4) Appellant never physically injured the child, (5) Appellant has never abused the child, (6) Appellant has never neglected the child, (7) Appellant has never committed a criminal offense against the child, (8) The child was not a victim of any criminal conduct, (9) and no expert opinion was given supporting termination. Although DFPS may have been able to establish aggravated circumstances as ground for termination, it could not without rely exclusively on those grounds to establish that termination was in the best interest of the child. For these reasons, the termination of Appellant's parental rights should be reversed.

STANDARD OF REVIEW

Among the prerequisites for termination of parental rights is that the court must find by clear and convincing evidence that termination is in the child's best interest, and that heightened standard should not be treated as a formality.[37] Accordingly, when legal sufficiency is challenged in a parental-termination proceeding, the relevant question is whether the evidence would permit a reasonable factfinder to form a firm belief or conviction that the proposition sought to be proved

[37] In re H.S., No. 24-0307, 2026 WL 1614496, *7 (Tex. June 5, 2026)

is true.[38] Evidence that might be regarded as legally sufficient to sustain a judgment in a case involving the preponderance of the evidence standard might constitute no evidence in a termination of parental rights case.[39] For constitutional reasons, courts must strictly scrutinize termination of parental rights proceedings and construe involuntary termination statutes strictly in the parent's favor.[40]

ARGUMENT

I. Aggravated circumstances alone do not establish that termination was in the best interest of the child.

The termination of Appellant's parental rights should be reversed because there was not sufficient evidence to form and firm belief at the trial that termination of Appellant's parental rights was in the child's best interests. To terminate a parent's rights, you must establish a predict ground and establish that the termination is in the best interest of the child.[41] Establishing that termination is in the child's best interest is an independent statutory requirement.[42] It was the burden of DFPS to provide evidence that termination was in the best interest of the child. Like in *H.S.* DFPS did NOT present any evidence beyond the predict grounds for termination and did not present sufficient evidence that termination was in the best interest of the

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[38] Id at *8
[39] Id.
[40] Id.
[41] Texas Family Code 161.001
[42] Id.

child.[43] At trial, DFPS relied upon the finding that there were "aggravated circumstances" to attempt to establish that termination was in the child's best interest. Aggravated circumstances allow DFPS to waive offering services to Appellant or to make all reasonable efforts to return the child to Appellant.[44] Aggravated circumstances do NOT waive the requirement for DFPS to prove that termination is in the best interest of the child.[45] By evidence of DFPS own investigator's testimony, the only support DFPS had for Appellant's termination of parental rights were that his past criminal history and the injunction rendered against him in favor of a hospital that did not have standing to be granted such relief.[46] DFPS did not find any evidence that maintaining the parent-child relationship would harm to the child.[47] DFPS did not find any evidence that maintaining the parent-child relationship would result in future neglect of the child.[48] DFPS did not find any evidence that maintaining the parent-child relationship would not be in the child best interest.[49] DFPS took possession of the child, researched Appellant's nearly 20-year-old criminal history, and determined that Appellant was not fit to be the parent of

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[43] See In re H.S., No. 24-0307, 2026 WL 1614496 (Tex. June 5, 2026)
[44] TEX. FAM. CODE § 262.2015
[45] Id.
[46] RR Vol 4 of 6, Page 119 - 124
[47] RR Vol 4 of 6, Page 102 - 124
[48] Id. at 119-124
[49] Id.

his child.[50] DFPS did not perform a psychological evaluation.[51] DFPS did not perform a forensic study of Appellant.[52] DFPS did not perform a home study.[53] DFPS did not research any of Appellant's financial circumstances and available support.[54] DFPS did not interview any of the therapists or psychologists that has provided Appellant treatment.[55] DFPS presented no evidence that connected Appellant's past criminal behavior that would clearly and convincingly mean that the child would be better served to have Appellant's parental rights terminated.[56] Just because Appellant had a criminal past does not mean that he could not be loving and caring parent to his child. Criminal convictions do not automatically mean that a parent should no longer be allowed to be parent. There are several parents who have criminal convictions and continue to be caring and loving parents. Even if the parent is incarcerated for their crimes, their role as a parent can be sufficiently served. DFPS presented no affirmative evidence that Appellant would be incapable to serving his God-given role as a parent to his child.[57] DFPS presented no evidence that supported that the child would benefit from permanently losing his relationship

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[50] Id.
[51] Id.
[52] Id.
[53] Id.
[54] Id.
[55] Id.
[56] RR Vol 4 of 6, Page 102 - 124
[57] RR Vol 4 of 6 and Vol 5 of 6

with his biological father.[58] Had Appellant had become the father of a child naturally, without the use of gestational services, there would have been no interference from DFPS in Appellant's parent-child relationship. Appellant would be able to parent his child despite his criminal past. DFPS never presented any evidence that bridged the gap between Appellant past criminal history and their claim that Appellant rights should be terminated.[59] DFPS lacked clear and convincing evidence that Appellant's aggravated circumstances meant that termination was in the best interest of the child and because of that the termination of Appellant's parental rights should be reversed.

DFPS believed that aggravated circumstances waived their requirement to establish that termination was in the child's best interest. That belief is wrong and evident in the record. The only evidence presented by DFPS regarding the best interests of the child were the results of their own actions and inaction.[60] Appellant unjustly enjoined from having any possession and access of the child since the entire time the child was born.[61] DFPS used this injustice to suggest that termination was in the child's best interest.[62] It is it incredibly unfair and disingenuous for DFPS to be the reason why Appellant had no possession and access to the child and to use Appellant's lack of possession and access to the child as support for termination. It

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[58] Id.
[59] Id.
[60] RR Vol 4 of 6 and Vol 5 of 6.
[61] CR 416 – 420 and CR 218 - 222
[62] RR Vol 4 of 6, Page 123

gives the impression that DFPS removal of the child was part of a nefarious plot instead of looking after the best interests of the child. DFPS believed that Appellant was not fit to be parent and should not be allowed to adhere to his role as a parent because of his criminal history but did nothing to confirm or verify their belief. DFPS also did not present any evidence at trial that would allow a trier of fact the clear and convincingly conclude that termination was in the best interest of the child. For this reason, Appellant's rights should be reinstated.

The child subject of this suit is an infant.[63] At trial there was no evidence that Appellant had any physical possession of the child.[64] There was no evidence that Appellant had physically harmed the child.[65] There was no evidence that Appellant had mentally abused the child.[66] There was no evidence that Appellant had neglected the child.[67] There was no evidence that Appellant had engaged in any criminal activity since the conception or birth of the child.[68] There was no expert opinion giving an evaluation of Appellant that supports termination was in the best interest of the child.[69] Not having any of this evidence of makes it impossible for a trier of fact to be able to form a firm believe that termination is in the best interest of the

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[63] CR 421 -422
[64] RR Vol 4 of 6, Page 119 - 124
[65] RR Vol 4 of 6 and Vol 5 of 6
[66] Id.
[67] Id.
[68] Id.
[69] Id.

child. One could not clearly assess someone's ability to parent if the parent has not had the ability to parent. One could not convincingly conclude that a parent will harm or neglect a child when the parent has never harmed or neglected the child. DFPS presented evidence of Appellant's prior offenses and criminal convictions and made arguments that those offenses and convictions alone were enough to conclude that termination was in the child's best interest.[70] Under H.S., a trier of fact can consider those events, but there must be more than just that evidence that supports the grounds.[71] DFPS still needed legally sufficient evidence establishing why that historical conduct, when considered together with the actual evidence concerning Appellant and this Child, creates a firm belief or conviction that termination itself is in this Child's best interest. DFPS was unable to do that because Appellant never allowed to have possession of the child and DFPS believed that aggravated circumstances waived the statutory requirement of establishing that termination was in the child's best interest. The evidence presented by the State is completely void of any connection that bridges the gap between the grounds for termination and the best interest finding.[72] Therefore, the termination of Appellant's parental rights should be reversed.

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[70] Id.
[71] See In re H.S., No. 24-0307, 2026 WL 1614496 (Tex. June 5, 2026);
[72] RR Vol 4 of 6 and Vol 5 of 6

II. *Evidence was insufficient based on nonexclusive factors identified in Holley.*

The termination of Appellant's parental rights should be reversed due to lack of sufficient evidence that supports that termination is in the best interest of the child. Texas courts traditionally consider the nonexclusive factors identified in *Holley* including: (1) the desires of the child; (2) the child's emotional and physical needs now and in the future; (3) emotional and physical danger now and in the future; (4) parental abilities; (5) programs available to assist the parent; (6) plans for the child; (7) stability of the proposed placement; (8) parental acts or omissions indicating an improper relationship and explanations for those acts or omissions.[73] DFPS did not present evidence that termination was clear and convincingly in the best interest of the child.[74] The following demonstrates why the State's proof falls short of the heightened burden.

1. Desires of the Child

There was no evidence that the child desired permanent severance from Appellant. The child is an infant could not express any desire to have its relationship with his father permanently terminated. [75]

2. Emotional and Physical Needs

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[73] *Holley v. Adams*, 544 S.W.2d 367, 371–72 (Tex. 1976)
[74] RR Vol 4 of 6 and Vol 5 of 6
[75] CR 421 -422

Appellant has never possessed the child.[76] DFPS did not point to a failed placement in which Appellant was given responsibility to care for the emotional and physical needs of the child and either failed or was unable to meet them.[77] It is undisputed that the child requires a safe, stable, nurturing home. That proposition is true of every child. DFPS further presented no evidence that Appellant would not be able to provide the requisite environment for the child.[78]

3. Present and Future Danger

The evidence presented at trial was (1) no harm by Appellant; (2) no crime committed by Appellant against the Child; (3) no physical injury caused by Appellant; (4) no failed possession; (5) no demonstrated abuse during possession; and (6) no visitation allowed, (7) No evidence that Appellant intends to harm the child, and (8) no expert opinion that Appellant was danger to the child.[79]

While the grounds that DFPS had for termination are relevant, they are NOT in themselves sufficient to establish the requisite element of best interests. No evidence was presented that Appellant had a possession of the child let alone that he was a present and future danger to the child. Predict grounds for termination alone

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[76] CR 203-214
[77] RR Vol 4 of 6 and Vol 5 of 6
[78] Id.
[79] Id.

cannot automatically establish that termination is in the best interest of the child. If it did, then there no need for the element of best interest to exist.

4. Parenting Ability

No evidence was presented illustrating Appellant's actual and current parenting ability of the child subject of this suit.[80] DFPS, again, only presented evidence that Appellant lacks a history of independently parenting his child.[81] Appellant only lacks the history because Appellant was enjoined from doing so and not from a lack of desire.

5. Programs Available

DFPS did not offer any programs or services to Appellant.[82] Since DFPS did not offer and programs or services, DFPS could not (and did not) present any evidence that any such services or programs would NOT be effective.[83] Additionally, there was no expert opinion offered at trial that would support that any program or service could not be utilized or would be ineffective.[84]

6. Plans for the Child

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[80] Id.
[81] Id.
[82] CR 218-222
[83] RR Vol 4 of 6 and Vol 5 of 6
[84] Id.

DFPS provide evidence that the child's placement was a good one, however, they were unable to compare the placement to the placement with Appellant because Appellant was never permitted possession.[85] DFPS generalized preference for placement does not establish that termination of an Appellant's rights is in the child's best interest. Especially when you couple that preference with the unlawful injunction preventing Appellant from obtaining possession of the child. Doing so projects a nefarious scheme that DFPS would enjoin parents from children and support termination only with their placement preferences.

7. Stability

There was no evidence present at the trial that supported that Appellant's could not provide stability for his child.[86] There was no evidence presented Appellant's residence.[87] There was no evidence presented that Appellant lacked the finances to provide stability for the child.[88] These was no evidence of criminal conduct of Appellant since the child has been born or within the 18 years prior to the birth of the child.[89] Again, it is undisputed that the child requires a safe, stable, nurturing home. That proposition is true of every child. DFPS further presented no

[85] RR Vol 5 of 6
[86] RR Vol 4 of 6 and Vol 5 of 6
[87] RR Vol 4 of 6 and Vol 5 of 6
[88] RR Vol 4 of 6 and Vol 5 of 6
[89] RR Vol 4 of 6 and Vol 5 of 6

evidence that Appellant would not be able to provide the requisite environment for the child.

8. Acts, Omissions, & Circumstances

The predict conduct is serious, but the predicate conduct therefore cannot simply be counted twice—first to establish predict grounds and then treated as automatically dispositive of the best interests of the child.

Since there was not sufficient evidence to support the termination of Appellant's rights, Appellant's parental rights should be reinstated.

III. Alternatives to Termination exists to maintain Parent-Child Relationship.

The Supreme Court in *H.S.* stated that, "There is a strong presumption that termination of parental rights is not in a child's best interest, so termination order must always be a last resort and never a first impulse."[90] DFPS chose termination as their first impulse.[91] DFPS did not explore any alternatives, but there are several authorized by the law to be used to address the any and all concerns presented by the grounds established for termination. At the trial there was no evidence that was presented that suggested that any of the following measures would not have enabled the parent-child relationship to be maintained (1) possessory conservatorship; (2)

[90] In re H.S., No. 24-0307, 2026 WL 1614496, *1 (Tex. June 5, 2026
[91] CR 218-222

supervised visitation; (3) therapeutic visitation; (4) graduated possession; (5) restricted possession; (6) safety conditions; (7) services; (8) counseling; or (9) other lawful protective arrangements. [92]

Evidence that meets the standard of preponderance may not rise to the level of clear and convincing. The evidence presented at trial may have met the preponderance standard that Appellant should have not unadulterated or unfettered access to the child, but it is insufficient to establish by clear and convincing evidence that termination is in the child's best interest. Whatever concerns that Appellant criminal history that may have brought could be alleviated by other means. Appellant was not offered nor has he refused or rejected any alternative to termination.[93] Therefore, the termination of Appellant's parental rights must be reversed.

PRAYER

Appellant respectfully asks the Court to reverse the Order of Termination, remand for a hearing for the installation of a proper parenting plan for the child subject of this suit, and reverse the finding that termination was in the best interest of the child.

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[92] RR Vol 4 of 6 and Vol 5 of 6
[93] CR 218-222

Appellant also prays for any further relief to which he may be entitled.

Certificate of Compliance

I certify that this computer-generated brief contains 4,424 words in the portions counted under Texas Rule of Appellate Procedure 9.4(i), excluding the portions exempted by that rule.

Certificate of Service

I certify that a true copy of this Motion was served in accordance with rule 9.5 of the Texas Rules of Appellate Procedure on each party or that party's lead counsel as follows:

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APPENDIX

EXHIBIT 1 ..... ORDER OF TERMINATION

EXHIBIT 1

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. 1-25-1971

IN THE INTEREST OF	§	**IN THE DISTRICT COURT OF**
	§	
CHILD BORN NOVEMBER 13, 2025	§	**ROCKWALL COUNTY, TEXAS**
AKA INFANT DOE	§	
	§	
A CHILD	§	**382ND JUDICIAL DISTRICT**

ORDER OF TERMINATION

On August 17, 2026, through August 18, 2026, a jury was empaneled and heard this cause. The Court hereby renders these orders as to **SANFORD KAPLAN**.

1. Appearances

1.1. The Department of Family and Protective Services ("the Department") appeared through **BRANDON KENNEDY**, caseworker, and by DFPS Regional Attorneys, **KIMBERLY L. AUSTIN, MACI EDWARDS AND KELLY BRADFORD,** and announced ready.

1.2. Respondent Adjudicated Father **SANFORD KAPLAN,** appeared in person and through attorney of record **JAY JOHNSON** and announced ready

1.3. **SARAH MUHAMMAD** the gestational carrier, did not appear. **SARAH MUHAMMAD** is being severed into a separate cause

1.4. **DAVID ROHLF**, appointed by the Court as Attorney Ad Litem for the child the subject of this suit, appeared and announced ready, and agreed to the terms of this order as evidenced by signature below.

1.5. **LONE STAR CASA**, appointed by the Court as Guardian Ad Litem for the child the subject of this suit, appeared and announced ready, and agreed to the terms of this order as evidenced by signature below.

2. Jurisdiction and Service of Process

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

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

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

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

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

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

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

3. Record

The record of testimony was duly reported by the court reporter for the 382nd Judicial District Court of Rockwall County.

4. The Child

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

Name:	**CHILD BORN NOVEMBER 13, 2025**
AKA:	**INFANT DOE**
Sex:	**Male**
Birth Date:	**November 13, 2025**
Present Residence:	**Foster Home**

5. Confirmation of Parentage

5.1 The Court has previously found that **SANFORD KAPLAN** is the father of **CHILD BORN NOVEMBER 13, 2025, aka INFANT DOE** and entered an Order Adjudicating Parentage.

5.2 **SANFORD KAPLAN** is confirmed to be the father of **CHILD BORN NOVEMBER 13, 2025, aka INFANT DOE.**

6. Reasonable Efforts to Return the Child

6.1. The Court finds by clear and convincing evidence that reasonable efforts to return the child to the parent, including the requirement for the Department to provide a

family service plan to the parent, have been waived under § 262.2015, Texas Family Code, pursuant to a finding of Aggravated Circumstances.

7. Termination of Respondent Father SANFORD KAPLAN'S Parental Rights

7.1. The Court finds by clear and convincing evidence that termination of the parent-child relationship between **SANFORD KAPLAN** and the child, is in the child's best interest, pursuant to § 161.001(b)(2), Texas Family Code.

7.2. Further, the Court finds by clear and convincing evidence that **SANFORD KAPLAN** has:

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

7.3. Additionally, the Court finds as a matter of law that **SANFORD KAPLAN**:

7.3.1 has been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under a law of another jurisdiction, Nebraska Revised Statute Section 28-707 that contains elements that are substantially similar to the elements of sections 22.04 (injury to a child, elderly individual, or disabled individual) and/ or 22.041 (abandoning or endangering a child, elderly individual, or disabled individual) of the Texas Penal Code

7.4. **IT IS THEREFORE ORDERED** that the parent-child relationship between **SANFORD KAPLAN** and the child is terminated.

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

7.5.1. homeschooled the child;

7.5.2. is economically disadvantaged;

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

7.5.3.1. an offense under Title 5, Penal Code;

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

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

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

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

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

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

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

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

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

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

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

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

8. Interstate Compact

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

9. Managing Conservatorship: CHILD BORN NOVEMBER 13, 2025, AKA INFANT DOE

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

9.2. **IT IS ORDERED** that the **DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES** is appointed Permanent Managing Conservator of **CHILD BORN NOVEMBER 13, 2025, AKA INFANT DOE**, the child the subject of this suit, with the rights and duties specified in § 153.371, Texas Family Code; the Court finding this appointment to be in the best interest of the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

9.3.13. In accordance with § 153.371(8), Texas Family Code, the Court finds the rights and duties of the Department of Family and Protective Services appointed as the Permanent Managing Conservator of **CHILD BORN NOVEMBER 13, 2025 AKA INFANT MUHAMMAD AKA INFANT DOE** should not include the right to represent the child in legal actions.

9.3.14. In addition to these rights and duties, **IT IS ORDERED** that the Department is authorized to consent to the medical care for **CHILD BORN NOVEMBER 13, 2025 AKA INFANT DOE** under § 266.004, Texas Family Code.

10. Required Information Regarding the Parties and Child

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

10.1.1. Name: **SANFORD KAPLAN**
Current address: 15735 Quince Street, Thorton, CO 80602

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

11. Continuation of Court-Ordered Ad Litem or Advocate

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

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

11.3. **IT IS THEREFORE ORDERED** that **LONE STAR CASA**, earlier appointed as Guardian Ad Litem to represent the best interests of the child, is continued in this relationship as long as the child remains in the Conservatorship of the Department.

12. Dismissal of Other Court-Ordered Relationships

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

13. Inheritance Rights

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

14. Denial of Other Relief

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

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

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

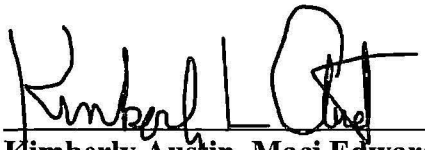
16. NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS:

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

SIGNED and ENTERED this 16 day of Sept, 2026.

JUDGE PRESIDING

APPROVED AS TO FORM:



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Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kimberly Austin on behalf of Kimberly Austin
Bar No. 24025230
Kimberly.Austin2@dfps.texas.gov
Envelope ID: 119655636
Filing Code Description: Proposed Order
Filing Description: Order of Termination S Kaplan
Status as of 9/9/2026 1:01 PM CST

Associated Case Party: Sanford Kaplan

Name	BarNumber	Email	TimestampSubmitted	Status
Brex Bradley		brex.bradley@Modernfamilylaw.com	9/8/2026 9:44:50 PM	SENT
Jay Johnson		jay.johnson@modernfamilylaw.com	9/8/2026 9:44:50 PM	SENT

Associated Case Party: Sarah NiamahMuhammad

Name	BarNumber	Email	TimestampSubmitted	Status
Sarah NiamahMuhammad		sarah.muhammad12@gmail.com	9/8/2026 9:44:50 PM	SENT

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jay Johnson on behalf of Jay Johnson
Bar No. 24085749
jay.johnson@modernfamilylaw.com
Envelope ID: 122740131
Filing Code Description: Brief Not Requesting Oral Argument
Filing Description: Appellant's Amended Brief
Status as of 11/20/2026 1:07 PM CST

Associated Case Party: SandfordKaplan

Name	BarNumber	Email	TimestampSubmitted	Status
Brex Bradley		brex.bradley@Modernfamilylaw.com	11/20/2026 1:00:02 PM	SENT
Jay Johnson		Jay.Johnson@modernfamilylaw.com	11/20/2026 1:00:02 PM	SENT

Associated Case Party: Department of Family and Protective Services

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Capace	24080621	leslie.capace@dfps.texas.gov	11/20/2026 1:00:02 PM	SENT
Kimberly Austin	24025230	kimberly.austin2@dfps.texas.gov	11/20/2026 1:00:02 PM	SENT
Maci Edwards	24123981	maci.edwards7@dfps.texas.gov	11/20/2026 1:00:02 PM	SENT

Associated Case Party: UnknownA Child

Name	BarNumber	Email	TimestampSubmitted	Status
David Rohlf	17205500	drohlf123@yahoo.com	11/20/2026 1:00:02 PM	SENT