



**SUPREME COURT OF TEXAS PERMANENT JUDICIAL
COMMISSION FOR CHILDREN, YOUTH AND FAMILIES**

TRIAL SKILLS TRAINING NOTEBOOK

DEVELOPED BY THE
CHILDREN'S COMMISSION

OCTOBER 2013

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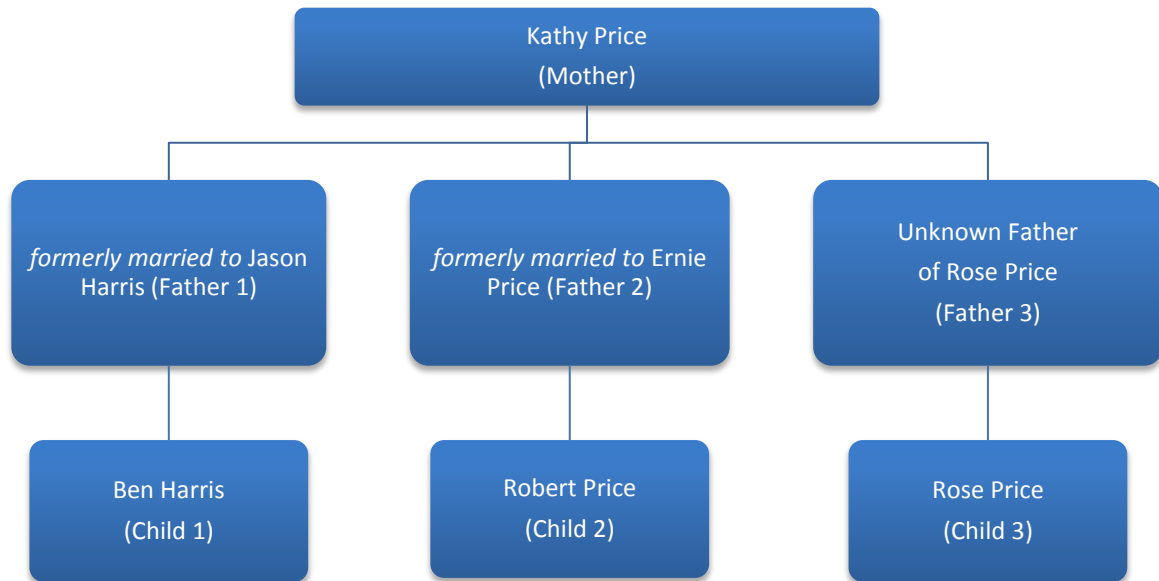
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How To Use This Trial Skills Training Notebook

Please note that this Case Scenario, *In the Interest of Harris-Price*, has been purposefully designed to be ambiguous, in order to give participating attorneys an opportunity to develop their trial skills. Additionally, some forms which would typically appear in a case file (for example, a Court of Continuing Jurisdiction Inquiry) have been intentionally omitted from the *Harris-Price* case, as they are not integral to teaching litigation skills to lawyers in this context. While efforts have been made keep the fact pattern and related documents as authentic as possible, there are 254 counties in Texas and the manner in which cases are handled prior to and at trial vary greatly. The Children's Commission has attempted to develop training materials that are applicable to those aspects which are generally most relevant to jury and bench trials in Texas.

Case Scenario

This Trial Skills Training Notebook contains the legal file for the *Harris-Price* case leading up to a jury trial. It tracks the fictional CPS history of the Harris-Price family. Below is the Harris-Price family tree:



When reading through the *Harris-Price* legal file, you may want to focus on issues that will have an impact on a final trial such as the burden of proof (clear and convincing evidence) while also being mindful of other issues that may impact the outcome such as disproportionality, domestic violence, psychotropic medications, and Indian Child Welfare Act compliance.

Statutory Hearing Timeline

Day:	Event:	Statutory Reference:	Notes:
1	Removal and Ex Parte Hearing	Tex. Fam. Code § 263.401(a)	Upon granting TMC to the Department, the 365-day (plus until the following Monday) deadline to resolve the case begins.
14	Adversary/Show Cause Hearing	Tex. Fam. Code § 262.201	The court must return the child(ren) unless three findings of Tex. Fam. Code § 262.201(b) are met.
60	Status Hearing	Tex. Fam. Code § 263.201	The child(ren)'s status and the service plan developed for the child(ren) must be reviewed. Each parent is informed in open court regarding risk to their parental rights at the Status Hearing and each Permanency Hearing, pursuant to Tex. Fam. Code § 263.006.
180	Initial Permanency Hearing	Tex. Fam. Code § 263.304	The status of and permanency plan for the child(ren) must be reviewed in accordance with procedure pursuant to Tex. Fam. Code § 263.306.
300	Permanency Review Hearing	Tex. Fam. Code § 263.305	Subsequent permanency hearings must be held no later than the 120 th day after the last permanency hearing, although the court may order more frequent hearings. The status of and permanency plan for the child(ren) must be reviewed in accordance with procedure pursuant to Tex. Fam. Code § 263.306.
365	Trial on the Merits	Tex. Fam. Code § 105.002	A party to a SAPCR brought by CPS is entitled to demand a trial by jury.
365+	Dismissal Date	Tex. Fam. Code § 263.401(a)	Mandatory dismissal of the suit is required by the first Monday after the first anniversary date of when the Department was granted TMC, <u>Unless an extension is granted under 263.401(b)</u>

Ex Parte Hearing

In the *Harris-Price* case, the Ex Parte Hearing is conducted prior to the removal of the children from the home. The investigative caseworker completes an affidavit to accompany the State's Original Petition, synthesizing facts that have led to the Department's request for conservatorship.

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499 TH JUDICIAL
CHILDREN	§	DISTRICT

**ORIGINAL PETITION IN A SUIT AFFECTING
THE PARENT-CHILD RELATIONSHIP-TERMINATION PETITION
AND/OR MANAGING CONSERVATORSHIP**

TO THE HONORABLE COURT:

This suit affecting the parent-child relationship is brought by the Texas Department of Family and Protective Services, an authorized agency, located in Great City, San Gabriel County, Texas. Petitioner is not related to the Children, the subjects of this suit but is interested in the Children because it has received a referral concerning the welfare of the Children.

I.

Petitioner seeks discovery to be conducted pursuant to Texas Rule of Civil Procedure 190.4 (Discovery Control Plan Level 3), or in the alternative, pursuant to Texas Rule of Civil Procedure 190.2 (Discovery Control Plan Level 1).

II.

This Court has jurisdiction of this suit under the provisions of Chapter 262, Texas Family Code.

III.

The following Children are the subjects of this suit:

NAME:	BEN HARRIS
SEX:	MALE
DATE OF BIRTH:	OCTOBER 31, 1998

SOCIAL SECURITY NUMBER: 654-65-6565
PLACE OF BIRTH: GREAT CITY, SAN GABRIEL COUNTY,
TEXAS
RESIDENCE: 123 BROADWAY
GREAT CITY, TX 75000

NAME: ROBERT PRICE
SEX: MALE
DATE OF BIRTH: MAY 10, 2003
SOCIAL SECURITY NUMBER: 765-76-7654
PLACE OF BIRTH: GREAT CITY, SAN GABRIEL COUNTY,
TEXAS
RESIDENCE: 123 BROADWAY
GREAT CITY, TX 75000

NAME: ROSE PRICE
SEX: FEMALE
DATE OF BIRTH: MARCH 28, 2011
SOCIAL SECURITY NUMBER: 876-87-8765
PLACE OF BIRTH: GREAT CITY, SAN GABRIEL COUNTY,
TEXAS
RESIDENCE: 123 BROADWAY
GREAT CITY, TX 75000

The foregoing Children will hereinafter be referred to as the Children.

IV.

The mother of the Children is KATHY PRICE, whose Date of Birth is February 14, 1981, and her Social Security Number is 543-54-5432. She currently resides at 123 Broadway, Great City, Texas 75000.

Process of Service should be served at this address.

V.

The presumed father of the child, BEN HARRIS is JASON HARRIS, whose Date of Birth is July 3, 1973 and his Social Security Number is 432-43-4321. He currently resides at Route 4 County Road 28, Merry City, Texas, 75010.

Process of Service should be served at this address.

The presumed father of the child, ROBERT PRICE is ERNIE PRICE, whose Date of Birth is August 5, 1981 and his Social Security Number is 321-32-3210. His Current Residence Address is 1414 Main Street, Great City, Texas 75000.

Process of Service should be served at this address.

The father of the child, ROSE PRICE is UNKNOWN, whose date of birth is unknown. The Department requests the Court determine the alleged parentage of the child ROSE PRICE, pursuant to Chapter 160, Texas Family code. Process of service should be served when complete information is obtained. The name and location of the father is unknown. The Department will make a diligent effort to locate him, request a search of the paternity registry and request service of process if Respondent's address becomes known. Citation by publication or other substituted service is necessary for the reasons stated in an attached affidavit or in an affidavit that will be filed with the Court.

The Child, ROSE PRICE has no presumed father as defined by Section 160.204, Texas Family Code, in that the Child was not born or conceived before or during an attempted marriage of the mother and any alleged father in apparent compliance with the laws of this state or another state or nation.

The Department requests the Court to determine whether UNKNOWN FATHER OF ROSE PRICE is the father of ROSE PRICE, pursuant to Chapter 160, Texas Family Code.

If the allegation of parentage is admitted, the Court should waive genetic testing and enter temporary orders, including orders for temporary support of the child pursuant to § 160.624, Texas Family Code.

If UNKNOWN FATHER OF ROSE PRICE appears and any party denies paternity, the Court should immediately order the alleged father, and the child to submit to genetic testing pursuant to § 160.502 Texas Family Code.

UNKNOWN FATHER OF ROSE PRICE, on final hearing, if adjudicated to be the father, should be ordered to pay retroactive support pursuant to § 154.009, Texas Family Code.

If any party denies the presumption that a man presumed to be the father of the child is in fact the biological father of the child subject of this suit, the Department requests that the Court order genetic testing and pretrial proceedings as provided by Chapter 160, Texas Family Code, if such testing is permitted by that chapter.

VI.

There are no court-ordered conservatorships, guardianships, or relationships affecting the Children, the subjects of this suit.

VII.

No property is owned or possessed by the Children, the subjects of this suit.

VIII.

Petitioner will continue to make reasonable efforts to return the Children home to reunify the family, but if this is not possible, Petitioner requests the Court to terminate the parent-child relationship between KATHY PRICE, Respondent and the Children pursuant to Chapter 161.001, Texas Family Code.

Petitioner alleges that termination of the parent-child relationship between KATHY PRICE, Respondent and the Children, BEN HARRIS, ROBERT PRICE, and

ROSE PRICE, the subjects of this suit is in the best interest of the Children as required by Section 161.001 of the Texas Family Code. As further grounds for termination, Petitioner alleges that this parent has or before this case is heard will have:

knowingly placed or knowingly allowed the Children to remain in conditions or surroundings which endanger the physical or emotional well-being of the Children;

engaged in conduct or knowingly placed the Children with persons who engaged in conduct which endangers the physical or emotional well-being of the Children;

constructively abandoned the Children who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services or an authorized agency for not less than six months, and:

- (i) the department or authorized agency has made reasonable efforts to return the Children to the parent;
- (ii) the parent has not regularly visited or maintained significant contact with the Children; and
- (iii) the parent has demonstrated an inability to provide the Children with a safe environment;

failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the Children who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than nine months as a result of the Children's removal from the parent under Chapter 262 for the abuse or neglect of the Children;

used a controlled substance, as defined by Chapter 481, Health and Safety Code, in a manner that endangered the health or safety of the children, and:

- (i) failed to complete a court-ordered substance abuse treatment program; or
- (ii) after completion of a court-ordered substance abuse treatment program,

continued to abuse a controlled substance;
knowingly engaged in criminal conduct that has resulted in the parent's:

- (i) conviction of an offense; and
- (ii) confinement or imprisonment and inability to care for the child for not less than two years from the date of filing the petition.

IX.

Petitioner will continue to make reasonable efforts to return the Children home to reunify the family, but if this is not possible, Petitioner requests the Court to terminate the parent-child relationships between JASON HARRIS, Respondent and presumed father and the child, BEN HARRIS, pursuant to Chapter 161.001, Texas Family Code.

Petitioner alleges that termination of the parent-child relationships between, Respondent and the child, BEN HARRIS the subject of this suit is in the best interest of the Child as required by Section 161.001 of the Texas Family Code. As further grounds for termination, Petitioner alleges that this parent has or before this case is heard will have:

knowingly placed or knowingly allowed the Child to remain in conditions or surroundings which endanger the physical or emotional well-being of the Child;

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;

failed to support the Child in accordance with the parent's ability during a period of one year ending within six months of the date of the filing of the petition;

constructively abandoned the Child who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services or an

authorized agency for not less than six months, and:

- (i) the department or authorized agency has made reasonable efforts to return the Child to the parent;
- (ii) the parent has not regularly visited or maintained significant contact with the Child; and
- (iii) the parent has demonstrated an inability to provide the Child with a safe environment;

failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the Child who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than nine months as a result of the Child's removal from the parent under Chapter 262 for the abuse or neglect of the Child;

used a controlled substance, as defined by Chapter 481, Health and Safety Code, in a manner that endangered the health or safety of the children, and:

- (i) failed to complete a court-ordered substance abuse treatment program; or
- (ii) after completion of a court-ordered substance abuse treatment program, continued to abuse a controlled substance;

knowingly engaged in criminal conduct that has resulted in the parent's:

- (i) conviction of an offense; and
- (ii) confinement or imprisonment and inability to care for the child for not less than two years from the date of filing the petition.

X.

Petitioner will continue to make reasonable efforts to return the Children home to reunify the family, but if this is not possible, Petitioner requests the Court to terminate the parent-child relationships between ERNIE PRICE, Respondent and presumed father and

the Child, ROBERT PRICE, pursuant to Chapter 161.001, Texas Family Code.

Petitioner alleges that termination of the parent-child relationships between, Respondent and the Child, ROBERT PRICE, the subjects of this suit is in the best interest of the Children as required by Section 161.001 of the Texas Family Code. As further grounds for termination, Petitioner alleges that this parent has or before this case is heard will have:

knowingly placed or knowingly allowed the Child to remain in conditions or surroundings which endanger the physical or emotional well-being of the Child;

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;

failed to support the Child in accordance with the parent's ability during a period of one year ending within six months of the date of the filing of the petition;

constructively abandoned the Child who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services or an authorized agency for not less than six months, and:

- (i) the department or authorized agency has made reasonable efforts to return the Child to the parent;
- (ii) the parent has not regularly visited or maintained significant contact with the Child; and
- (iii) the parent has demonstrated an inability to provide the Child with a safe environment;

failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the Child who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than nine months as a result of the Child's removal from

the parent under Chapter 262 for the abuse or neglect of the Child;

used a controlled substance, as defined by Chapter 481, Health and Safety Code, in a manner that endangered the health or safety of the children, and:

- (i) failed to complete a court-ordered substance abuse treatment program; or
- (ii) after completion of a court-ordered substance abuse treatment program, continued to abuse a controlled substance;

knowingly engaged in criminal conduct that has resulted in the parent's:

- (i) conviction of an offense; and
- (ii) confinement or imprisonment and inability to care for the child for not less than two years from the date of filing the petition.

XI.

Petitioner requests the Court to terminate the rights of UNKNOWN FATHER OF ROSE PRICE, Respondent and alleged father of the Child, ROSE PRICE, pursuant to Chapter 161.002, Texas Family Code.

The Department requests that the Court terminate the parent-child relationship between UNKNOWN FATHER OF ROSE PRICE, the alleged father, and ROSE PRICE, a child the subject of this suit, under § 161.002, Texas Family Code, if any of the following is shown:

After being served with citation, he has not responded by timely filing an admission of paternity or a counterclaim for paternity under Chapter 160;

He has not registered with the paternity registry under Chapter 160, Texas Family Code; or

He has registered with the paternity registry under Chapter 160, Texas Family

Code, but the Department's attempt to personally serve citation at the address provided to the registry and at any other address for the alleged father known by the Department has been unsuccessful, despite the due diligence of the Department.

If UNKNOWN FATHER OF ROSE PRICE appears and is established as the father of ROSE PRICE, or is determined to be the presumed father, the Court should terminate the parent-child relationship between UNKNOWN FATHER OF ROSE PRICE and the child under Chapter 161, Texas Family Code, because termination of the parent-child relationship is in the child's best interest and UNKNOWN FATHER OF ROSE PRICE has committed one or more of the following acts or omissions:

knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child;

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;

executed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by Chapter 161, Texas Family Code;

failed to comply with the provisions of a court order that specifically established the actions necessary for the father to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child;

constructively abandoned the Child who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services or an authorized agency for not less than six months, and:

- (i) the department or authorized agency has made reasonable efforts to return the Child to the parent;
- (ii) the parent has not regularly visited or maintained significant contact with the Child; and
- (iii) the parent has demonstrated an inability to provide the Child with a safe environment;

used a controlled substance, as defined by Chapter 481, Health and Safety Code, in a manner that endangered the health or safety of the children, and:

- (i) failed to complete a court-ordered substance abuse treatment program; or
- (ii) after completion of a court-ordered substance abuse treatment program, continued to abuse a controlled substance;

knowingly engaged in criminal conduct that has resulted in the parent's:

- (i) conviction of an offense; and
- (ii) confinement or imprisonment and inability to care for the child for not less than two years from the date of filing the petition.

The Department requests that the Court terminate the parent-child relationship between the UNKNOWN FATHER and ROSE PRICE, the child the subject of this suit, under § 161.002, Texas Family Code, if any of the following is shown:

After being served with citation, he has not responded by timely filing an admission of paternity or a counterclaim for paternity under Chapter 160 prior to the final hearing in this suit;

He has not registered with the paternity registry under Chapter 160, Texas Family Code; or

He has registered with the paternity registry under Chapter 160, Texas Family Code, but the Department's attempt to personally serve citation at the

address provided to the registry and at any other address for the alleged father known by the Department has been unsuccessful, despite the due diligence of the Department.

XII.

In the event that the parent-child relationships now existing or found to exist by the Court are terminated, Petitioner asks that the Court appoint it as Managing Conservator of the Children, the subjects of this suit as provided for by Section 161.207, Texas Family Code, and would show the Court that such appointment is in the best interest of the Children.

XIII.

In the alternative, should the parent-child relationships not be terminated as requested above, Petitioner asks the Court to appoint Petitioner, or a competent adult recommended by Petitioner, or an authorized agency recommended by Petitioner as Managing Conservator of the Children named above as provided in Chapter 153.005, Texas Family Code, and alleges that any such appointment as Managing Conservator is in the best interest of the Children.

XIV.

Petitioner asks the Court to order each parent that is financially able to make periodic payments for the support of the Children as provided for by Section 154.001(b), Texas Family Code.

XV.

Petitioner alleges that temporary orders are necessary in this suit for the safety and welfare of the Children, and requests the Court to enter orders under Section

105.001, Texas Family Code, including but not limited to the following:

- (1) an order naming Petitioner Temporary Managing Conservator of the Children, the subjects of this suit, with all the rights and duties listed in Section 153.371 and 266.004, Texas Family Code;
- (2) an order requiring KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents, to make payments for the temporary support of the Children pending the final disposition of this suit;
- (3) an order requiring KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents to submit to a psychological or psychiatric examination and to inform Respondents that the results of the examination may be used as evidence in a court proceeding regarding this suit;
- (4) an order requiring KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents to submit to drug testing, a drug and alcohol substance abuse assessment examination, and to follow all recommendations based upon the examination, and to inform Respondents that the results of the examination and recommendations may be used as evidence in a court proceeding regarding this suit;
- (5) an order requiring KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents to attend counseling and/or parenting classes to assist them in the reunification of the family;
- (5) an order prohibiting KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents from removing the Children beyond a geographical area identified by the Court;
- (6) an order restraining KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents from disturbing the peace of the Children or the foster parents including:
 - a. coming on or about the premises;
 - b. interfering in any way with Petitioner's possession of the Children;
 - c. doing any act to embarrass, humiliate, or injure Petitioner or Children;
- (7) an order requiring KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents pursuant to Section 105.007 Texas Family Code, to give written notice to Petitioner of any change of current residence address, mailing address, home telephone number, name of employer, address of employment, and work telephone number on or before the

sixtieth (60) day before such change by delivering a copy of the notice to Petitioner either in person or by registered or certified mail, and notify Petitioner and the Court within seven (7) days of a change in employer pursuant to Section 158.211, Texas Family Code;

- (8) an order requiring KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents pursuant to Section 153.010, Texas Family Code, to attend counseling for the purpose of facilitating compliance with the issues of conservatorship or possession of or access to the Children;
- (9) an order requiring KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents to furnish to the Department all information necessary to ensure the Department has an adequate medical history for the subject Children, including but not limited to immunization records and the names and addresses of all treating physicians, pursuant to Section 161.2021, Texas Family Code;
- (10) an order requiring KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents to provide information to the Department regarding the medical history of the parent and parent's ancestors on the medical history report form, pursuant to Section 161.2021, Texas Family Code;

XVI.

Petitioner further requests pursuant to Section 264.203 of the Texas Family Code that the Court order the parent, Managing Conservator, guardian, or other member of the abused or neglected Children's household to participate in the services the Department provides or purchases for alleviating the effects of abuse or neglect and to permit the Children and any siblings of the Children to receive services.

XVII.

If Petitioner is appointed Temporary Managing Conservator of the Children pending a hearing in this suit, Petitioner requests that it be authorized to consent to such medical, psychiatric, psychological, dental, and surgical treatment as may be required by the Children, and to have access to the Children's medical records, pending that hearing, pursuant to Chapter Sections 153.371 and 266.004, Texas Family Code.

XVIII.

Petitioner requests the Court to appoint an Attorney *ad Litem* to represent the legal interest of the Children as provided by Section 107.012, Texas Family Code.

XIX.

Petitioner requests the Court to appoint a Guardian *ad Litem* to represent the best interest of the Children as provided by Section 107.011, Texas Family Code.

XX.

Petitioner requests that the Court order a Social Study Report, pursuant to Section 107.051, Texas Family Code, be made concerning the circumstances and condition of the subject Children, and of the home of any person requesting Managing Conservatorship or possession of the Children.

XXI.

Petitioner requests that the Court waive all costs of filing in this Cause, pursuant to Article 279a, and Section 6.001, Civil Practices and Remedies Code, and according to the Attorney General's Opinion No. MW-447A which exempts the state from filing fees, fees for service of citation, or any other security for costs.

XXII.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that Citation and Notice be issued as pleaded herein and as required by Law; that the Court issue its Ex-Parte Orders immediately as pleaded herein, and set this Cause for hearing on Temporary Orders and issue its Temporary Orders as pleaded herein; that on final hearing in this matter the Court issue such Orders affecting the parent-child relationships as it finds proper and in the best interest of the Children, BEN HARRIS, ROBERT PRICE, and

ROSE PRICE, the subjects of this suit.

Specifically, Petitioner prays that the Court find, consistent with time and circumstances pursuant to 42 U.S.C. 671(a)(15) and 672, that Petitioner has made reasonable efforts, consistent with the circumstances and providing for the safety of the Children, were made by the Petitioner to prevent or eliminate the need for removal of the Children.

Respectfully submitted,

Texas Department of Family and Protective Services
500 Main Street
Great City, Texas 75000
(987) 654-3210
Mailing Address: P.O. Box 7777
Great City, Texas 75000

By:

/S/
Department's Attorney
Assistant District Attorney
Attorney for Petitioner
P.O. Box 8888
Great City, Texas 75000
(987) 987-6543; fax: (987) 987-6542
State Bar No. _

NOTICE OF RIGHT TO COUNSEL

The Texas Family Code requires that the Court appoint an Attorney *ad Litem* to represent the interest of each indigent parent who responds in opposition to this Suit Affecting the Parent-Child Relationship. If you are indigent and wish to oppose Petitioner's action, you should appear at the above indicated hearing prepared to show proof to the Court of your indigence, inability to hire an attorney, and that you wish to have a court appointed attorney.

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499 TH JUDICIAL
CHILDREN	§	DISTRICT

AFFIDAVIT IN SUPPORT OF REMOVAL

STATE OF TEXAS

COUNTY OF SAN GABRIEL

Before me, the undersigned authority, personally appeared Bob Johnson, who was sworn by me and deposed as follows:

My name is Bob Johnson. I am over the age of 18, of sound mind and capable of making this affidavit. I am an authorized representative of the Texas Department of Family and Protective Services, and the facts and allegations stated in this affidavit and the above petition are within my personal knowledge and are true and correct.

1. CHILDREN

Child

Name: Ben Harris
Date of Birth: October 31, 1998
Current Address: 123 Broadway
Great City, Texas 75000

Any Other Address During Past Six Months:
No Other Address Known.

Place of Birth: Great City, Texas, USA

Information about Indian Child Status:
Kathy Price, Mother, denies tribal heritage. No further tribal information available to date.

Child

Name: Robert Price
Date of Birth: May 10, 2003
Current Address: 123 Broadway
Great City, Texas 75000

Any Other Address During Past Six Months:
No Other Address Known.

Place of Birth: Great City, Texas, USA

Information about Indian Child Status:

Kathy Price, Mother, denies tribal heritage. No further tribal information available to date.

Child

Name: Rose Price
Date of Birth: March 28, 2011
Current Address: 123 Broadway
Great City, Texas 75000

Any Other Address During Past Six Months:
No Other Address Known.

Place of Birth: Great City, Texas, USA

Information about Indian Child Status:
Kathy Price, Mother, denies tribal heritage. No further tribal information available to date.

2. PARENTS/ MEMBERS OF THE HOUSEHOLD

Mother

Name: Kathy Price
DOB: February 14, 1981
Current address: 123 Broadway
Great City, Texas 75000

Any other address during past 6 months: No Other Address Known.

Father of Ben Harris

Name: Jason Harris
DOB: July 3, 1973
Current address: Route 4 County Road 28
Merry City, Texas 75010

Any other address during past 6 months: No Other Address Known.

Father of Robert Price

Name: Ernie Price
DOB: August 5, 1981
Current address: 1414 Main Street
Great City, Texas 75000

Any other address during past 6 months: No Other Address Known.

Father of Rose Price

Name: UNKNOWN
DOB: UNKNOWN
Current address: UNKNOWN

Any other address during past 6 months: UNKNOWN

3. ALLEGATIONS

On January 1, 2012, a police report was received, alleging the abandonment of three children residing at 123 Broadway, Apartment 16, Great City, Texas 75000. I contacted Officer Jim Gooden of the Great City Police Department. Officer Gooden stated that Ben Harris, age 13, Robert Price, age 8, and Rose Price, age 9 months, had been found alone in the apartment. Kathy Price, mother of the children, was not found on site or believed to be returning home within any reasonable period of time. No other designated responsible party for the children was on site. The children were taken by Officer Gooden to Great City Hospital to determine their physical condition.

4. FACTS NECESSITATING REMOVAL

A. There is an immediate danger to the physical health or safety of Ben Harris, Robert Price, and Rose Price.

January 1, 2012:

I met with and interviewed the children at Great City Hospital. The children were not able to tell me where Kathy Price, their mother is, or when she was expected to return home. Ben Harris could not articulate how long Kathy Price had been away from the home. Robert Price stated “Mom was gone since yesterday.” Ben Harris and Robert Price complained of being hungry. Ben Harris stated he is worried about his mom.

The children appeared dirty, and had strong smells of body odor. Their clothes appeared dirty, and Rose Price’s clothes appeared stained with food or vomit.

I interviewed Jane Jones, Great City Hospital nurse treating the children. She reported that Ben Harris was evaluated and is being treated for an asthma attack with severe wheezing. She reported that the Physician’s evaluation indicated a long-standing lack of needed asthma treatment. Robert Price was evaluated and no medical concerns were noted. Rose Price was evaluated, and found to have lower back and abdominal bruising, a severe diaper rash, and no further medical concerns noted.

I interviewed Officer Gooden, who reported that the home of the children was found to be cluttered and smelly, with empty liquor bottles and drug paraphernalia present. Marijuana was found at the home. No formula or food was in the apartment. Officer Gooden reported that Kathy Price was arrested on December 31, 2011 related to theft of baby formula.

I met with and interviewed Kathy Price in Great City Jail. Ms. Price reports that she purchased vodka on the night of December 31, 2011 at

Great City Liquor, and then was arrested for stealing formula at a nearby convenience store. Ms. Price denies the allegations of the arrest.

Ms. Price reports that Jason Harris is the father of Ben Harris and Ernie Price is the father of Robert Price. Ms. Price reports that she was married to Mr. Harris and subsequently to Mr. Price, and is now divorced. Ms. Price reports that her divorces from Mr. Harris and Mr. Price occurred in San Gabriel county. Ms. Price stated she did not have any information regarding the identifying details or locating information for Mr. Harris or Mr. Price stating that they “have not helped” with the children and that Mr. Harris was abusive towards her. Ms. Harris stated she does not know who the father of Rose Price is, and could not identify any potential fathers.

Ms. Harris denies any alcohol or drug abuse, stating she is “a social drinker.” Ms. Harris could not identify any relatives or fictive kin who could temporarily serve as a placement for the children and stated she does not “understand why the police were called” to her apartment.

The Department has determined that dispositions in the allegations against Kathy Price are as follows:

- (1) Reason to Believe for neglectful supervision of Ben Harris, Robert Price and Rose Price.
- (2) Reason to Believe for medical neglect of Ben Harris.
- (3) Unable to Determine for physical abuse of Rose Price.

5. CPS HISTORY

The family has history with the Department of Family and Protective Services in Texas dating back to 2000.

On **June 1, 2000**, the Department received a referral alleging neglectful supervision and physical abuse of one year old Ben Harris by his mother, Kathy Harris (now Kathy Price) and father, Jason Harris. Mr. Harris was arrested for domestic assault of Kathy Price. Neglectful Supervision was given a disposition of Unable to Determine, Physical Abuse was Ruled Out, and the case was closed without further intervention after Ms. Price displayed protective actions and an intention to separate from Mr. Harris.

On **January 2, 2002**, the Department received a referral alleging neglectful supervision of three year old Ben Harris by his mother, Kathy Harris (now Kathy Price) and father, Jason Harris. Mr. Harris was arrested for domestic assault of Kathy Price. Neglectful Supervision was given a disposition of Reason to Believe, as the investigation concluded that Ben Harris was present during the incident. The case was opened in Family Based Safety Services and closed in December 2002.

On **December 15, 2006**, the Department received a referral of neglectful supervision of eight year old Ben Harris and three year old Robert Price by their mother Kathy Price. Ms. Price was arrested for DUI and the location of the children was unknown. Neglectful Supervision was given a disposition of Ruled Out after the children were found to be safely and appropriately in the care of Ernie Price.

On **March 1, 2010**, the Department received a referral of neglectful supervision of eleven year old Ben Harris and seven year old Robert Price by their mother Kathy Price. Ms. Price was arrested for assault following an altercation at Great City Pub with an unknown female and the location of the children was unknown. The children were found alone in their apartment home. Neglectful Supervision was given a disposition of Reason to Believe and the case was opened in Family Based Safety Services after Ms. Price voluntarily entered into inpatient rehabilitation where her children could be placed with her. The case was closed in November 2010.

6. CRIMINAL HISTORY

Criminal History of Kathy Price:

December 2006: Arrest for Driving Under the Influence of Alcohol. Convicted, Community Supervision.

March 2010: Arrest for Assault and Public Intoxication. Convicted, Community Supervision.

December 2011: Arrest for Theft. Pending Disposition.

Criminal History of Jason Harris:

June 2000: Arrest for Domestic Assault of Household Member. No charges filed.

January 2002: Arrest for Domestic Assault of Household Member. No charges filed.

August 2005: Arrest for Domestic Assault of Household Member. Convicted, Community Supervision.

December 2008: Arrest for Possession of a Controlled Substance. Convicted, Community Supervision.

January 2010: Arrest for Possession of a Controlled Substance. Convicted, 90 Day Sentence.

October 2011: Arrest for Theft. Pending Disposition.

Criminal History of Ernie Price:

February 2001: Arrest for Possession of Marijuana. Convicted, Community Supervision.

7. ICPC COMPLIANCE

At this time, no interstate placement is planned. If an interstate placement becomes an option, DFPS will comply with the Interstate Compact on the Placement of Children, TEX. FAM. CODE CH. 162, SUBCHAPTER B.

8. CONCLUSION

Based on the above facts, I believe there is an immediate danger to the physical health or safety of the children and that continuation in the home would be contrary to the children’s welfare; there is no time, consistent with the physical health or safety of the children, for an adversary hearing. Under Subchapter C; and all reasonable efforts, consistent with time and circumstances, have been made by the Texas Department of Family and Protective Services to prevent or eliminate the need for removal of the children.

Bob Johnson

Child Protective Services
Investigator
Texas Department of Family
and Protective Services

Affiant
SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public on this the
__1__ day of ____January____ 2012.

NOTARY PUBLIC in and for the
STATE OF TEXAS
Commission Expires:

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499TH JUDICIAL
CHILDREN	§	DISTRICT

EX-PARTE ORDERS

On this 1st day of January 2012, there was presented to me in Chambers Petitioner's application for Temporary Orders in the above-entitled and numbered cause. The Court finds, that it has jurisdiction of this cause under the provisions of the Texas Family Code, and finds that there is an immediate danger to the physical health or safety of the Children, BEN HARRIS, ROBERT PRICE, and ROSE PRICE or the Children have been victim of neglect or sexual abuse and that continuation in the home would be contrary to the Children's welfare; there is no time, consistent with the physical health or safety of the Children, for a full adversary hearing under Subchapter C; and reasonable efforts, consistent with the circumstances and providing for the safety of the Children were made to prevent or eliminate the need for removal of the Children. The Court further finds that Petitioner has the authority to take possession of the Children; therefore, there is an immediate need for the issuance of Temporary Orders governing the placement and care of the Children pending a hearing in this matter. The Court further finds that removal of the Children from the home is in the best interest of the Children.

IT IS THEREFORE ORDERED:

That the Texas Department of Family and Protective Services, Petitioner herein, is given Temporary Managing Conservatorship of the subject Children, BEN HARRIS, ROBERT PRICE, and ROSE PRICE, until a hearing can be held. The Texas Department

of Family and Protective Services shall have only the following rights, privileges, duties and powers pending such hearing:

1. the right to have physical possession of the subject Children;
2. the duty of care, control, protection, and reasonable discipline of the subject Children;
3. the duty to provide the subject Children with clothing, food, and shelter; and
4. the power to consent to medical and surgical treatment for the health and safety of the subject Children.

That all injunctions or writs necessary to secure the physical possession of the Children shall be issued by the Clerk of the Court, as often and as many as necessary.

IT IS FURTHER ORDERED that Children's Attorney be **APPOINTED** as Attorney/Guardian *ad Litem* for the Children, BEN HARRIS, ROBERT PRICE, and ROSE PRICE and shall have the right of access to medical, dental, educational, psychiatric, and mental health records of the Children to the same extent as a parent or Managing Conservator.

IT IS FURTHER ORDERED that the appointed Attorney/Guardian *ad Litem* may serve an answer or other pleading required to be served under Rule 21, Texas Rules of Civil Procedure, by mailing such notice or pleading to the opposing party or attorney by first class mail, and by providing proof of service in the format, and containing the information required by Rule 9.5, Texas Rules of Appellate Procedure.

IT IS FURTHER ORDERED that KATHY PRICE, JASON HARRIS, and ERNIE PRICE, Respondents appear at the San Gabriel County, Texas Courthouse on the 13th day of January 2012, at 9:00 A.M., to show cause, if any there may be, why the Petitioner herein should not be named as the Temporary Managing Conservator of the

subject Children, BEN HARRIS, ROBERT PRICE, and ROSE PRICE and why Respondents should not be ordered to pay child support pendente lite, pending further hearing in this cause.

IT IS FURTHER ORDERED that KATHY PRICE, JASON HARRIS, and ERNIE PRICE, Respondents appear at the time and on the date shown above, prepared to indicate to the Court whether or not they are able to retain an attorney, or desire to have an attorney appointed to represent them, or desire to waive their right to counsel.

IT IS FURTHER ORDERED that the District Clerk of San Gabriel County, Texas maintain confidential records in this cause.

SIGNED the 1st day of January 2012, in Chambers at 11:30 a.m.

Robert Hofmann
JUDGE PRESIDING

Adversary/Show Cause Hearing

At the Show Cause Hearing, temporary orders are entered which often set the status quo for the case. The court order will most likely include the services a parent will be required to access and complete in a case even though the Service Plan is not developed or due to be filed until the 45th day after the Department is named TMC. Note that the orders in *Harris-Price* do not include specific information regarding Possession and Access, Child Support, or Medical Support. In this case, assume that these are ordered and specified. Specifics regarding these matters are not provided because those issues do not affect the focus of the related trial skills exercises.

Legislative changes made in 2011 require the court to incorporate the Service Plan into its orders. Section 161.001(1)(O) provides a ground for termination due to a parent's failure to comply with provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the child. The (O) ground may be used by the Department when a parent fails to complete a Service Plan that was incorporated into the court's order. Some appellate courts have interpreted 161.001(1)(O) to require strict compliance with the Service Plan, holding that partial or substantial compliance is not enough to avoid termination. Similarly, courts have held that a parent's excuses for noncompliance are not relevant to (O) grounds, even when caused by the caseworker's mistake submitting the paperwork for the referral or where the services are unavailable. Those courts have explained that the Family Code makes no provisions for excuses, and the reasons that prevented a parent from complying with provisions of the court order constituted an excuse for failure to comply and did not create factual dispute.

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499TH JUDICIAL
CHILDREN	§	DISTRICT

ATTORNEY AD LITEM'S STATEMENT OF COMPLIANCE
WITH TEXAS FAMILY CODE § 107.004(d)(1)

In regard to the hearing on January 13, 2012, Children's Attorney, the Guardian ad Litem and Attorney ad Litem for all subject children in this cause has complied with Texas Family Code Section 107.004(d)(1) .

Respectfully submitted,

Children's Attorney
State Bar No. 12345678
Law Office of Children's Attorney
555 Main Street
Great City, Texas 75000
P: (987) 555-5555
F: (987) 444-4444
Attorney ad Litem for Subject Children

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF: BEN HARRIS, ROBERT PRICE, ROSE PRICE, CHILDREN	§ § § § § §	IN THE DISTRICT COURT OF SAN GABRIEL COUNTY TEXAS 499TH JUDICIAL DISTRICT
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TEMPORARY ORDER FOLLOWING SHOW CAUSE HEARING

On January 13, 2012, a full adversary hearing pursuant to § 262.205, Texas Family Code, was held in this cause.

1. Appearances

Appeared	Did Not Appear	
X	___	Bob Johnson, CASEWORKER, TDFPS INV Caseworker;
X	___	Irma Ickles, SUPERVISOR, TDFPS INV Supervisor;
X	___	Department’s Attorney, Attorney for DFPS;
X	___	Children’s Attorney, Attorney Ad Litem for the Children;
X	___	Kathy Price, Respondent Mother;
___	X	Jason Harris; Respondent Presumed Father;
X	___	Ernie Price, Respondent Presumed Father.

Other Appearances: Carol Hill, maternal aunt of the children; Anita Dashee, paternal grandmother of Robert Price.

2. Jurisdiction

- 2.1. The Court, after examining the record and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been satisfied and that this Court has jurisdiction of this case and of all the parties.
- 2.2. The Court further finds that the State of Texas has jurisdiction of this case pursuant to Subchapter C, Chapter 152, Texas Family Code, because Texas was the home state of the Children on the date of the commencement of this proceeding, and there is no prior child custody determination in another state.

3. Findings

3.1. The Court finds there is sufficient evidence to satisfy a person of ordinary prudence and caution that: (1) reasonable efforts have been made to prevent or eliminate the need to remove the Children from the Children's home; and (2) allowing the Children to remain in the home would be contrary to the Children's welfare.

3.2. Findings for Appointment of Managing and Possessory Conservator

3.2.1. The Court finds that appointment of the parent or parents as managing conservator of the Children is not in the best interest of the Children because the appointment would significantly impair the Children's physical health or emotional development.

3.3. The Court finds that the placement of **BEN HARRIS** with **BEN HARRIS**'s noncustodial parent is not in the best interest of the Child. The court finds that the placement of **BEN HARRIS**, with a relative of **BEN HARRIS** or with another designated caregiver is appropriate and in the best interest of the Child.

3.4. The Court finds that the placement of **ROBERT PRICE** with the Child's noncustodial parent, **ERNIE PRICE**, is appropriate and in the best interest of the Child.

3.5. The Court finds that the placement of **ROSE PRICE** with the Child's noncustodial parent, with a relative of the Child, or with another designated caregiver is inappropriate and not in the best interest of the Child.

3.5.1. The Child has not been placed with a relative or other designated caregiver, in compliance with Chapter 262, Section 114 Texas Family Code. The Court finds that the Department has provided the reasons for not placing the Child and the actions, if any, to be taken to place the Child.

3.6. The Court finds that the following orders for the safety and welfare of the children are in the best interest of the Children.

4. Appointment of Counsel for Parents or Parties

4.1. The Court finds that Petitioner seeks termination of the parent-child relationship of **KATHY PRICE** pursuant to § 161.001, Texas Family Code, and that appointment of an attorney *ad litem* for this parent is required by § 161.001, Texas Family Code. The Court therefore appoints **MOTHER'S ATTORNEY** as attorney *ad litem* to represent the interests of this parent.

4.2. The Court finds that Petitioner seeks termination of the parent-child relationship of **ERNIE PRICE** pursuant to § 107.013, Texas Family Code, and that appointment of an attorney *ad litem* for this parent is required by § 107.013, Texas Family Code. The Court therefore appoints **FATHER ERNIE PRICE'S ATTORNEY** as attorney *ad litem* to represent the interests of this parent.

- 4.3. The Court defers its finding regarding an attorney *ad litem* for **JASON HARRIS**, because **JASON HARRIS** has not appeared in opposition to this suit or has not established indigence.
- 4.4. The Court finds that the alleged father of **ROSE PRICE**, an unknown man, has not registered with the paternity registry under Subchapter E, Chapter 160, Texas Family Code; that Petitioner's attempt to identify and locate the **UNKNOWN FATHER** has been unsuccessful; that service of citation by publication is not required, pursuant to § 161.002(c), Texas Family Code; and that appointment of an attorney *ad litem* for the **UNKNOWN FATHER** is required by § 107.013(a)(3), Texas Family Code. The Court therefore appoints **FATHER OF ROSE PRICE'S ATTORNEY** as attorney *ad litem* to represent the interests of the **UNKNOWN FATHER**.

5. Conservatorship

- 5.1. **IT IS ORDERED** that the Department of Family and Protective Services is appointed Temporary Managing Conservator of the following Children:

Name: **Ben Harris**
AKA: **No known aliases**
Sex: **Male**
Birthplace: **Great City, San Gabriel County, Texas**
Birth Date: **October 31, 1998**
Indian Child Status: **No Native American Heritage Reported.**

Name: **Robert Price**
AKA: **No known aliases**
Sex: **Male**
Birthplace: **Great City, San Gabriel County, Texas**
Birth Date: **May 10, 2003**
Indian Child Status: **No Native American Heritage Reported.**

Name: **Rose Price**
AKA: **No known aliases**
Sex: **Female**
Birthplace: **Great City, San Gabriel County, Texas**
Birth Date: **March 28, 2011**
Indian Child Status: **No Native American Heritage Reported.**

- 5.2. **IT IS ORDERED** that the Temporary Managing Conservator shall have all the rights and duties set forth in § 153.371, Texas Family Code.
- 5.2.1. **IT IS ORDERED** that, in addition to the rights and duties listed in § 153.371, Texas Family Code, the Department is authorized to consent to medical care for the subject Children, pursuant to § 266.004, Texas Family Code.

6. Possession and Access

The Court finds that the application of the guidelines for possession of and access to the Children, as set out in Subchapter F, Chapter 153, Texas Family Code, is not in the Children's best interest. **IT IS ORDERED** that **KATHY PRICE and JASON HARRIS** shall have limited access to and possession of the Children.

7. Child Support

IT IS ORDERED that **KATHY PRICE** shall provide child support for the Children.

IT IS ORDERED that **JASON HARRIS** shall provide child support for **BEN HARRIS**, Child.

8. Medical Support

IT IS ORDERED that **KATHY PRICE** shall provide for the medical support of the Children.

IT IS ORDERED that **JASON HARRIS** shall provide for the medical support of **BEN HARRIS**, Child.

9. Release of Medical and Mental Health Records

IT IS ORDERED that Respondents **KATHY PRICE, JASON HARRIS, and ERNIE PRICE** execute an authorization for the release of medical and mental health records to the Department, and provide the Department with a list of the names and addresses of the physicians and mental health providers who have treated the Respondents. Respondents shall execute the authorization and deliver it, together with the list of physicians and mental health providers, to the Department within 15 days of the date of this hearing.

10. Required Home Study/ Social Study

10.1. The Court finds that Respondent Mother, **KATHY PRICE** has submitted the Child Placement Resources Form required under § 261.307, Texas Family Code.

10.2. **IT IS ORDERED** that each Parent, Alleged Father or Relative of the subject Children before the Court complete the Child Placement Resources Form provided under § 261.307, and file the completed Form with the Court if the form has not previously filed. **IT IS FURTHER ORDERED** that each Parent, Alleged Father or Relative provide the Department with a copy of the completed Form and the full name and current address or whereabouts and phone number of any absent parent, alleged father or relative of the subject Children, pursuant to § 262.201, Texas Family Code.

10.3. **IT IS ORDERED** that the Department shall conduct a home/social study on the home of Carol Hill, if preliminary criminal and CPS background checks of all members of the household age 14 and up are favorable.

11. Finding and Notice

The court finds and hereby notifies the parents that each of the actions required of them below are necessary to obtain the return of the Children, and failure to fully comply with these orders may result in the restriction or termination of parental rights.

12. Psychological or Psychiatric Evaluation: KATHY PRICE

12.1. **IT IS ORDERED** that Dr. Paula Psychiatrist is appointed to interview, examine, evaluate, and consult with **KATHY PRICE** and to prepare a psychological or psychiatric evaluation of **KATHY PRICE** to be filed with the Court.

12.2. **IT IS FURTHER ORDERED** that **KATHY PRICE** shall appear and shall submit to and cooperate fully in the preparation of this court-ordered psychological or psychiatric evaluation. Respondent is hereby notified that any communications made with a counselor, therapist, psychiatrist, or psychologist are not confidential.

13. Counseling

13.1. **IT IS ORDERED** that **KATHY PRICE** shall attend and cooperate fully in counseling sessions to address the specific issues that led to the removal of the Children from the home and to address any additional issues arising from the psychological examinations or from the counseling sessions. Said counseling sessions shall begin and shall continue until the counselor determines that no further sessions are necessary or until further order of this Court.

14. Parenting Classes

14.1. **IT IS ORDERED** that **KATHY PRICE** shall attend, participate in and successfully complete parenting and shall submit to the Department or file with Court a certificate of completion.

15. Drug and Alcohol Assessments and Testing

15.1. **IT IS ORDERED** that **KATHY PRICE** shall appear at and shall submit to and cooperate fully in the preparation of the court-ordered drug and alcohol dependency assessment.

15.2. **IT IS ORDERED** that **KATHY PRICE** shall submit samples, at times to be determined by the Department, for analysis by a drug testing laboratory. The results of such tests will be reported to the Department and the Court and will be considered in assessing **KATHY PRICE'S** suitability for permanent placement of the Children.

16. Substance Abuse Treatment

- 16.1. **IT IS ORDERED** that **KATHY PRICE** shall submit to and successfully complete a substance abuse treatment program.

17. Compliance with Service Plan

- 17.1. **KATHY PRICE** is **ORDERED**, pursuant to § 263.106 Texas Family Code, to comply with each requirement set out in the Department's original, or any amended, service plan during the pendency of this suit.

- 17.2. **IT IS FURTHER ORDERED** that:

KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents, are prohibited from removing the Children beyond the geographical area of San Gabriel County, Texas.

KATHY PRICE and JASON HARRIS and ERNIE PRICE, Respondents, are prohibited from disturbing the peace of the Children or the foster parents including:

- a. coming on or about the premises;
- b. interfering in any way with Petitioner's possession of the Children;
- c. doing any act to embarrass, humiliate, or injure Petitioner or Children.

- 17.3. The court finds that this order, as supplemented by the service plan to be approved at the Status Hearing under Texas Family Code §263.201, sufficiently defines the rights and duties of the parents of the children pursuant to Texas Family Code § 153.602 and satisfies the requirements of a parenting plan. To the extent there is evidence demonstrating that the children have been exposed to harmful parental conflict, the court orders that the Department address this issue in the Family Plan of Service.

18. Required Information

- 18.1. **IT IS ORDERED** that each Respondent to this cause provide to the Department and the Court, no later than thirty days from the date of this hearing, the information detailed below.

- 18.2. **IT IS ORDERED** that each Parent furnish information sufficient to accurately identify that parent's net resources and ability to pay child support along with copies of income tax returns for the past two years, any financial statements, bank statements, and current pay stubs, pursuant to § 154.063, Texas Family Code.

- 18.3. **IT IS ORDERED** that each Respondent provide the Department and the Court information sufficient to establish the parentage and immigration status of the Children, including but not limited to marriage records, birth or death certificates, baptismal records,

social security cards, records of lawful permanent residence (“green cards”), naturalization certificates, and any records from the United States Citizenship and Immigration Services, and records of Indian Ancestry or Tribal Membership.

- 18.4. **IT IS ORDERED** that each Respondent furnish to the Department all information necessary to ensure the Department has an adequate medical history for the Children, including but not limited to the immunization records for the Children and the names and addresses of all physicians who have treated the Children.
- 18.5. **IT IS ORDERED** that each Respondent provide the Department 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.
- 18.6. **IT IS ORDERED** that each Respondent to this cause provide to the Department and the Court a current residence address and telephone number at which each can be contacted.
- 18.7. **IT IS ORDERED** that each Respondent to this cause notify the Department and the Court of any change in his or her residence address or telephone number within five (5) days of a change of address or telephone number.
- 18.8. **IT IS ORDERED** that each Respondent provide the Department 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.

19. Duty To Provide Information

- 19.1. **IT IS ORDERED** pursuant to § 153.076(a), Texas Family Code that each conservator of a child has a duty to inform the other conservator of the child in a timely manner of significant information concerning the health, education, and welfare of the child.
- 19.2. **IT IS ORDERED** pursuant to § 153.076(b), Texas Family Code, that each conservator of the child has the duty to inform the other conservator if the conservator resides with for at least 30 days, marries, or intends to marry a person who the conservator knows:
 - 19.2.1. is registered as a sex offender under Chapter 62, Code of Criminal Procedure; or
 - 19.2.2. is currently charged with an offense for which on conviction the person would be required to register under that chapter.
- 19.3. The notice required to be made under § 153.076(b), Texas Family Code, must be made as soon as practicable but not later than the 40th day after the date the conservator of the child begins to reside with the person or the 10th day after the date the marriage occurs, as appropriate. The notice must include a description of the offense that is the basis of the person’s requirement to register as a sex offender or of the offense with which the person is charged.

19.4. A CONSERVATOR COMMITS AN OFFENSE IF THE CONSERVATOR FAILS TO PROVIDE NOTICE IN THE MANNER REQUIRED BY SUBSECTIONS (b)

AND (c) OF § 153.076, Texas Family Code. AN OFFENSE UNDER THIS SUBSECTION (d) IS A CLASS C MISDEMEANOR

20. Notice of Status Hearing

IT IS ORDERED that this cause is set for a Status Hearing, pursuant to § 263.201 Texas Family Code, on Monday, February 27th at 9:00 A.M. in the District Court of San Gabriel County, Texas 499th Judicial District in Great City, Texas.

- 21.** All said TEMPORARY ORDERS shall continue in force during the pendency of this suit or until further order of the Court.

Robert Hofmann
JUDGE PRESIDING

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499 TH JUDICIAL
CHILDREN	§	DISTRICT

**ORIGINAL ANSWER OF THE ATTORNEY AD LITEM/ATTORNEY AND
GUARDIAN AD LITEM**

TO THE HONORABLE COURT:

Children’s Attorney, Attorney ad Litem/Attorney and Guardian ad Litem for BEN HARRIS, ROBERT PRICE, AND ROSE PRICE who are the subject Children of this suit, files this Original Answer.

1. By this answer, the Attorney and Guardian ad Litem for the subject Children makes her appearance in this case for all purposes and demands strict proof of the allegations of Petitioner and Respondents.

2. The Attorney and Guardian ad Litem requests that this Court grant, as necessary, temporary orders for the safety and welfare of the Children.

3. The Attorney and Guardian ad Litem alleges that if this cause proceeds to final hearing, it is in the best interest of the subject Children that orders be made appointing as Managing Conservator a suitable competent adult, a parent, or an authorized agency, and that orders be entered providing for support of the Children and for the terms and conditions of possession of and access to the Children by any Possessory Conservator.

PRAYER

The Attorney ad Litem prays that all factors requested above be considered, that she receive notice of all proceedings in this cause, and that the Court grant any appropriate orders in the interest of the subject Children of this suit.

The Attorney ad Litem requests a judgment for reasonable fees and expenses.

The Attorney ad Litem prays for general relief.

Respectfully submitted,

Children’s Attorney
State Bar No. 12345678
Law Office of Children’s Attorney
555 Main Street
Great City, Texas 75000
P: (987) 555-5555
F: (987) 444-4444
Attorney ad Litem for Subject Children

CERTIFICATE OF SERVICE

I certify by my signature above that a copy of the foregoing Original Answer of the Attorney and Guardian ad Litem was delivered to the following parties on or before January 16, 2012, in accordance with the Texas Rules of Civil Procedure:

Department’s Attorney, Assistant District Attorney *Via Fax*
Attorney for The Department of Family and Protective Services

Mother’s Attorney *Via Fax*
Attorney for Respondent Mother, Kathy Price

Father of Rose Price’s Attorney *Via Fax*
Attorney for Father of Rose Price, UNKNOWN

Father of Robert Price’s Attorney *Via Fax*
Attorney for Father of Robert Price, ERNIE PRICE

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499 TH JUDICIAL
CHILDREN	§	DISTRICT

**RESPONDENT MOTHER, KATHY PRICE'S
ORIGINAL ANSWER AND COUNTER-PETITION**

TO THE HONORABLE COURT:

A. *Original Answer*

A.1 *Denial of Allegations*

KATHY PRICE, Respondent Mother, enters a general denial pursuant Texas Rules of Civil Procedure 92.

A.2 *Attorney's Fees, Expenses, Costs, and Interest*

It was necessary for Respondent KATHY PRICE to be represented by a licensed attorney qualified, pursuant to the local rules of San Gabriel County, to represent parents in cases filed by the Texas Department of Family and Protective Services.

Respondent Mother, KATHY PRICE is requesting that San Gabriel County pursuant the Texas Family Code Section 107.013 pay all reasonable attorney fees and allowed expenses and costs through trial incurred by the attorney appointed to represent the Respondent Mother KATHY PRICE out of the funds designated to do so.

A.3 *Prayer*

Respondent prays that all relief prayed for by Petitioner, the Texas Department of Family and Protective Services be denied and the Respondent Mother, KATHY PRICE be granted all relief requested in this answer/counter-petition.

Respondent prays for attorney's fees, expenses, and costs as requested above.

Respondent prays that the children subject this suit be returned to the care and custody of the Respondent Mother, KATHY PRICE.

Respondent Mother, KATHY PRICE prays that she be named as the sole managing conservator of the children subject this suit.

Respondent Mother, KATHY PRICE prays that the Department of Family and Protective Services be dismissed.

Respondent prays for general relief.

B. *Counter-Petition*

B.1 *Parties*

The Answer and Counter-Petition is brought by Respondent Mother, KATHY PRICE whose current address is in San Gabriel County, Texas. Counter-Respondent is Texas Department of Family and Protective Services.

Counter-Petitioner has standing to bring this suit in that she is the mother of the children who are subject of this suit.

Counter-Respondent is the Texas Department of Family and Protective Services ("the Department") and is an authorized agency, located in Great City, San Gabriel County, Texas. A copy of this Counter-Petition is being served on the Department's Attorney of Record, Department's Attorney, via telephonic facsimile at (987) 987-6542.

Counter-Respondent, JASON HARRIS, is the biological father of the child, BEN HARRIS. A copy of this Counter-Petition is being served via First Class Mail and CRR at Route 4 County Road 28, Merry City, Texas, 75010.

Counter-Respondent, ERNIE PRICE, is the biological father of the child, Robert Price. A copy of this Counter-Petition is being served on his attorney of record, Father of Robert Price's Attorney, via telephonic facsimile at (987) 666-6666.

Counter-Respondent, UNKNOWN FATHER OF ROSE PRICE, is the biological father of the child, Rose Price. A copy of this Counter-Petition is being served on his attorney of record, Father of Rose Price's Attorney, via telephonic facsimile at (987) 777-7777.

The children made the basis of this suit are represented by an Attorney/Guardian ad Litem. A copy of this Counter-Petition is being served on the children's Attorney/Guardian ad Litem, Children's Attorney, via telephonic facsimile at (987) 444-4444.

B.2 *Discovery*

Counter-Petitioner seeks discovery to be conducted pursuant to Texas Rules of Civil Procedure governing discovery in civil cases.

B.3 *Jurisdiction*

This court has continuing jurisdiction of the children subject of this suit.

The following children are the subject of this suit:

NAME:	BEN HARRIS
SEX:	MALE
DATE OF BIRTH:	OCTOBER 31, 1998
COUNTY OF RESIDENCE:	SAN GABRIEL COUNTY, TEXAS

NAME: ROBERT PRICE
SEX: MALE
DATE OF BIRTH: MAY 10, 2003
COUNTY OF RESIDENCE: SAN GABRIEL COUNTY, TEXAS

NAME: ROSE PRICE
SEX: FEMALE
DATE OF BIRTH: MARCH 28, 2011
COUNTY OF RESIDENCE: SAN GABRIEL COUNTY, TEXAS

B.4 *Health Insurance*

Health Insurance is provided for the children by the appropriate governmental agencies.

B.5 *Property of the Child Subject the Suit*

No property of consequence is owned or possessed by the children subject of this suit.

B.6 *Conservatorship*

Counter-Petitioner believes that the parties will enter into a written agreement containing provisions for conservatorship of the children. If such an agreement is not made, Counter-Petitioner requests the Court to make orders for conservatorship of the children, including such Orders as would be appropriate to ensure that the Respondent Mother, KATHY PRICE and her family are able to maintain a relationship with the children, including but not limited to managing conservatorship. Strictly in the alternative, Counter-Petitioner is asking the court to name her as possessory conservator.

B.7 *Parent Child Relationship*

The parent-child relationship which exists between Counter-Petitioner and the children of this suit is one of constitutional dimensions, *Holick v. Smith*, 685 S.W.2d 18 (Tex.1985), and before such relationship is disturbed or severed, every effort should be made to rehabilitate the deficiencies of the Respondent Mother, KATHY PRICE so that the Respondent Mother, KATHY PRICE and the children subject this suit can remain united.

Additionally, when such fundamental and constitutional rights are involved, the Court should seek the least onerous and restrictive alternative for the placement of the child. It is therefore in the best interests of the children to be returned to Counter-Petitioner and that Counter-Petitioner be appointed Managing Conservator of the children, the subjects of this suit, pursuant Texas Family Code Section 153.131, with all the rights and duties of a Managing Conservator as named in Chapter 153 of the Texas Family Code. If the Respondent Mother, KATHY PRICE is not named the Managing Conservator, it is in the best interest of the children that she be named a Possessory Conservator pursuant Texas Family Code Section 153.191, with all the rights and duties of a Possessory Conservator as named in Texas Family Code Section 153.192, et. sec. Further, Counter-Petitioner asks that she have the exclusive right to designate the primary residence of the children pursuant Texas Family Code Section 153.132.

Pursuant Texas Family Code Section 262.201, the Texas Department of Family and Protective Services is expected to show that: 1) there was a danger to the physical health or safety of the children which was caused by an act or failure to act of the person entitled to possession and for the children to remain in the home is contrary to the welfare of the child; 2) the urgent need for protection required the immediate removal of the children and reasonable efforts, consistent with the circumstances and providing for the safety of the children were made to eliminate or prevent the children's removal; and 3) reasonable efforts have been made to enable

the children to return home, but there is a substantial risk of a continuing danger if the children are returned home. Counter-Petitioner is asking the court to take the Department representative under oath to ascertain the above status and efforts of the Texas Department of Family and Protective Services.

Pursuant Texas Family Code Section 262.114 the Texas Department of Family and Protective Services before the full adversary hearing, must perform a background and criminal history check of the relatives or the designated individuals identified as a potential relative or designated caregiver. The Department shall evaluate each person to determine who would be the most appropriate substitute caregiver for the children and must complete a home study of the most appropriate caregiver before the full adversary hearing. Counter-Petitioner is asking the court to take the Department representative under oath to ascertain the names of persons studied and the outcomes of studies performed. If the Court finds that no studies were performed on named individuals, the Counter-Petitioner is asking the court to recess the current hearing and hold a Show Cause hearing where-in the Department is mandated to show cause as to why the studies have not been performed as statutorily mandated.

In accordance with the Texas Family Code Section 264.201 and in accordance with the Department's own policy and regulations, the Department is under a duty to provide in home child protective services to prevent the removal of children, in general, and the children subject this suit in particular. Furthermore, the Department is under a duty to provide protective services to children in their own homes to help prevent further abuse or neglect and to prevent the removal of the children. Texas Administrative Code, Title 40, Section 700.701 and 700.901-904.

Counter-Petitioner requests that the Court order the Department to make all reasonable efforts to prevent the removal of the children from the Counter-Petitioner and if removal has already occurred, the return of the children, instantor.

B.8 *Possession and Access*

Pursuant Texas Family Code Sections 153.251 and 153.252, the guidelines established in the standard possession order are intended to guide the courts in ordering the terms and conditions for possession of a child by a parent named as a possessory conservator. It is the policy of this state to encourage frequent contact between a child and each parent for periods of possession that optimize the development of a close and continuing relationship between each parent and child. Counter-Petitioner would request from the court Standard Possession of and access to the children without the burden of 24 hour confirmation. Strictly in the alternative, Counter-Petitioner is asking the court for a graduated possession schedule that will realistically facilitate the reunification of the children and counter-petitioner.

B.9 *Prayer*

Counter-Petitioner prays that notice issue as required by law.

Counter-Petitioner prays that the Court enters Orders in accordance with the allegations contained herein.

Counter-Petitioner prays that the Court order the Department to make all reasonable efforts to facilitate the return of the children to the Counter-Petitioner, instantor, if the children have been removed/ voluntarily placed.

Counter-Petitioner prays that the Department be ordered to provide rehabilitative services to the family and utilize the least restrictive alternatives for substitute placement of the children.

Counter-Petitioner prays that the Department be ordered to make all reasonable accommodations to services and to the service plan so that the services received and the services that the Counter-Petitioner is ordered to participate in are effective; appropriate; workable; and accessible to the Respondent Mother, KATHY PRICE.

Counter-Petitioner prays that she be appointed Managing Conservator of the children subject this suit, with all accompanying rights and duties, including but not being limited to the right to be notified in advance of and the right to attend medical and dental and educational appointments; and right to be notified about medical treatments related to the child within 12 hours of said treatment being provided, (this specifically includes the right to be notified about the introduction of or a change of medications given to the child). Strictly in the alternative, Counter-Petitioner prays that she be appointed Possessory Conservator of the children, with all accompanying rights and duties, including but not being limited to the right to be notified in advance of and the right to attend medical and dental and educational appointments; and right to be notified about medical treatments related to the child within 12 hours of said treatment being provided, (this specifically includes the right to be notified about the introduction of or a change of medications given to the child).

Counter-Petitioner prays that she be appointed as the conservator with the exclusive right to determine the domicile of the children subject this suit.

Counter-Petitioner prays that she be awarded standard possession of and access to the children. In the alternative, petitioner prays that she be awarded a graduated schedule of unsupervised possession progressing toward standard access and possession as defined in the Texas Family Code, until reunification is achieved.

Counter-Petitioner prays that Counter-Respondent take nothing and that Counter-Petitioner be granted all relief requested herein.

Counter-Petitioner prays for all other relief in all and equity for which she may be entitled.

Respectfully submitted,

Mother's Attorney
State Bar No. 12345678
Law Office of Mother's Attorney
554 Main Street
Great City, Texas 75000
P: (987) 555-4444
F: (987) 444-5555
Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on the following persons in accordance with the Texas Rules of Civil Procedure on January 20, 2012.

Department's Attorney	VIA FACSIMILE
<i>Assistant District Attorney</i>	(512) 555-5555
Jason Harris	VIA FIRST CLASS MAIL AND CRR
<i>Respondent Father</i>	Route 4 County Road 28, Merry City, Texas, 75010
Father of Robert Price's Attorney	VIA FACSIMILE
<i>Attorney for Respondent Father, Ernie Price</i>	(512) 666-6666
Father of Rose Price's Attorney	VIA FACSIMILE
<i>Attorney for Unknown Father of Rose Price</i>	(512) 777-7777
Children's Attorney	VIA FACSIMILE
<i>Attorney/Guardian ad Litem</i>	(512) 444-4444

Mother's Attorney

Attorney for Respondent Mother

KATHY PRICE

of body odor and having a dirty appearance. They were taken to a local hospital, where Ben was found to have chronic, untreated asthma, and Rose was found to have lower back bruising. The home was reportedly dirty and unsafe.

FAMILY STRENGTHS AND SUPPORTS:

The family has local relatives who live in the area. Ben's maternal aunt, Carol Hill, was willing to act as a placement. Robert's father, Ernie Price, was willing to have Robert live with him, in the home shared by Ernie and his mother, Anita Dashee. Kathy Price has a high school diploma, and is currently unemployed.

COMMUNITY SUPPORTS:

The family is isolated from community involvement in the area, but does access relatives to help with childcare on occasion.

HOPES AND DREAMS OF THE FAMILY:

Ben and Robert want to return home and live with their mother. Kathy Price wants her children to be happy, healthy, and have a good education. Ben wants to live with his brother and sister, whom he takes pride in caring for.

PARENT(S) RESPONSIBILITIES RELATED TO CHILD(REN)'S EDUCATION:

Kathy Price will attend school meetings.

FAMILY AND CPS CONCERNS RELATED TO RISK AND SAFETY:

Initial Concerns:

As Of: 2/10/2012

There was a child in the home under the age of 5 that is at risk of abuse/neglect due to home conditions. Rose Price was also found with lower back bruising that has not been adequately explained by Ms. Price. Rose Price was found with a significant diaper rash, causing concern of prior neglect.

Additionally, in his evaluation at the emergency room just prior to removal, Ben Harris was found to have had an untreated asthmatic condition, which also raises the concern of neglect by Ms. Price.

Ms. Price has a history of not maintaining a safe home for the children. The home was found to be in a dirty and hazardous condition in the current case.

The family has a history of CPS involvement, related to domestic violence in the past and often related to alcohol-involved incidents on the part of Ms. Price. There is concern that the children have witnessed domestic violence and alcohol abuse in the home.

SERVICE PLAN GOALS (CHANGES NEEDED TO REDUCE RISK):

Kathy Price will demonstrate the willingness and ability to protect the children from harm. She will recognize and accept each child's age appropriate behaviors and learn to cope with them. She will show the ability to parent and protect the children.

Kathy Price will demonstrate the ability to protect the children from future abuse or neglect, and will show concern for their future safety. She will understand and support the children's efforts to deal with issues related to their prior maltreatment.

Kathy Price will learn appropriate ways to deal with stress in order to reduce the level of stress and chaos in the home. She will maintain housing that is safe and free of hazards and provide protection, food, and shelter for the children.

Kathy Price will learn to cope with alcohol issues and work with the Department as a parent who cares about her children.

TASKS AND SERVICES:				
Task/Service including timeframes:	Assigned To:	Completed/ No Longer Needed:	Court Ordered For:	Date Created:
<p>VISITATION WITH CHILDREN Ms. Price will attend weekly visits with the children at the DFPS office located at 321 Main Street; Great City, Texas 75000, for one hour a week. Visitation with her children is her opportunity to demonstrate what she is learning in parenting classes and through counseling. She will be appropriate during visits and follow visitation rules. She will give 24-hour notice of cancellation by calling Caseworker, at xxx-xxx-xxxx.</p>	Kathy Price	No	Kathy Price	2/10/12
<p>SAFE AND STABLE HOME Ms. Price will maintain a home that is safe, stable, has all working utilities, and is free from drugs and violence. She will maintain a clean and orderly home free of safety hazards. She will remove or lock up anything in the home that poses risk to the health and safety of the children. CPS will make home visits to ensure the home is appropriate and make recommendations with which Ms. Price will need to comply. She will establish daily routines and schedules and learn to have a less chaotic lifestyle. She will discuss these issues in individual counseling. She will allow announced and unannounced home visits to her home. She will allow photographs to be taking of the home in order to document compliance. Ms. Price will notify the Department of any changes to her address and/or contact information no later than 5 days after change has occurred.</p>	Kathy Price	No	Kathy Price	2/10/12
<p>INDIVIDUAL COUNSELING Ms. Price will participate in individual counseling at ABC FAMILY COUNSELING. During these sessions, it is expected that counseling will address issues related to the removal for neglect,</p>	Kathy Price	No	Kathy Price	2/10/12

<p>her relationship with each child. She will schedule her first counseling session by February 26, 2012. In the event she completes eight sessions before the psychological evaluation, she will return to counseling if further sessions are recommended by the evaluation. She will notify the Caseworker of the appointment by February 28, 2012. She will attend at least twice a month and complete eight sessions by July 30, 2012, and continue attending if the therapist requests more sessions. She will follow all recommendations given by the therapist. ABC FAMILY COUNSELING, 111 AVENUE A, GREAT CITY, TEXAS 75000; xxx-xxx-xxxx. *** Ms. Price is responsible for scheduling these appointments on or before February 26, 2012. The Department will provide payment.</p>				
<p>PSYCHOLOGICAL EVALUATION Ms. Price will complete a psychological evaluation and follow all recommendations. It will be her responsibility to contact DR. PAULA PSYCHOLOGIST and set up an appointment for her psychological evaluation. DR. PAULA PSYCHOLOGIST's contact number is xxx-xxx-xxxx. She will notify the Caseworker by February 28, 2012 with the date of the evaluation. *** Ms. Price is responsible for calling to schedule her appointment by February 26, 2012. The Department will pay for this service.</p>	Kathy Price	No	Kathy Price	2/10/12
<p>PARENTING CLASSES Ms. Price will complete parenting classes and follow all recommendations. It will be her responsibility to contact FAMILIES FOR TOMORROW by February 26, 2012, and enroll in parenting classes. She will attend all parenting classes and complete the parenting program. She will notify the</p>	Kathy Price	No	Kathy Price	2/10/12

<p>Caseworker by February 28, 2012, with the date of the first parenting class. FAMILIES FOR TOMORROW, 333 AVENUE A, GREAT CITY, TEXAS 75000; xxx-xxx-xxxx. *** Ms. Price is responsible for calling to schedule her parenting classes by February 26, 2012. The Department will pay for this service.</p>				
<p>DRUG TESTING Ms. Price will, upon request by the Department, submit drug test samples within 24-hours of request. Ms. Price will participate in a Drug and Alcohol Assessment at PRONTO! LABS. She will contact and make an assessment appointment by February 26, 2012. She will follow all recommendations of the assessment. She will notify the Caseworker by February 28, 2012 of the date and time of the appointment. PRONTO! LABS, 777 AVENUE A, GREAT CITY, TEXAS 75000; xxx-xxx-xxxx. *** Ms. Price is responsible for calling to schedule her drug and alcohol assessment by February 26, 2012. The Department will pay for this service.</p>	Kathy Price	No	Kathy Price	2/10/12
<p>SUBSTANCE ABUSE TREATMENT If recommended by the drug and alcohol assessment, Ms. Price will schedule for and participate in a substance abuse treatment program at ALAMO SUBSTANCE ABUSE SERVICES. She will make an appointment by February 26, 2012. She will notify the Caseworker by February 28, 2012 of the date and time of the appointment. ALAMO SUBSTANCE ABUSE SERVICES, 999 AVENUE A, GREAT CITY, TEXAS 75000; xxx-xxx-xxxx. *** Ms. Price is responsible for calling to schedule her drug and alcohol treatment by February 26, 2012. The Department will pay for this service.</p>	Kathy Price	No	Kathy Price	2/10/12

Status Hearing

At the time of the *Harris-Price* Status Hearing, the case appears to be progressing well. The Family Service Plan has been completed and filed. Kathy Price is largely compliant with the service plan, and has attended 75% of all scheduled visits. Regarding the missed visits, Ms. Price reports transportation issues.

At the Status Hearing, the Children's Attorney requests that a Guardian Ad Litem (CASA) be appointed in the case. Since the children are in separate placements, and Ben Harris strongly desires to return living with his mother while Robert Price is adjusting very well to living with his father, the Children's Attorney no longer feels it is appropriate to serve in the dual AAL/GAL role, and requests a CASA to assist the Court in determining the best interest of the children.

ICWA should be considered at the outset of every case because the standards of proof are different for every stage. If the ICWA applies, the requirements are as follows:

For Foster Care Placement - Clear and convincing evidence including qualified expert testimony that continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child; and active efforts to provide remedial and rehabilitative services to prevent the breakup of the Indian family were made but proved unsuccessful.

For Termination of Parental Rights - Evidence beyond a reasonable doubt including qualified expert testimony that continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child; and active efforts to provide remedial and rehabilitative services to prevent the breakup of the Indian family were made but proved unsuccessful.

25 U.S.C. §1912(d) and 25 U.S.C. §1912(f).

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499TH JUDICIAL
CHILDREN	§	DISTRICT

STATUS REPORT TO THE COURT

COMES NOW PETITIONER, Texas Department of Family and Protective Services ("the Department") represented by Teresa Greenburg, Child Protective Services Specialist II, and presents this progress report to the Court for hearing set on February 27, 2012 at 9:00 a.m.

I. SUBJECT CHILDREN

Name: Ben Harris	Sex: Male	Age: 13	Date of Birth: 10/31/1998	Place of Birth: Great City, Texas USA
Name of Current School: Great City Middle School			Initial Placement Date: 1/1/2012	
Current Placement Type: Relative Placement	Date of Current Placement: 1/10/12		County of Current Placement San Gabriel County	
Native American Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible American Indian child status. <input type="checkbox"/> Child's possible American Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's American Indian child status denied by Kathy Price and Carol Hill. <input type="checkbox"/> American Indian child status confirmed by Name Tribe.				

Name: Robert Price	Sex: Male	Age: 8	Date of Birth: 5/10/2003	Place of Birth: Great City, Texas USA
Name of Current School: Great City Elementary			Initial Placement Date: 1/1/2012	
Current Placement Type: Noncustodial Parent	Date of Current Placement: 1/10/12		County of Current Placement San Gabriel County	
Native American Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible American Indian child status. <input type="checkbox"/> Child's possible American Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's American Indian child status denied by Kathy Price, Ernie Price, and Carol Hill. <input type="checkbox"/> American Indian child status confirmed by Name Tribe.				

Name: Rose Price	Sex: Female	Age: 1	Date of Birth: 3/28/2011	Place of Birth: Great City, Texas USA
Name of Current School: Not Applicable			Initial Placement Date: 1/1/2012	
Current Placement Type: Substitute Care- Foster Placement	Date of Current Placement: 1/1/2012		County of Current Placement San Gabriel County	
Native American Child Status:				
<input type="checkbox"/> No parent/ relative interviewed yet about possible American Indian child status.				
<input type="checkbox"/> Child's possible American Indian child status reported by name each parent, relative, other, and is yet to be determined.				
<input checked="" type="checkbox"/> Child's American Indian child status denied by Kathy Price and Carol Hill.				
<input type="checkbox"/> American Indian child status confirmed by Name Tribe.				

II. PERSONS ENTITLED TO NOTICE OF THE HEARING

Kathy Price
Respondent Mother
123 Broadway
Great City, Texas 75000

Mother's Attorney
Attorney for Mother
554 Main Street
Great City, Texas 75000

Children's Attorney
Attorney Ad Litem for the Children
555 Main Street
Great City, Texas 75000

Norma Jackson
Guardian Ad Litem for the Children
553 Main Street
Great City, Texas 75000

Jason Harris
Respondent Father of Ben Harris
Route 4 County Road 28
Merry City, Texas 75010

Ernie Price
Respondent Father of Robert Price
1414 Main Street
Great City, Texas 75000

Father Ernie Price's Attorney
Attorney for Father, Ernie Price
551 Main Street
Great City, Texas 75000

Department's Attorney
Assistant District Attorney
Attorney for the Petitioner
P.O. Box 7777
Great City, Texas 75000

Unknown Father of Rose Price's
Attorney
555 Main Street
Great City, Texas 75000

III. CURRENT LEGAL STATUS

- A. The Department was appointed Temporary Managing Conservator of Ben Harris, Robert Price, and Rose Price on January 1, 2012.

IV. SERVICE OF PROCESS

PARENT	DATE OF SERVICE	METHOD OF SERVICE	IF PARENT HAS NOT BEEN SERVED, DESCRIBE THE EFFORTS MADE TO SERVE THE PARENT.
Kathy Price	1/3/2012	Served by Constable	
Jason Harris	1/5/2012	Served by Constable	
Ernie Price	1/3/2012	Served by Constable	
Unknown Father of Rose Price	Not yet served.		Ms. Price and other family members have not identified the father of Rose Price. Caseworker has requested names of potential fathers and birth certificate records.

V. DUE DILIGENCE TO LOCATE ALL PARTIES ENTITLED TO CITATION

- A. Parental Cooperation
Ms. Price continues to state that she is unaware of who the father of Rose Price is, and has not provided names of potential fathers.
- B. The Department's Efforts to Locate Missing Parents
Caseworker has requested to examine a birth certificate from the Department of State Health Services and is also awaiting a response from the Paternity Registry regarding identification of any potential father of Rose Price.

VI. NOTIFICATION OF RELATIVES

- A. DFPS Efforts
Caseworker continues to have contact with the placement caregiver of Ben Harris and maternal aunt of the children, Carol Hill. Caseworker is also in contact with the paternal grandmother of Robert Price, Anita Dashee, who lives in the same home that Robert Price is placed in, with his father Ernie Price.
- B. Individuals Identified, Located and/or Notified
Caseworker has notified Carol Hill and Anita Dashee, consistent with the Caregiver Resources Form completed by Kathy Price. Caseworker sent a Notification of Removal Letter to Carol Hill and Anita Dashee on January 20, 2012. The unknown father of Rose Price has not been identified, located, or sent a Notification of Removal Letter.

VII. FAMILY PLAN OF SERVICE

CPS Requests that the Court make the Service Plan for Kathy Price an order of the Court.

VIII. SUMMARY OF CHILD’S MEDICAL STATUS

CHILD	SEX	DATE OF BIRTH	RACE/ETHNICITY AS IDENTIFIED BY PARENT AND/OR CHILD
Ben Harris	Male	10/31/98	White and Black or African American

A. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 1/30/2012
- ii. Child's Weight (in lbs.): 125
- iii. Height: 5’4”
- iv. Date of last vision exam: 1/30/2012
- v. Current Medical concerns/recommendations:

Ben has been prescribed and is currently taking medication for ADHD and difficulty in controlling behaviors. Ben also uses an inhaler as needed for asthma.

b) Dental

- i. Date of last dental: 2/15/2012
- ii. Current Dental concerns/recommendations:
No concerns.

c) Psychological

- i. Therapy
Therapist: Tim Terry
Therapy Type: Individual
Dates/Frequency: Ben has been scheduled for weekly individual therapy that will begin next week, March 2012.

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
2/20/12	Dr. Pete Psychiatrist	ADHD; Major Depression	Medication management and weekly therapy to address behavior, grief, and trauma concerns.

d) Medication

MEDICATION	DOSAGE	CONDITION / DIAGNOSIS	SYMPTOM BEING TREATED	LAST MED REVIEW	PRESCRIBING PHYSICIAN
Concerta Prozac	50 mg/day, increasing to 72 mg/day 20 mg/day, increasing to 40 mg/day	ADHD Major Depression	Difficulty in school and at home with focus and organizing himself	2/20/12	Dr. Pete Psychiatrist
Inhaler	Two Puffs as Needed	Asthma	Difficulty Breathing	1/30/12	Great City Medicaid Clinic

CHILD	SEX	DATE OF BIRTH	RACE/ETHNICITY AS IDENTIFIED BY PARENT AND/OR CHILD
Robert Price	Male	5/10/03	White and Black or African American

A. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 1/30/12
- ii. Child's Weight (in lbs.): 60
- iii. Height: 4'2"
- iv. Date of last vision exam: 1/30/12
- v. Current Medical concerns/recommendations:
None.

b) Dental

- i. Date of last dental: 2/15/12
- ii. Current Dental concerns/recommendations:
Robert had 8 cavities filled at his dental appointment and was educated about the importance of improving his dental hygiene. The Department has discussed this issue with Mr. Ernie Price, who is reportedly monitoring better dental habits at home.

c) Psychological

- i. Therapy

Therapist: Tim Terry
 Therapy Type: Individual
 Dates/Frequency: Robert has been scheduled for weekly individual therapy that will begin next week, March 2012.

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
2/20/12	Dr. Peter Psychiatrist	Child Victim of Abuse/Neglect	Therapy as needed to address any concerns of trauma and grief.

d) Medication

MEDICATION	DOSAGE	CONDITION/DIAGNOSIS	SYMPTOM BEING TREATED	LAST MED REVIEW	PRESCRIBING PHYSICIAN
None					

CHILD	SEX	DATE OF BIRTH	RACE/ETHNICITY AS IDENTIFIED BY PARENT AND/OR CHILD
Rose Price	Female	3/28/11	White and Black or African American

A. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 1/30/12
- ii. Child's Weight (in lbs.): 19
- iii. Height: 27.5"
- iv. Date of last vision exam: 1/30/12
- v. Current Medical concerns/recommendations:
Continue diaper rash ointment as needed.

b) Dental

- i. Date of last dental: Not Applicable.
- ii. Current Dental concerns/recommendations:
No concerns.

c) Psychological

- i. Therapy
Therapist: Not Applicable.
Therapy Type:
Dates/Frequency:

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
Not Applicable.			

d) Medication

MEDICATION	DOSAGE	CONDITION/ DIAGNOSIS	SYMPTOM BEING TREATED	LAST MED REVIEW	PRESCRIBING PHYSICIAN
OTC Diaper Rash Ointment	As Needed	Diaper Rash	Rash	2/20/12	Great City Medicaid Clinic

IX. RECOMMENDATIONS:

Based on the information gathered to date and the Department's assessment of the family, it is respectfully recommended to the Court that:

1. The Texas Department of Family and Protective Services continue as Temporary Managing Conservatorship of the subject children;
2. That the children's current placements be continued and approved;
3. That a Permanency Review hearing be held in two months.
4. That the recommendations listed above be made the order of the court
5. That the Family Plan of Service be made an order of the court.

Respectfully submitted:

Teresa Greenburg
Child Protective Services Specialist
Date: February 20, 2012

Approved by:

Susan Staples
Child Protective Services Supervisor
Date: February 20, 2012

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499TH JUDICIAL
CHILDREN	§	DISTRICT

STATUS HEARING ORDER

On February 27, 2012, a Status Hearing was held pursuant to Subchapter C, Chapter 263, Texas Family Code.

Appearances

Appeared	Did	Not
	Appear	
X	___	Teresa Greenburg, CASEWORKER, TDFPS CVS Caseworker;
X	___	Susan Staples, SUPERVISOR, TDFPS CVS Supervisor;
X	___	Department's Attorney, Attorney for DFPS;
X	___	Children's Attorney, Attorney Ad Litem for the Children;
X	___	Kathy Price, Respondent Mother;
___	X	Jason Harris, Respondent Presumed Father;
X	___	Ernie Price, Respondent Presumed Father.

Other Appearances: Carol Hill, maternal aunt of the children; Anita Dashee, paternal grandmother of Robert Price.

Findings

The Court, having reviewed the pleadings, and considered all evidence and information required by law, including all service plans filed by the Department, finds that all necessary prerequisites of the law have been satisfied, and that this Court has jurisdiction over this cause.

The Court finds that all parties entitled to citation and notice have been served, except as specifically set out below.

The Court finds that **UNKNOWN FATHER OF ROSE PRICE** although entitled to notice of this hearing, was not served. The Court finds that the Department has not exercised due diligence to locate this respondent.

- 2.4. The Court finds that **KATHY PRICE has** been served in this cause.
The Court finds that **JASON HARRIS has** been served in this cause.
The Court finds that **ERNIE PRICE has** been served in this cause.
The Court finds that the **UNKNOWN FATHER OF ROSE PRICE has not** been served in this cause.
- 2.5. The Court finds that **KATHY PRICE** the parent of **Rose Price** the subject of this suit, is before the Court. The Court further finds that **KATHY PRICE has not** furnished to the Department all available information necessary to locate **FATHER OF ROSE**.
- 2.6. The Court, having reviewed the report filed under § 263.007, finds that the Department's efforts **have** been sufficient to identify, locate, and provide information to each adult described in § 262.1095(a).
- 2.7. The Court, having reviewed the service plans filed by the Department, finds, except as specifically noted below, that the service plans are developed with participation of the Children's parents and the representative of the Department.
- 2.8. The Court finds that the goal of the service plans is to return the children to the Parents, and the plans adequately ensure that reasonable efforts are being made to enable the Parents to provide a safe environment for the Children.
- 2.9. The Court finds the plans are reasonably tailored to address any specific issues identified by the Department.
- 2.10. The Court finds that the Children's parents and a representative of the Department has signed the plans.
- 2.11. The Court finds that **KATHY PRICE has** participated in the development of, reviewed, and understands the service plan and has been advised that unless she is willing and able to provide the Children with a safe environment, even with the assistance of a service plan, within the reasonable period of time specified in the plan, her parental and custodial duties and rights may be subject to restriction or to termination or the Children may not be returned to her.
- 2.12. The Court finds that **KATHY PRICE has** reviewed the service plans.
- 2.13. The Court finds that **KATHY PRICE has** signed the plan.
- 2.14. The Court finds that **ERNIE PRICE has** participated in the development of, reviewed, and understands the service plan and has been advised that unless he is willing and able to provide **Robert Price**, Child with a safe environment, even with the assistance of a service plan, within the

reasonable period of time specified in the plan, his parental and custodial duties and rights may be subject to restriction or to termination or the **Robert Price**, Child may not be returned to him.

- 2.15. The Court finds that **ERNIE PRICE has** reviewed the service plans.
- 2.16. The Court finds that **ERNIE PRICE has** signed the plan.
- 2.17. The Court finds that **JASON HARRIS has not** reviewed the service plans.
- 2.18. The Court finds that **JASON HARRIS has not** signed the plan.
- 2.19. The Court finds that **FATHER OF ROSE PRICE** is unknown and **has not** reviewed the service plans.
- 2.20. The Court finds that **FATHER OF ROSE PRICE has not** signed the plan.
- 2.21. The Court finds that Respondent Mother, **KATHY PRICE, has** completed the Child Placement Resources Form and filed it with the Court as required under § 261.307, Texas Family Code.
- 2.22. The Court finds that Respondent Father, **JASON HARRIS, has not** completed the Child Placement Resources Form and filed it with the Court as required under § 261.307, Texas Family Code.
- 2.23. The Court finds that Respondent Father, **ERNIE PRICE, has** completed the Child Placement Resources Form and filed it with the Court as required under § 261.307, Texas Family Code.
- 2.24. The Court finds that **UNKNOWN FATHER OF ROSE PRICE, has not** completed the Child Placement Resources Form and filed it with the Court as required under § 261.307, Texas Family Code.
- 2.25. The Court has reviewed the summary of the medical care provided to the subject Children under Section 266.007, Texas Family Code.

Orders

IT IS ORDERED that, except as specifically modified by this order or any subsequent order, the plan of service for **KATHY PRICE** filed with the Court on February 10, 2012 or attached to this order and incorporated herein by reference as if the same were copied verbatim in this order, is **APPROVED** and made an **ORDER** of this Court.

IT IS ORDERED that all previous orders issued by this Court shall continue in full force and effect subject to the following modifications:

IT IS ORDERED that CASA is appointed as Guardian Ad Litem for the subject children, Ben Harris, Robert Price, and Rose Price.

IT IS ORDERED that the following actions be taken to implement or require compliance with the service plans:

The Court advises the parents that progress under the service plan will be reviewed at all subsequent hearings, including a review of whether the parties have acquired or learned any specific skills or knowledge stated in the service plan.

IT IS ORDERED that, in addition to the rights and duties listed in § 153.371, Texas Family Code, the Department is authorized to consent to medical care for the subject Children, pursuant to § 266.004, Texas Family Code.

Notice of Permanency Hearing

IT IS ORDERED that the initial Permanency Hearing in this cause is hereby set for Friday, June 22, 2012 at 9:00 a.m., in the District Court of San Gabriel County, Texas 499th Judicial District in Great City, Texas.

Robert Hoffman
JUDGE PRESIDING

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499 TH JUDICIAL
CHILDREN	§	DISTRICT

ORDER CHANGING AAL/GAL TO CASA AS GAL

CAME ON FOR HEARING the above-styled and numbered cause. The Court having considered the pleadings, evidence, and argument of counsel, finds that all necessary prerequisites of law have been legally satisfied and that this Court has jurisdiction over the parties and subject matter of this cause. The Court finds that it would be in the best interest of the children to appoint CASA as Guardian ad Litem.

Therefore, pursuant to Texas Family Code §§ 107.001 and 107.031;

IT IS ORDERED that Children’s Attorney is continued as attorney ad litem and is removed as guardian ad litem for the children who are the subject of this suit.

IT IS FURTHER ORDERED that CASA of San Gabriel County is appointed as the guardian ad litem for the children who are the subject of this suit, with all of the powers and duties set forth in Texas Family Code § 107.002.

IT IS ORDERED that the Texas Department of Family and Protective Services shall release to the guardian ad litem copies of the agency’s case records of the children who are the subject of this suit.

IT IS ORDERED that the guardian ad litem shall have access to the medical, dental, educational, psychiatric and mental health records of the children to the same extent as a parent or managing conservator, including inspecting and copying any records and consulting with any provider of services to the children. **IT IS FURTHER ORDERED** that the guardian ad litem shall not disclose any confidential information received from any agency or individual, except to the Court and the other parties in this case, as is appropriate.

SIGNED this 27th day of February, 2012.

Robert Hofmann

JUDGE PRESIDING

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499TH JUDICIAL
CHILDREN	§	DISTRICT

ATTORNEY AD LITEM'S STATEMENT OF COMPLIANCE
WITH TEXAS FAMILY CODE § 107.004(d)(1)

In regard to the hearing on February 27, 2012, Children's Attorney, the Guardian ad Litem and Attorney ad Litem for all subject children in this cause has complied with Texas Family Code Section 107.004(d)(1) .

Respectfully submitted,

Children's Attorney
State Bar No. 12345678
Law Office of Children's Attorney
555 Main Street
Great City, Texas 75000
P: (987) 555-5555
F: (987) 444-4444
Attorney ad Litem for Subject Children

PERMANENCY HEARINGS

Permanency Hearings are held initially by day 180 in a CPS case, with a review hearing also held thereafter within 120 days following the last permanency hearing. At the Initial Permanency Hearing in the *Harris-Price* case, the Court is updated that Ms. Price's progress with services is mixed. In consideration of the current case progression, and the Department's remaining concern that the children may not be able to safely return to the care of Kathy Price by the case deadline, Mediation is requested and authorized by the Court.

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499TH JUDICIAL
CHILDREN	§	DISTRICT

PERMANENCY PLAN AND PROGRESS REPORT TO THE COURT

The Texas Department of Family and Protective Services ("the Department") represented by Teresa Greenburg presents this report regarding the permanency plan and the progress that has been made toward ensuring that a final order consistent with this plan is rendered for the children who are the subject of this suit. The court hearing is scheduled for June 22, 2012 at 9:00 a.m.

I. SUBJECT CHILDREN

Name: Ben Harris	Sex: Male	Age: 13	Date of Birth: 10/31/1998	Place of Birth: Great City, Texas USA
Name of Current School: Great City Middle School			Initial Placement Date: 1/1/2012	
Current Placement Type: Relative Placement	Date of Current Placement: 1/10/12		County of Current Placement San Gabriel County	
Native American Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible American Indian child status. <input type="checkbox"/> Child's possible American Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's American Indian child status denied by Kathy Price and Carol Hill. <input type="checkbox"/> American Indian child status confirmed by Name Tribe.				

Name: Robert Price	Sex: Male	Age: 8	Date of Birth: 5/10/2003	Place of Birth: Great City, Texas USA
Name of Current School: Great City Elementary			Initial Placement Date: 1/1/2012	
Current Placement Type: Noncustodial Parent	Date of Current Placement: 1/10/12		County of Current Placement San Gabriel County	
Native American Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible American Indian child status. <input type="checkbox"/> Child's possible American Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's American Indian child status denied by Kathy Price, Ernie Price, and Carol Hill.				

<input type="checkbox"/> American Indian child status confirmed by Name Tribe.
--

Name: Rose Price	Sex: Female	Age: 1	Date of Birth: 3/28/2011	Place of Birth: Great City, Texas USA
Name of Current School: Not Applicable			Initial Placement Date: 1/1/2012	
Current Placement Type: Substitute Care- Foster Placement	Date of Current Placement: 1/1/2012		County of Current Placement San Gabriel County	
Native American Child Status:				
<input type="checkbox"/> No parent/ relative interviewed yet about possible American Indian child status.				
<input type="checkbox"/> Child's possible American Indian child status reported by name each parent, relative, other, and is yet to be determined.				
<input checked="" type="checkbox"/> Child's American Indian child status denied by Kathy Price and Carol Hill.				
<input type="checkbox"/> American Indian child status confirmed by Name Tribe.				

II. PARTIES ENTITLED TO NOTICE OF THE HEARING

Kathy Price
Respondent Mother
123 Broadway
Great City, Texas 75000

Mother's Attorney
Attorney for Mother
554 Main Street
Great City, Texas 75000

Children's Attorney
Attorney Ad Litem for the Children
555 Main Street
Great City, Texas 75000

Norma Jackson
Guardian Ad Litem for the Children
553 Main Street
Great City, Texas 75000

Jason Harris
Respondent Father of Ben Harris
Route 4 County Road 28
Merry City, Texas 75010

Ernie Price
Respondent Father of Robert Price
1414 Main Street
Great City, Texas 75000

Father Ernie Price's Attorney
Attorney for Father, Ernie Price
551 Main Street
Great City, Texas 75000

Department's Attorney
Assistant District Attorney
Attorney for the Petitioner
P.O. Box 7777
Great City, Texas 75000

Unknown Father of Rose Price's
Attorney
555 Main Street
Great City, Texas 75000

III. SERVICE OF PROCESS

PARENT	DATE OF SERVICE	METHOD OF SERVICE	IF PARENT HAS NOT BEEN SERVED, DESCRIBE THE EFFORTS MADE TO SERVE THE PARENT.
Kathy Price	1/3/2012	Served by Constable	
Jason Harris	1/5/2012	Served by Constable	
Ernie Price	1/3/2012	Served by Constable	
Unknown Father of Rose Price	Not yet served.		Ms. Price and other family members have not identified the father of Rose Price. Caseworker has requested names of potential fathers and birth certificate records.

IV. DUE DILIGENCE TO LOCATE ALL PARTIES ENTITLED TO CITATION

A. Parental Cooperation

Ms. Price continues to state that she is unaware of who the father of Rose Price is, and has not provided names of potential fathers. Caseworker has requested names of potential fathers on January 1, 2012 and April 15, 2012, and Ms. Price did not provide names.

B. The Department's Efforts to Locate Missing Parents

Caseworker has examined a birth certificate received from the Health and Human Services Commission, and a response from the Paternity Registry regarding identification of any potential father of Rose Price. No potential fathers are listed on the birth certificate or registered with the Paternity Registry.

C. Notification of Relatives

Caseworker continues to have contact with the placement caregiver of Ben Harris and maternal aunt of the children, Carol Hill. Caseworker is also in contact with the paternal grandmother of Robert Price, Anita Dashee, who lives in the same home that Robert Price is placed in, with his father Ernie Price. Caseworker has notified Carol Hill and Anita Dashee, consistent with the Caregiver Resources Form completed by Kathy Price. Caseworker sent a Notification of Removal Letter to Carol Hill and Anita Dashee on January 20, 2012. The unknown father

of Rose Price has not been identified, located, or sent a Notification of Removal Letter.

V. CURRENT LEGAL STATUS

The Department was appointed Temporary Managing Conservator of Ben Harris, Robert Price, and Rose Price on January 1, 2012.

The Department recommends that:

- This suit be dismissed at this time.
- The Department recommends that this suit be continued and that a dismissal date of _____ be set for this suit.
- The Department recommends that this suit be continued and that the dismissal date of, January 7, 2013 already set for this suit remain in effect, as it is consistent with the recommended permanency plan.
- The Department recommends that this suit be continued and that the dismissal date of _____ set for this suit be reset to _____, due to extraordinary circumstances that make it necessary, and in the child's best interest, for the child to remain in the Department's conservatorship. The extraordinary circumstances includes: _____. This suit in this case select option been previously granted a date of dismissal extension.

VI. HISTORY OF FAMILIES INVOLVMENT WITH CHILD WELFARE:

A. Current Texas Department of Family and Protective Services Involvement:

DATE	ALLEGATION	VICTIM CHILD	DESIGNATED PERPETRATOR	DISPOSITION
1/1/12	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe
1/1/12	Neglectful Supervision	Robert Price	Kathy Price	Reason to Believe
1/1/12	Neglectful Supervision	Rose Price	Kathy Price	Reason to Believe
1/1/12	Medical Neglect	Ben Harris	Kathy Price	Reason to Believe
1/1/12	Physical Abuse	Rose Price	Kathy Price	Unable to Determine

B. History of Involvement with DFPS and Other Child Welfare Agencies

DATE	ALLEGATION	VICTIM CHILD	DESIGNATED PERPETRATOR	DISPOSITION	AGENCY/STATE
3/1/10	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe	DFPS/Texas
3/1/10	Neglectful Supervision	Robert Price	Kathy Price	Reason to Believe	DFPS/Texas
12/15/06	Neglectful Supervision	Ben Harris	Kathy Price	Ruled Out	DFPS/Texas

12/15/06	Neglectful Supervision	Robert Price	Kathy Price	Ruled Out	DFPS/Texas
1/2/02	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe	DFPS/Texas
6/1/00	Neglectful Supervision	Ben Harris	Kathy Price	Unable to Determine	DFPS/Texas
	Physical Abuse	Ben Harris	Kathy Price	Ruled Out	DFPS/Texas

VII. SUMMARY OF CASE SINCE LAST COURT REVIEW

A. Well-Being of the Child

CHILD	SEX	DATE OF BIRTH	RACE/ETHNICITY AS IDENTIFIED BY PARENT AND/OR CHILD
Ben Harris	Male	10/31/98	White and Black or African American

1. Description of Child

Ben Harris is an intelligent and thoughtful child. He continues to do well in his current relative placement with Carol Hill (maternal aunt). His academic performance continues to improve, and his progress continues to get closer to grade-level. Currently, Ben’s math scores are at grade-level, while his reading and comprehension are two grade-levels behind.

Ben is a caring young man, and expresses concern for his mother, brother, and sister in each communication with this caseworker. He continues to work on anger management control with his therapist and receives medication. Ms. Hill describes his behaviors as improving, but still resulting in outbursts and displays of occasional violence towards property. Ms. Hill reports that behaviors worsen on the day before, of, and after visits with Ben’s mother, Kathy Price. Ms. Hill reports that missed visits with Ms. Price tend to result in particularly worse behaviors.

2. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 1/30/2012
- ii. Child's Weight (in lbs.): 125
- iii. Height: 5’4”
- iv. Date of last vision exam: 1/30/2012
- v. Current Medical concerns/recommendations:

Ben continues to take medication for behavior management. Ben also uses an inhaler as needed for asthma.

b) Dental

- i. Date of last dental: 2/15/2012
- ii. Current Dental concerns/recommendations:
No concerns.

c) Psychological

i. Therapy

Therapist: Tim Terry

Therapy Type: Individual

Dates/Frequency: Weekly beginning in March

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
2/20/12	Dr. Pete Psychiatrist	ADHD; Major Depression	Medication management and weekly therapy to address behavior, grief, and trauma concerns.

d) Medication

MEDICATION	DOSAGE	CONDITION/DIAGNOSIS	SYMPTOM BEING TREATED	LAST MED REVIEW	PRESCRIBING PHYSICIAN
Concerta Prozac	72 mg/day 40 mg/day	ADHD Major Depression	Difficulty in school and at home with focus and organizing himself	2/25/12	Dr. Pete Psychiatrist
Inhaler	Two Puffs as Needed	Asthma	Difficulty Breathing	1/30/12	Great City Medicaid Clinic

e) Ben is working more effectively in his psychotherapy. Ben reports better success at school. Prozac will be re-evaluated and is likely to be tapered and discontinued following Ben's next appointment if he continues to improve.

3. Placement

DATE OF PLACEMENT	SERVICE LEVEL	TYPE OF PLACEMENT	REASON MOVED
1/10/12	Basic	Relative	Mother agreed to placement from shelter to maternal aunt.
1/1/12	Basic	Shelter	Removal from home.

4. Education

ENROLLMENT DATE	NAME OF SCHOOL	GRADE LEVEL	SCHOOL PERFORMANCE
1/3/12	Great City Middle School	7	At grade-level in Math; Deficient in Reading and Comprehension.

a) Significant Discipline Action

Ben has received In-School-Suspension twice since January 3, 2012, once for disrespect towards a teacher and once for punching a desk.

b) Supportive Educational Services and Special Education

Ben Harris receives weekly after-school tutoring in reading and comprehension. He receives additional reading time for assignments in-school as needed.

c) Other identified school issues

Ben's school reports previous attendance issues in Fall 2011, which are not reportedly a current issue.

5. Permanency Plan

The Primary Permanency Goal is Family Reunification. The Department continues to offer services and visitation to Ben Harris and Kathy Price in efforts to reunify the family.

The Concurrent Permanency Goal is PMC to a Relative. Ms. Hill has expressed her willingness to take conservatorship of Ben, if Kathy Price is unable to be reunified with Ben. Ms. Hill reports that she can only accommodate care for Ben, and is unable to be considered as a placement for Robert or Rose.

6. Transitional Living Services

Not Applicable.

7. Juvenile Justice Delinquency Activities

Not Applicable.

CHILD	SEX	DATE OF BIRTH	RACE/ETHNICITY AS IDENTIFIED BY PARENT AND/OR CHILD
Robert Price	Male	5/10/03	White and Black or African American

1. Description of Child

Robert is a happy and shy 8 year old boy. He continues to do well in the home of his father, Ernie Price and paternal grandmother, Anita Dashee. Robert enjoys playing with his younger half-brother who also lives in the home (and is not a part of this suit).

Robert's academic performance is at grade level, and he recently received a 3rd place prize in the science fair. He enjoys school and says that his favorite things to do at home are skateboard and read.

Robert reports that he misses his brother and sister and is glad when he sees his mother, Kathy Price, at visits.

2. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 1/30/12
- ii. Child's Weight (in lbs.): 60
- iii. Height: 4'2"
- iv. Date of last vision exam: 1/30/12
- v. Current Medical concerns/recommendations:
None.

b) Dental

- i. Date of last dental: 2/15/12
- ii. Current Dental concerns/recommendations:
Robert had 8 cavities filled at his dental appointment and was educated about the importance of improving his dental hygiene. The Department has discussed this issue with Mr. Ernie Price, who is reportedly monitoring better dental habits at home.

c) Psychological

- i. Therapy
Therapist: Tim Terry
Therapy Type: Individual
Dates/Frequency: Therapy was changed to a biweekly status at the request of Ernie Price and upon the agreed recommendation of Tim Terry.

- ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
2/20/12	Dr. Peter Psychiatrist	Child Victim of Abuse/Neglect	Therapy as needed to address any concerns of trauma and grief.

d) Medication

MEDICATION	DOSAGE	CONDITION/DIAGNOSIS	SYMPTOM BEING TREATED	LAST MED REVIEW	PRESCRIBING PHYSICIAN
None					

3. Placement

DATE OF PLACEMENT	SERVICE LEVEL	TYPE OF PLACEMENT	REASON MOVED
1/10/12	Basic	Noncustodial Parent	Mother and Father agreed to placement with Father, Ernie Price.
1/1/12	Basic	Shelter	Removal from home.

4. Education

ENROLLMENT DATE	NAME OF SCHOOL	GRADE LEVEL	SCHOOL PERFORMANCE
1/3/12	Great City Elementary School	4	At grade-level.

a) Significant Discipline Action

None.

b) Supportive Educational Services and Special Education

None.

c) Other identified school issues

None.

5. Permanency Plan

The Primary Permanency Goal is Family Reunification. The Department continues to offer services and visitation to Robert Price and Kathy Price in efforts to reunify the family.

The Concurrent Permanency Goal is PMC to Ernie Price. Mr. Price reports that he will accept permanent conservatorship of Robert if Ms. Price is unable to have him return to her care. Mr. Price reports that he is not able to offer a placement for Ben Harris or Rose Price.

6. Transitional Living Services

Not Applicable.

7. Juvenile Justice Delinquency Activities

Not Applicable.

CHILD	SEX	DATE OF BIRTH	RACE/ETHNICITY AS IDENTIFIED BY PARENT AND/OR CHILD
Rose Price	Female	3/28/11	White and Black or African American

1. Description of Child

Rose Price is a happy one year old girl. She is doing well in her current foster home placement. Rose can crawl and stand, waves “hi” and “bye”, and enjoys playing “peek-a-boo” with her foster parents. She is slightly developmentally behind, but her pediatrician reports this is not significant enough to be a strong concern.

Rose’s diaper rash has finally resolved after ongoing treatment by her foster parents and pediatrician.

Rose eats table foods and, while small for her age, is beginning to grow out of 9 month old clothing and into 1 year old clothing. Rose appears to be bonding with her foster parents.

2. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 1/30/12
- ii. Child's Weight (in lbs.): 19
- iii. Height: 27.5”
- iv. Date of last vision exam: 1/30/12
- v. Current Medical concerns/recommendations:
Continue diaper rash ointment as needed.

b) Dental

- i. Date of last dental: Not Applicable.
- ii. Current Dental concerns/recommendations:
No concerns.

c) Psychological

- i. Therapy
Therapist: Not Applicable.
Therapy Type:
Dates/Frequency:

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
Not Applicable.			

d) Medication

MEDICATION	DOSAGE	CONDITION/DIAGNOSIS	SYMPTOM BEING TREATED	LAST MED REVIEW	PRESCRIBING PHYSICIAN
OTC Diaper Rash Ointment	As Needed	Diaper Rash	Rash	2/20/12	Great City Medicaid Clinic

3. Placement

DATE OF PLACEMENT	SERVICE LEVEL	TYPE OF PLACEMENT	REASON MOVED
1/1/12	Basic	Substitute Care Foster Home	Removed from home.

4. Education

ENROLLMENT DATE	NAME OF SCHOOL	GRADE LEVEL	SCHOOL PERFORMANCE
Not Applicable.			

a) Significant Discipline Action

Not Applicable.

b) Supportive Educational Services and Special Education

Not Applicable.

c) Other identified school issues

Not Applicable.

5. Permanency Plan

The Primary Permanency Goal is Family Reunification. The Department continues to offer services and visitation to Rose Price and Kathy Price in efforts to reunify the family.

The Concurrent Permanency Goal is Unrelated Adoption. Rose is placed in a legal risk placement home, and her foster caregivers have expressed a willingness to adopt, should she become eligible.

6. Transitional Living Services

Not Applicable.

7. Juvenile Justice Delinquency Activities

Not Applicable.

B. Parental Progress

Kathy Price continues to make considerable progress with some of her services. She has completed a drug and alcohol assessment, and participates in treatment. However, she has also tested positive for marijuana use in three drug screenings, and admits to “occasional” use of alcohol. She has completed a psychological evaluation and participates in weekly therapy. She attends approximately 75% of her scheduled visits, but fails to provide notice or attempt to reschedule when she does not attend. Ms. Price has also not obtained employment. She reports that she is interested in the children returning home, but that she will no longer have her apartment after August and does not have housing lined up after. Ms. Price also reports that she is considering agreeing to permanent placement of Robert with Ernie Price (per request of Ernie Price), as he seems to be doing so well there.

The Department continues to be concerned about Ms. Price’s stability and sobriety that would be needed to sustain an appropriate home for the children to return to.

VIII. RECOMMENDATIONS:

The Department requests that Ms. Price be required to confirm her attendance at visitation 24 hours in advance and that if Ms. Price fails to do so, that the Department have the authority to cancel the scheduled visit.

The Department requests for mediation to be authorized in this case.

Based on the information gathered to date and the Department's assessment of the family, it is respectfully recommended to the Court that:

1. The Texas Department of Family and Protective Services continue as Temporary Managing Conservatorship of the subject children;
2. That current placement be continued and approved;
3. That a Permanency Review hearing be held in two months.
4. That the recommendations listed above be made the order of the court
5. That the Family Plan of Service be made an order of the court.

Respectfully submitted:

Teresa Greenburg

Child Protective Services Specialist

Date: June 12, 2012

Approved by:

Susan Staples

Child Protective Services Supervisor

Date: June 12, 2012

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499 TH JUDICIAL
CHILDREN	§	DISTRICT

PERMANENCY HEARING ORDER

On June 22, 2012, a permanency hearing was held pursuant to Subchapter D, Chapter 263, Texas Family Code, for review of the conservatorship appointment and the placement of the subject children.

Appearances

Appeared	Did Not Appear	
X	___	Teresa Greenburg, CASEWORKER, TDFPS CVS Caseworker;
X	___	Susan Staples, SUPERVISOR, TDFPS CVS Supervisor;
X	___	Department's Attorney, Attorney for DFPS;
X	___	Children's Attorney, Attorney Ad Litem for the Children;
X	___	Norma Jackson, CASA volunteer, Guardian Ad Litem for the Children;
X	___	Kathy Price, Respondent Mother;
X	___	Mother's Attorney, Attorney for Respondent Mother;
___	X	Jason Harris, Respondent Presumed Father;
X	___	Father Jason Harris's Attorney, Attorney for Respondent Presumed Father;
X	___	Ernie Price, Respondent Presumed Father;
X	___	Father Ernie Price's Attorney, Attorney for Respondent

		Presumed Father;
___	X	UNKNOWN FATHER OF ROSE PRICE, Alleged Father;
X	___	Attorney for Unknown Father of Rose

Other Appearances: Carol Hill, maternal aunt of the children; Anita Dashee, paternal grandmother of Robert Price.

Findings

The Court, having reviewed the pleadings and considered all evidence and information required by law, including all service plans and Permanency Progress Reports filed by the Department, finds that all necessary prerequisites of the law have been satisfied, that this Court has jurisdiction over this cause, and that the following orders are in the best interest of the children, the subject of this suit.

The Court has reviewed services plans, permanency reports and other information submitted to the Court to determine the safety of the children, the continuing necessity and appropriateness of the placement of each child, the extent of compliance with the case plan, the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the children may be returned to and safely maintained in the home or placed for adoption or in a permanent managing conservatorship, as applicable. The Court finds that the Department has made reasonable efforts, as identified in its service plans and/or Permanency Progress Reports, to finalize the permanency plan that is in effect for each child.

The Court finds that all persons entitled to notice under § 263.301, Texas Family Code, have been notified, except as specifically set out below.

The Court finds that **UNKNOWN FATHER OF ROSE PRICE** entitled to notice under § 263.301 and Chapter 102, Texas Family Code, has not been served in this cause, and therefore has not been notified. The Court has reviewed the Department’s efforts in attempting to locate said person and in requesting service of citation. The Court finds that the Department has exercised due diligence to locate this respondent, and that service of citation is not required under § 161.002 .

The Court finds that **Kathy Price has** been served in this cause.

The Court finds that **Jason Harris has** been served in this cause.

The Court finds that **Ernie Price has** been served in this cause.

The Court has evaluated the Department's efforts to identify relatives who could provide the children with a safe environment if the children are not returned to a parent or another person or entity entitled to service under Chapter 102, Texas Family Code and to obtain the assistance of each parent to provide information necessary to locate an absent parent, alleged father, or relative of the child. The Court has further reviewed the efforts of the parent, alleged father or relative before the Court in providing information necessary to locate another absent parent, alleged father or relative of the children pursuant to §263.306 (a) (3), Texas Family Code.

The Court has evaluated the parties' compliance with temporary orders and the service plan, and finds that:

Kathy Price has not demonstrated adequate and appropriate compliance with the service plan.

Jason Harris has not demonstrated adequate and appropriate compliance with the service plan.

Ernie Price has demonstrated adequate and appropriate compliance with the service plan.

The Court finds that no further plans, services or temporary orders other than as specified herein are necessary to ensure that a final order is rendered before the dismissal date of this suit.

The Court has reviewed the summary of the medical care provided to the foster children under § 266.007, Texas Family Code.

Placement and Services:

The Court finds that neither the child's parents nor any other person or entity entitled to service under Chapter 102, Texas Family Code is willing and able to provide the child **Rose Price** with a safe environment, and therefore return of the child to a parent or other person or entity is not in the child's best interest.

The Court finds that the child continues to need substitute care and the child's current placement is appropriate for the child's needs.

The Court finds that **Ernie Price** is willing and able to provide the child **Robert Price** with a safe environment and continued placement of the child with **Ernie Price** is in the child's best interest.

The Court finds that **Carol Hill**, maternal aunt, is willing and able to provide the child **Ben Harris** with a safe environment and continued placement of the child with **Carol Hill** is in the child's best interest.

The Court finds that no other plans or services are needed to meet the children's treatment, rehabilitation, or educational needs.

The Court finds that the following plans or services are needed to ensure that a final order is rendered before the date for dismissal of the suit:

Orders

IT IS THEREFORE ORDERED that the child **Rose Price** shall remain in the current placement.

IT IS THEREFORE ORDERED that the child **Robert Price** shall remain in the home of **Ernie Price**.

IT IS THEREFORE ORDERED that the child **Ben Harris** shall remain in the home of **Carol Hill**, and the Department shall continue to serve as temporary managing conservator of the child, shall monitor the placement to ensure that the child is in a safe environment, and shall, if circumstances indicate that the home is no longer a safe environment, remove the child **Ben Harris** from the home of **Carol Hill**.

IT IS ORDERED that, except as specifically modified by this order or any subsequent order, the plan of service for the KATHY PRICE filed with the Court on February 10, 2012 or attached to this order and incorporated herein by reference as if the same were copied verbatim in this order, is **APPROVED** and made an **ORDER** of the Court.

IT IS ORDERED that all previous orders issued by this Court shall continue in full force and effect subject to the following modifications:

- IT IS ORDERED that Mediation in the case is authorized.

- IT IS ORDERED that KATHY PRICE must confirm all visits with the subject children 24 hours in advance with the Caseworker. If confirmation is not received, the visit may be cancelled.

IT IS ORDERED that, in addition to the rights and duties listed in § 153.371, Texas Family Code, the Department is authorized to consent to medical care for the subject children, pursuant to § 266.004, Texas Family Code.

Order Retaining the Case on the Court's Docket

IT IS THEREFORE ORDERED, pursuant to § 263.401(c), Texas Family Code, that this suit shall be dismissed on the date indicated below, unless a final trial is commenced by that date, or the child is placed in or removed from a monitored placement pursuant to § 263.403 prior to that date.

Dismissal Date and Hearing Dates

Pursuant to § 263.306(13), Texas Family Code, the Court determines that the date for dismissal of this cause shall be **January 7, 2013**.

Pursuant to § 263.306(13), Texas Family Code, the Court determines that the next permanency hearing is set on **October 19, 2012** at 9:00 a.m. in the San Gabriel County Courthouse in San Gabriel, Texas.

Pursuant to § 263.306(13), Texas Family Code, the Court determines that this suit shall be and is hereby set for trial on **December 31, 2012**.

Robert Hofmann
JUDGE PRESIDING

Mediation

On the date of the *Harris-Price* mediation, Kathy Price agrees for her sister (Carol Hill) to obtain Permanent Managing Conservatorship over Ben Harris and for Ernie Price to obtain Permanent Managing Conservatorship over Robert Price. However, she remains adamant that Rose Price should be returned to her care. The Department is unable to agree to Rose Price returning home to Kathy Price, particularly due to her marijuana use, alcohol use, lack of stable housing, and Rose Price's vulnerability due to her young age. Two days after mediation, Kathy Price identifies Ryan Smith as the father of Rose Price.

Ryan Smith, who was incarcerated four months previously and is expected to serve up to nine years in prison, is contacted by the Department, and admits that he is the father of Rose Price. He reports that he is willing to work services while incarcerated, and that his mother, Anne Smith, is willing to serve as a placement for Rose Price until he is able to assume care upon release from prison. The Department does not approve Anne Smith as a current placement for Rose Price, after a background check shows Ms. Smith was convicted for a felony burglary charge six years ago. Despite this felony conviction, however, the CASA finds the home of Anne Smith to be appropriate and that she is a willing and appropriate caregiver. Kathy Price also opposes placement of Rose with Anne Smith, and requests Rose Price be returned to her care.

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499 TH JUDICIAL
CHILDREN	§	DISTRICT

ATTORNEY AD LITEM'S STATEMENT OF COMPLIANCE
WITH TEXAS FAMILY CODE § 107.004(d)(1)

In regard to the hearing on June 22, 2012, Children's Attorney, the Guardian ad Litem and Attorney ad Litem for all subject children in this cause has complied with Texas Family Code Section 107.004(d)(1).

Respectfully submitted,

Children's Attorney
State Bar No. 12345678
Law Office of Children's Attorney
555 Main Street
Great City, Texas 75000
P: (987) 555-5555
F: (987) 444-4444
Attorney ad Litem for Subject Children

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499 TH JUDICIAL
CHILDREN	§	DISTRICT

RESPONDENT FATHER, RYAN SMITH'S
ANSWER AND GENERAL DENIAL

TO THE HONORABLE COURT:

A. *Original Answer*

A.1 *Denial of Allegations*

RYAN SMITH, Respondent Father, enters a general denial pursuant Texas Rules of Civil Procedure 92.

A.2 *Attorney's Fees, Expenses, Costs, and Interest*

It was necessary for Respondent RYAN SMITH to be represented by a licensed attorney qualified, pursuant to the local rules of San Gabriel County, to represent parents in cases filed by the Texas Department of Family and Protective Services.

Respondent Father, RYAN SMITH, is requesting that San Gabriel County, pursuant to Texas Family Code Section 107.013 pay all reasonable attorney fees and allowed expenses and costs through trial incurred by the attorney appointed to represent the Respondent Father RYAN SMITH out of the funds designated to do so.

A.3 *Prayer*

Respondent prays that all relief prayed for by Petitioner, the Texas Department of Family and Protective Services be denied and the Respondent Father, RYAN SMITH, be granted all appropriate relief requested.

Respondent prays for attorney's fees, expenses, and costs.

Respondent prays for general relief.

Respectfully submitted,

Ryan Smith's Attorney
State Bar No. 00678910
Law Office of Ryan Smith's Attorney
555 Main Street
Great City, Texas 75000
P: (987) 555-4555
F: (987) 444-5666
Attorney for Respondent Father, RYAN
SMITH

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on the following persons in accordance with the Texas Rules of Civil Procedure on July 1, 2012.

Department's Attorney

VIA FACSIMILE

Assistant District Attorney

Attorney for Jason Harris

VIA FACSIMILE

Respondent Father

Attorney for Ernie Price

VIA FACSIMILE

Respondent Father

Attorney for Kathy Price

VIA FACSIMILE

Respondent Mother

Children's Attorney

VIA FACSIMILE

Attorney ad Litem

CASA

VIA FACSIMILE

Guardian ad Litem

Ryan Smith's Attorney

Attorney for Respondent Father, RYAN SMITH

SECOND PERMANENCY HEARING

This Second Permanency Hearing documents a shift in the case. The Department has held a Permanency Conference and has subsequently changed the Permanency Plan in accordance with its policies to placement of Ben Harris with his Maternal Aunt, Carol Hill; placement of Robert Price with his Father, Ernie Price, and is moving forward to pursue termination of Kathy Price's parental rights as to the youngest child, Rose Price.

Assume that the Department is able to secure a court order at the end of this Second Permanency Hearing setting the case for Termination of Parental Rights. Since this Second Permanency Hearing is 120 days after the prior Permanency Hearing, the parties are two months away from the one-year case deadline.

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499TH JUDICIAL
CHILDREN	§	DISTRICT

SECOND PERMANENCY PLAN AND PROGRESS REPORT TO THE COURT

The Texas Department of Family and Protective Services ("the Department") represented by Teresa Greenburg presents this report regarding the permanency plan and the progress that has been made toward ensuring that a final order consistent with this plan is rendered for the children who are the subject of this suit. The court hearing is scheduled for October 19, 2012 at 9:00 a.m.

I. SUBJECT CHILDREN

Name: Ben Harris	Sex: Male	Age: 13	Date of Birth: 10/31/1998	Place of Birth: Great City, Texas USA
Name of Current School: Great City Middle School			Initial Placement Date: 1/1/2012	
Current Placement Type: Relative Placement	Date of Current Placement: 1/10/12		County of Current Placement San Gabriel County	
Native American Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible American Indian child status. <input type="checkbox"/> Child's possible American Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's American Indian child status denied by Kathy Price and Carol Hill. <input type="checkbox"/> American Indian child status confirmed by Name Tribe.				

Name: Robert Price	Sex: Male	Age: 9	Date of Birth: 5/10/2003	Place of Birth: Great City, Texas USA
Name of Current School: Great City Elementary			Initial Placement Date: 1/1/2012	
Current Placement Type: Noncustodial Parent	Date of Current Placement: 1/10/12		County of Current Placement San Gabriel County	
Native American Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible American Indian child status. <input type="checkbox"/> Child's possible American Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's American Indian child status denied by Kathy Price, Ernie Price, and Carol Hill.				

<input type="checkbox"/> American Indian child status confirmed by Name Tribe.
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Name: Rose Price	Sex: Female	Age: 1	Date of Birth: 3/28/2011	Place of Birth: Great City, Texas USA
Name of Current School: Not Applicable			Initial Placement Date: 1/1/2012	
Current Placement Type: Substitute Care- Foster Placement	Date of Current Placement: 1/1/2012		County of Current Placement San Gabriel County	
Native American Child Status:				
<input type="checkbox"/> No parent/ relative interviewed yet about possible American Indian child status.				
<input type="checkbox"/> Child's possible American Indian child status reported by name each parent, relative, other, and is yet to be determined.				
<input checked="" type="checkbox"/> Child's American Indian child status denied by Kathy Price and Carol Hill.				
<input type="checkbox"/> American Indian child status confirmed by Name Tribe.				

II. PARTIES ENTITLED TO NOTICE OF THE HEARING

Kathy Price
Respondent Mother
123 Broadway
Great City, Texas 75000

Mother's Attorney
Attorney for Mother
554 Main Street
Great City, Texas 75000

Children's Attorney
Attorney Ad Litem for the Children
555 Main Street
Great City, Texas 75000

Norma Jackson
Guardian Ad Litem for the Children
553 Main Street
Great City, Texas 75000

Jason Harris
Respondent Father of Ben Harris
Route 4 County Road 28
Merry City, Texas 75010

Father Jason Harris' Attorney
Attorney for Father, Jason Harris
555 Main Street
Great City, Texas 75000

Ernie Price
Respondent Father of Robert Price
1414 Main Street

Father Ernie Price's Attorney
Attorney for Father, Ernie Price
551 Main Street

Great City, Texas 75000

Department's Attorney
Assistant District Attorney
Attorney for the Petitioner
P.O. Box 7777
Great City, Texas 75000

Great City, Texas 75000

Father Ryan Smith's Attorney
Attorney for Father, Ryan Smith
556 Main Street
Great City, Texas 75000

III. SERVICE OF PROCESS

PARENT	DATE OF SERVICE	METHOD OF SERVICE	IF PARENT HAS NOT BEEN SERVED, DESCRIBE THE EFFORTS MADE TO SERVE THE PARENT.
Kathy Price	1/3/2012	Served by Constable	
Jason Harris	1/5/2012	Served by Constable	
Ernie Price	1/3/2012	Served by Constable	
Ryan Smith	9/19/2012	Served by Constable	

IV. DUE DILIGENCE TO LOCATE ALL PARTIES ENTITLED TO CITATION

B. Parental Cooperation

Two days after mediation, Ms. Price revealed the identity of the father of Rose Price as Mr. Ryan Smith. This followed caseworker's repeated requests for names of potential fathers on January 1, 2012 and April 15, 2012, as well as during in-person conversations with Ms. Price.

B. The Department's Efforts to Locate Missing Parents

Caseworker initiated service of process on Mr. Smith immediately. Mr. Smith was served on September 19, 2012.

C. Notification of Relatives

Caseworker continues to have contact with the placement caregiver of Ben Harris and maternal aunt of the children, Carol Hill. Caseworker is also in contact with the paternal grandmother of Robert Price, Anita Dashee, who lives in the same home that Robert Price is placed in, with his father Ernie Price. Caseworker has notified Carol Hill and Anita Dashee, consistent with the Caregiver Resources Form completed by Kathy Price. Caseworker sent a Notification of Removal Letter to Carol Hill and Anita Dashee on January 20, 2012. The unknown father of Rose Price has not been identified, located, or sent a Notification of Removal Letter.

V. CURRENT LEGAL STATUS

The Department was appointed Temporary Managing Conservator of Ben Harris, Robert Price, and Rose Price on January 1, 2012.

The Department recommends that:

- This suit be dismissed at this time.
- The Department recommends that this suit be continued and that a dismissal date of _____ be set for this suit.
- The Department recommends that this suit be set for final trial on the merits and that the dismissal date of, January 7, 2013 already set for this suit remain in effect, as it is consistent with the newly revised, recommended permanency plan.
- The Department recommends that this suit be continued and that the dismissal date of _____ set for this suit be reset to _____, due to extraordinary circumstances that make it necessary, and in the child's best interest, for the child to remain in the Department's conservatorship. The extraordinary circumstances includes: _____. This suit in this case select option been previously granted a date of dismissal extension.

VI. HISTORY OF FAMILIES INVOLVMENT WITH CHILD WELFARE:

A. Current Texas Department of Family and Protective Services Involvement:

DATE	ALLEGATION	VICTIM CHILD	DESIGNATED PERPETRATOR	DISPOSITION
1/1/12	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe
1/1/12	Neglectful Supervision	Robert Price	Kathy Price	Reason to Believe
1/1/12	Neglectful Supervision	Rose Price	Kathy Price	Reason to Believe
1/1/12	Medical Neglect	Ben Harris	Kathy Price	Reason to Believe
1/1/12	Physical Abuse	Rose Price	Kathy Price	Unable to Determine

B. History of Involvement with DFPS and Other Child Welfare Agencies

DATE	ALLEGATION	VICTIM CHILD	DESIGNATED PERPETRATOR	DISPOSITION	AGENCY/STATE
3/1/10	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe	DFPS/Texas
3/1/10	Neglectful Supervision	Robert Price	Kathy Price	Reason to Believe	DFPS/Texas
12/15/06	Neglectful Supervision	Ben Harris	Kathy Price	Ruled Out	DFPS/Texas
12/15/06	Neglectful Supervision	Robert Price	Kathy Price	Ruled Out	DFPS/Texas
1/2/02	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe	DFPS/Texas
6/1/00	Neglectful Supervision	Ben Harris	Kathy Price	Unable to Determine	DFPS/Texas
6/1/00	Physical Abuse	Ben Harris	Kathy Price	Ruled Out	DFPS/Texas

VII. SUMMARY OF CASE SINCE LAST COURT REVIEW

A. Well-Being of the Child

CHILD	SEX	DATE OF BIRTH	RACE/ETHNICITY AS IDENTIFIED BY PARENT AND/OR CHILD
Ben Harris	Male	10/31/98	White and Black or African American

2. Description of Child

Ben Harris is an intelligent and thoughtful child. He continues to do well in his current relative placement with Carol Hill (maternal aunt). His academic performance continues to improve and his progress continues to get closer to grade-level. Currently, Ben's math scores are at grade-level, but he will need extensive tutoring in reading and comprehension.

Ben is a caring young man, and expresses concern for his mother, brother, and sister in each communication with this caseworker. He continues to work on anger management control with his therapist and receives medication, although the dosages are being lowered under his psychiatrist's supervision. Ms. Hill describes his behaviors as improving, but still resulting in outbursts and displays of occasional violence towards property. Ms. Hill reports that behaviors worsen on the day before, of, and after visits with Ben's mother, Kathy Price. Ms. Hill reports that missed visits with Ms. Price tend to result in particularly worse behaviors.

2. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 1/30/2012
- ii. Child's Weight (in lbs.): 125
- iii. Height: 5'4"
- iv. Date of last vision exam: 1/30/2012
- v. Current Medical concerns/recommendations:

Ben continues to take medication for behavior management. Ben also uses an inhaler as needed for asthma.

b) Dental

- i. Date of last dental: 2/15/2012
- ii. Current Dental concerns/recommendations:
No concerns.

c) Psychological

- i. Therapy
Therapist: Tim Terry
Therapy Type: Individual
Dates/Frequency: Weekly beginning in March

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
2/20/12	Dr. Pete Psychiatrist	ADHD;	Medication management

		Major Depression	and weekly therapy to address behavior, grief, and trauma concerns.
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d) Medication

MEDICATION	DOSAGE	CONDITION/DIAGNOSIS	SYMPTOM BEING TREATED	LAST MED REVIEW	PRESCRIBING PHYSICIAN
Concerta Prozac	72 mg/day 40 mg/day	ADHD Major Depression	Difficulty in school and at home with focus and organizing himself	2/25/12	Dr. Pete Psychiatrist
Inhaler	Two Puffs as Needed	Asthma	Difficulty Breathing	1/30/12	Great City Medicaid Clinic

e) Ben is working more effectively in his psychotherapy. Ben reports better success at school. Prozac will be re-evaluated and is likely to be tapered and discontinued following Ben's next appointment if he continues to improve.

3. Placement

DATE OF PLACEMENT	SERVICE LEVEL	TYPE OF PLACEMENT	REASON MOVED
1/10/12	Basic	Relative	Mother agreed to placement from shelter to maternal aunt.
1/1/12	Basic	Shelter	Removal from home.

4. Education

ENROLLMENT DATE	NAME OF SCHOOL	GRADE LEVEL	SCHOOL PERFORMANCE
1/3/12	Great City Middle School	7	At grade-level in Math; Deficient in Reading and Comprehension.

a) Significant Discipline Action

Prior to the first Permanency Hearing, Ben received In-School Suspension twice, once for disrespect towards a teacher and once for punching a desk. Since the last Permanency Hearing, the caseworker, Ms. Hill, and Ben have worked with the school to establish a personal behavioral intervention plan to avoid any more out of classroom placements due to disciplinary actions.

b) Supportive Educational Services and Special Education

Ben Harris receives weekly after-school tutoring in reading and comprehension. According to his teacher, these hours will need to be increased if Ben is to continue to improve in these areas. He receives additional reading time for assignments in-school as needed. Ms. Hill is working closely with the school to make sure Ben is receiving the educational supports he needs.

c) Other identified school issues

Ben’s school reports previous attendance issues in Fall 2011, which are not reportedly a current issue.

5. Permanency Plan

The Primary Permanency Goal has changed from Family Reunification to Permanent Managing Conservatorship to a Relative (Kathy Price’s sister, Carol Hill). The Department will continue to offer services to Ben Harris and support visitation between Ben Harris and Kathy Price until such time as a final order is entered regarding the permanent managing conservatorship of Ben Harris.

Ms. Hill has expressed her willingness to take conservatorship of Ben if Kathy Price is unable to be reunified with him. Ms. Hill reports that she can only accommodate care for Ben and is unable to be considered as a placement for Robert or Rose.

6. Transitional Living Services

Not Applicable.

7. Juvenile Justice Delinquency Activities

Not Applicable.

CHILD	SEX	DATE OF BIRTH	RACE/ETHNICITY AS IDENTIFIED BY PARENT AND/OR CHILD
Robert Price	Male	5/10/03	White and Black or African American

2. Description of Child

Robert is a happy and shy 9 year old boy. He continues to do well in the home of his father, Ernie Price, and paternal grandmother, Anita Dashee. Robert enjoys playing with his younger half-brother who also lives in the home and is not involved with this suit.

Robert’s academic performance is at grade level, and he recently received a 3rd place prize in the science fair. He enjoys school and says that his favorite things to do at home are skateboard and read.

Robert reports that he misses his brother and sister and is glad when he sees his mother, Kathy Price, at visits. The Department will continue to support visitation between Robert Price and Kathy Price.

2. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 1/30/12
- ii. Child's Weight (in lbs.): 60
- iii. Height: 4'2"
- iv. Date of last vision exam: 1/30/12
- v. Current Medical concerns/recommendations:
None.

b) Dental

- i. Date of last dental: 2/15/12
- ii. Current Dental concerns/recommendations:
Robert had 8 cavities filled at his dental appointment and was educated about the importance of improving his dental hygiene. The Department discussed this issue with Mr. Ernie Price, who is reportedly monitoring better dental habits at home.

c) Psychological

- i. Therapy
Therapist: Tim Terry
Therapy Type: Individual
Dates/Frequency: Therapy was changed to a biweekly status at the request of Ernie Price and upon the agreed recommendation of Tim Terry.

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
2/20/12	Dr. Peter Psychiatrist	Child Victim of Abuse/Neglect	Therapy as needed to address any concerns of trauma and grief.

d) Medication

MEDICATION	DOSAGE	CONDITION/DIAGNOSIS	SYMPTOM BEING TREATED	LAST MED REVIEW	PRESCRIBING PHYSICIAN
None					

3. Placement

DATE OF PLACEMENT	SERVICE LEVEL	TYPE OF PLACEMENT	REASON MOVED
1/10/12	Basic	Noncustodial Parent	Mother and Father agreed to placement with Father, Ernie Price.
1/1/12	Basic	Shelter	Removal from home.

4. Education

ENROLLMENT DATE	NAME OF SCHOOL	GRADE LEVEL	SCHOOL PERFORMANCE
1/3/12	Great City Elementary School	4	At grade-level.

a) Significant Discipline Action
None.

b) Supportive Educational Services and Special Education
None.

c) Other identified school issues
None.

5. Permanency Plan

The Primary Permanency Goal has changed from Family Reunification to Permanent Managing Conservatorship to the noncustodial parent, Ernie Price. The Department will continue to offer services to Robert Price. The Department will continue to support visitation between to Robert Price and Kathy Price. Robert's father, Ernie Price, and Grandmother, Anita Dashee, have agreed to supervise this contact as necessary. The Department will continue to offer services to Robert Price and to Kathy Price until such time as a final order is entered regarding the permanent managing conservatorship of Robert Price.

Mr. Price reports that he will accept permanent conservatorship of Robert if Ms. Price is unable to have him return to her care. Mr. Price reports that he is not able to offer a placement for Ben Harris or Rose Price.

6. Transitional Living Services

Not Applicable.

7. Juvenile Justice Delinquency Activities

Not Applicable.

CHILD	SEX	DATE OF BIRTH	RACE/ETHNICITY AS IDENTIFIED BY PARENT AND/OR CHILD
Rose Price	Female	3/28/11	White and Black or African American

2. Description of Child

Rose Price is a happy one year old girl. She is doing well in her current foster home placement. Rose is walking and is slowly adding words to her vocabulary. She is slightly developmentally behind, but her pediatrician reports the delays are not significant enough to be a strong concern.

Rose’s diaper rash has finally resolved after ongoing treatment by her foster parents and pediatrician.

Rose eats table foods and, while small for her age, is fitting into 1 year old clothing. Rose appears to be strongly bonded with her foster parents.

2. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 1/30/12
- ii. Child's Weight (in lbs.): 19
- iii. Height: 27.5”
- iv. Date of last vision exam: 1/30/12
- v. Current Medical concerns/recommendations:
None.

b) Dental

- i. Date of last dental: Rose has two new teeth. Department will coordinate with foster parents to schedule Rose’s first dental appointment.
- ii. Current Dental concerns/recommendations:
No concerns.

c) Psychological

- i. Therapy
Therapist: Not Applicable.
Therapy Type:
Dates/Frequency:

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
Not			

Applicable.			
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d) Medication

MEDICATION	DOSAGE	CONDITION/ DIAGNOSIS	SYMPTOM BEING TREATED	LAST MED REVIEW	PRESCRIBING PHYSICIAN
OTC Diaper Rash Ointment	As Needed	Diaper Rash has resolved.	None	2/20/12	Great City Medicaid Clinic

3. Placement

DATE OF PLACEMENT	SERVICE LEVEL	TYPE OF PLACEMENT	REASON MOVED
1/1/12	Basic	Substitute Care Foster Home	Removed from home.

4. Education

ENROLLMENT DATE	NAME OF SCHOOL	GRADE LEVEL	SCHOOL PERFORMANCE
Not Applicable.			

a) Significant Discipline Action

Not Applicable.

b) Supportive Educational Services and Special Education

Not Applicable.

c) Other identified school issues

Not Applicable.

5. Permanency Plan

The Primary Permanency Goal has changed from Family Reunification to Termination of Parental Rights. The Department will continue to offer services to Rose Price and support visitation between Rose Price and Kathy Price until such time as a final order is entered regarding the permanent managing conservatorship of Rose Price.

The Concurrent Permanency Goal is Unrelated Adoption. Rose is placed in a legal risk placement home and, for the last several months, her foster caregivers have expressed a strong desire to adopt Rose Price.

6. Transitional Living Services

Not Applicable.

7. Juvenile Justice Delinquency Activities

Not Applicable.

B. Parental Progress

Although Kathy Price has shown that she is capable of participating in services, she has not made consistent progress with some of her services. Kathy Price is not making enough improvements to have her children reunified with her:

- She completed a drug and alcohol assessment, and participated in about two-thirds of her treatment plan. However, she tested positive for marijuana use in three drug screenings and admits to “occasional” use of alcohol.
- Although Ms. Price completed a psychological evaluation, since the prior Permanency Hearing, Ms. Price has skipped many of her weekly therapy sessions. This Caseworker has concerns about Kathy Price’s diagnosis of Major Depressive Disorder and Polysubstance Dependence, which she seems to be ignoring as evidenced by her inconsistent attempts to get help for herself. We have had numerous conversations regarding her missed outpatient sessions and missed therapy sessions and Ms. Price’s response is that she had had transportation problems or that she couldn’t attend because she needed to keep her job.
- Ms. Price has held her job, but she lost her housing at the end of August and is bouncing back and forth between her co-workers’ and friends’ houses. The Department is concerned that Ms. Price is unable to provide a stable home for Rose at this late date.
- Ms. Price attends approximately 75% of her scheduled visits, but fails to provide notice or attempt to reschedule when she does not attend. When she does attend visits, she is only moderately involved with the children and doesn’t interact with them very much.
- Ms. Price reports that she is interested in the children returning home, especially Rose. Ms. Price also reports that she is considering agreeing to permanent placement of Robert with Ernie Price (per request of Ernie Price), as he seems to be doing so well there. She has also indicated that if her sister, Carol Hill, would like to raise Ben, that she would consider this arrangement if the Department will not recommend Ben returning home to Ms. Price. Finally, Kathy Price has stated that she wants nothing to do with Mr. Ryan Smith, and that Rose Price’s life would be better off if he remained “out of the picture,” and that he “doesn’t know the baby at all.”

The Department has major concerns about Ms. Price’s stability and sobriety, in addition to her lack of stable housing. The Department feels that Ms. Price has done her best but that she has fallen short of what she needed to do since the commencement of this case to show that she can provide a safe and stable

home for the children long-term. The Department is also concerned that Ms. Price has stated that she feels that she has done enough to prove herself to be a good parent and that the proof is that she is having successful visits with her sons, Rose's brothers.

This caseworker has reviewed the Guardian Ad Litem's Report to the Court for this Second Permanency Hearing, and would like to point out a few differences of opinion to the Court. First, the CASA believes that the visits between Ms. Price and the children are going fairly well, especially the visits with the boys. This caseworker disagrees, as stated above, based on her observations that Ms. Price spends much of her visitation time checking her cell phone instead of talking with her sons. Second, the Department disagrees with CASA's recommendations for the youngest child, Rose Price, as follows:

The CASA obtained information about Mr. Smith's family members from her first interview with him and proceeded to meet with the paternal grandmother of Rose Price. Based on the length of Mr. Smith's remaining incarceration period and his request that his mother be considered as a placement for Rose Price, the CASA conducted a home assessment on the paternal grandmother, Anne Smith. While CASA feels the home is adequate for Rose Price, the Department will not agree to permanent placement for Rose Price with Mr. Smith's mother. First of all, Anne Smith has a criminal record (burglary, six years ago). Second, while CASA finds placement with Mrs. Smith acceptable, the Department is opposed to this because Rose Price has spent nearly all of her life with her foster parents. Rose Price and her foster parents are extremely bonded, while Mrs. Smith is a complete stranger to Rose. Third, Mrs. Smith is 73 years old. Fourth, Ryan Smith's sister had her three biological children removed from her home by CPS two years ago (ages 7, 4, and 2), and her parental rights to all three children were subsequently terminated. While Mrs. Smith was not involved with that case, these factors, when added together, cause great concern for the Department.

VIII. RECOMMENDATIONS:

The Department requests that pending a trial on the merits, that all visits between Ms. Price and the subject children, Ben Harris, Robert Price, and Rose Price continue and that Ms. Price be required to confirm her attendance at visitation 24 hours in advance, and that if Ms. Price fails to do so, that the Department have the authority to cancel the scheduled visit.

Based on the information gathered to date and the Department's assessment of the family, it is respectfully recommended to the Court that:

1. The Texas Department of Family and Protective Services continue as Temporary Managing Conservatorship of the subject children;

2. That current placement be continued and approved;
3. That the court approve the change of the Permanency Plan from Family Reunification to the following:
Permanent Managing Conservatorship of Ben Harris to a Relative, Carol Hill;
Placement with Non-Custodial Parent (Ernie Price) for Robert Price;
Termination of Parental Rights between Kathy Price and Rose Price; and
Termination of Parental Rights between Ryan Smith and Rose Price.
4. That trial on the merits for Ms. Kathy Price as to all three subject children and trial on the merits between Ryan Smith and the subject child Rose Price be set without delay; and
5. That the recommendations listed above be made the order of the court;

Respectfully submitted:

Teresa Greenburg
Child Protective Services Specialist
Date: October 17, 2012

Approved by:

Susan Staples
Child Protective Services Supervisor
Date: October 18, 2012

JURY MATTERS

In Texas, under Section 105.002, parents have the right to a jury trial in termination of parental rights proceedings, as well as the right to submit to jury issues of conservatorship and where the child will live.

Be aware that to make a successful jury demand, specific statutory timelines must be followed, and you must be familiar with your Local Rules regarding jury matters as well.

When drafting a Jury Charge, refer to the Pattern Jury Charge and to your local rules. Each jurisdiction will have information in its local rules about the form of the jury charge and when it is due to be filed with the court.

Many attorneys find it helpful to draft their proposed Jury Charge before the termination trial has begun, as it can help shape the questions which that attorney can ask on voir dire. A party's jury charge can also drive the opening statement and tie the termination grounds to the evidence and to the exhibits.

Please note that different jurisdictions have different standards for their jury charges, and it is critical to research these early in your case if you foresee that a final trial may be imminent.

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499 TH JUDICIAL
CHILDREN	§	DISTRICT

JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT,

NOW COMES, Respondent Mother, Kathy Price, and in support of this Jury Demand,

would respectfully show the Court as follows:

1. Respondent Mother, by and through her Attorney, respectfully requests and demands a jury trial on all issues she is entitled to regarding this case according to the Texas Family Code including Termination of Parental Rights and Legal Custody.
2. Respondent Mother has already been found indigent regarding this case and therefore requests the Court waive any necessity for a jury fee.

Respectfully submitted,

Mother's Attorney
State Bar No. 12345678
Law Office of Mother's Attorney
554 Main Street
Great City, Texas 75000
P: (987) 555-4444
F: (987) 444-5555
Attorney for Respondent

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499 TH JUDICIAL
CHILDREN	§	DISTRICT

AGREED ORDER OF CONSERVATORSHIP
FOR BEN HARRIS AND ROBERT PRICE

On December 5, 2012, the Court heard this case.

1. Appearances

1.1. The Department of Family and Protective Services (“the Department”) appeared through **Teresa Greenburg**, caseworker, and by attorney, **Department’s Attorney** and announced ready.

1.2. Respondent Mother, KATHY PRICE

- appeared in person and announced ready.
- appeared through attorney of record and announced ready.
- appeared in person and through attorney of record and announced ready.
- waived issuance and service of citation by waiver duly filed.
- agreed to the terms of this order as evidenced by signature below.
- although duly and properly notified, did not appear and wholly made default.
- was not notified, and did not appear.

1.3. Respondent Father, ERNIE PRICE

- appeared in person and announced ready.
- appeared through attorney of record and announced ready.
- appeared in person and through attorney of record and announced ready.
- waived issuance and service of citation by waiver duly filed.
- agreed to the terms of this order as evidenced by signature below.
- although duly and properly notified, did not appear and wholly made default.
- was not notified, and did not appear.

1.4. Respondent Father, JASON HARRIS

- appeared in person and announced ready.
- appeared through attorney of record and announced ready.
- appeared in person and through attorney of record and announced ready.
- waived issuance and service of citation by waiver duly filed.
- agreed to the terms of this order as evidenced by signature below.

- although duly and properly notified, did not appear and wholly made default.
- was not notified, and did not appear.

1.5. **Children's Attorney**, appointed by the Court as Attorney Ad Litem for the Children, the subject of this suit,

- appeared and announced ready.
- agreed to the terms of this order as evidenced by signature below.
- although duly and properly notified, did not appear and wholly made default.

2. Findings

2.1. The Court, having examined the record and heard the evidence and argument of counsel, finds that 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 of this case pursuant to Subchapter C, Chapter 152, Texas Family Code, by virtue of the fact that Texas is the home state of the Children.

2.3. All persons entitled to citation were properly cited.

2.4. The Court finds that **Jason Harris** is the father of the Child, Ben Harris.

2.5. The Court finds that **Ernie Price** is the father of the Child, Robert Harris.

3. Jury

A jury was waived, and all questions of fact and of law were submitted to the Court.

4. Record

The record of testimony was duly reported by the court reporter for the 499th Judicial District Court, San Gabriel County, Texas.

5. The Children

The Court finds that the following Children are the subject of this suit:

Name:	Ben Harris
Sex:	Male
Birth Date:	October 31, 1998
Social Security Number:	XXX-XX-XXXX
Present Residence:	Relative Placement

Name:	Robert Price
Sex:	Male
Birth Date:	May 10, 2003

Social Security Number: XXX-XX-XXXX
Present Residence: **Non-custodial Parent Placement**

6. Managing Conservatorship: Ben Harris

6.1. The Court finds that appointment of a parent or both parents as managing conservator would not be in the best interest of the child **Ben Harris** because the appointment would significantly impair the child's physical health or emotional development.

6.2. **IT IS THEREFORE ORDERED** that **Carol Hill** is appointed Permanent Managing Conservator of the child **Ben Harris**, with the rights and duties specified in § 153.371, Texas Family Code; the Court finds this appointment to be in the best interest of the child.

6.3. **IT IS FURTHER ORDERED** that as of the date of the signing of this judgment, the **DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES** is **REMOVED** as a Managing and/or Possessory Conservator of the child **Ben Harris** in this case and is **RELEASED** from any further duties, or responsibilities pursuant to any designation or authority that this court may have granted to the Department during the pendency of this case and prior to the date of this judgment.

7. Managing Conservatorship: Robert Price

7.1. The Court finds that appointment of both parents as managing conservators would not be in the best interest of the child **Robert Price** because the appointment would significantly impair the child's physical health or emotional development.

7.2. **IT IS THEREFORE ORDERED** that **Ernie Price** is appointed Permanent Managing Conservator of the child **Robert Price**, with the rights and duties specified in § 153.371, Texas Family Code; the Court finds this appointment to be in the best interest of the child.

7.3. **IT IS FURTHER ORDERED** that as of the date of the signing of this judgment, the **DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES** is **REMOVED** as a Managing and/or Possessory Conservator of the child **Robert Price** and is **RELEASED** from any further duties, or responsibilities pursuant to any designation or authority that this court may have granted to the Department during the pendency of this case and prior to the date of this judgment.

7.4. **IT IS FURTHER ORDERED** that the **DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES** is hereby **DISMISSED** as a party with reference to this child. The Court finds this order to be in the best interest of the child.

8. Parties Granted Possession or Access

8.1. Respondent Mother **KATHY PRICE** is appointed possessory conservator of the subject Children, Ben Harris and Robert Price. The Court finds that such appointment is in the best interest of the subject Children, Ben Harris and Robert Price, and possession and access shall be as provided by this order, and does not exceed the restrictions needed to protect the best interest of the subject Children, Ben Harris and Robert Price.

8.2. Respondent Father **JASON HARRIS** is appointed possessory conservator of the subject child, Ben Harris. The Court finds that such appointment is in the best interest of the Child, and possession and access shall be as provided by this order, and does not exceed the restrictions needed to protect the best interest of the Child.

8.3. Rights of Parent at All Times Pursuant to § 153.073, Texas Family Code:

8.3.1. Unless limited by court order, a parent appointed as a conservator of a child has at all times the right:

8.3.1.1. to receive information from any other conservator of the Children concerning the health, education, and welfare of the Children;

8.3.1.2. to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the Children;

8.3.1.3. of access to medical, dental, psychological, and educational records of the Children;

8.3.1.4. to consult with a physician, dentist, or psychologist of the Children;

8.3.1.5. to consult with school officials concerning the Children's welfare and educational status, including school activities;

8.3.1.6. to attend school activities;

8.3.1.7. to be designated on the Children's records as a person to be notified in case of an emergency;

8.3.1.8. to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the Children; and

8.3.1.9. to manage the estate of the Children to the extent the estate has been created by the parent or the parent's family.

8.4. Rights and Duties During Period of Possession Pursuant to § 153.074, Texas Family Code:

8.4.1. Unless limited by court order, a parent appointed as a conservator of a child has the following rights and duties during the period that the parent has possession of the child:

8.4.1.1. the duty of care, control, protection, and reasonable discipline of the Children;

8.4.1.2. the duty to support the Children, including providing the Children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

8.4.1.3. the right to consent for the Children to medical and dental care not involving an invasive procedure; and

8.4.1.4. the right to direct the moral and religious training of the Children.

8.5. Duty to Provide Information Pursuant to § 153.076, Texas Family Code:

8.5.1. **IT IS ORDERED** that each conservator of the Children has a duty to inform the other conservator of the Children in a timely manner of significant information concerning the health, education, and welfare of the Children.

8.5.2. **IT IS ORDERED** pursuant to § 153.076(b), Texas Family Code, that each conservator of the Children has the duty to inform the other conservator if the conservator resides with for at least 30 days, marries, or intends to marry a person who the conservator knows:

8.5.2.1. is registered as a sex offender under Chapter 62, Code of Criminal Procedure; or

8.5.2.2. is currently charged with an offense for which on conviction the person would be required to register under that chapter.

8.5.3. The notice required to be made under § 153.076(b), Texas Family Code, must be made as soon as practicable but not later than the 40th day after the date the conservator of the Children begins to reside with the person or the 10th day after the date the marriage occurs, as appropriate. The notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged.

8.5.4. A CONSERVATOR COMMITS AN OFFENSE IF THE CONSERVATOR FAILS TO PROVIDE NOTICE IN THE MANNER REQUIRED BY SUBSECTIONS (b) AND (c) OF § 153.076, Texas Family Code. AN OFFENSE UNDER THIS SUBSECTION (d) IS A CLASS C MISDEMEANOR

8.6. **IT IS ORDERED** that the conservators shall have possession of the Children at times mutually agreed to in advance by the parties and, in the absence of mutual agreement, as specified in the **Attachment** to this order, which is incorporated herein as if set out verbatim in this paragraph. The periods of possession ordered above apply to each child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

9. Child Support

IT IS ORDERED that the parents shall pay child support for the Children as set forth in the **Attachment** to this Order.

10. Medical Support and Health Insurance

IT IS ORDERED that the parents shall provide for the medical support of the Children as set forth in the **Attachment** to this Order.

11. Required Information and Notices Regarding the Parties and Children

11.1. EXCEPT FOR THOSE PERSONS SPECIFICALLY EXEMPTED FROM SUCH DISCLOSURE BELOW, EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

11.2. THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

11.3. 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.

11.4. FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

11.5. Notice shall be given to the other party by delivering a copy of the notice to the party by registered or certified mail, return receipt requested. Notice shall be given to the Court by delivering a copy of the notice either in person to the clerk of the Court or by registered or certified mail addressed to the clerk. Notice to the State Case Registry shall not be required until the registry is established and procedures for notification published by the Title IV-D agency under Chapter 234, Texas Family Code.

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

Name: **KATHY PRICE**
Social Security number: **XXX-XX-XXXX**
Driver's License: **XXXXXXXX, TEXAS**
Current address: **123 Broadway; Great City, Texas 75000**
Home telephone number: **XXX-XXX-XXXX**
Name of employer: **Unemployed**
Address of employment: **Unemployed**
Work telephone number: **Unemployed**

Name: **JASON HARRIS**
Social Security number: **XXX-XX-XXXX**
Driver's License: **XXXXXXXX, TEXAS**
Current address: **Route 4, Country Rd. 28; Merry City, TX 75010**

Home telephone number: **XXX-XXX-XXXX**
Name of employer: **123 Services Company**

Address of employment: **555 Main Street; Merry City, Texas 75010**
Work telephone number: **XXX-XXX-XXXX**

Name: **ERNIE PRICE**
Social Security number: **XXX-XX-XXXX**
Driver's License: **XXXXXXXX, TEXAS**
Current address: **1414 Main Street; Great City, Texas 75000**
Home telephone number: **XXX-XXX-XXXX**
Name of employer: **Great City Middle School**
Address of employment: **1105 Cherry Lane, Great City, Texas 75000**
Work telephone number: **XXX-XXX-XXXX**

12. Warnings to Parties

FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

13. Continuation of Court-Ordered Ad Litem or Advocate

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

13.2. **IT IS THEREFORE ORDERED** that **Children's Attorney**, earlier appointed as Attorney Ad Litem to represent the Children, is continued in this relationship solely as to the child **ROSE PRICE** until further order of this Court or final disposition of this suit.

14. Court Ordered Ad Litem

14.1. **IT IS THEREFORE ORDERED** that **Mother's Attorney** for **KATHY PRICE** earlier appointed to represent **KATHY PRICE** shall continue in that capacity until all appeals of a final order terminating parental rights are exhausted or waived.

14.2. **IT IS THEREFORE ORDERED** that **Father of Robert Price's Attorney** for **ERNIE PRICE**, earlier appointed to represent the **Respondent Father** is relieved of all duties based on a finding of good cause.

15. Dismissal of Other Court-Ordered Relationships

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

16. Denial of Other Relief

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

17. WARNING: APPEAL OF FINAL ORDER, PURSUANT TO § 263.405, TEXAS FAMILY CODE

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.

18. 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 5th day of December, 2012.

Robert Hofmann
JUDGE PRESIDING

MERITS TRIAL

As the statutory deadline in the *Harris-Price* case approaches, the parties prepare for trial. The Court approves Permanent Managing Conservatorship (PMC) of Ben Harris to his maternal aunt, Carol Hill, and PMC of Robert Price to his father, Ernie Price. The parties fail to agree regarding Rose Price and prepare for a jury trial.

Kathy Price wants Rose Price to be returned to her. In the alternative, she wants Rose Price placed with Anne Smith, Rose's paternal grandmother.

Ryan Smith wants PMC to be granted to his mother, Anne Smith. He plans to become a caregiver for Rose Price upon his release from incarceration. Anne Smith is willing to act as the permanent managing conservator for Rose. CASA is in agreement with this plan.

The Department is requesting termination of parental rights of Kathy Price and Ryan Smith regarding Rose Price. The Department's permanency plan for Rose Price is unrelated adoption, by the foster parents who have been Rose Price's caregivers during the entire time she has been in substitute care. The Department opposes PMC to Anne Smith due to her criminal history and lack of any previous relationship with Rose Price.

BUSINESS RECORDS

At trial, the parties intend to introduce business records into evidence. These business records include criminal records, medical records, caseworker records, and service provider records. In the upcoming pages, a business records affidavit sample for the *Harris-Price* case is included. Please likewise assume that all necessary business records affidavits necessary to present the *Harris-Price* exhibits have also been filed in the case.

CAUSE NO. D-1-FM-12-000123

IN THE INTEREST OF:	§	IN THE DISTRICT
	§	COURT OF
BEN HARRIS,	§	SAN GABRIEL COUNTY
ROBERT PRICE,	§	TEXAS
ROSE PRICE,	§	499 TH JUDICIAL
CHILDREN	§	DISTRICT

BUSINESS RECORDS AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Mr. John Records, who, being by me duly sworn, deposed as follows:

My name is Mr. John Records. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

I am the custodian of the records of the following entity: Great City Hospital. Attached hereto are X pages of said entity's records, which have been kept in the regular course of business, and it was the regular course of business for an employee or representative of said entity with knowledge of the act, event, condition, option, or diagnosis recorded, to make the record or to transmit information thereof to be included in such record, and the record was made at or near the time of the matter or reasonably soon thereafter. The records attached hereto are the originals or exact duplicates of the original.

_____ Mr. John Records
Custodian of Records

SWORN TO AND SUBSCRIBED before me on this date, the 15th day of September, 2012.

NOTARY PUBLIC, STATE OF TEXAS

ABBREVIATIONS AND ACRONYMS

AAL	Attorney Ad Litem
ADA	Assistant District Attorney
AP	Alleged Perpetrator
CPS	Child Protective Services (“the Department”)
CASA	Court Appointed Special Advocate
CVS	Conservatorship Caseworker
DFPS	Texas Department of Family & Protective Services (“the Department”)
FBSS	Family Based Safety Services
FGC	Family Group Conference
GAL	Guardian Ad Litem
INV	Investigative Caseworker
ITIO	In The Interest Of
OV	Oldest Victim
P1	Priority One
P2	Priority Two
PMC	Permanent Managing Conservator
PP	Parent Paramour
RO	Ruled Out
RTB	Reason to Believe
TFC	Texas Family Code
TMC	Temporary Managing Conservator
UTD	Unable to Determine