

# **KINSHIP ISSUES IN PROTECTIVE CASES: TIES THAT BIND**

## **Panel Discussion:**

**HON. CHERYL LEE SHANNON**, *Dallas, Texas*  
305<sup>th</sup> Judicial District Court

**HON. MARILEA WHATLEY LEWIS**, *Dallas, Texas*  
330<sup>th</sup> Judicial District Court

**KELLYE REEVES SWANDA**, *Arlington, Texas*  
*Swanda & Swanda, P.C., Attorney's at Law*

State Bar of Texas  
**19<sup>th</sup> ANNUAL JUVENILE LAW CONFERENCE**  
February 22-24, 2006  
Dallas, Texas

## **Kellye A. Swanda**

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### **Education:**

B.A. in Political Science from the University of Texas at Arlington, 1987.

J.D. from Texas Wesleyan University School of Law, 1995.

Certified Mediator, 1994.

Member of the College of the State Bar of Texas.

### **Professional Experience:**

Swanda & Swanda, P.C., 1999 to present, handling Adoption, CPS Matters, Juvenile Delinquency, Divorce, Criminal, Child Custody, & Child Support.

Assistant District Attorney, Tarrant County, 1995-1999. Special prosecutor assigned to represent Child Protective Services handling over 1,000 hearings and 100 trials.

### **Lectures & Papers Presented :**

19<sup>th</sup> Annual Robert Dawson Juvenile Law Conference – “Kinship Issues in CPS Cases... the ties that Bind.” 2006.

Neglect Hurts Task Force Ad Litem Training – “Representing Parents in DFPS/CPS Cases.” 2005.

Advanced Family Law Course – “Kinship Issues in CPS Cases... the ties that Bind.” 2005.

Annual Poverty Law Conference – “Other Players in Custody Cases” (Co-Author with Attorney Lisa Hoppes), 2005.

18<sup>th</sup> Annual Robert Dawson Juvenile Law Conference – “Defending a CPS Case,” 2005.

Dallas Bar Association Juvenile Justice Committee – “It Ain’t Over ‘Til the Foreman Sings,” 2004.

Advanced Family Law Course - “Defending a CPS Case,” 2004.

Texas Criminal Defense Lawyer’s Association Forensic Seminar - “CPS Investigations,” 2003.

Texas Criminal Defense Lawyer’s Association Forensic Seminar - “CPS Investigations,” 2001.

Texas Children’s Justice Project’s Continuing Legal Education Program  
“Representation in Abuse & Neglect Cases,” 2000.

Texas Criminal Defense Lawyer’s Association’s 13<sup>th</sup> Annual Advanced Short Course, “Rusty Duncan” Seminar, “CPS Investigations,” 2000.

Tarrant County Criminal Defense Lawyers Continuing Legal Education –  
“Defending a Criminal Client in a CPS Investigation,” 1999.

Guest Television Host of Arlington’s AT&T Cablevision’s Weekly Program: “For the Record”  
Hosted multiple television programs on government affairs - 1998 – 2002.

Multiple Interdisciplinary Child Sexual Abuse Training  
Tarrant County College Police Academy – 3 semesters; 1995-1998.

Court Appointed Special Advocate Legal Training – 1995–2001.

Foster Parent Legal Training – “The CPS Court System” – 1995-1999.

Tarrant County Sexual Abuse Advisory Council - “The CPS Court System” 1998.

Various Seminars for Child Protective Services’ Social Workers – 1995-1999.

### **Honors and other Activities:**

Named by “Fort Worth Magazine” - (December 2002) as the top lawyer for CPS cases and for  
Adoption cases.

Appointed to the Child Abuse and Neglect Committee for the State Bar of Texas; 2002 – 2008. Co-  
chair of Education Section (Course planner/director for 2005 & 2006 Juvenile Law Conference;  
Course planner/director for 2004 & 2005 Advanced Family Law Course).

Leadership Arlington - Class of 2002-2003; Chairperson of the Government Section.

### **Professional Organizations:**

State Bar of Texas (Family Law Section & Juvenile Law Section)  
Tarrant County Bar Association  
Tarrant County Family Bar Association

### **Social & Political Organizations:**

Girl Scout Leader- 2005 and 2006  
Ashworth Elementary School – Room Mom  
Republican Precinct Chair  
Tarrant County Republican Assembly (2001 – 2006)  
Tarrant County Republican Forum (Vice President 2006)  
Arlington Republican Club (Former Officer)  
Arlington Republican Women (Former Director)  
Regan Legacy Republican Women of Tarrant County  
St. John the Apostle United Methodist Church – Co-Director of “Safe Sanctuaries” and Children’s  
Church

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**FILE THIS ON BEHALF OF A PARENT WHEN  
THEY HAVE COMPLETED THEIR SERVICE PLAN:**

CAUSE NO. \_\_\_\_\_

IN THE INTEREST OF  
M.T.,JR.,  
J.T., and  
M.T.  
CHILDREN

IN THE JUVENILE COURT  
OF TARRANT COUNTY, TEXAS  
323<sup>RD</sup> JUDICIAL DISTRICT

**MOTION TO MODIFY TEMPORARY MANAGING CONSERVATOR  
AND IN THE ALTERNATIVE, MOTION TO  
MODIFY VISITATION AND ORDER SETTING HEARING**

**1. Discovery Level**

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

**2. Movant**

This Motion is brought by K. P., who resides at \_\_\_\_\_, Fort Worth, Texas 76116.

Movant is the biological mother of the children the subject of this suit.

**3. Jurisdiction**

This Court has acquired and retains continuing, exclusive jurisdiction of this suit and of the children the subject of this suit as a result of prior proceedings.

**4. Child**

The following children are the subject of this suit:

Name: J.T.  
Sex: Male  
Birthplace: Tarrant County, Texas  
Birth date: April 18, 2000  
Present residence: In Tarrant County

Name: M.T.,JR.  
Sex: Male  
Birthplace: Tarrant County, Texas  
Birth date: April 18, 2000  
Present residence: In Tarrant County

Name: M.T.  
Sex: Female  
Birthplace: Tarrant County, Texas  
Birth date: June 24, 2003  
Present residence: In Tarrant County

**5. Persons Entitled to Notice**

(a) The father of the children the subject of this suit is M.T.Sr., who resides at \_\_\_\_, Fort Worth, Texas 76116.

Process should be served on him through his attorney of record, M. BROWN.

(b) The Texas Department of Protective and Regulatory Services is the temporary managing conservator of the children.

(c) The court appointed guardian / attorney ad litem for the children is J. Nevarez.

**6. Property**

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

**7. Relief Sought - Temporary Managing Conservatorship**

There has been a substantial change in circumstance in that Movant has substantially completed her service plan.

Movant requests the Court, after notice and hearing, to be named the Temporary Managing Conservator of the children.

Such appointment is in the children=s best interest.

**In the Alternative - Modify Visitation**

In the alternative, Movant requests the Court to issue Temporary Orders permitting Movant unsupervised visitation with the children the subject of this suit in accordance with the Standard Possession Order set forth in the Family Code.

Such modification would be in the children=s best interest.

**8. Temporary Orders**

Movant prays that this Court set this case for a hearing on temporary orders to:

a. Name Movant the Managing Conservator of the child, meaning having physical possession of the children; or

- b. Provide a visitation schedule for Movant and the subject children in accordance with the Standard Possession Order contained in the Texas Family Code; and

9. **Prayer**

Movant prays that citation and notice issue as required by law. Movant prays that the Court enter its order in accordance with the allegations of this petition.

Movant prays for attorney's fees and other costs.

Movant prays for general relief.

Respectfully submitted,

Kellye A. Swanda  
State Bar No. 00792864  
901 West Bardin Road, Suite 306  
Arlington, Texas 76017  
(817) 465-4664  
FAX: (817) 465-3779

Attorney for Movant K.P.  
Mother of the Children

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was forwarded via Certified Mail, Return Receipt Requested, to all counsel of record in this matter in accordance with the Texas Rules of Civil Procedure on this \_\_\_\_\_ day of June, 2005.

\_\_\_\_\_  
KELLYE A. SWANDA

**ORDER SETTING HEARING**

The above and foregoing Motion is hereby set for hearing for \_\_\_\_\_ M. on

\_\_\_\_\_.

\_\_\_\_\_  
JUDGE PRESIDING

**FILE THIS WHEN CPS WILL NOT CONDUCT A HOME STUDY ON THE PERSON YOUR CLIENT DESIRES THE CHILDREN BE PLACED**

CAUSE NO. \_\_\_\_\_

**IN THE INTEREST OF**

**J.L.,**

**A CHILD**

,  
,  
,  
,  
,

**IN THE JUVENILE COURT**

**OF TARRANT COUNTY, TEXAS**

**323<sup>RD</sup> JUDICIAL DISTRICT**

**RESPONDENT L. S.= MOTION FOR EXPEDITED HOME STUDY**

Respondent, L.S., files this her Motion for Expedited Home Study requesting that the TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES (TDFPS) be ordered to perform an expedited home study and in support thereof would respectfully show the Court the following:

**I.**

TDFPS filed it=s Petition in May 2005, and the above-referenced child were placed in foster care on or about that date.

**II.**

L. S. respectfully requests that the Court enter an Order ordering TDFPS to perform an expedited on home study on K.O, the maternal cousin of the children, to determine if such a placement would be appropriate, in accordance with the policies and procedures of TDFPS.

WHEREFORE, PREMISES CONSIDERED, L. S., Respondent mother of the child the subject of this suit, prays the Court grant this Motion for Expedited Home Study and order TDFPS to complete a home study on K. O. and file it with this Court on or before August 1, 2005.



Respectfully submitted,

Kellye A. Swanda  
State Bar No. 00792864  
901 West Bardin Road, Suite 306  
Arlington, Texas 76017  
(817) 465-4664  
FAX: (817) 465-3779

Attorney for L.S.

**ORDER SETTING HEARING**

PLEASE TAKE NOTICE that the above and foregoing Motion has been set for hearing on \_\_\_\_\_, at \_\_\_\_\_ A.M. in the 323<sup>rd</sup> Judicial District Court of Tarrant County, Texas.

\_\_\_\_\_  
JUDGE OR CLERK

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing Motion was forwarded to all counsel in this matter on \_\_\_\_\_, 2005.

\_\_\_\_\_  
KELLYE A. SWANDA

**FILE THIS ON BEHALF OF A PARENT or CHILD WHEN  
CPS's HOME STUDY IS COMPLETED**

CAUSE NO. \_\_\_\_\_

IN THE INTEREST OF

J.L.,

A CHILD

,  
,  
,  
,  
,

IN THE JUVENILE COURT

OF TARRANT COUNTY, TEXAS

323<sup>RD</sup> JUDICIAL DISTRICT

**MOTION TO MODIFY TEMPORARY MANAGING CONSERVATOR  
AND IN THE ALTERNATIVE, MOTION TO  
MODIFY VISITATION AND ORDER SETTING HEARING**

**1. Discovery Level**

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

**2. Movant**

This Motion is brought by L.S..

Movant is the biological mother of the children the subject of this suit.

**3. Jurisdiction**

This Court has acquired and retains continuing, exclusive jurisdiction of this suit and of the children the subject of this suit as a result of prior proceedings.

**4. Child**

The following child is the subject of this suit:

J.L.  
Dob: 12/1/02

**5. Persons Entitled to Notice**

(a) The father of the children the subject of this suit is S.C. who resides at \_\_\_\_, Fort Worth, Texas 76116.

Process should be served on him through his attorney of record, M. BROWN.

(b) The Texas Department of Protective and Regulatory Services is the temporary managing conservator of the children.

(c) The court appointed guardian / attorney ad litem for the children is J. Nevarez.

**6. Property**

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

**7. Relief Sought - Temporary Managing Conservatorship**

There has been a substantial change in circumstance in that a favorable home study has been completed by the Texas Department of Family and Protective Services on the Maternal Cousin, K.O.

Movant requests the Court, after notice and hearing, to name K.O. as the Temporary Managing Conservator of the children.

Such appointment is in the children=s best interest.

**In the Alternative - Modify Visitation**

In the alternative, Movant requests the Court to issue Temporary Orders permitting Maternal Cousin, K.O., unsupervised visitation with the children the subject of this suit in accordance with the Standard Possession Order set forth in the Family Code.

Such modification would be in the children=s best interest.

**8. Temporary Orders**

Movant prays that this Court set this case for a hearing on temporary orders to:

- a. Name Maternal Aunt, K.O., the Managing Conservator of the child, meaning having physical possession of the children; or
- b. Provide a visitation schedule for K.O., and the subject children in accordance with the Standard Possession Order contained in the Texas Family Code; and

**9. Prayer**

Movant prays that citation and notice issue as required by law. Movant prays that the Court enter its order in accordance with the allegations of this petition.

Movant prays for attorney's fees and other costs.

Movant prays for general relief.

Respectfully submitted,

Kellye A. Swanda  
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FAX: (817) 465-3779

Attorney for Movant KIM PINCKARD

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was forwarded via Certified Mail, Return Receipt Requested, to all counsel of record in this matter in accordance with the Texas Rules of Civil Procedure on this \_\_\_\_\_ day of June, 2005.

\_\_\_\_\_  
KELLYE A. SWANDA

**ORDER SETTING HEARING**

The above and foregoing Motion is hereby set for hearing for \_\_\_\_\_ M. on

\_\_\_\_\_.

\_\_\_\_\_  
JUDGE PRESIDING

**FILE THIS ON BEHALF OF A RELATIVE OR  
FOSTER PARENT INTERVENING**

CAUSE NO. \_\_\_\_\_

<i>IN THE INTEREST OF</i>	:	<i>IN THE DISTRICT COURT</i>
	:	
<i>A.A.M., E.M.M.,</i>	:	
<i>K.L.,</i>	:	<i>323<sup>RD</sup> JUDICIAL DISTRICT</i>
<i>AND A.L.JR.</i>	:	
	:	
<i>CHILDREN</i>	:	<i>TARRANT COUNTY, TEXAS</i>

**FIRST AMENDED ORIGINAL PETITION IN INTERVENTION FOR  
TERMINATION OF PARENTAL RIGHTS, REQUEST FOR  
TEMPORARY ORDERS AND TEMPORARY RESTRAINING ORDER**

**1. Discovery Level**

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

**2. Interveners**

This intervention is brought by R. D. K. and A. K. K., Interveners, who are husband and wife and who reside in Tarrant County, Texas.

Interveners are the foster parents of the subject children, A.A.M., E.M.M., K.L. and A.L., JR., and have standing to intervene in this suit based upon ' 102.003(a)(12) of the Texas Family Code and upon substantial past contact with the children the subject of this suit as provided in ' 102.004(b).

**3. Jurisdiction**

This Court has acquired and retains continuing, exclusive jurisdiction of this suit and of the children the subject of this suit as a result of a prior proceedings.

**4. Interstate Placement Information**

A verified allegation or statement complying with section 162.002 of the Texas Family Code is attached to this petition and incorporated for all purposes.

**5. Children**

Name: A.A.M.  
Sex: Female  
Birth date: 12/20/1995  
Present Residence: with Interveners

Name: E.M.M.  
Sex: Female  
Birth date: 05/19/1999  
Present Residence: with Interveners

Name: K.L.  
Sex: Female  
Birth date: 05/15/2002  
Present Residence: with Interveners

Name: A.L., Jr.  
Sex: Male  
Birth date: 06/29/2003  
Present Residence: with Interveners

**6. Persons Entitled to Notice**

- (a) The mother of the children the subject of this suit is M. M.  
Interveners request service and citation be issued. M. M. may be served through her attorney of record, K. Lytle.
- (b) The alleged biological father of the children, K.L. and A.L., JR., is A.L.. Interveners request service and citation be issued.  
A.L. may be served through his attorney of record, K. Yanez.
- (c) The alleged biological father of the children, A.A.M. and E.M.M., is E.M. Interveners request service and citation be issued.  
E. M. may be served through his attorney of record, D. Flores.
- (c) TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES is the temporary managing conservator of the children and may be served through Assistant District Attorney, J. Teel.
- (d) The court appointed guardian / attorney ad litem for the children is L. Owens.

**7. Property**

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

**8. Termination Sought - Mother**

Termination of the parent-child relationship between M. M. and the children the subject of this suit is in the best interest of the children, A.A.M., E.M.M., K.L. and A.L., JR., and such termination is requested.

As grounds for termination, Interveners allege that this parent has:

- (a) knowingly placed or knowingly allowed the child to remain in conditions or surrounding which endanger the physical or emotional well-being of the child; or
- (b) 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; or
- (c) executed an unrevoked or irrevocable affidavit of relinquishment or parental rights as provided for by chapter 161 of the Texas Family Code; or
- (d) failed to support the child in accordance with her ability during a period of one year ending within six months of the date of the filing of this Petition; or
- (e) constructively abandoned the children who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Regulatory Services or an authorized agency for not less than six months and: (1) the Department of authorized agency has made reasonable efforts to return the children to the mother; (2) the mother has not regularly visited or maintained significant contact with the children; and (3) the mother has demonstrated an inability to provide the children with a safe environment.

**9. Termination Sought - A.L.**

Interveners request that the Court terminate the parent-child relationship, if any exists, between A.L., the alleged biological father of the children K.L. and A.L., JR. Termination is in the best interest of the children.

As grounds for termination, Interveners allege that this parent has:

- (a) 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; or
- (b) he has not registered with the paternity registry under Chapter D, Chapter 160, Texas Family Code.

In addition, the Court should terminate the parent-child relationship, if any, between A.L. and the children, K.L. and A.L., JR. because A.L. has committed one or more of the following acts or omissions:

- (a) knowingly placed or knowingly allowed the children to remain in conditions or surrounding which endanger the physical or emotional well-being of the child; or
- (b) engaged in conduct or knowingly placed the children with persons who engaged in conduct which endangers the physical or emotional well-being of the child; or
- (c) executed an unrevoked or irrevocable affidavit of relinquishment or parental rights as provided for by chapter 161 of the Texas Family Code; or
- (d) failed to support the children in accordance with his ability during a period of one year ending within six months of the date of the filing of this Petition; or
- (e) constructively abandoned the children who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Regulatory Services or an authorized agency for not less than six months and: (1) the Department of authorized agency has made reasonable efforts to return the children to the father; (2) the father has not regularly visited or maintained significant contact with the children; and (3) the father has demonstrated an inability to provide the children with a safe environment.

**10. Termination Sought – E. M.**

Intervenors request that the Court terminate the parent-child relationship, if any exists, between E. M., the alleged biological father of the children A.A.M. and E.M.M.. Termination is in the best interest of the children.

As grounds for termination, Intervenors allege that this parent has:

- (a) 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; or



- (b) he has not registered with the paternity registry under Chapter D, Chapter 160, Texas Family Code.

In addition, the Court should terminate the parent-child relationship, if any, between E. M. and the children, A.A.M. and E.M.M. because E. M. has committed one or more of the following acts or omissions:

- (a) knowingly placed or knowingly allowed the children to remain in conditions or surrounding which endanger the physical or emotional well-being of the child; or
- (b) engaged in conduct or knowingly placed the children with persons who engaged in conduct which endangers the physical or emotional well-being of the child; or
- (c) executed an unrevoked or irrevocable affidavit of relinquishment or parental rights as provided for by chapter 161 of the Texas Family Code; or
- (d) failed to support the children in accordance with his ability during a period of one year ending within six months of the date of the filing of this Petition; or
- (e) constructively abandoned the children who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Regulatory Services or an authorized agency for not less than six months and: (1) the Department of authorized agency has made reasonable efforts to return the children to the father; (2) the father has not regularly visited or maintained significant contact with the children; and (3) the father has demonstrated an inability to provide the children with a safe environment.

**11. Managing Conservators**

Upon final hearing, Interveners request the Court to remove Texas Department of Family and Protective Services as the temporary managing conservator and appoint Interveners as the Permanent Managing Conservators of the children the subject of this suit.

This appointment is in the best interest of the children.

**12. Request for Temporary Orders**

Interveners request the Court, after notice and hearing, to make temporary orders for the safety and welfare of the child, including but not limited to the following:

Appoint the Interveners, R. D. K. and A. K. K., Temporary Managing Conservators of the children the subject of this suit.

**13. Request for Temporary Restraining Order**

Interveners request the Court to dispense with the necessity of a bond, and Interveners request that all parties be temporarily restrained from:

1. Removing the children beyond the jurisdiction of this Court, acting directly or in concert with others.

2. Removing the children from the home and possession of Interveners, R.D. K. and A. K. K., acting directly or in concert with others.

**14. Plans of Interveners to Adopt**

Upon final trial, Interveners request the Court to grant this Petition for Adoption. Interveners have or will have complied with all requirements of Chapter 162, Texas Family Code.

**15. Name Change**

Interveners request the Court to change the name of the child A.A.M. to A. A. K.

Interveners request the Court to change the name of the child E. M. M. to E. M. K.

Interveners request the Court to change the name of the child K.L. to K. K.

Interveners request the Court to change the name of the child A.L., JR. to A.K.

**16. Prayer**

Interveners pray that citation and notice issue as required by law. Interveners pray that the Court enter its orders in accordance with the allegations of this petition.

Interveners pray for general relief.

Respectfully submitted,

Kellye A. Swanda  
State Bar No. 00792864  
901 West Bardin Road, Suite 306  
Arlington, Texas 76017  
(817) 465-4664  
FAX: (817) 465-3779

Attorney for Interveners

**CERTIFICATE OF SERVICE**

I, Kellye Swanda, attorney for the Interveners, hereby certify that true and correct copy of the above and foregoing Petition in Intervention has been forwarded to all counsel in this matter in accordance with the Rules of Civil Procedure on this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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Kellye A. Swanda

**FILE IN THIS A POST-TERMINATION CASE  
WHERE CPS IS REFUSING TO ALLOW THE  
FOSTER PARENT'S TO ADOPT**

NO. 323-

IN THE INTEREST OF

C.R.B. & J.C.B.

CHILDREN

§

§

§

§

§

IN THE DISTRICT COURT

323<sup>rd</sup> JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

**ORIGINAL PETITION FOR ADOPTION OF CHILDREN AND  
REQUEST FOR TEMPORARY ORDERS AND  
TEMPORARY RESTRAINING ORDER**

1. **Discovery Level**

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

2. **Petitioners**

This Petition is brought by W.A.A., and M.R.A., Petitioners, who are husband and wife and who reside in Dallas County, Texas.

Petitioners W.A.A. and M.R.A. are the foster parents of the children the subject of this suit. The children the subject of this suit have resided with Petitioners for 23 months.

All parent child relationships have been terminated and the children the subject of this suit are free for adoption.

**3. Jurisdiction**

This Court has acquired and retains continuing, exclusive jurisdiction of this suit and of the children the subject of this suit as a result of prior proceedings.

**4. Interstate Placement Information**

A verified allegation or statement complying with section 162.002 of the Texas Family Code is attached to this petition and incorporated for all purposes.

**5. Children**

The following children are the subject of this suit:

Name: C.R.B.  
Sex: Male  
Birthplace: Tarrant County, Texas  
Birth date: September 5, 1996  
Present residence: With Petitioners for the past 23 months

Name: J.C.B.  
Sex: Female  
Birthplace: Tarrant County, Texas  
Birth date: December 31, 2001  
Present residence: With Petitioners for the past 23 months

**6. Persons Entitled to Notice**

The Texas Department of Family and Protective Services is the managing conservator of the children.

Citation is requested.

Process should be served through its attorney, J. Teel, Assistant District Attorney, Tarrant County.

The court appointed guardian / attorney ad litem for the children is P. Summers.

**7. Property**

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

**8. Adoption Sought**

It is in the best interest of the children the subject of this suit to be adopted by Petitioners, and adoption of the children is sought.

**9. Residence with Petitioners**

The children the subject of this suit will have lived in the home of Petitioners for at least six months when this case is heard.

**10. Managing Conservatorship**

Upon final trial, Petitioners request the court to remove the Texas Department of Protective and Regulatory Services as the Permanent Managing Conservator and appoint Petitioners as the Permanent Managing Conservator.

This appointment is in the best interest of the children.

**11. Refusal to Consent to Adoption is Without Good Cause**

Should the Texas Department of Protective and Regulatory Services, the current temporary managing conservator, be named the permanent managing conservator, and the Texas Department of Protective and Regulatory Services refuses to consent to the Petitioners' adopting the children, Petitioners request that the court have an evidentiary §162.020 hearing to determine that the refusal to

**12. Children's Names**

Petitioners request that the name of the child C.R.B. be changed to C. R.A.

Petitioners request that the name of the child J. C. B. be changed to J. C. A.

**13. Adoptive Home Screening**

Petitioners request the Court to order The Texas Department of Protective and Regulatory Services file with this court the adoptive home screening and social study that was prepared in compliance with the requirements of the Board of Protective and Regulatory Services in licensing the Petitioners.

**14. Social Study**

Petitioners request the Court to order the Texas Department of Protective and Regulatory Services provide to the court and Petitioners the copy of the social study prepared upon the home and lives of Petitioners by the Texas Department of Protective and Regulatory Services.

**15. Health, Educational, Social and Genetic History**

Petitioners request the Court to order the Texas Department of Protective and Regulatory Services to prepare a Health, Educational, Social and Genetic History in accordance with the Texas Family Code. Petitioners request the Court to order the Texas Department of Protective and Regulatory Services to file the Health, Educational, Social and Genetic History with the court and provide the Petitioners with a copy.

**16. Request for Temporary Orders and Temporary Restraining Order**

Petitioners request the court set this cause for temporary orders. Petitioners request that after evidence is taken that the Court name Petitioners as the temporary managing

conservator of the children.

Petitioners further request that this court enter a Temporary Restraining Order, restraining Texas Department of Family and Protective Services to not remove the children from the home of Petitioners while this case is pending.

Such designation is in the best interest of the children.

**17. Attorney's Fees**

It was necessary for Petitioners to secure the services of Kellye R. Swanda, a licensed attorney, to preserve and protect the children's rights. Petitioner, Texas Department of Protective and Regulatory Services and Respondents should be ordered to pay Petitioners attorney's fees.

**18. Sealing of Records**

Petitioners request the Court to order the sealing of the file and the minutes of the Court.

**19. Prayer**

Petitioners pray that citation and notice issue as required by law. Petitioners pray that the Court enter its order in accordance with the allegations of this petition.

Petitioners pray for attorney's fees and other costs.

Petitioners pray for general relief.

Respectfully Submitted,

Swanda & Swanda, P.C.  
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