



---

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

---

# **TRIAL SKILLS TRAINING: CONTESTED HEARING PRACTICES ITIO Harris-Price Case File**

---

DEVELOPED BY THE  
TEXAS CHILDREN'S COMMISSION

---

---

# COPYRIGHT

---

The creation and production of this Trial Skills Training Curriculum and related materials is funded by the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families (Children's Commission) through the federal Court Improvement Program. The materials in this series should not be construed as an advisory or ruling by or from the Supreme Court of Texas on specific cases or legal issues. These materials are solely intended to address the improvement of the law, the legal system, and the administration of justice.

© 2013, 2025 The Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families. All rights reserved, except as follows: Copies of this manual may be made for personal use; however, reproduction for commercial use or for profit is prohibited without the written permission of the Children's Commission. Please contact the Children's Commission at [www.texaschildrenscommission.gov](http://www.texaschildrenscommission.gov) for questions related to the copyright and/or to discuss the adaptation of these materials for training-related purposes. Please give the Children's Commission the opportunity to support your efforts with our resources.

# ACKNOWLEDGEMENTS

The Children's Commission would like to recognize the leadership and support of Hon. Debra Lehrmann, Supreme Court of Texas Senior Justice and Chair of the Children's Commission; Hon. Rebeca Aizpuru Huddle, Supreme Court of Texas Justice and Deputy Chair of the Children's Commission; and Hon. Piper McCraw, Chair of the Commission's Training Committee and Jurist in Residence. Under their guidance, the Trial Skills Training has matured into virtual trainings as well as in-person trainings, both of which will serve to improve the caliber of legal services to Texas' children and families. We are grateful for their leadership.

The Commission would also like to thank the following contributing authors and editors who collaborated to produce this Trial Skills Training:

Tina Amberboy	Peter T. Hoffman	Milbrey E. Raney
Jamie Bernstein	Patrick Howard	Hon. Leigh Mathews Rodriguez
Hon. Karin E. Bonicoro*	Pamela Kemp	Tiffany Roper
Renée Castillo-De La Cruz	Lori Kennedy	Hon. Robin Sage* (ret.)
Hon. Gary Coley*	Amanda Lockhart	Leslie Strauch*
Glenna Cordray	Doug Lowe*	Mauro Valdez
Alice Emerson	Jackie Sparks Martin*	Hon. Elizabeth Watkins*
Anna Saldaña Ford	Hon. Michael Massengale* (former)	Trevor Woodruff*
Rob Galvin*	Mary V. Mitchell	LaRu Woody
Joanna Guerrero	Amanda Molina-Martinez	Mark Zuniga
David Halpern*	Dr. Sandeep Narang*	
Tracy Harting*	Kellie Price	

\* Indicates individual is a founding member of the Trial Skills Training Faculty, whose generous commitment of time and ideas helped to develop the core curriculum of the program.

The Commission would also like to express its gratitude to Texas CASA and National CASA for providing the initial Harris-Price fact pattern, which formed the basis of this Case Scenario. Also, the Commission would like to thank Judge Camile DuBose, who oversaw this project from its beginning during her service to the Children's Commission as the Training Committee Chair. Additionally, the Commission would like to thank our Trial Skills Training Faculty, who continuously devote their time and expertise in order to improve the skills of child welfare practitioners throughout the state and ensure that all parties have access to high quality legal representation.

# CHILDREN'S COMMISSION

The Children's Commission was created by order of the Supreme Court of Texas in 2007 to help improve the judicial handling of child protection cases through improvements in judicial practice; child welfare policy and legislation; technology; training; and court improvement pilot projects. Led by Supreme Court Justice Debra Lehrmann, Chair of the Children's Commission and Justice Rebeca Aizpuru Huddle, Deputy Chair of the Children's Commission, Commission membership includes officials from DFPS, non-profit foundation and state bar leaders, private attorneys, legislators, judges, and other leaders in child welfare. The Children's Commission also consults with an advisory group that represents the many and varied disciplines involved in the child welfare system. The Commission's mission is to strengthen courts for children, youth and families in the Texas child welfare system and thereby improve the safety, permanency, and well-being of children.

## CHILDREN'S COMMISSION STAFF

**Jamie Bernstein**

Executive Director

[jamie.bernstein@txcourts.gov](mailto:jamie.bernstein@txcourts.gov)

**Milbrey E. Raney**

Assistant Director

[milbrey.raney@txcourts.gov](mailto:milbrey.raney@txcourts.gov)

**Renée Castillo-De La Cruz**

Staff Attorney

[renee.castillo@txcourts.gov](mailto:renee.castillo@txcourts.gov)

**Brenda Kinsler**

Staff Attorney

[brenda.kinsler@txcourts.gov](mailto:brenda.kinsler@txcourts.gov)

**Jessica Arguijo**

Communications Manager

[jessica.arguijo@txcourts.gov](mailto:jessica.arguijo@txcourts.gov)

**Tiffany Edwards**

Program Specialist

[tiffany.edwards@txcourts.gov](mailto:tiffany.edwards@txcourts.gov)

**Patrick Passmore**

Grant and Finance Specialist

[patrick.passmore@txcourts.gov](mailto:patrick.passmore@txcourts.gov)

**Chelsea Martinez**

Program Specialist

[chelsea.martinez@txcourts.gov](mailto:chelsea.martinez@txcourts.gov)

**Andrea Vicencio**

Program Specialist

[andrea.vicencio@txcourts.gov](mailto:andrea.vicencio@txcourts.gov)

**Willette Sedwick**

Accountant

[willette.sedwick@txcourts.gov](mailto:willette.sedwick@txcourts.gov)



# ITIO HARRIS-PRICE TABLE OF CONTENTS

<a href="#">ITIO Harris-Price Table of Contents</a>	HP-1
<a href="#">How to Use the Harris-Price Case Materials</a>	HP-3
<a href="#">Case Scenario</a>	HP-4
<a href="#">Statutory Hearing Timeline</a>	HP-5
<a href="#">Ex Parte Hearing and Original Petition for Protection of a Child</a>	HP-8
<a href="#">Original Petition</a>	HP-9
<a href="#">Affidavit of Removal</a>	HP-22
<a href="#">Order of Protection of a Child in an Emergency and Notice of Hearing</a>	HP-31
<a href="#">Order for Temporary Appointment of Attorney ad Litem</a>	HP-39
<a href="#">Adversary Hearing</a>	HP-41
<a href="#">Request for Certain Disclosure</a>	HP- 43
<a href="#">Response to Request for Certain Disclosure</a>	HP-45
<a href="#">Temporary Order Following Adversary Hearing</a>	HP-49
<a href="#">Original Answer of the Attorney Ad Litem</a>	HP-67
<a href="#">Respondent Mother, Kathy Price’s Original Answer and Counter-Petition</a>	HP-69
<a href="#">Status Hearing</a>	HP-79
<a href="#">Caseworker’s Status Report to the Court</a>	HP-82
<a href="#">Status Hearing Order</a>	HP-89
<a href="#">Permanency Hearings Before Final Order</a>	HP-96
<a href="#">Permanency Report To The Court – Temporary Managing Conservatorship</a>	HP-97
<a href="#">Initial Permanency Hearing Before Final Order</a>	HP-114
<a href="#">Mediation</a>	HP-125
<a href="#">Order for Genetic Testing</a>	HP-127
<a href="#">Second Permanency Hearing Before Final Order</a>	HP-129
<a href="#">Second Permanency Report to the Court – Temporary Managing Conservatorship</a>	HP-131
<a href="#">Respondent Father, Ryan Smith’s Answer and General Denial</a>	HP-149
<a href="#">Jury Matters</a>	HP-151
<a href="#">Jury Demand</a>	HP-152
<a href="#">Third Permanency Hearing Before Final Order</a>	HP-154
<a href="#">Review Hearing</a>	HP-155
<a href="#">Merits Trial</a>	HP-156



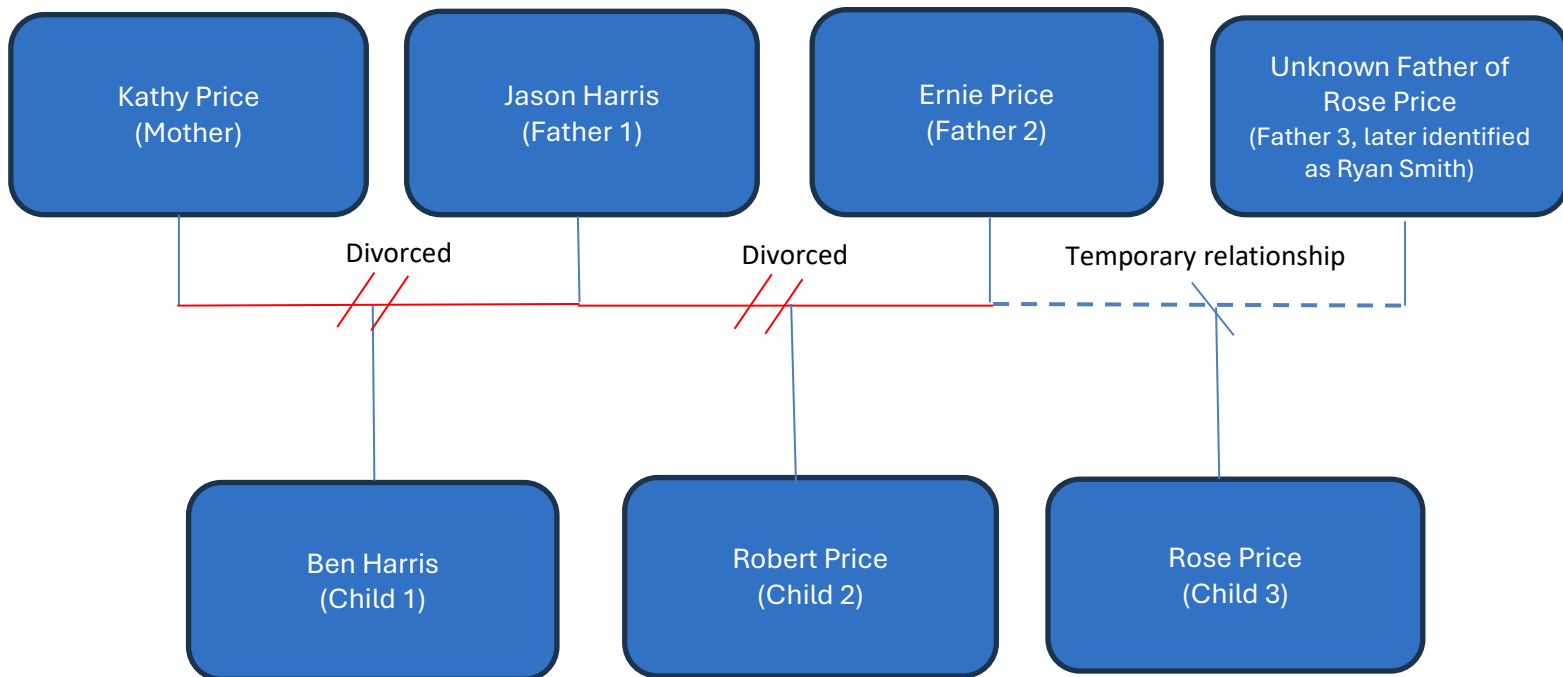
## How to Use the Harris-Price Case Materials

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, an Attorney Ad Litem Statement of Compliance and the Attachments to the Temporary Orders which set forth visitation and child support, etc.) 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.

Also, please note that these materials predate the legislative changes enacted during the 89<sup>th</sup> Regular Legislative Session. Attorneys reviewing this case scenario should note any legislative changes made during the session that affect the filing of petitions, burdens of proof, and the required court findings at statutory hearings related to child welfare cases.

## Case Scenario

This Trial Skills Training Contested Hearing Practices Case Materials Notebook contains the legal file for the assigned *Harris-Price* case. It tracks the fictional DFPS history of the Harris-Price family. Below is the Harris-Price family tree:



When reviewing the *Harris-Price* legal file, focus on issues likely to have an impact on a contested adversary hearing or a final trial, such as the burden of proof, reasonable efforts, and best interest of the child. You also should remain mindful of other factors that could influence the outcome, including domestic violence dynamics, mental health concerns, substance abuse disorders, psychotropic medication use, and compliance with the Indian Child Welfare Act (ICWA), if applicable.

## Statutory Hearing Timeline

Day:	Event:	Statutory Reference:	Notes:
1	Removal and Ex Parte Hearing	<p><a href="#">Tex. Fam. Code §§ 262.001, 262.101- 262.107.</a></p> <p><a href="#">Tex. Fam. Code § 263.401(a)</a></p>	<p>The Department of Family and Protective Services must adhere to strict statutory requirements in order to remove a child without prior notice to the parents and a hearing.</p> <p>Upon granting TMC to the Department, the 365-day (plus until the following Monday) deadline to resolve the case begins.</p>
14	Adversary	<p><a href="#">Tex. Fam. Code § 262.201</a></p> <p><a href="#">Tex. Fam. Code § 262.201(g-2)</a></p>	<p>Unless the child has already been returned, a full adversary hearing shall be held not later than the 14<sup>th</sup> day after the date the child was taken into possession, unless the court grants an extension under <a href="#">Tex. Fam. Code § 262.201(e)</a> or <a href="#">(e-1)</a>. The court must inquire about Native American heritage and return the child(ren) unless three findings of <a href="#">Tex. Fam. Code § 262.201(g)</a> are met. If the court does not order the return of the child(ren) under subsection (g), the court shall order possession of the child(ren) by another parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession of the child(ren) unless one of the two findings under <a href="#">Tex. Fam. Code § 262.201(g-1)</a> are met.</p> <p>If the court renders an order under subsection (g) or (g-1), the court must describe in writing and in a separate section of the order the reasonable efforts findings required by subsection (g-2).</p>
60	Status Hearing	<a href="#">Tex. Fam. Code § 263.201</a>	Not later than the 60 <sup>th</sup> day after the date the court renders a temporary order appointing DFPS as TMC of a child, the court shall hold a status hearing to review the child's status and the service plan developed for the child. Each parent is informed in open court regarding risk to their parental rights at the Status Hearing and at each Permanency Hearing Before Final Order, pursuant to <a href="#">Tex. Fam. Code § 263.006</a> .
180	Initial Permanency Hearing Before Final Order	<a href="#">Tex. Fam. Code § 263.304</a>	Not later than the 180 <sup>th</sup> day after the date the court renders a temporary order appointing the department as the temporary managing conservator of a child, a permanency hearing to review the status of and permanency plan

			for the child(ren) must be held pursuant to <a href="#">Tex. Fam. Code § 263.306</a> . The court shall review the placement of each child who has not been returned to the child's home pursuant to <a href="#">Tex. Fam. Code § 263.002</a> .
300	Subsequent Permanency Review Hearings Before Final Order	<a href="#">Tex. Fam. Code § 263.305</a>	Subsequent permanency hearings must be held no later than the 120 <sup>th</sup> 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 <a href="#">Tex. Fam. Code § 263.306</a> . The court shall review the placement of each child who has not been returned to the child's home pursuant to <a href="#">Tex. Fam. Code § 263.002</a> .
365	Trial on the Merits	<a href="#">Tex. Fam. Code §105.002</a>  <a href="#">Tex. Fam. Code § 263.4011</a>  <a href="#">Tex. Fam. Code § 153.002(b) and (c)</a> ( <i>applies to all SAPCRs pending in trial court on or filed on or after September 1, 2025</i> )  <a href="#">Tex. Fam. Code §§ 161.001(g) and (f)</a>	<p>A party to a SAPCR brought by DFPS is entitled to demand a trial by jury.</p> <p>The court shall render a final order not later than the 90<sup>th</sup> day after the trial on the merits commences.</p> <p>In a suit between a parent and nonparent, it is a rebuttable presumption that a parent acts in the best interest of the parent's child and it is in the best interest of the child to be in the care, custody, and control of a parent. The non-parent may overcome the presumption under <a href="#">Tex. Fam. Code § 153.002(b)</a> by proving by clear and convincing evidence that denial of the relief requested by the nonparent would significantly impair the child's physical health or emotional development. If the court renders an order in the suit granting relief to the nonparent, the court shall state in the order the specific facts that support the court's finding and the extend to which the nonparent has overcome the presumption under <a href="#">Tex. Fam. Code § 153.002(b)</a>.</p> <p>The court may not order termination of the parent-child relationship in a suit for termination filed by DFPS under <a href="#">Tex. Fam. Code § 161.001(b)(1)</a> unless the court finds by clear and convincing evidence and describes in writing with specificity in a separate section of the order the reasonable</p>

			efforts findings required under subsections (f) and (g).
365+	Dismissal Date	<p><a href="#">Tex. Fam. Code § 263.401(a)</a></p> <p><a href="#">Tex. Fam. Code § 263.4012</a> (effective September 1, 2025)</p>	<p>Mandatory dismissal of the suit is required by the first Monday after the first anniversary date of when the Department was granted TMC, <b><u>unless an extension is granted under <a href="#">Tex. Fam. Code § 263.401(b)</a> or (b-1); and/or a monitored return is granted under <a href="#">Tex. Fam. Code § 263.403(a)</a>.</u></b></p> <p>Notwithstanding <a href="#">Tex. Fam. Code § 263.401</a>, <b><u>if the court finds the child is missing from the child's substitute care provider, the court shall retain jurisdiction and schedule a new dismissal date that is 180 days after the last dismissal date.</u></b> The court may not dismiss the case until the earlier of the date the child is found or the date on which the child would no longer be eligible to receive department services or benefits. If the court retains jurisdiction under <a href="#">Tex. Fam. Code § 263.4012(a)</a>, but does not commence the trial on the merits before the dismissal date, the court's jurisdiction over the suit is terminated and the suit is automatically dismissed without a court order.</p>

## Ex Parte Hearing

In the *Harris-Price* case, an Ex Parte Hearing is conducted after the exigent removal of the children from the home. The Child Protective Investigations (CPI) caseworker completes an affidavit to accompany the State's Original Petition, synthesizing facts that have led to the Department's request for conservatorship. Please refer to [Tex. Fam. Code Chapter 262, Subchapter B](#), to learn more about Affidavit and Ex Parte Hearing requirements.

Please refer to [Tex. Fam. Code Chapters 262 and 263](#) for information about the case timeline generally and the procedures required in a suit filed by a governmental entity. Also, see [Tex. Fam. Code § 263.401](#) for information about the case deadline. [Tex. Fam. Code § 161.001 et seq.](#) enumerate the various grounds for involuntary termination of the parent-child relationship.

## Original Petition for Protection of a Child, for Conservatorship, and for Termination in Suit Affecting the Parent-Child Relationship

The Original Petition included in these materials is an example of a petition used in many courts around the state by the Department's own Regional Attorneys and District and County Attorney Offices that provide legal representation of the Department of Family and Protective Services (DFPS). Suits filed by DFPS are subject to [Tex. R. Civ. P. 13](#), which prohibits groundless pleadings brought in bad faith or to harass, as well as [Tex. Civ. Prac. & Rem. Code § 10](#), which requires that each allegation or other factual contention in the pleading have evidentiary support or is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery. [Tex. Fam. Code § 161.101\(b\)](#). "Catch-all" or "laundry list" pleadings should be avoided, and instead, only termination grounds which are applicable to the facts of the individual case and/or which can be proved at trial should be included in the petition. As you read through the petition for this case scenario, you may notice that not every section or paragraph of this petition applies to the *Harris-Price* case. For example, evidence of health insurance, and redirection of child support payments, while perhaps applicable in a real case, are not addressed in *Harris-Price* as these topics do not directly relate to the practice of trial skills. The forms contained herein have current, sample language which might be of use in your case; however, they have been drafted to match the fictional circumstances of the Harris-Price family and may not contain requisite language for your case or your jurisdiction. If you are drafting or reviewing an Original Petition or any of the various pleadings included in these case materials, please make sure to tailor your pleadings to the case in which you are involved.

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**ORIGINAL PETITION FOR PROTECTION OF A CHILD, FOR CONSERVATORSHIP, AND  
FOR TERMINATION IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP**

*This Original Petition for Protection of a Child, for Conservatorship, and for Termination in Suit Affecting the Parent-Child Relationship is brought by the Department of Family and Protective Services (“the Department”), whose address is 500 Main St., Great City, TX 75000, for the purposes of § 30.015, Texas Civil Practice and Remedies Code. The Department has standing to bring this suit under §§ 102.003(5) and 262.001, Texas Family Code.*

**1. Discovery Level**

Discovery in this case is intended to be conducted under Level 2, subject to the discovery limitations provided by Rule 190.3, unless modified by order pursuant to Rule 190.5, Texas Rules of Civil Procedure.

**2. Jurisdiction**

- 2.1. This Court has jurisdiction of the suit affecting the parent-child relationship and of the suit for protection of a child under Chapter 262, Texas Family Code, and Petitioner believes no other Court has continuing, exclusive jurisdiction over the children.
- 2.2. In accordance with § 155.101(a), Texas Family Code, the Department will request that the Vital Statistics Unit identify the court that last had continuing, exclusive jurisdiction, or confirm that the children have not been the subjects of a suit resulting in a court of continuing jurisdiction.
- 2.3. Information required by § 152.209 of the Texas Family Code is provided in the affidavit attached to this petition. This Court has emergency and/or home state jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.

**3. The Children:**

The following children are the subject of this suit:

- 3.1.           Name: **BEN HARRIS**  
              Sex: **MALE**  
              Birth Date: **October 31, 2012**  
              Indian Child Status: **All parties deny that the child has Indian heritage**
- 3.2.           Name: **ROBERT PRICE**  
              Sex: **MALE**  
              Birth Date: **May 10, 2015**  
              Indian Child Status: **All parties deny that the child has Indian heritage**
- 3.3.           Name: **ROSE PRICE**  
              Sex: **FEMALE**  
              Birth Date: **March 28, 2023**  
              Indian Child Status: **All parties deny that the child has Indian heritage**

**4. Parties to be Served**

- 4.1.   The mother of the children the subject of this suit is:

              Party: **KATHY PRICE**  
              Date of Birth: **February 14, 1994**  
              Address: **123 Broadway, Great City, TX 75000**

Service of citation will be achieved pursuant to Rule 21a, Texas Rules of Civil Procedure.

- 4.2.   The father of the child **BEN HARRIS** is:

              Party: **JASON HARRIS**  
              Date of Birth: **July 3, 1985**  
              Address: **Route 4 County Road 28, Merry City, TX 75010**

Service of citation will be achieved pursuant to Rule 21a, Texas Rules of Civil Procedure.

- 4.3.   The father of the child **ROBERT PRICE** is:

              Party: **ERNIE PRICE**  
              Date of Birth: **August 5, 1993**  
              Address: **1414 Main Street, Great City, TX 75000**

Service of citation will be achieved pursuant to Rule 21a, Texas Rules of Civil Procedure.

- 4.4. The name and location of the father of **ROSE PRICE** is **Unknown**. The Department will make a diligent effort to identify and locate him, request a search of the paternity registry and request service of process if Respondent's identity and/or address becomes known.
- 4.5. To the best of the Department's knowledge, there are no Court-ordered conservatorships, guardianships, or other court-ordered relationships affecting the children the subject of this suit.
- 4.6. The Attorney General's office will be served under Rule 21a, Texas Rules of Civil Procedure at P.O. Box 12017, Austin, Texas 78711-2017, pursuant to § 102.009(d), Texas Family Code.

**5. Information on Protective Orders**

To the best of the Department's knowledge, there are no protective orders in effect or applications pending, as described in § 102.008(b)(11), Texas Family Code, in regard to a party to the suit or a child of a party to the suit.

**6. Interstate Compact on the Placement of Children**

A verified statement of compliance with Subchapter B, Chapter 162, Texas Family Code, as required by § 162.002, Texas Family Code will be filed at a later time should one be required.

**7. Property Owned by the children**

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

**8. Reasonable Efforts to Reunify Family**

- 8.1. The Department made reasonable efforts, consistent with time and circumstances prior to the children's removal and prior to the placement of the children in foster care, to prevent or eliminate the need for removal of the children and the Department has made reasonable efforts to make it possible for the children to return home.
- 8.2. The Department will make reasonable efforts to eliminate the need for the children's removal and to enable the return of the children to the parents.
- 8.3. The children would not be adequately protected in the child's home with an order for the removal of the alleged perpetrator under Section 262.1015 or 262.1016 or a protective order issued under Title 4;
- 8.4. Placing the children with a relative or designated caregiver or with a caregiver under a parental child safety placement agreement authorized by Subchapter L, Chapter 264:

- 8.4.1. was offered but refused;
- 8.4.2. was not possible because there was no time, consistent with the physical health or safety of the children and the nature of the emergency, to conduct the caregiver evaluation; or
- 8.4.3. would pose an immediate danger to the physical health or safety of the children.
- 8.4.4. if the children are in a parental child safety placement: In accordance with § 264.905, Texas Family Code, the Department is not prevented from removing a child at any time from a person who makes a parental child safety placement or from a caregiver if removal is determined to be necessary by the Department for the safety and welfare of the child as provided by Chapter 262.

## **9. Request for Emergency Orders**

- 9.1. On May 25, 2024, the children the subject of this suit were taken into the possession of the Department in compliance with § 262.104, Texas Family Code.
- 9.2. The Department attached to this Petition an affidavit setting out the facts of this case.
- 9.3. There was an immediate danger to the physical health or safety of the children.
- 9.4. 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, 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.
- 9.5. The Department requests emergency orders as authorized by §262.106, Texas Family Code.

## **10. Temporary Managing Conservatorship**

The Department requests that the court immediately, without notice or a Full Adversary Hearing, appoint the Department as temporary sole managing conservator of the children as provided in Chapter 262 and § 105.001(a)(1) and (h), Texas Family Code.

## **11. Required Information**

- 11.1. The Department requests that each Parent, Alleged Father or Relative of the children before the Court provide the full name and current address or whereabouts and phone number of any absent parent of the children the subject of this suit

pursuant to Rule 194, Texas Rules of Civil Procedure and §262.201, Texas Family Code.

- 11.2. The Department requests that each Parent, Alleged Father or Relative of the children before the Court submit the Child Placement Resources Form provided under § 261.307, if the form has not previously been provided and provide the Department and the Court the full name and current address or whereabouts and phone number of any and all relatives of the children the subject of this suit with whom the Department may place the children during the pendency of this suit, pursuant to Rule 194, Texas Rules of Civil Procedure, and § 262.201, Texas Family Code.
- 11.3. The Department requests that each parent of the children the subject of this suit 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 Rule 196, Texas Rules of Civil Procedure, and § 154.063, Texas Family Code.
- 11.4. The Department requests that each parent of the children the subject of this suit provide to the Department and the Court evidence of health insurance available for the children, pursuant to Rule 196, Texas Rules of Civil Procedure, and § 154.182, Texas Family Code.
  - 11.4.1. Further that if private health insurance is in effect, the Department requests that each parent provide the identity of the insurance company, the policy number, which parent is responsible for the payment of any insurance premium, whether the coverage is provided through a parent's employment, and the cost of such premium.
  - 11.4.2. If private health insurance is not in effect, the Department requests that each parent provide information on whether the child is receiving medical assistance under chapter 32 Human Resource Code; or the child is receiving health benefits coverage under the state child health plan under chapter 62, Health and Safety Code and the cost of any premium or if either parent has access to private health insurance at reasonable cost to the parent.
- 11.5. The Department requests 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, or any other records from the United States Citizenship and Immigration Services, and records of Indian ancestry or tribal membership, pursuant to Rule 196, Texas Rules of Civil Procedure.
- 11.6. The Department requests 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 immunization records and the names

and addresses of all treating physicians. The Department requests the Court order each parent to provide information regarding the medical history of the parent and parent's ancestors on the medical history report form, pursuant to § 161.2021, Texas Family Code.

- 11.7. The Department requests that each parent of the children provide any information regarding whether the children have Native American heritage and identify any Native American tribe with which the children may be associated and provide all available family history information relevant to determination of Indian child status on request.
- 11.8. The Department requests that, at the Full Adversary Hearing in this cause, the Court order the Respondents to execute an authorization for the release of the Respondents' medical and mental health records to the Department, and to further provide the Department with a list of the names and addresses of the physicians and mental health providers who have treated the Respondents.

## **12. Request for Temporary Orders**

At the Full Adversary Hearing under §262.201, Texas Family Code, the Court should render temporary orders under §105.001, Texas Family Code, to include but not be limited to:

- 12.1. a provision appointing the Department temporary sole managing conservator of the children, with all of the rights and duties listed in § 153.371, Texas Family Code, pending the final disposition of this suit;
  - 12.1.1. a provision authorizing the Department to consent to medical care for the subject children, pursuant to § 266.004, Texas Family Code;
- 12.2. a provision authorizing the Department or its employee or designee to consent to medical care of the children, pursuant to § 266.004, Texas Family Code;
- 12.3. a provision pursuant to §154.001(b), Texas Family Code, ordering the parents of the children to make payments for the temporary support of the children, pending final disposition of this suit, these children support payments to be withheld from their disposable earnings;
- 12.4. a provision that any child support ordered to be paid for the support of the children **BEN HARRIS, ROBERT PRICE AND ROSE PRICE** as a result of any prior court orders be ordered to be redirected and paid to the Texas Department of Family and Protective Services.
- 12.5. a provision restricting the parents' possession and access to the children the subject of this suit;

- 12.6. a provision for the preparation of a social study into the circumstances and conditions of the children and the home of any person requesting managing conservatorship or possession of the children;
- 12.7. a provision ordering the parents of the children to submit to the Department the Child Placement Resources Form required under § 261.307, Texas Family Code;
- 12.8. a provision ordering the parents of the children to submit to psychological examinations;
- 12.9. a provision ordering the parents of the children to attend counseling sessions to address the specific issues that led to the removal of the children from the home and to attend counseling sessions to address any additional issues arising from the psychological examinations or from the counseling sessions;
- 12.10. a provision ordering the parents of the children to attend parenting classes as requested by the Department;
- 12.11. a provision ordering the Respondents to submit to a drug and alcohol assessment and to complete a substance abuse treatment program if needed;
- 12.12. a provision ordering the parents of the children to comply with each requirement set out in the Department's original, or any amended, service plan during the pendency of this suit, as provided by §§ 263.106 and 153.602, Texas Family Code;
- 12.13. a provision ordering the Respondents to provide the Court and the Department with a current residence address and telephone number at which each can be contacted;
- 12.14. a provision ordering the Respondents to notify the Court and the Department of any change in his or her residence address or telephone number within five (5) days of a change of address or telephone number.

### **13. Reunification**

- 13.1. The Department will make reasonable efforts to eliminate the need for the children's removal and to enable the return of the children to a parent.
- 13.2. If the children cannot be safely reunified with either parent, then the Department will seek alternative relief as described in the sections below.

### **14. Permanent Conservatorship and Support of the Children**

#### **14.1. Conservatorship**

- 14.1.1. Pursuant to §§ 153.005 and 263.404, Texas Family Code, if the children cannot safely be reunified with either parent, but may be permanently placed with a relative or other suitable person, the Department requests that the Court appoint the person as permanent sole managing conservator of the

children; if the children cannot safely be reunified with either parent or permanently placed with a relative or other suitable person, the Department requests that the Court appoint the Department as permanent sole managing conservator of the children.

14.1.2. Pursuant to § 153.131, Texas Family Code, the appointment of a parent as permanent managing conservator of the children is not in the children's best interest, because the appointment would significantly impair the children's physical health or emotional development.

14.1.3. Pursuant to § 153.191, Texas Family Code, the appointment of a parent as permanent possessory conservator of the children is not in the best interest of children and parental possession or access would endanger the physical or emotional welfare of the children.

14.1.4. If conservatorship is awarded under this section, the application of the guidelines for possession and access to the children, as set out in §§ 153.311, *et seq.*, Texas Family Code, would not be in the children's best interest. The parents of the children, as possessory conservators of the children, should have limited access to and possession of the children, under conditions and restrictions prescribed by the Court for the best interests of the children.

#### 14.2. **Support**

14.2.1. Each parent should be ordered to make payments for the support of the children in accordance with § 154.001(b), Texas Family Code, including retroactive support if appropriate, determined pursuant to § 154.131, Texas Family Code, and in a manner specified by the Court under Chapter 154, Texas Family Code. The payments for the support of the children should survive the death of either parent and become the obligation of the deceased Parent's estate.

14.2.2. Each parent should be ordered to provide health insurance for the children in accordance with §§ 154.182 and 154.183, Texas Family Code.

14.2.3. If any parent is found to be in arrears in child support or medical support payments ordered in this or in any other action, a judgment for enforcement of said arrearage should be issued against that parent pursuant to §§ 157.261, 158.003 and 158.004, Texas Family Code.

#### 15. **Termination of KATHY PRICE'S Parental Rights**

If reunification with the mother cannot be achieved, the Court should terminate the parent-child relationship between **KATHY PRICE** and the children, **BEN HARRIS, ROBERT PRICE AND ROSE PRICE** the subject of this suit under Chapter 161, Texas Family Code, if both of the following are shown:

15.1 **KATHY PRICE** has committed any of the following acts or omissions:

- 15.1.1. knowingly placed or knowingly allowed the children to remain in conditions or surroundings which endanger the physical or emotional well-being of the children, pursuant to § 161.001(b)(1)(D), Texas Family Code;
- 15.1.2. 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, pursuant to § 161.001(b)(1)(E), Texas Family Code;
- 15.1.3. executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by Chapter 161, Texas Family Code, pursuant to § 161.001(b)(1)(K), Texas Family Code;
- 15.1.4. constructively abandoned the children who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than six months and: (1) the Department 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, pursuant to § 161.001(b)(1)(N), Texas Family Code;
- 15.1.5. failed to comply with the provisions of a court order that specifically established the actions necessary for the mother 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, pursuant to § 161.001(b)(1)(O), Texas Family Code;

15.2. **AND** that termination of the parent-child relationship is in each child's best interest.

## 16. **Termination of JASON HARRIS'S Parental Rights**

If reunification with the father cannot be achieved, the Court should terminate the parent-child relationship between **JASON HARRIS** and the child, **BEN HARRIS** the subject of this suit under Chapter 161, Texas Family Code, if both of the following are shown:

16.1 **JASON HARRIS** has committed any of the following acts or omissions:

- 16.1.1. voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months, pursuant to § 161.001(b)(1)(C), Texas Family Code;
- 16.1.2. knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child, pursuant to § 161.001(b)(1)(D), Texas Family Code;

- 16.1.3. engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child, pursuant to § 161.001(b)(1)(E), Texas Family Code;
- 16.1.4. executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by Chapter 161, Texas Family Code, pursuant to § 161.001(b)(1)(K), Texas Family Code;
- 16.1.5. constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than six months and: (1) the Department has made reasonable efforts to return the child to the father; (2) the father has not regularly visited or maintained significant contact with the child; and (3) the father has demonstrated an inability to provide the child with a safe environment, pursuant to § 161.001(b)(1)(N), Texas Family Code;
- 16.1.6. 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, pursuant to § 161.001(b)(1)(O), Texas Family Code;

**16.2. AND** that termination of the parent-child relationship is in the child's best interest.

## **17. Termination of ERNIE PRICE'S Parental Rights**

If reunification with the father cannot be achieved, the Court should terminate the parent-child relationship between **ERNIE PRICE** and the child, **ROBERT PRICE** the subject of this suit under Chapter 161, Texas Family Code, if both of the following are shown:

**17.1 ERNIE PRICE** has committed any of the following acts or omissions:

- 17.1.1. voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months, pursuant to § 161.001(b)(1)(C), Texas Family Code;
- 17.1.2. knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child, pursuant to § 161.001(b)(1)(D), Texas Family Code;
- 17.1.3. engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child, pursuant to § 161.001(b)(1)(E), Texas Family Code;

- 17.1.4. executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by Chapter 161, Texas Family Code, pursuant to § 161.001(b)(1)(K), Texas Family Code;
- 17.1.5. constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than six months and: (1) the Department has made reasonable efforts to return the child to the father; (2) the father has not regularly visited or maintained significant contact with the child; and (3) the father has demonstrated an inability to provide the child with a safe environment, pursuant to § 161.001(b)(1)(N), Texas Family Code;
- 17.1.6 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, pursuant to § 161.001(b)(1)(O), Texas Family Code;

**17.2. AND** that termination of the parent-child relationship is in the child's best interest.

#### **18. Termination of Unknown Father's Parental Rights**

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

- 18.1. 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 court proceeding in this suit;
- 18.2. He has not registered with the paternity registry under Chapter 160, Texas Family Code; or
- 18.3. 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.

#### **19. Attorney Ad Litem and Guardian Ad Litem for the Children**

- 19.1. The immediate appointment of an attorney *ad litem* for the children is required by § 107.012, Texas Family Code.
- 19.2. The immediate appointment of a guardian *ad litem* to represent the interests of the children is required by § 107.011, Texas Family Code.

- 19.3. Petitioner would show the Court that the Department possesses information which may be essential to the work of the attorney *ad litem* and guardian *ad litem*, but which cannot be provided, except by direction of this Court, without the editing required by § 261.201(g), Texas Family Code. Resource limitations will result in substantial delay in providing the information if the editing must be done before release. The release of all files, reports, records, communications and working papers used or developed in the investigation or in the providing of services to the children the subject of this suit to the attorney *ad litem* and guardian *ad litem* is in the best interests of the children, is essential to the administration of justice, and is not likely to endanger the life or safety of any person. If the Court determines that release of the information to the attorney *ad litem* and guardian *ad litem*, as officers of the Court, without editing should be made, the Department requests that appropriate orders be made to prevent further disclosure of the information.

**20. Attorneys for Parents and Respondents; Payment of Attorney Ad Litem Fees and Expenses**

**20.1. Indigent Parent**

If a parent responds in opposition to this suit affecting their parent-child relationship and appears without attorney, the Department requests that the Court determine whether the parent is indigent. If the Court determines that the parent is indigent, the appointment of an attorney *ad litem* to represent the interests of that parent is required by § 107.013, Texas Family Code. The Court may appoint one attorney to represent both indigent parents if the parents' interests are not in conflict.

**20.2. Parent with Mental or Emotional Illness or Deficiency**

If termination of parental rights is sought due to the inability of a parent to provide for the physical, emotional, and mental needs of the children due to mental or emotional illness or deficiency, the appointment of an attorney *ad litem* to represent the parent is required by § 161.003(b), Texas family Code.

**20.3. Other Parents Entitled to Appointment of Attorney Ad Litem**

20.3.1. If a parent is served with citation by publication or service is not required pursuant to § 161.002(c) or (d), Texas Family Code, the appointment of an attorney *ad litem* for the absent parent is required by § 107.013, Texas Family Code.

20.3.2. If the Court finds that the parent is a minor, the Department requests that the Court appoint an attorney *ad litem* to represent the interests of the minor parent pursuant to § 107.010, Texas Family Code.

**20.4. Payment of Fees for Attorneys Ad Litem**

The Department requests that attorney's fees for any attorney *ad litem* be assessed and paid in accordance with § 107.015, Texas Family Code.

**21. Statutory Warning to Parents**

The Department requests that the Court inform each parent in open court as required by §§ 262.201(c) and 263.006, Texas Family Code, at the Full Adversary Hearing, at the Status Hearing, and at each subsequent Permanency Hearing Before Final Order that parental and custodial rights and duties may be subject to restriction or to termination unless the parent or parents are willing and able to provide the children with a safe environment.

**22. Prayer**

- 22.1. The Department prays that citation and notice issue as required by law, and that the Court enter temporary and final orders in accordance with the allegations of this petition.
- 22.2. The Department prays that the Court immediately grant emergency orders in conformity with the allegations of this petition.
- 22.3. The Department prays for attorney's fees, expenses, and costs.
- 22.4. The Department prays for general relief.

Respectfully Submitted,

/s/ DFPS Attorney

**DFPS ATTORNEY**

Attorney for Petitioner,

Department of Family and Protective Services

500 Main St

Great City, Texas 75000

*email:* Ms.DFPSAttorney@dfps.texas.gov

*phone:* (987) 987-6543

*fax:* (987) 987-6542

State Bar # 00000001

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**AFFIDAVIT IN SUPPORT OF REMOVAL**

**STATE OF TEXAS**

**BEFORE ME**, the undersigned authority, personally appeared CPI Caseworker who was sworn by me and deposed as follows:

My name is CPI Caseworker. I am a Child Protective Investigations Caseworker with the Texas Department of Family and Protective Services (DFPS). I am over the age of 18 and of sound mind and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

**1. CHILD(REN)**

The children subject to this suit and the present address of the children, subjects of this suit are as follows:

Name: **BEN HARRIS**  
Sex: **Male**  
Birth Date: **October 31, 2012**  
Present Address: **Foster Home**

Name: **ROBERT PRICE**  
Sex: **Male**  
Birth Date: **May 10, 2015**  
Present Address: **Foster Home**

Name: **ROSE PRICE**  
Sex: **Female**  
Birth Date: **March 28, 2023**  
Present Address: **Foster Home**

“All known places where the children lived within the last five years are:

1. 123 Broadway, Great City, Texas 75000;
2. Route 4 County Road 28, Merry City, Texas 75010
3. 1414 Main Street, Great City, Texas 75000

“The names and present addresses of all the known persons with whom the children have lived within the last five years are:

1. KATHY PRICE, 123 Broadway, Great City, Texas 75000;
2. KATHY PRICE and JASON HARRIS, Route 4 County Road 28, Merry City, Texas 75010; and
3. KATHY PRICE and ERNIE PRICE, 1414 Main Street, Great City, Texas 75000.

“To the best of my knowledge, the Department of Family and Protective Services:

“has not participated in any capacity in any other litigation concerning the custody of the children in this or any other state;

“does not have information of any proceeding concerning the children pending in a court of this or any other state;

“does not know of any person not a party to the proceedings who has physical custody of the children or who claims to have custody or visitation rights with respect to the children.

## **2. PARENTS - MANAGING CONSERVATOR - MEMBERS OF THE HOUSEHOLD**

### **Mother**

Name: **KATHY PRICE**  
Birth Date: February 14, 1994  
Last Known Address: 123 Broadway, Apt. 16, Great City, TX 75000.

### **Father of Ben Harris**

Name: **JASON HARRIS**  
Birth Date: July 13, 1985  
Last Known Address: Route 4 County Road 28, Merry City, Texas 75010.

### **Father of Robert Price**

Name: **ERNIE PRICE**  
Birth Date: August 5, 1993  
Last Known Address: 1414 Main Street, Great City, TX 75000.

**Father of Rose Price**

Name: UNKNOWN  
Birth Date: UNKNOWN  
Last Known Address: UNKNOWN

**3. INFORMATION ON PROTECTIVE ORDERS**

To the best of the Department's knowledge, there are no protective orders in effect or applications pending, as described in § 102.008(b)(11), Texas Family Code, in regard to a party to the suit or a child of a party to the suit.

**4. INDIAN CHILD STATUS****Mother**

☒ Denies tribal connection  
☐ Unavailable/unable to answer  
☐ Reports tribal connection as follows: \_\_\_\_\_

**Father**

☐ Denies tribal connection  
☒ Unavailable/unable to answer  
☐ Reports tribal connection as follows: \_\_\_\_\_

**Child** \_\_\_\_\_

☐ Denies tribal connection  
☒ Unavailable/unable to answer.  
☐ Reports tribal connection as follows: \_\_\_\_\_

\_\_\_\_\_**(Extended family/other))**

☐ Denies tribal connection  
☒ Unavailable/unable to answer.  
☐ Reports tribal connection as follows: \_\_\_\_\_

**5. ALLEGATIONS**

On the evening of May 25, 2024, 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 11, Robert Price, age 9, and Rose Price, age 1 year, had been found alone in the apartment. Kathy Price, mother of the children, was not found on site and was not 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.

## 6. FACTS NECESSITATING REMOVAL

### **There was an immediate danger to the physical health or safety of Ben Harris, Robert Price, and Rose Price.**

I arrived at Great City Hospital on May 25, 2024, at 2:00 a.m., and I met with and interviewed the children, Ben Harris and Robert Price, who were awake at the time I made contact. Rose Price was asleep when I arrived at the hospital. Due to her being asleep and because of her young age, I did not interview Rose Price. The children were not able to tell me where Kathy Price, their mother, was 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 has been gone since yesterday.” Ben Harris and Robert Price complained of being hungry and tired. Ben Harris stated he is worried about his mom. Neither child was able to give me names or contact information for adult family members or fictive kin that could take care of them while their mom was away. Ben stated that he was in charge and had to make sure his little brother and sister stayed safe until their mom came back home. The children appeared to have dirt caked on their visible body parts and were emitting strong body odors. Their clothes also appeared dirty and tattered, and Rose Price’s clothes appeared stained with food and vomit.

I then interviewed Dr. Jane Jones, Great City Hospital Child Abuse Specialist, who examined and treated the children. She stated that the children were seen by the ER Physician when they were first brought into the hospital and that the ER physician called Dr. Jones in for an emergency consult. Dr. Jones reported that Ben Harris was evaluated and is being treated for an asthma attack with severe wheezing. She reported that the ER Physician’s evaluation indicated a long-standing lack of needed asthma treatment and that, after her examination of Ben, she concurred. 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. Dr. Jones stated that the children were being kept for observation but would likely be cleared for release from the hospital by early to mid-afternoon.

I also interviewed Officer Gooden, who responded to the home in response to a request for a well check. Officer Gooden reported that the home of the children was found to be cluttered and smelly, with empty liquor bottles and drug paraphernalia present. He stated that, upon making contact with the children at the home, Ben was attempting to soothe Rose, who was crying and appeared to be very fussy. Officer Gooden stated that Ben and Robert appeared tired and expressed worry about their mother. He noted that the children appeared dirty and that the boys asked for food. The officer noted that the kitchen sink was full of dirty dishes with food remnants emitting a rotten smell. He also noted that there was a lingering, faint smell of marijuana in the home. Upon further inspection of the home, a bag containing marijuana, a bong that appeared to be used, and a pack of “black and milds” were found on the counter and easily accessible in the master bathroom of the home. No formula or food was found in the apartment. Officer Gooden reported that he called dispatch and learned that Kathy Price was arrested on the evening of May 24, 2024, related to the theft of baby formula and disorderly conduct.

At approximately 7:30 a.m. on May 25, 2024, I met with Kathy Price in Great City Jail and reviewed the Notification of Rights form with her. She signed the form, and I proceeded to

interview her. Ms. Price reports that she had stopped to purchase vodka on the night of May 24, 2024, at Great City Liquor just before 9:00 p.m. and then went into a nearby convenience store to pick up baby formula for Rose. Ms. Price stated that there was a misunderstanding, and she was arrested for theft. She denies the allegations of the arrest. At the time of my contact with Ms. Price, I noted that she appeared to have bloodshot eyes, disheveled hair, and I could smell alcohol emitting from her breath. Ms. Price denied that she had been drinking.

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, married to Mr. Price, but she is currently single. 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 current 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. The last known address for Mr. Harris is Route 4 County Road 28, Merry City, Texas 75010. The last known address for Mr. Price is 1414 Main Street, Great City, TX 75000. Ms. Price stated that she resided at each of these addresses with her ex-husbands and has not kept up with their whereabouts since she left them. Ms. Price stated she does not know who the father of Rose Price is and could not identify any potential fathers.

Ms. Price denies any alcohol or drug abuse, stating she is “a social drinker.” While in custody at the county jail, Ms. Price tested positive for marijuana on an oral swab test that she consented to taking. Ms. Price named her sister, Carol Hill, as someone who could temporarily serve as a placement for the children, but indicated Ms. Hill was on a 7-day cruise that left on Friday. Ms. Price stated she does not understand why the police were called to her apartment. I informed Ms. Price that if there were no safe adults to whom the children could be released to from the hospital, and she remained in jail, the department may have to place them into foster care. Ms. Price seemed confident that she would be released soon and said that her children would not have to go into foster care.

After my interview with Kathy Price, I went out to the last known address for Ernie Price, 1414 Main Street, Great City, Texas 75010, and attempted to make contact with Mr. Price at approximately 10:15 a.m. When I arrived at the address, I did not see any vehicles in the driveway or parked on the residential street near the home. I observed that the porch light was on. I then approached the front door, knocked several times, and was able to make contact with Ms. Anita Dashee (DOB: 04/23/1952), who indicated she is Mr. Ernie Price’s mother and the grandmother of Robert Price. Ms. Dashee stated that Ernie was currently out of town for work and would be back in a few days. She reported that Kathy would not tell Ernie or her (Ms. Dashee) where she (Ms. Price) lived and changed her phone number, so they had not seen or spoken to Robert or his siblings for a little over a year. Ms. Dashee said she said was unable to get a hold of Mr. Price during our meeting because he was not allowed to have his phone on during work hours, but that she would get a hold of him and have him call me back as soon as she could. She said that Mr. Price was a good son and father, and she knew he wanted his son back in his life. She stated that she would talk to Ernie about trying to keep the kids together if they could, because she knew that they were close and said that it was important for brothers and sisters to be together. Ms. Dashee stated that she was willing to help Ernie with watching the children while he was away at work. I asked Ms. Dashee if she was aware of whether Mr. Price had any criminal history. She stated that

he had an arrest for possession of marijuana a while back, but that he was a good man and had no other arrests. I asked Ms. Dashee whether Mr. Price used anything other than marijuana. Ms. Dashee stated that Mr. Price would never use hard drugs. I then asked if Mr. Price still used marijuana, and she stated that she has never seen him smoke marijuana at home. I asked Ms. Dashee if she knew who the father of Rose Price was, and she stated she wasn't sure who Rose's dad was, only that Ernie and Kathy were no longer together when Kathy got pregnant. I thanked Ms. Dashee for her time, gave her my card, and left the home.

Mr. Harris' last known address was located 85 miles away from Great City, so I requested a courtesy worker to attempt to make contact with Mr. Harris. The courtesy worker reported that they observed a metal chain link fence around the property and the gate door was locked shut. The door to the home was observed to be approximately 10 feet away from the gate and there was a security camera above the door to the home. There was a "No Trespassing" sign predominantly placed on the gate. The courtesy worker reported that they did not see any vehicles in the driveway or on the side of the street near the home, and the porch light was off. The courtesy worker indicated that they wrote a note on the back of their business card for Mr. Harris, left it taped to the chain link fence, and left the property.

At 12:45 p.m. on May 25, 2024, I received a call from the social worker at Great City Hospital stating that the children were going to be discharged. I checked with the Great City Jail on the status of Ms. Price and confirmed that, due to the holiday, the magistrate judge would not be in until Tuesday and Ms. Price would not see the magistrate or have a bond set until that morning, at the earliest. I staffed the case with my supervisor, MR. CPI SUPERVISOR, and was instructed to contact the child placement unit to locate an emergency placement for the children since there were no parents or approved family placement options to release the children to.

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.

## **7. REASONABLE EFFORTS TO PREVENT OR ELIMINATE REMOVAL**

The children would not be adequately protected in their home with an order for removal of the alleged perpetrator or a protective order. The alleged perpetrator is mother, Kathy Price, and she is the only adult residing in the home.

Placing the child with a relative or designated caregiver was not possible. While I asked Kathy Price about relatives who could serve as a temporary placement of the children, she only listed her sister, who she indicated was out of town and currently unavailable.

In addition to the efforts above, I attempted to make contact with Ernie Price, father of Robert Price, and identified his mother, Anita Dashee as a potential relative caregiver. I also attempted to make contact with Mr. Harris, father of Ben Harris, but was unsuccessful. I made attempts to learn the identity of the father of Rose Price as well. Due to the incarceration of Kathy Price with

unknown release date, lack of appropriate adult caregivers, and inability to make contact with the children's fathers, no other efforts were consistent with the children's circumstances nor would have provided for their safety.

## **8. DFPS HISTORY**

The family has history with the Department of Family and Protective Services in Texas dating back to 2013.

On **June 1, 2013**, the Department received a referral alleging neglectful supervision and physical abuse of seven month 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, 2014**, the Department received a referral alleging neglectful supervision of two-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 2014.

On **December 15, 2017**, the Department received a referral of neglectful supervision of five-year-old Ben Harris and two-and-a-half-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, 2021**, the Department received a referral of neglectful supervision of eight-year-old Ben Harris and nearly five-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 2021.

## **9. CRIMINAL HISTORY**

### **Criminal History of Kathy Price:**

December 2017: Arrest for Driving Under the Influence of Alcohol. Convicted, Community Supervision.

March 2021: Arrest for Assault and Public Intoxication. Convicted, Community Supervision.

May 2024: Arrest for Theft and Disorderly Conduct. Pending Disposition.

### **Criminal History of Jason Harris:**

June 2013: Arrest for Domestic Assault of Household Member. No charges filed.  
January 2014: Arrest for Domestic Assault of Household Member. No charges filed.  
February 2016: Arrest for Domestic Assault of Household Member. Convicted, Community Supervision.  
December 2019: Arrest for Possession of a Controlled Substance. Convicted, Community Supervision.  
January 2021: Arrest for Possession of a Controlled Substance. Convicted, 90 Day Sentence.  
December 2023: Arrest for Theft. Pending Disposition.

**Criminal History of Ernie Price:**

February 2022: Arrest for Possession of Marijuana 0-2 oz. Convicted, Community Supervision.

**10. ICPC COMPLIANCE**

At the time of the filing of this petition, an interstate placement is not planned, but the Department of Family and Protective Services will comply with all requirements of the Interstate Compact on the Placement of Children as set forth in Chapter 162, Subchapter B, Texas Family Code.

**10. 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 reasonable efforts, consistent with the circumstances and providing for the safety of the children, have been made by the Texas Department of Family and Protective Services to prevent or eliminate the need for removal of the children.

**11. FACTS SUPPORTING CITATION BY PUBLICATION OR OTHER SUBSTITUTED SERVICE OF AN ABSENT PARTY**

Personal service has been requested on Ms. Kathy Price in Great City Jail and for Jason Harris and Ernie Price at their respective residences. We have exercised due diligence in attempting to locate the whereabouts of UNKNOWN FATHER OF ROSE PRICE, Respondent, whose residence is unknown to affiant and have been unable to locate him.

"Specifically, the Department has made the following efforts to identify, locate and serve the Respondent:

This Caseworker has interviewed Ms. Price at length as well as Ms. Anita Dashee, paternal grandmother of Ernie Price, about the identity and location of UNKNOWN FATHER OF ROSE PRICE.

*CPI Caseworker*

---

CPI Caseworker

SIGNED under oath before me on the 28th day of May, 2024.

*Notary Public*

\_\_\_\_\_  
Notary Public in and for the State of Texas

My commission expires \_\_\_\_\_

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**ORDER FOR PROTECTION OF A CHILD IN AN EMERGENCY  
AND NOTICE OF COURT PROCEEDING**

On **May 28, 2024**, the Department of Family and Protective Services (“the Department”) presented its Petition to the Court. The Department appeared through **CONSERVATORSHIP CASEWORKER**, caseworker, and by attorney, **DFPS ATTORNEY**.

**1. Jurisdiction**

Having examined the pleadings and reviewed the evidence, the Court finds that it has jurisdiction of this cause under § 262.002, Texas Family Code.

**2. Findings**

- 2.1. Having examined and reviewed the evidence, including the sworn affidavit accompanying the petition and based upon the facts contained therein, the Court finds that reasonable efforts, consistent with time and circumstances have been made by the Petitioner to prevent or eliminate the need for removal of the children the subject of this suit from the home and to make it possible for the children to return home but continuation in the home of the Parents would be contrary to the children’s welfare.
- 2.2. The Court finds that the children have been removed pursuant to § 262.104, Texas Family Code, and further finds that:
  - 2.2.1. there is a continuing danger to the physical health or safety of the children if the children is returned to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the children.
  - 2.2.2. In accordance with § 262.104(c), Texas Family Code, the Court finds that an authorized representative of the Department did not take possession of the children under § 262.104(c), Texas Family Code, based solely on the opinion

of a medical professional under contract with the Department who did not conduct a physical examination of the children.

2.2.3. The children would not be adequately protected in the children's home with an order for the removal of the alleged perpetrator under Section 262.1015 or 262.1016 or a protective order issued under Title 4;

2.2.4. Placing the children with a relative or designated caregiver or with a caregiver under a parental child safety placement agreement authorized by Subchapter L, Chapter 264:

2.2.4.1. was offered but refused;

2.2.4.2. was not possible because there was no time, consistent with the physical health or safety of the children and the nature of the emergency, to conduct the caregiver evaluation; or

2.2.4.3. would pose an immediate danger to the physical health or safety of the children.

2.2.5. The Court finds that the Department made the following reasonable efforts consistent with the circumstances and providing for the safety of the children, to prevent or eliminate the need for removal of the children:

2.2.5.1. attempted to maintain contact with the parents;

2.2.5.2. made ongoing efforts to mitigate harm to the children.

2.2.5.3. Additional efforts to prevent or eliminate the need for removal of the children:

---

---

---

---

2.3. The Court finds that the following temporary orders are in the best interests of the children the subject of this suit.

### 3. Emergency Temporary Orders

3.1. **IT IS ORDERED** that the Department is named temporary sole managing conservator of the children, with all of the rights and duties listed in § 153.371, Texas Family Code, including the right of physical possession until a Full Adversary Hearing is held.

- 3.2. In accordance with § 262.116, Texas Family Code, the Court finds that the Department of Family and Protective Services did not take possession of children under this subchapter based on evidence that the Parents:
- 3.2.1. homeschooled the child;
  - 3.2.2. is economically disadvantaged;
  - 3.2.3. has been charged with a nonviolent misdemeanor other than:
    - 3.2.3.1. an offense under Title 5, Penal Code;
    - 3.2.3.2. an offense under Title 6, Penal Code; or
    - 3.2.3.3. an offense that involves family violence, as defined by Section 71.004 of this code;
  - 3.2.4. provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; or
  - 3.2.5. declined immunization for the child for reasons of conscience, including a religious belief;
  - 3.2.6. sought an opinion from more than one medical provider relating to the child's medical care, transferred the child's medical care to a new medical provider, or transferred the child to a new health care facility;
  - 3.2.7. allowed the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture, or
  - 3.2.8. tested positive for marijuana, unless the Department has evidence that the parent's use of marijuana has caused significant impairment to the child's physical or mental health or emotional development.
- 3.3. **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, until a Full Adversary Hearing is held.
- 3.4. **IT IS ORDERED** that each parent, alleged father, or relative of the children before the Court to provide to the Department and the Court the full name and current address or whereabouts and phone number of any absent parent or alleged father of the children the subject of this suit, pursuant to Rule 194, Texas Rules of Civil Procedure and § 262.201, Texas Family Code.

- 3.5. **IT IS ORDERED** that each parent, alleged father, or relative of the children before the Court submit the Child Placement Resources Form provided under § 261.307, if the form has not previously been provided and provide to the Department and the Court the full name and current address or whereabouts and phone number of any relative of the children the subjects of this suit with whom the Department may place the children during the pendency of this suit, pursuant to Rule 197, Texas Rules of Civil Procedure, and § 262.201, Texas Family Code.
- 3.6. **IT IS ORDERED** that each parent of the children the subjects of this suit furnish to the Department and the Court 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 Rule 196, Texas Rules of Civil Procedure and § 154.063, Texas Family Code.
- 3.7. **IT IS ORDERED** that each parent of the children the subjects of this suit provide to the Department and the Court evidence of health insurance available for the children, pursuant to Rule 196, Texas Rules of Civil Procedure and § 154.182, Texas Family Code.
- 3.8. **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 other Bureau of Citizenship and Immigration Service records of lawful entry.
- 3.9. **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.
- 3.10. **IT IS ORDERED** that each Respondent provide the Department with any information regarding whether the children or the children's family has Native American heritage and identify any Native American tribe with which the children may be associated and provide all available family history information relevant to determination of Indian child status on request.
- 3.11. **IT IS ORDERED** that all of the information required above be provided as ordered no later than the date of the Full Adversary Hearing held in this cause.

#### **4. Full Adversary Hearing**

A Full Adversary Hearing under § 262.201, Texas Family Code will be held at the time and place set out below. At this court proceeding, the Court will consider issuing the following temporary orders:

- 4.1. a provision appointing the Department temporary sole managing conservator of the children, with all of the rights and duties listed in § 153.371, Texas Family Code, pending the final disposition of this suit;
- 4.2. an authorization of the Department to consent to medical care for the subject children, pursuant to § 266.004, Texas Family Code;
- 4.3. a provision pursuant to § 154.001(b), Texas Family Code, ordering the parents of the children to make payments for the temporary support of the children, pending final disposition of this suit, these child support payments to be withheld from their disposable earnings;
- 4.4. a provision restricting each parent's possession and access to the children the subjects of this suit;
- 4.5. a provision for the preparation of a social study into the circumstances and conditions of the children and the home or homes of any person requesting managing conservatorship or possession of the children;
- 4.6. a provision ordering the parents of the children to submit to psychological or psychiatric examinations;
- 4.7. a provision ordering the parents of the children to attend counseling sessions to address the specific issues that led to the removal of the children from the home and to attend counseling sessions to address any additional issues arising from the psychological examinations or from the counseling sessions;
- 4.8. a provision ordering the parents of the children to attend parenting classes as requested by the Department;
- 4.9. a provision ordering the Respondents to submit to a drug and alcohol assessment and to complete a substance abuse treatment program if needed;
- 4.10. a provision ordering the parents of the children to comply with each requirement set out in the Department's original, or any amended, service plan during the pendency of this suit, as provided by §§ 263.106 and 153.602, Texas Family Code;

- 4.11. a provision ordering the Respondents to provide the Court and the Department with a current residence address and telephone number, at which each can be contacted;
- 4.12. a provision ordering the Respondents to notify the Court and the Department of any change in his or her residence address or telephone number within five (5) days of a change of address or telephone number;
- 4.13. a provision pursuant to § 107.013(a)(1), Texas Family Code, appointing an attorney *ad litem* to represent the interests of each indigent parent who responds in opposition to this suit affecting the parent-child relationship;
- 4.14. a provision ordering Respondents **KATHY PRICE, JASON HARRIS and ERNIE PRICE** to execute an authorization for the release of the Respondents' medical and mental health records to the Department, and to further provide the Department with a list of the names and addresses of the physicians and mental health providers who have treated Respondents.

## 5. Ad litem Appointments

- 5.1. The Court finds that appointment of an attorney *ad litem* for the children is mandatory under § 107.012, Texas Family Code. **IT IS ORDERED** that **ATTORNEY AD LITEM**, a licensed attorney at law of this state, is appointed to represent the children the subject of this suit in a manner as set forth in §§ 107.003 and 107.004, Texas Family Code.
- 5.2. The Court finds that appointment of a guardian *ad litem* for the children is mandatory under § 107.011, Texas Family Code. **IT IS ORDERED** that **CASA**, a licensed attorney at law of this state or a volunteer advocate, is appointed to represent the interest of the children the subject of this suit in a manner as set forth in § 107.002, Texas Family Code.
- 5.3. The Court finds that appointment of an attorney *ad litem* for the Respondents may be mandatory under § 107.013, Texas Family Code. **IT IS ORDERED** that Respondents appear at the Full Adversary Hearing with all pertinent information, including an affidavit of indigence as mandated in § 107.013(d), Texas Family Code, regarding their income. Upon a showing of indigency and opposition to the suit affecting the parent-child relationship a licensed attorney at law of this state will be appointed to represent the Respondents.
  - 5.3.1. The Court finds that appointment of a Temporary Attorney *ad litem* for **KATHY PRICE** is necessary. **IT IS ORDERED** that **MOTHER'S ATTORNEY**, a licensed attorney at law of this state, is appointed as Temporary Attorney *ad litem* for **KATHY PRICE**. The appointment is for a limited period until the Court determines, before the start of the Full Adversary Hearing, whether the parent is indigent and entitled to a court-appointed attorney as set forth in § 107.0141, Texas Family Code.

- 5.3.2. The Court finds that appointment of a Temporary Attorney *ad litem* for **JASON HARRIS** is necessary. **IT IS ORDERED** that **JASON HARRIS' ATTORNEY**, a licensed attorney at law of this state, is appointed as Temporary Attorney *ad litem* for **JASON HARRIS**. The appointment is for a limited period until the Court determines, before the start of the Full Adversary Hearing, whether the parent is indigent and entitled to a court-appointed attorney as set forth in § 107.0141, Texas Family Code.
- 5.3.3. The Court finds that appointment of a Temporary Attorney *ad litem* for **ERNIE PRICE** is necessary. **IT IS ORDERED** that **ERNIE PRICE'S ATTORNEY**, a licensed attorney at law of this state, is appointed as Temporary Attorney *ad litem* for **ERNIE PRICE**. The appointment is for a limited period until the Court determines, before the start of the Full Adversary Hearing, whether the parent is indigent and entitled to a court-appointed attorney as set forth in § 107.0141, Texas Family Code.
- 5.3.4. The Court finds that appointment of a Temporary Attorney *ad litem* for **UNKNOWN FATHER'S ATTORNEY** is necessary pursuant to § 107.013, Texas Family Code. **IT IS ORDERED** that **UNKNOWN FATHER'S ATTORNEY**, a licensed attorney at law of this state, is appointed as Temporary Attorney *ad litem* for **UNKNOWN FATHER**.

## **6. Access to Children and Information Relating to the Children**

- 6.1. **IT IS ORDERED** that except as provided in § 107.006(c) of the Texas Family Code, the attorney *ad litem* for the children, or guardian *ad litem* for the children herein named and appointed by the Court shall have immediate access to:
- 6.1.1. the children, **BEN HARRIS, ROBERT PRICE AND ROSE PRICE**; and
- 6.1.2. any information relating to the children, **BEN HARRIS, ROBERT PRICE AND ROSE PRICE**.
- 6.2. Without requiring a further order or release, the custodian of any relevant records relating to the children, **BEN HARRIS, ROBERT PRICE AND ROSE PRICE**, including records regarding social services, law enforcement records, school records, records of a probate or court proceeding, and records of a trust or account for which the children are beneficiaries, shall provide access to the attorney *ad litem* for the children, or guardian *ad litem* for the children herein named and appointed by the Court to access the records under § 107.006(a) of the Texas Family Code.
- 6.3. A medical, mental health, or drug or alcohol treatment record of a child that is privileged or confidential under law may be released to the attorney *ad litem* for the children, or guardian *ad litem* for the children herein named and appointed by the Court only in accordance with the other law, pursuant to § 107.006(c), Texas Family Code.

**7. Notice to Parents**

**"YOU HAVE THE RIGHT UNDER §262.102(d), TEXAS FAMILY CODE, TO BE REPRESENTED BY AN ATTORNEY. IF YOU ARE INDIGENT AND UNABLE TO AFFORD AN ATTORNEY, YOU HAVE THE RIGHT TO REQUEST THE APPOINTMENT OF AN ATTORNEY BY CONTACTING THE COURT AT 499TH JUDICIAL DISTRICT COURT OF SAN GABRIEL COUNTY, 501 MAIN STREET, GREAT CITY, TEXAS 75000. IF YOU APPEAR IN OPPOSITION TO THE SUIT, CLAIM INDIGENCE, AND REQUEST THE APPOINTMENT OF AN ATTORNEY, THE COURT WILL REQUIRE YOU TO SIGN AN AFFIDAVIT OF INDIGENCE AND THE COURT MAY HEAR EVIDENCE TO DETERMINE IF YOU ARE INDIGENT. IF THE COURT DETERMINES YOU ARE INDIGENT AND ELIGIBLE FOR APPOINTMENT OF AN ATTORNEY, THE COURT WILL APPOINT AN ATTORNEY TO REPRESENT YOU."**

**8. Notice of Full Adversary Hearing**

**Notice is given to Respondents KATHY PRICE, JASON HARRIS and ERNIE PRICE that this cause is set for a Full Adversary Hearing on June 6, 2024, at 9:00 a.m. in the 499th Judicial District Court of San Gabriel County, in Great City, Texas.**

**SIGNED** this 28th day of May, 2024.

*Presiding Judge*

JUDGE PRESIDING

**APPROVED AS TO FORM:**

/s/ DFPS Attorney

DFPS Attorney

Attorney for Petitioner, Department of Family and Protective Services

500 Main St

Great City, Texas 75000

email: Ms.DFPSAttorney@dfps.texas.gov

phone: (987) 987-6543

fax: (987) 987-6542

State Bar # 00000001

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**ORDER FOR TEMPORARY APPOINTMENT OF ATTORNEY AD LITEM**

The Court finds that appointment of an Attorney *Ad Litem* for **KATHY PRICE** is discretionary under § 107.0141, Texas Family Code, or under Rule 244, Texas Rules of Civil Procedure.

**IT IS THEREFORE ORDERED** that **MOTHER'S ATTORNEY**, a licensed attorney at law of this state, is appointed attorney *ad litem* for a limited period ending on the Court's determination of whether the parent, **KATHY PRICE**, is indigent before commencement of the full adversary hearing.

The Court finds that appointment of an Attorney *Ad Litem* for **JASON HARRIS** is discretionary under § 107.0141, Texas Family Code, or under Rule 244, Texas Rules of Civil Procedure.

**IT IS THEREFORE ORDERED** that **JASON HARRIS' ATTORNEY**, a licensed attorney at law of this state, is appointed attorney *ad litem* for a limited period ending on the Court's determination of whether the parent, **JASON HARRIS**, is indigent before commencement of the full adversary hearing.

The Court finds that appointment of an Attorney *Ad Litem* for **ERNIE PRICE** is discretionary under § 107.0141, Texas Family Code, or under Rule 244, Texas Rules of Civil Procedure.

**IT IS THEREFORE ORDERED** that **ERNIE PRICE'S ATTORNEY**, a licensed attorney at law of this state, is appointed attorney *ad litem* for a limited period ending on the Court's determination of whether the parent, **ERNIE PRICE**, is indigent before commencement of the full adversary hearing.

The Court finds that appointment of an Attorney *Ad Litem* for **UNKNOWN FATHER** is discretionary under § 107.0141, Texas Family Code, or under Rule 244, Texas Rules of Civil Procedure.

**IT IS THEREFORE ORDERED** that **UNKNOWN FATHER'S ATTORNEY**, a licensed attorney at law of this state, is appointed attorney *ad litem* for a limited period ending on the

Court's determination of whether the parent, **UNKNOWN FATHER**, is indigent before commencement of the full adversary hearing.

The attorney *ad litem* has the same duties and powers of an attorney *ad litem* appointed under § 107.0131; and, if applicable, shall conduct an investigation regarding the petitioner's due diligence in locating and serving citation on the parent; and interview any party or other person who may have information relating to the identity or location of the parent.

**SIGNED** this **28th** day of **May**, 2024.

*Presiding Judge*

---

JUDGE PRESIDING

## Adversary Hearing

As of the day prior to the *Harris-Price* Adversary Hearing, Kathy Price remains in the Great City Jail and is unable to care for her children. In addition to the theft and disorderly conduct, felony charges of abandoning a child with intent to return have been filed. The three children are currently placed in foster care with a foster to adopt family. Three days before the Adversary Hearing, Kathy completed a Child Resources Placement Form and identified her sister, Carol Hill, as a potential caregiver for her children. Ms. Hill completed a criminal and DFPS background check and no history was found. A full home study on Ms. Hill has been requested but has not been completed by the time of the Adversary.

The Department has been able to personally serve Kathy Price at the Great City Jail and Ernie Price at his home. The Department has received verbal confirmation from the Sheriff's Office that a service attempt at the home of Jason Harris will be made on the afternoon of the Adversary Hearing. DFPS has been unable to get a hold of Mr. Harris up to this point and has no identifying information for the unknown father at this time. All parents have received a conditional appointment of attorney prior to the Adversary Hearing.

The morning of the Adversary Hearing, Kathy Price posts bond and is released from jail. She appears at the hearing in person and with her attorney. Also at the hearing, Ms. Hill, maternal aunt of the children, and Ms. Anita Dashee, paternal grandmother of Robert Price, appear in court. Ms. Hill states that she lives in a one bedroom apartment and is only able to care for one of the older children at this time, if the children are not returned to their mother. Ms. Dashee, who lives with her son, Ernie Price, in a three bedroom home and states that she can be placement for Robert and Ben, if needed. Ms. Dashee states that Ernie has his life together and is currently out of town for work, but he will return in two days. Ms. Dashee also states that, because Ernie is gone for work several days at a time, she will be the primary caregiver in the home and is currently unable to care for 1 year old Rose on her own. Ms. Dashee also completed a background check, and no history was found. A full home study has been requested. Ms. Price wants her children returned to her. Mr. Ernie Price has spoken to his attorney and indicated that he would like placement of his child and is willing to care for his siblings, if needed. He is agreeable to working any services that may be necessary, but states that he has not been able to be a part of his child's life since the divorce because Ms. Price ran off with the kids and changed her phone number. He works out of town a lot and would depend on his mother, Ms. Dashee for assistance with the day to day care of the children. He states that he is not the biological father of Rose Price and does not know who is.

**For the purposes of the first day of in-person instruction, you are to prepare for a contested Adversary Hearing and will engage in the direct and cross examination of a lay witness, make and respond to objections, and lay the evidentiary foundation for exhibits in furtherance of your client's position. The existence of any orders in this case**

**file beyond the Adversary Hearing does not have any barring on the outcome of your practice sessions for this day of training.**

If DFPS is named Temporary Managing Conservator (TMC) of a child at the conclusion of the Adversary Hearing, temporary orders are entered, which often set the status quo for the case. The court order will most likely include some of 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 any attachments with detailed 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.

Please refer to [Tex. Fam. Code Chapter 262, Subchapter C](#) to learn more about the Adversary Hearing.

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

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

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

**RESPONDENT MOTHER'S REQUEST FOR CERTAIN DISCLOSURE  
PURSUANT TO TEXAS FAMILY CODE §262.014**

TO: Petitioner, Texas Department of Family and Protective Services, through its attorney of record, DFPS Attorney.

Pursuant to Texas Family Code §262.014, you are requested to provide, prior to the full adversary hearing, the following information:

- (1) The name of any person, excluding a department employee, whom the department will call as a witness to any of the allegations contained in the petition filed by the department;
- (2) a copy of any offense report related to the allegations contained in the petition filed by the department that will be used in court to refresh a witness's memory; and
- (3) a copy of any photograph, video, or recording that will be presented as evidence.

Respectfully submitted,

/s/ Mother's Attorney

Mother's Attorney, Attorney for Kathy Price

State Bar No. 00000002

Law Office of Mother's Attorney

554 Main Street

Great City, Texas 75000

[KathyPriceAttorney@GreatCityLawPractice.com](mailto:KathyPriceAttorney@GreatCityLawPractice.com)

P: (987) 555-4444

F: (987) 444-5555

Attorney for Respondent

## **CERTIFICATE OF SERVICE**

I certify by my signature appearing above that a true copy of the above was served on each attorney of record or party indicated below in accordance with the Texas Rules of Civil Procedure on May 31, 2024.

Department's Attorney, Ms. DFPS Attorney  
Attorney for The Department of Family and Protective Services,  
[DFPSAttorney@dfps.texas.gov](mailto:DFPSAttorney@dfps.texas.gov)

Attorney Ad Litem for the Children, Attorney ad Litem,  
[AttorneyadLitem@adlitemlawoffice.com](mailto:AttorneyadLitem@adlitemlawoffice.com)

Father of Rose Price's Attorney,  
Attorney for Father of Rose Price, UNKNOWN FATHER  
[UnknownFatherAttorney@solopractitioner.com](mailto:UnknownFatherAttorney@solopractitioner.com)

Father of Robert Price's Attorney  
Attorney for Father of Robert Price, ERNIE PRICE,  
[ErniePriceAttorney@lawoffice.com](mailto:ErniePriceAttorney@lawoffice.com)

Father of Ben Harris' Attorney  
Attorney for Father of Ben Harris, JASON HARRIS,  
[JasonHarrisAttorney@privateattorney.com](mailto:JasonHarrisAttorney@privateattorney.com)

Courtesy Copy provided to Guardian ad Litem, CASA Volunteer,  
[CASA@volunteerCASA.org](mailto:CASA@volunteerCASA.org)

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**PETITIONER'S RESPONSE TO RESPONDENT MOTHER'S REQUEST FOR  
CERTAIN DISCLOSURE PURSUANT TO TEXAS FAMILY CODE §262.014**

COMES NOW, the TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES (TDPS), Petitioner, and serves the attached Exhibit "A" of Petitioner's Response to Respondent Mother's Request for Certain Disclosure pursuant to Texas Family Code §262.014 this cause.

**Respectfully Submitted,**

/s/ DFPS Attorney

DFPS Attorney  
Attorney for Petitioner,  
Department of Family and Protective Services  
500 Main Street  
Great City, Texas 75000  
email: [DFPSAttorney@dfps.texas.gov](mailto:DFPSAttorney@dfps.texas.gov)  
phone: (987) 987-6543  
fax: (987)987-6542  
State Bar # 00000001

## **CERTIFICATE OF SERVICE**

I certify by my signature appearing above that a true copy of the foregoing Original Answer of the Attorney ad Litem was served on each attorney of record or to the following parties indicated below on or before June 4, 2024, in accordance with the Texas Rules of Civil Procedure:

Mother's Attorney, Attorney for Respondent Mother, Kathy Price  
[KathyPriceAttorney@GreatCityLawPractice.com](mailto:KathyPriceAttorney@GreatCityLawPractice.com)

Father of Rose Price's Attorney,  
Attorney for Father of Rose Price, UNKNOWN FATHER  
[UnknownFatherAttorney@solopractitioner.com](mailto:UnknownFatherAttorney@solopractitioner.com)

Father of Robert Price's Attorney  
Attorney for Father of Robert Price, ERNIE PRICE  
[ErniePriceAttorney@lawoffice.com](mailto:ErniePriceAttorney@lawoffice.com)

Father of Ben Harris' Attorney  
Attorney for Father of Ben Harris, JASON HARRIS,  
[JasonHarrisAttorney@privateattorney.com](mailto:JasonHarrisAttorney@privateattorney.com)

Attorney Ad Litem for the Children, Attorney ad Litem,  
[AttorneyadLitem@adlitemlawoffice.com](mailto:AttorneyadLitem@adlitemlawoffice.com)

Courtesy Copy provided to Guardian ad Litem, CASA Volunteer,  
[CASA@volunteerCASA.org](mailto:CASA@volunteerCASA.org)

## **EXHIBIT A**

### **PETITIONER'S RESPONSE TO RESPONDENT MOTHER'S REQUEST FOR CERTAIN DISCLOSURE PURSUANT TO TEXAS FAMILY CODE §262.014**

- 1. The name of any person, excluding a Department employee, whom the Department will call as a witness to any of the allegations contained in the petition filed by the Department.**

#### **ANSWER:**

- (1) Officer Jim Gooden, Great City Police Department
- (2) Dr. Jane Jones, Great City Hospital
- (3) Kathy Price, Respondent Mother
- (4) Jason Harris, Respondent Father of Ben Harris
- (5) Ernie Price, Respondent Father of Robert Price
- (6) Carol Hill, Maternal Aunt
- (7) Anita Dashee, Paternal Grandmother of Robert Price

- 2. A copy of any offense report relating to the allegations contained in the petition filed by the Department that will be used in court to refresh a witness' memory.**

#### **ANSWER:**

The offense report related to Ms. Price's arrest on May 24, 2024, has been provided to opposing counsel via email.

- 3. A copy of any photograph, video, or recording that will be presented as evidence.**

#### **ANSWER:**

Copies of photographs that will be presented as evidence have been made available to opposing counsel via email and originals are available for review at 500 Main Street, Great City, Texas 75000.

### **PETITIONER'S CERTIFICATE OF WRITTEN DISCLOSURE**

I, **DFPS Attorney**, Attorney for Petitioner, Texas Department of Family and Protective Services, certify that the Department responded to Respondent Mother, Kathy Price's Requests for Certain Disclosure to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, complete and correct as of the time it is made. By my signature, I certify this response is made in compliance with Rule 191.3(c)

Respectfully Submitted,

/s/ DFPS Attorney

---

DFPS Attorney

Attorney for Petitioner,

Department of Family and Protective Services

500 Main Street

Great City, Texas 75000

email: [DFPSAttorney@dfps.texas.gov](mailto:DFPSAttorney@dfps.texas.gov)

phone: (987) 987-6543

fax: (987) 987-6542

State Bar # 00000001

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**TEMPORARY ORDER FOLLOWING ADVERSARY HEARING**

On **June 6, 2024**, a full adversary hearing pursuant to § 262.201, Texas Family Code, was held in this cause.

**1. Appearances**

**1.1.** The Department of Family and Protective Services (“the Department”) appeared through **CPI CASEWORKER**, caseworker, and by attorney, **DFPS ATTORNEY**, and announced ready.

**1.2.** Respondent Mother, **KATHY PRICE**

- ☐ appeared in person and announced ready.
- ☒ appeared through attorney of record Mother’s Attorney 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 Presumed Father, **JASON HARRIS**, father of **BEN 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.

- 1.4. Respondent Presumed Father, **ERNIE PRICE**, father of **ROBERT PRICE**
- ☐ appeared in person and announced ready.
  - ☒ appeared through attorney of record, **ERNIE PRICE'S ATTORNEY**, 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. Respondent **UNKNOWN FATHER** of **ROSE 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.
- 1.6. **AD LITEM ATTORNEY**, appointed by the Court as Attorney Ad Litem of 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.
- 1.7. **CASA VOLUNTEER**, appointed by the Court as Guardian Ad Litem of 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.
- 1.8. Also Appearing: CPI Caseworker Supervisor; Carol Hill (maternal aunt of the children); Anita Dashee (paternal grandmother of the child Robert Price); Jason Harris' Attorney announced present but not appearing on behalf of their client, Jason Harris; Unknown Father's Attorney announced present but not appearing on behalf of their client.

## 2. Jurisdiction

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.

## 3. Indian Child Welfare Act

The Court has inquired whether the children's family has Native American heritage and identified any Native American tribe with which the children may be associated.

## 4. Findings

4.1. Having examined and reviewed the Department's pleadings and the sworn affidavit accompanying the petition and based upon the facts contained therein and the evidence presented to this Court at the hearing conducted on this date, the Court finds there is sufficient evidence to satisfy a person of ordinary prudence and caution 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 from whom the child was removed. The Court further finds that it is contrary to the welfare of the children, **BEN HARRIS, ROBERT PRICE AND ROSE PRICE** to remain in the home of **KATHY PRICE**, of **JASON HARRIS** or of **ERNIE PRICE**, and; (2) the urgent need for protection required the immediate removal of **BEN HARRIS, ROBERT PRICE AND ROSE PRICE** and reasonable efforts consistent with the circumstances and providing for the safety of **BEN HARRIS, ROBERT PRICE AND ROSE PRICE**, were made to eliminate or prevent the removal of **BEN HARRIS, ROBERT PRICE AND ROSE PRICE**; and (3) reasonable efforts have been made to enable **BEN HARRIS, ROBERT PRICE AND ROSE PRICE** to return home of **KATHY PRICE**, of **JASON HARRIS** or of **ERNIE PRICE**, but there is a substantial risk of a continuing danger if **BEN HARRIS, ROBERT PRICE AND ROSE PRICE** are returned home of **KATHY PRICE**, of **JASON HARRIS** or of **ERNIE PRICE**.

4.1.1. The Court finds that in making the determination of whether there is an immediate danger to the physical health or safety of the children, the court considered the opinion of a medical professional obtained by the children's parent, managing conservator, possessory conservator, guardian, caretaker, or custodian.

4.1.2. The Court finds that the Department made the following reasonable efforts to return the children home:

4.1.2.1. Attempted to maintain contact with the parents;

4.1.2.2. Made ongoing efforts to mitigate harm to the children;

4.1.2.3. Additional efforts to return the children home:

Background checks have been completed and home studies have been requested for relatives, Ms. Anita Dashee (paternal grandmother to Robert Price) and Carol Hill (maternal aunt to the children).

---

---

4.1.3. The Court finds that there is a substantial risk of a continuing danger to the children if the children are returned home as follows:

4.1.3.1. The reasons for removal remain.

#### **4.2. Findings for Persons Entitled to Possession: KATHY PRICE**

4.2.1. The Court does not order the return of the children to another parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession who did not cause the immediate danger to the physical health or safety of the children or was not the perpetrator of the neglect or abuse alleged in the suit, because:

4.2.1.1. The Court finds **KATHY PRICE** presents a continuing danger to the physical health or safety of the child caused by an act or failure to act, including a danger that children would be a victim of trafficking under Section 20A.02 or 20A.03, Penal Code, by **KATHY PRICE** despite reasonable efforts to enable the person's possession of the children.

4.2.1.1.1 The Court finds that the Department made the following reasonable efforts to enable **KATHY PRICE'S** possession of the children:

4.2.1.1.1.1. (a) searched for information about Ms. Price's potential release from incarceration; (b) considered a parental child safety placement, but none was available.

4.2.1.1.2. The Court finds that continuing danger to the physical health or safety of the children remains as follows:

4.2.1.2.1. (a) Ms. Price has demonstrated no change in behavior to suggest the reasons for removal have been addressed.

#### **4.3. Findings for Persons Entitled to Possession: JASON HARRIS**

4.3.1. The Court does not order the return of the children to another parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession who did not cause the immediate danger to the physical health or safety of

the children or was not the perpetrator of the neglect or abuse alleged in the suit, because:

4.3.1.1. The Court finds that **JASON HARRIS** cannot be located after the exercise of due diligence by the Department.

#### **4.4. Findings for Persons Entitled to Possession: ERNIE PRICE**

4.4.1. The Court does not order the return of the children to another parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession who did not cause the immediate danger to the physical health or safety of the children or was not the perpetrator of the neglect or abuse alleged in the suit, because:

4.4.1.1. The Court finds **ERNIE PRICE** presents a continuing danger to the physical health or safety of the child caused by an act or failure to act, including a danger that children would be a victim of trafficking under Section 20A.02 or 20A.03, Penal Code, by **ERNIE PRICE** despite reasonable efforts to enable the person's possession of the children.

4.4.1.1.1. The Court finds that the Department made the following reasonable efforts to enable **ERNIE PRICE'S** possession of the children:

4.4.1.1.1.1. (a) started the home study process on Anita Dashee, paternal grandmother; (b) requested a drug test due to Mr. Price's history of marijuana abuse.

4.4.1.1.2. The Court finds that continuing danger to the physical health or safety of the children remains as follows:

4.4.1.1.2.1. Mr. Price has been unable to demonstrate that he is able to provide a safe home environment to his child because he has not yet presented for drug testing and a safety assessment.

#### **4.5. Findings for Appointment of Managing and Possessory Conservator**

4.5.1. 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.

4.5.2. The Court finds that it is in the best interest of the children to limit the rights and duties of **KATHY PRICE** appointed as possessory conservator.

4.5.3. The Court finds that it is in the best interest of the children to limit the rights and duties of **JASON HARRIS** appointed as possessory conservator.

- 4.5.4. The Court finds that it is in the best interest of the children to limit the rights and duties of **ERNIE PRICE** appointed as possessory conservator.
- 4.5.5. The court finds that the placement for the children with a relative of the children is not in the best interest of the children.
- 4.5.6. If the children have not been placed with a relative or other designated caregiver, the Court finds that the Department has provided reasons for not placing the children and the actions, if any to be taken to place the children.
- 4.6. The Court finds that the following orders for the safety of the children are in the best interest of the children.

## **5. Appointment of Counsel for Parents or Parties**

- 5.1. The Court finds that **KATHY PRICE** is a parent who has responded in opposition to the suit affecting the parent-child relationship; that **KATHY PRICE** is indigent; and that appointment of an attorney *ad litem* for this parent is required by § 107.013, Texas Family Code. The Court therefore appoints **MOTHER'S ATTORNEY** as attorney *ad litem* to represent the interests of this parent.
- 5.2. The Court finds that **JASON HARRIS** is a parent who has not yet responded in opposition to the suit affecting the parent-child relationship and service of citation on **JASON HARRIS** has not yet been completed. The Court continues the temporary appointment of **JASON HARRIS' ATTORNEY** as attorney *ad litem*.
- 5.3. The Court finds that **ERNIE PRICE** is a parent who has responded in opposition to the suit affecting the parent-child relationship; that **ERNIE PRICE** is indigent; and that appointment of an attorney *ad litem* for this parent is required by § 107.013, Texas Family Code. The Court therefore appoints **ERNIE PRICE'S ATTORNEY** as attorney *ad litem* to represent the interests of this parent.
- 5.4. The Court finds that **UNKNOWN FATHER** is a parent who has not yet responded in opposition to the suit affecting the parent-child relationship and service of citation on **UNKNOWN FATHER** has not yet been completed. The Court continues the temporary appointment of **UNKNOWN FATHER'S ATTORNEY** as attorney *ad litem*.

## **6. Conservatorship**

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

6.1.1.        Name: **BEN HARRIS**  
                 Sex: **Male**  
                 Birthplace: **Great City**  
                 Birth Date: **October 31, 2012**  
Indian Child Status: **All parties deny that the child has Native American heritage**

6.1.2.        Name: **ROBERT PRICE**  
                 Sex: **Male**  
                 Birthplace: **Great City**  
                 Birth Date: **May 10, 2015**  
Indian Child Status: **All parties deny that the child has Native American heritage**

6.1.3.        Name: **ROSE PRICE**  
                 Sex: **Female**  
                 Birthplace: **Great City**  
                 Birth Date: **March 28, 2023**  
Indian Child Status: **All parties deny that the child has Native American heritage**

6.2.        In accordance with § 262.116, Texas Family Code, the Court finds that the Department of Family and Protective Services did not take possession of the children under this subchapter based on evidence that the parents:

6.2.1.        homeschooled the child;

6.2.2.        is economically disadvantaged;

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

6.2.3.1.     an offense under Title 5, Penal Code;

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

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

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

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

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

- 6.2.7. allowed the children to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture; or
- 6.2.8. tested positive for marijuana, unless the Department has evidence that the parent's use of marijuana has caused a significant impairment to the child's physical or mental health or emotional development.
- 6.3. **IT IS ORDERED** that the Temporary Managing Conservator shall have all the rights and duties set forth in § 153.371, Texas Family Code.
  - 6.3.1. **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.
- 6.4. **IT IS THEREFORE ORDERED** that **KATHY PRICE** is appointed Temporary Possessory Conservator of the children, **BEN HARRIS, ROBERT PRICE AND ROSE PRICE** with limited rights and duties set forth in **Attachment A**.
- 6.5. **IT IS THEREFORE ORDERED** that **JASON HARRIS** is appointed Temporary Possessory Conservator of the child, **BEN HARRIS** with limited rights and duties set forth in **Attachment A**.
- 6.6. **IT IS THEREFORE ORDERED** that **ERNIE PRICE** is appointed Temporary Possessory Conservator of the child, **ROBERT PRICE** with limited rights and duties set forth in **Attachment A**.

## **7. Possession and Access**

- 7.1. 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** shall have limited access to and possession of the children as set forth in **Attachment A**, which includes orders relating to the Temporary Visitation Schedule.
- 7.2. 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 **JASON HARRIS** shall have limited access to and possession of the child, Ben Harris, as set forth in **Attachment A**, which includes orders relating to the Temporary Visitation Schedule.
- 7.3. 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 **ERNIE PRICE** shall have limited access to and possession of the child, Robert Price as set forth in **Attachment A**, which includes orders relating to the Temporary Visitation Schedule.

## 8. Child Support

Any child support order, excluding any arrearage order, as to the children the subject of this suit, entered into prior to the appointment of the Department as Temporary Managing Conservator of the children, shall be suspended during the pendency of this suit. Child support payable to the Department is hereby **ORDERED** in accordance with the terms of this Order for Child Support as follows:

- 8.1. It is ordered that in lieu of cash child support that **KATHY PRICE** shall provide the following as in kind child support:

Clothing, shoes, school supplies, diapers, wipes, and any other material needs of the children, to be provided through the caseworker.

- 8.2. The Court defers its finding regarding child support for **BEN HARRIS** to be paid by **JASON HARRIS** until the Status Hearing.
- 8.3. The Court defers its finding regarding child support for **ROBERT PRICE** to be paid by **ERNIE PRICE** until the Status Hearing.
- 8.4. The Court finds that if it is modifying an existing order for support of the child to require payments to be made to the Department of Family and Protective Services, then the Court shall provide notice of the order to the Office of the Attorney General not later than the 10<sup>th</sup> day after the date the order is rendered.

## 9. Medical Support

- 9.1. The Court defers its finding regarding Medical Support for **KATHY PRICE** to the Status Hearing or further order of the Court.
- 9.2. The Court defers its finding regarding Medical Support for **JASON HARRIS** to the Status Hearing or further order of the Court.
- 9.3. The Court defers its finding regarding Medical Support for **ERNIE PRICE** to the Status Hearing or further order of the Court.

## 10. Release of Medical and Mental Health Records

- 10.1. **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. The 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 court proceeding.

- 10.2. The Court finds that a health care professional **has** been consulted regarding a health care service, procedure, or treatment for **BEN HARRIS**. The Court **accepts** the recommendation of the health care professional for the following reason: recommendations are in the child's best interest.
- 10.3. The Court finds that a health care professional **has** been consulted regarding a health care service, procedure, or treatment for **ROBERT PRICE**. The Court **accepts** the recommendation of the health care professional for the following reason: recommendations are in the child's best interest.
- 10.4. The Court finds that a health care professional **has** been consulted regarding a health care service, procedure, or treatment for **ROSE PRICE**. The Court **accepts** the recommendation of the health care professional for the following reason: recommendations are in the child's best interest.

## **11. Required Home Study/ Social Study**

- 11.1. The Court finds that Respondent Mother, **KATHY PRICE**, **has** submitted the Child Placement Resources Form required under § 261.307, Texas Family Code.
- 11.2. The Court finds that Respondent Father, **JASON HARRIS**, **has not** submitted the Child Placement Resources Form required under § 261.307, Texas Family Code.
- 11.3. The Court finds that Respondent Father, **ERNIE PRICE**, **has** submitted the Child Placement Resources Form required under § 261.307, Texas Family Code.
- 11.4. The Court finds that **BEN HARRIS** is not currently placed with a relative or other designated caregiver. The Court finds that the Department **does not** have the option of placing the child with a relative or other designated caregiver.
- 11.5. The Court finds that the Department **has** asked **BEN HARRIS**, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative caregiver or designated caregiver for the child.
- 11.6. The Court has inquired of all parties present whether **BEN HARRIS** has had the opportunity, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child and for each individual identified by the child as potential relative or designated caregiver, whether that individual is listed on the proposed child placement resources form.
- 11.7. The Court finds that **ROBERT PRICE** is not currently placed with a relative or other designated caregiver. The Court finds that the Department **does not** have the option of placing the child with a relative or other designated caregiver.

- 11.8. The Court finds that the Department **has** asked **ROBERT PRICE**, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative caregiver or designated caregiver for the child.
- 11.9. The Court has inquired of all parties present whether **ROBERT PRICE** has had the opportunity, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child and for each individual identified by the child as potential relative or designated caregiver, whether that individual is listed on the proposed child placement resources form.
- 11.10. The Court finds that **ROSE PRICE** is not currently placed with a relative or other designated caregiver. The Court finds that the Department **does not** have the option of placing the child with a relative or other designated caregiver.
- 11.11. The Court finds that the Department **has** asked **ROSE PRICE**, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative caregiver or designated caregiver for the child.
- 11.12. The Court has inquired of all parties present whether **ROSE PRICE** has had the opportunity, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child and for each individual identified by the child as potential relative or designated caregiver, whether that individual is listed on the proposed child placement resources form.
- 11.13. **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.
- 11.14. **IT IS ORDERED** that the Department shall conduct a home/social study on **CAROL HILL** and **ANITA DASHEE**, if preliminary criminal and CPS background checks of all members of the household age 14 and up are favorable.

## **12. 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.**

**13. Drug and Alcohol Assessments and Testing**

- 13.1. **IT IS ORDERED** that **KATHY PRICE** shall submit to and cooperate fully in the preparation of the court-ordered drug and alcohol dependency assessment.
- 13.2. **IT IS ORDERED** that **JASON HARRIS** shall submit to and cooperate fully in the preparation of the court-ordered drug and alcohol dependency assessment.
- 13.3. **IT IS ORDERED** that **ERNIE PRICE** shall submit to and cooperate fully in the preparation of the court-ordered drug and alcohol dependency assessment.

**14. Random Drug and Alcohol Testing**

- 14.1. **IT IS ORDERED** that **KATHY PRICE** shall participate in random drug and alcohol testing as requested by the Department.
- 14.2. **IT IS ORDERED** that **JASON HARRIS** shall participate in random drug and alcohol testing as requested by the Department.
- 14.3. **IT IS ORDERED** that **ERNIE PRICE** shall participate in random drug and alcohol testing as requested by the Department.

**15. Compliance with Service Plan**

- 15.1. **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 as adopted and ordered by the court.
- 15.2. **JASON HARRIS** 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 as adopted and ordered by the court.
- 15.3. **ERNIE 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 as adopted and ordered by the court.
- 15.4. 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 child 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.

## **16. Required Information**

- 16.1. **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.
- 16.2. **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.
- 16.3. **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.
- 16.4. **IT IS ORDERED** that each Respondent provide the Department with any information regarding whether the children or the children's family has Native American heritage and identify any Native American tribe with which the children may be associated and provide all available family history information relevant to determination of Indian child status on request.
- 16.5. **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.
- 16.6. **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.
- 16.7. **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.
- 16.8. **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.

## **17. Duty To Provide Information**

- 17.1. **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.

- 17.2. **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:
- 17.2.1. is registered as a sex offender under Chapter 62, Code of Criminal Procedure; or
  - 17.2.2. is currently charged with an offense for which on conviction the person would be required to register under that chapter.
- 17.3. 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 40<sup>th</sup> day after the date the conservator of the child begins to reside with the person or the 10<sup>th</sup> 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.
- 17.4. **IT IS ORDERED** pursuant to §153.076(b-1), Texas Family Code, that each conservator of **BEN HARRIS, ROBERT PRICE AND ROSE PRICE** has the duty to inform the other conservator of the children if the conservator:
- 17.4.1. Establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established, pursuant to §153.076(b-1)(1), Texas Family Code; or
  - 17.4.2. Resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of the 60 day period following the date the final protective order is issued, pursuant to §153.076(b-1)(2), Texas Family Code; or
  - 17.4.3. Is the subject of a final protective order issued after the date of the order establishing conservatorship, pursuant to §153.076(b-1)(3), Texas Family Code.
- 17.5. The notice required to be made under §153.076(b-1), Texas Family Code, must be made as soon as practicable but not later than:
- 17.5.1. The 30<sup>th</sup> day after the date the conservator establishes residence with the person who is the subject of the final protective order, if notice is required by §153.076(b-1)(1), Texas Family Code; or
  - 17.5.2. The 90<sup>th</sup> day after the date the final protective order was issued, if notice is required by §153.076(b-1)(2), Texas Family Code; or
  - 17.5.3. The 30<sup>th</sup> day after the date the final protective order was issued, if notice is required by §153.076(b-1)(3), Texas Family Code.

**17.6 A CONSERVATOR COMMITS AN OFFENSE IF THE CONSERVATOR FAILS TO PROVIDE NOTICE IN THE MANNER REQUIRED BY SUBSECTIONS (b) AND (c), OR SUBSECTIONS (b-1) AND (c-1), AS APPLICABLE, OF § 153.076, Texas Family Code. AN OFFENSE UNDER THIS SUBSECTION (d) IS A CLASS C MISDEMEANOR.**

**17.7. "YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY. IF YOU ARE INDIGENT AND UNABLE TO AFFORD AN ATTORNEY, YOU HAVE THE RIGHT TO REQUEST THE APPOINTMENT OF AN ATTORNEY PURSUANT TO SECTION 107.013, TEXAS FAMILY CODE, BY CONTACTING THE COURT AT 499TH JUDICIAL DISTRICT COURT OF SAN GABRIEL COUNTY, P.O. BOX 1580, GREAT CITY, TEXAS 76856. IF YOU APPEAR IN OPPOSITION TO THE SUIT, CLAIM INDIGENCE, AND REQUEST THE APPOINTMENT OF AN ATTORNEY, THE COURT WILL REQUIRE YOU TO SIGN AN AFFIDAVIT OF INDIGENCE AND THE COURT MAY HEAR EVIDENCE TO DETERMINE IF YOU ARE INDIGENT. IF THE COURT DETERMINES YOU ARE INDIGENT AND ELIGIBLE FOR APPOINTMENT OF AN ATTORNEY, THE COURT WILL APPOINT AN ATTORNEY TO REPRESENT YOU."**

**18. Notice of Status Hearing**

**IT IS ORDERED** that this cause is set for a Status Hearing, pursuant to § 263.201 Texas Family Code, on **July 16, 2024 at 9:00 o'clock a.m.** in the 499th Judicial District Court of San Gabriel County in Great City, Texas.

**19.** All said Temporary Orders shall continue in force during the pendency of this suit or until further order of the Court.

**SIGNED** this **6th** day of **June**, 2024.

*Presiding Judge*

---

JUDGE PRESIDING

**APPROVED AS TO FORM:**

---

**DFPS ATTORNEY**

Attorney for Petitioner, Department of Family  
and Protective Services

[DFPSAttorney@dfps.texas.gov](mailto:DFPSAttorney@dfps.texas.gov)

State Bar # 00000001

---

**UNKNOWN FATHER'S ATTORNEY**

Attorney for an Unknown Father

[UnknownFatherAttorney@solopractitioner.com](mailto:UnknownFatherAttorney@solopractitioner.com)

State Bar # 00000004

---

**ATTORNEY AD LITEM**

Attorney Ad Litem for the Children

[AttorneyadLitem@adlitemlawoffice.com](mailto:AttorneyadLitem@adlitemlawoffice.com)

State Bar # 00000003

---

**CASA VOLUNTEER**

Guardian Ad Litem for the Children

---

**MOTHER'S ATTORNEY,**

Attorney for Mother, **KATHY PRICE**

[KathyPriceAttorney@GreatCityLawPractice.com](mailto:KathyPriceAttorney@GreatCityLawPractice.com)

State Bar # 00000002

---

**KATHY PRICE**

Mother of the Children

---

**JASON HARRIS' ATTORNEY**

Presumed Father of Ben Harris

[JasonHarrisAttorney@privateattorney.com](mailto:JasonHarrisAttorney@privateattorney.com)

State Bar # 00000007

---

**JASON HARRIS**

Father of Ben Harris

---

**ERNIE PRICE'S ATTORNEY**

Presumed Father of Robert Price

[ErniePriceAttorney@lawoffice.com](mailto:ErniePriceAttorney@lawoffice.com)

State Bar # 00000008

---

**ERNIE PRICE**

Father of Robert Price

## ATTACHMENT A - TEMPORARY VISITATION

### 22. Rights and Duties of Temporary Possessory Conservators

- 22.1. Each Temporary Possessory Conservator appointed in this Order shall have the following rights:
  - 22.1.1. the right to receive information concerning the health, education, and welfare of the children;
  - 22.1.2. the right to access to medical, dental, psychological, and educational records of the children;
  - 22.1.3. the right to consult with a physician, dentist, or psychologist of the children;
  - 22.1.4. the right to consult with school officials concerning the children's welfare and educational status, including school activities;
  - 22.1.5. the right, during times of unsupervised possession, to consent for the child to medical, dental, and surgical treatment during an emergency involving immediate danger to the health and safety of the children; and
  - 22.1.6. the right, during times of possession, to direct the moral and religious training of the children.
- 22.2. Each Temporary Possessory Conservator appointed in this Order shall have the following duties:
  - 22.2.1. the duty, during periods of possession of the children which are not supervised by the Department or its designee, of care, control, protection, and reasonable discipline of the children; and
  - 22.2.2. the duty to support the children, including providing the children with clothing, food, and shelter during periods of possession of the children which are not supervised by the Department or its designee.

### 23. Temporary Visitation Schedule: KATHY PRICE

- 23.1. The Court approves the Temporary Visitation Schedule presented by the Department. **KATHY PRICE** shall have possession and access as set forth in the Temporary Visitation Schedule. The Temporary Visitation Schedule shall remain in effect until the Visitation Plan is developed.

### 24. Temporary Visitation Schedule: JASON HARRIS

- 24.1. The Court approves the Temporary Visitation Schedule presented by the Department. **JASON HARRIS** shall have possession and access as set forth in the Temporary

Visitation Schedule. The Temporary Visitation Schedule shall remain in effect until the Visitation Plan is developed.

**25. Temporary Visitation Schedule: ERNIE PRICE**

- 25.1. The Court approves the Temporary Visitation Schedule presented by the Department. **ERNIE PRICE** shall have possession and access as set forth in the Temporary Visitation Schedule. The Temporary Visitation Schedule shall remain in effect until the Visitation Plan is developed.

**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**

**ORIGINAL ANSWER OF THE ATTORNEY AD LITEM**

TO THE HONORABLE COURT:

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

3. The Attorney 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,

/s/ Attorney ad Litem

Attorney ad Litem

State Bar No. 00000003

Law Office of Children's Attorney

555 Main Street

Great City, Texas 75000

P: (987) 555-5555

F: (987) 444-4444

[AttorneyadLitem@adlitemlawoffice.com](mailto:AttorneyadLitem@adlitemlawoffice.com)

Attorney ad Litem for Subject Children

### **CERTIFICATE OF SERVICE**

I certify by my signature appearing above that a true copy of the foregoing Original Answer of the Attorney ad Litem was served on each attorney of record or to the following parties indicated below on or before June 12, 2024, in accordance with the Texas Rules of Civil Procedure:

DFPS Attorney

[DFPSAttorney@dfps.texas.gov](mailto:DFPSAttorney@dfps.texas.gov)

CASA/Guardian Ad Litem

[CASA@volunteerCASA.org](mailto:CASA@volunteerCASA.org)

Kathy Price's Attorney

[KathyPriceAttorney@GreatCityLawPractice.com](mailto:KathyPriceAttorney@GreatCityLawPractice.com)

Unknown Father's Attorney

[UnknownFatherAttorney@solopractitioner.com](mailto:UnknownFatherAttorney@solopractitioner.com)

Ernie Price's Attorney

[ErniePriceAttorney@lawoffice.com](mailto:ErniePriceAttorney@lawoffice.com)

Jason Harris' Attorney

[JasonHarrisAttorney@privateattorney.com](mailto:JasonHarrisAttorney@privateattorney.com)

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

**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 to Tex. Fam. Code § 107.015 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 email at [DFPSAttorney@dfps.texas.gov](mailto:DFPSAttorney@dfps.texas.gov).

Counter-Respondent, JASON HARRIS, is the biological father of the child, BEN HARRIS. A copy of this Counter-Petition is being served via email at [JasonHarrisAttorney@privateattorney.com](mailto:JasonHarrisAttorney@privateattorney.com).

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 email at [ErniePriceAttorney@lawoffice.com](mailto:ErniePriceAttorney@lawoffice.com).

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 email at [UnknownFatherAttorney@solopractitioner.com](mailto:UnknownFatherAttorney@solopractitioner.com).

The children made the basis of this suit are represented by an Attorney ad Litem. A copy of this Counter-Petition is being served on the children's Attorney ad Litem, Attorney ad Litem, via email at [AttorneyAdLitem@adlitemlawoffice.com](mailto:AttorneyAdLitem@adlitemlawoffice.com).

The children made the basis of this suit are represented by a Guardian ad Litem. A copy of this Counter-Petition is being served on the children's Guardian ad Litem, CASA Volunteer, via email at [CASA@VolunteerCASA.com](mailto:CASA@VolunteerCASA.com).

## 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, 2012  
  
COUNTY OF RESIDENCE: SAN GABRIEL COUNTY, TEXAS

NAME: ROBERT PRICE  
SEX: MALE  
DATE OF BIRTH: MAY 10, 2015  
COUNTY OF RESIDENCE: SAN GABRIEL COUNTY, TEXAS

NAME: ROSE PRICE  
SEX: FEMALE  
DATE OF BIRTH: MARCH 28, 2023  
  
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 to Tex. Fam. Code § 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 Tex. Fam. Code § 153.191, with all the rights and duties of a Possessory Conservator as named in Tex. Fam. Code § 153.192, et. sec. Further, Counter-Petitioner asks that she have the exclusive right to designate the primary residence of the children pursuant Tex. Fam. Code § 153.132.

Pursuant to Tex. Fam. Code § 262.201, the Texas Department of Family and Protective Services is expected to show that: 1) there is a continuing 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 Tex. Fam. Code § 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 Tex. Fam. Code § 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. Tex. Admin. Code, Title 40, §§ 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*

Tex. Fam. Code §§ 153.251 and 153.252, and 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,

/s/ Mother's Attorney

Mother's Attorney, Attorney for Kathy Price

State Bar No. 00000002

Law Office of Mother's Attorney

554 Main Street

Great City, Texas 75000

[KathyPriceAttorney@GreatCityLawPractice.com](mailto:KathyPriceAttorney@GreatCityLawPractice.com)

P: (987) 555-4444

F: (987) 444-5555

Attorney for Respondent

### **CERTIFICATE OF SERVICE**

I certify by my signature appearing above that a true copy of the above was served on each attorney of record or party indicated below in accordance with the Texas Rules of Civil Procedure on June 13, 2024.

DFPS Attorney  
[DFPSAttorney@dfps.texas.gov](mailto:DFPSAttorney@dfps.texas.gov)

Attorney Ad Litem for the Children  
[AttorneyadLitem@adlitemlawoffice.com](mailto:AttorneyadLitem@adlitemlawoffice.com)

Unknown Father's Attorney  
[UnknownFatherAttorney@solopractitioner.com](mailto:UnknownFatherAttorney@solopractitioner.com)

Ernie Price's Attorney  
[ErniePriceAttorney@lawoffice.com](mailto:ErniePriceAttorney@lawoffice.com)

Jason Harris' Attorney  
[JasonHarrisAttorney@privateattorney.com](mailto:JasonHarrisAttorney@privateattorney.com)

CASA/Guardian ad Litem  
[CASA@volunteerCASA.org](mailto:CASA@volunteerCASA.org)

## Status Hearing

Shortly after the Adversary Hearing, home studies completed on Carol Hill and Anita Dashee both came back favorable. By agreement of the parties, Ben Harris was placed in the home of Carol Hill and Robert Price was placed in the home of Anita Dashee and Ernie Price, with Ms. Dashee listed as the official placement of the child. Neither Ms. Hill or Ms. Dashee are able to provide care for Rose Price at this time, so the child remains in a non-relative foster-to-adopt home. The children currently only see each other during their mother's visitation time.

At the time of the *Harris-Price* Status Hearing, the case appears to be progressing well. Kathy Price and Ernie Price attended a Family Group Conference and participated in the creation of their and their children's family plans of service. The Family Plans of Service were filed with the court; while not included herein, in addition to the court order to complete a drug and alcohol assessment and to submit to random drug testing, as set forth in the Temporary Orders Following Adversary Hearing included above, each parent was asked to submit to and cooperate fully in the preparation of a psychological evaluation and to follow the recommendations of the evaluation. Additionally, based on the completed assessments for Kathy Price, basic parenting and parenting classes, individual therapy, domestic violence classes, attendance at alcoholics anonymous (AA), and intensive outpatient (IOP) substance abuse treatment have been recommended. The Department was unable to get Jason Harris or the Unknown Father to participate in the creation of their service plans and has requested they each complete a psychological and follow any and all recommendations, parenting classes, and individual therapy in addition to the drug and alcohol assessment and random drug testing ordered at the Adversary hearing. Additionally, the Department has requested that Jason Harris complete a Batterer's Intervention Program and an intensive outpatient (IOP) substance abuse program. The service plan for Ernie Price includes family therapy with his son. All service plans include a request to maintain legal employment and provide proof of income, to provide safe and stable housing free of drug use or illegal activity, and that the parents allow the department access to their home.

Kathy Price is partially compliant with the service plan, and has attended 3 of the 5 scheduled visits with the children since the Adversary Hearing, which are supervised at the Department once a week for two hours. Regarding the missed visits, Ms. Price reports transportation issues or other significant events that prevented her from attending. The disorderly conduct ticket Ms. Price received in connection with her arrest on May 24, 2025, has been dismissed, but her misdemeanor theft and felony abandonment with intent to return charges are still currently pending. Ms. Price has not engaged in therapy and states that her court-appointed criminal attorney has advised her not to. She has, however, followed up with referrals for a domestic violence class and sought resources from the local women's shelter. Ms. Price expresses to the Court at the hearing that she wants her children to be happy, healthy, and have a good education, and that she is the best person to provide for her children. Ms. Price has provided a duffel bag containing some of the children's clothing, shoes, and toys to the Caseworker. The Caseworker noted that the

children have outgrown most of the clothing provided. When asked to provide diapers, wipes, and some clothing that fit the children, Ms. Price reported that she is currently between jobs and money is “tight.”

Mr. Jason Harris was served on the evening of June 6, 2024. He has attended his scheduled supervised visitation with Ben but will not otherwise engage with the Department. The final divorce decree between Mr. Harris and Mr. Price includes a child support order for Ben, and Mr. Harris is currently in arrears on support. While support orders are currently suspended, Ms. Hill reports that Mr. Harris has provided her with \$200 in the months of June and July for Ben.

Mr. Price made contact with the Department shortly after the Adversary Hearing. He stated that his job required him to be out of town for several days at a time, but that he and his mother could provide a safe and stable home for his son. Mr. Price was asked about drug use, and he admitted to regular marijuana use. He agreed stop smoking marijuana and to have his mother, Antia Dashee, supervise his access to Robert if she suspects he is under the influence of any drugs or alcohol. DFPS asked Mr. Price to submit to a UA and hair strand drug test to confirm that marijuana was the only drug he was using. Mr. Price’s drug test results confirmed he was positive for marijuana.

At the Status Hearing, the Guardian Ad Litem (CASA) reports that while he is doing well at his maternal Aunt Carol’s house, Ben Harris strongly desires to return to his mother, and wants his siblings to be back together as well. Ben especially misses his sister, whom he takes great pride in caring for. He has expressed that he is often sad that he has not been able to see his brother and sister everyday. Robert Price also wishes to return to live with his mother but is adjusting very well to living with his father and paternal grandmother, Anita Dashee. CASA also reports that Rose appears to be a happy baby and is doing well. Her placement reports that the severe diaper rash Rose had when she came into care is healing and the bruise marks on her body have faded away. The Conservatorship Worker’s Court Report notes that Ms. Price is unable to adequately explain Rose’s lower back bruising or why Ben’s asthma was left untreated for so long.

While not a part of the file, assume the Department has requested verification of the paternity registry as to the children, Ben Harris, Robert Price, and Rose Price, from Vital Statistics. Also assume the Department received CCJ verification as to Ben Harris and Robert Price and filed it with the court along with Motions for Transfer and Consolidation of the prior SAPCR cases related to each child. Assume also that a Petition for Substituted Service with accompanying affidavit of diligent efforts has been filed as to the Unknown Father.

[Tex. Fam. Code §§ 263.201](#), [263.202](#), and [263.203](#) govern the Status Hearing.

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 testimony from a qualified expert witness 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 by DFPS but proved unsuccessful. [25 U.S.C. § 1912\(d\)](#).

For Termination of Parental Rights - Evidence beyond a reasonable doubt including testimony from a qualified expert witness 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\(f\)](#).

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**STATUS REPORT TO THE COURT**

**COMES NOW PETITIONER**, Texas Department of Family and Protective Services, represented by Conservatorship Worker, Child Protective Services Specialist II, and presents this progress report to the Court for hearing set on July 16, 2024, at 9:00 am.

**I. SUBJECT CHILD (REN)**

Name: Ben Harris	Sex: Male	Age: 10	Date of Birth: 10/31/2012	Place of Birth: Great City, Texas USA
Name of Current School: Great City Middle School			Initial Placement Date: 5/25/2024	
Current Placement Type: Relative Placement	Date of Current Placement: 6/14/24		County of Current Placement San Gabriel County	
Indian Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible Indian child status. <input type="checkbox"/> Child's possible Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's Indian child status denied by Kathy Price, Jason Harris, and Carol Hill. <input type="checkbox"/> Indian child status confirmed by Name Tribe.				

Name: Robert Price	Sex: Male	Age: 9	Date of Birth: 5/10/2015	Place of Birth: Great City, Texas USA
Name of Current School: Great City Elementary			Initial Placement Date: 5/25/2024	
Current Placement Type: Noncustodial Parent	Date of Current Placement: 6/14/2024		County of Current Placement San Gabriel County	

Indian Child Status:	
<input type="checkbox"/> No parent/ relative interviewed yet about possible Indian child status.	
<input type="checkbox"/> Child's possible Indian child status reported by name each parent, relative, other, and is yet to be determined.	
<input checked="" type="checkbox"/> Child's Indian child status denied by Kathy Price, Ernie Price, Anita Dashee, and Carol Hill.	
<input type="checkbox"/> Indian child status confirmed by Name Tribe.	

Name: Rose Price	Sex: Female	Age: 1	Date of Birth: 3/28/2023	Place of Birth: Great City, Texas USA
Name of Current School: Not Applicable			Initial Placement Date: 5/25/2024	
Current Placement Type: Substitute Care- Foster Placement	Date of Current Placement: 5/25/2024		County of Current Placement San Gabriel County	
Indian Child Status:				
<input type="checkbox"/> No parent/ relative interviewed yet about possible Indian child status.				
<input type="checkbox"/> Child's possible Indian child status reported by name each parent, relative, other, and is yet to be determined.				
<input checked="" type="checkbox"/> Child's Indian child status denied by Kathy Price and Carol Hill.				
<input type="checkbox"/> 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 Ad Litem  
Attorney Ad Litem for the Children  
555 Main Street  
Great City, Texas 75000

CASA Volunteer  
Guardian Ad Litem for the Children  
553 Main Street  
Great City, Texas 75000

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

Jason Harris' Attorney  
Presumed Father of Ben Harris  
123 Main Street  
Great City, Texas 75000

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

Ernie Price's Attorney  
Presumed Father of Robert Price  
551 Main Street  
Great City, Texas 75000

Department's Attorney

Unknown Father's Attorney

DFPS Attorney  
Attorney for the Petitioner  
P.O. Box 7777  
Great City, Texas 75000

Father of Rose Price  
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 May 28, 2024.

### **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	5/30/2024	Served by Constable	
Jason Harris	6/6/2024	Served by Constable	
Ernie Price	5/31/2024	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 confirms that Mr. Price is not the biological father of the child, Rose Price, continues to state that she is unaware of who the father is, and has not provided names of potential fathers.

B. The Department's Efforts to Locate Missing Parents

Caseworker has requested a verification of 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 is placement for the child and lives in the same home as the child's father, Ernie Price.

B. Individuals Identified, Located and/or Notified

Caseworker has notified Carol Hill, maternal aunt of the children, and Anita Dashee, paternal grandmother of Robert Price, consistent with the Caregiver Resources Forms completed by Kathy Price and Ernie Price. Caseworker sent a Notification of Removal

Letters to Carol Hill and to Anita Dashee on May 29, 2024. The unknown father of Rose Price has not been identified, located, or sent a Notification of Removal Letter.

## **VII. FAMILY PLAN OF SERVICE**

DFPS Requests that the Court make the Service Plans for the parents 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	10/31/12	White and Black or African American

### **A. Medical, Dental and Psychological Information**

#### **a) Medical**

- i. Date of last physical: 6/19/2024
- ii. Child's Current Weight (in lbs.): 125
- iii. Current Height: 5'4"
- iv. Date of last vision exam: 6/19/2024
- 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: 7/11/2024
- 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. Sessions to begin 7/22/24.

#### **ii. Psychological/Psychiatric Evaluation:**

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
6/17/24	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	50 mg/day, increasing to 72 mg/day	ADHD	Difficulty in school and at home with focus and organizing himself	6/17/24	Dr. Pete Psychiatrist
Prozac	20 mg/day, increasing to 40 mg/day	Major Depression	Difficulty in school and at home with focus and organizing himself	6/17/24	Dr. Pete Psychiatrist
Inhaler	Two Puffs as Needed	Asthma	Difficulty Breathing	5/25/24	Great City Medicaid Clinic

CHILD	SEX	DATE OF BIRTH	RACE/ETHNICITY AS IDENTIFIED BY PARENT AND/OR CHILD
Robert Price	Male	5/10/13	White and Black or African American

#### A. Medical, Dental and Psychological Information

##### a) Medical

- i. Date of last physical: 6/19/2024
- ii. Child's Current Weight (in lbs.): 60
- iii. Current Height: 4'2"
- iv. Date of last vision exam: 6/19/2024
- v. Current Medical concerns/recommendations: None.

##### b) Dental

- i. Date of last dental: 7/11/2024
- ii. Current Dental concerns/recommendations:  
Robert had 8 cavities filled at his dental appointment and had one remaining baby tooth removed due to severe decay. He 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 and Family  
Dates/Frequency: Robert has been scheduled for weekly individual therapy that will begin on 7/22/24. Mr. Terry has recommended at

least 6 sessions of individual therapy before starting family therapy with Robert and his father.

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
6/17/24	Dr. Peter Psychiatrist	Child Victim of Abuse/Neglect	Individual therapy as needed to address any concerns of trauma and grief. Family therapy is needed to address any concerns of parental alienation.

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	3/28/23	White and Black or African American

A. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 6/19/2024
- ii. Child's Current Weight (in lbs.): 19
- iii. Current Height: 27.5"
- iv. Date of last vision exam: 6/19/2024
- 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	6/19/24	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 the recommendations listed above be made the order of the court;
4. That the Family Plan of Service be made an order of the court;
5. That a review hearing be held in four months.

**Respectfully submitted:**

*Conservatorship Caseworker*

Conservatorship Caseworker

**Child Protective Services Specialist II**

**Date:** July 3, 2024

**Approved by:**

*CVS Caseworker Supervisor*

CVS Caseworker Supervisor

**Child Protective Services Supervisor**

**Date:** July 5, 2024

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**STATUS HEARING ORDER**

On **July 16, 2024**, a Status Hearing was held pursuant to Subchapter C, Chapter 263, Texas Family Code.

**1. Appearances**

- 1.1. The Department of Family and Protective Services (“the Department”) appeared through **CONSERVATORSHIP CASEWORKER**, caseworker, and by attorney, **DFPS 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 **KATHY PRICE’S ATTORNEY**, 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 Presumed Father, **JASON HARRIS**, father of **BEN HARRIS**
- ☐ appeared in person and announced ready.
  - ☒ appeared through attorney of record **MR. JASON HARRIS’ ATTORNEY** 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 Presumed Father, **ERNIE PRICE**, father of **ROBERT PRICE**
- ☐ appeared in person and announced ready.
  - ☐ appeared through attorney of record \_\_\_\_\_ and announced ready.
  - ☒ appeared in person and through attorney of record **MR. ERNIE PRICE'S ATTORNEY** 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. Respondent, **UNKNOWN FATHER**, father of **ROSE PRICE**
- ☐ appeared in person and announced ready.
  - ☐ appeared through attorney of record **ATTORNEY FOR UNKNOWN FATHER OF ROSE PRICE** 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.
- 1.6. **ATTORNEY AD LITEM**, appointed by the Court as Attorney Ad Litem of 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.
- 1.7. **CASA VOLUNTEER**, appointed by the Court as Guardian Ad Litem of 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.
- 1.8. Also Appearing: Ms. Conservatorship Supervisor; Carol Hill, maternal Aunt of the children, Anita Dashee, paternal grandmother of Robert Price; and Attorney for Unknown Father of Rose Price announced present but not appearing for Unknown Father.

## 2. Findings

- 2.1. The Court, having reviewed the pleadings, and considered all evidence and information required by law, including all service plans and court reports filed by the Department, finds that all necessary prerequisites of the law have been satisfied, and that this Court has jurisdiction over this cause.
- 2.2. The Court finds that all parties entitled to citation and notice have been served, except as specifically set out below:

- 2.3. The Court finds that **KATHY PRICE**, the parent of a child 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 **UNKNOWN FATHER** through the parent locator service.
- 2.4. 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).
- 2.5. If the Court finds that efforts have not been sufficient, then **IT IS ORDERED** that the Department make further efforts to identify, locate, and provide information to each adult described in § 262.1095(a).
- 2.6. The Court, having reviewed the service plans filed by the Department, finds, except as specifically noted below, that the service plans are reasonable, accurate, and in compliance with the previous orders of the Court.
- 2.7. The Court finds the plans are reasonably tailored to address any specific issues identified by the Department.
- 2.8. The Court finds that a representative of the Department has signed the service plans.
- 2.9. The Court finds that **KATHY PRICE has** 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.
- 2.10. The Court finds that **KATHY PRICE has** signed the plan.
- 2.11. The Court finds that **JASON HARRIS has not** reviewed and understands the service plan and has been advised that unless he 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, his parental and custodial duties and rights may be subject to restriction or to termination or the children may not be returned to him.
- 2.12. The Court finds that **JASON HARRIS has not** signed the plan.
- 2.13. The Court finds that **ERNIE PRICE has** reviewed and understands the service plan and has been advised that unless he 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, his parental and custodial duties and rights may be subject to restriction or to termination or the children may not be returned to him.
- 2.14. The Court finds that **ERNIE PRICE has** signed the plan.

- 2.15. 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. If the form has not previously been submitted, **IT IS ORDERED** that **KATHY PRICE** submit the Child Placement Resources Form to the Department.
- 2.16. 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. If the form has not previously been submitted, **IT IS ORDERED** that **JASON HARRIS** submit the Child Placement Resources Form to the Department.
- 2.17. 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. If the form has not previously been submitted, **IT IS ORDERED** that **ERNIE PRICE** submit the Child Placement Resources Form to the Department.
- 2.18. The Court has inquired of all parties present whether the children have had the opportunity, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child and for each individual identified by the child as potential relative or designated caregiver, whether that individual is listed on the proposed child placement resources form.
- 2.19. The Court has reviewed the summary of the medical care provided to the subject children under § 266.007, Texas Family Code.
- 2.20. The Court finds that a health care professional **has** been consulted regarding a health care service, procedure, or treatment for **BEN HARRIS**. The Court **accepts** the recommendation of the health care professional for the following reasons: the Court finds that the decisions about the health care of the subject child to be in the child's best interest.
- 2.21. The Court finds that a health care professional **has** been consulted regarding a health care service, procedure, or treatment for **ROBERT PRICE**. The Court **accepts** the recommendation of the health care professional for the following reasons: the Court finds that the decisions about the health care of the subject child to be in the child's best interest.
- 2.22. The Court finds that a health care professional **has** been consulted regarding a health care service, procedure, or treatment for **ROSE PRICE**. The Court **accepts** the recommendation of the health care professional for the following reasons: the Court finds that the decisions about the health care of the subject child to be in the child's best interest.

- 2.23. The Court has inquired whether the children or the children's family has Native American heritage and identified any Native American tribe with which the children may be associated.
- 2.24. **IT IS ORDERED** that each Respondent provide the Department with any information regarding whether the children's family has Native American heritage and identify any Native American Tribe with which the children may be associated and provide all available family history information relevant to determination of Indian child status on request.
- 2.25. The Court has also reviewed the Visitation Plan provided by the Department pursuant to § 263.109, Texas Family Code.
- 2.26. The Court finds that a relative serving as the placement of the child has been informed that the relative has the option to become verified by a licensed child-placing agency to operate as an agency foster home and has the option of seeking eligibility for permanency care assistance through the permanency care assistance program provided in Subchapter K, Chapter 264, Texas Family Code.
- 2.27. Pursuant to TRCP 21d, this court proceeding was held electronically as (1) good cause existed and no objection was made; (2) objection was made and the Court overruled the objection and found good cause existed; or (3) the parties agreed to the electronic proceeding.

### **3. Visitation Plan: KATHY PRICE**

- 3.1. The Court finds that visitation between **BEN HARRIS, ROBERT PRICE AND ROSE PRICE** and **KATHY PRICE** must be supervised to protect the health and safety of **BEN HARRIS, ROBERT PRICE AND ROSE PRICE**. The Court further finds that **KATHY PRICE** must take the following specific steps to have level of supervision reduced:

Arrive at the visits without being under the influence of drugs or alcohol, timely submit to requests for random drug testing, have at least two consecutive negative drug tests, and attend visits regularly. Visitation may be increased and supervision may be reduced by agreement of the child advocates.

### **4. Visitation Plan: JASON HARRIS**

- 4.1. The Court finds that visitation between **JASON HARRIS** and **BEN HARRIS** must be supervised to protect the health and safety of **BEN HARRIS**. The Court further finds that **JASON HARRIS** must take the following specific steps to have level of supervision reduced:

Arrive at the visits without being under the influence of drugs or alcohol, timely submit to requests for random drug testing, have at least two consecutive negative drug tests, and attend visits regularly. Visitation may be increased and supervision may be reduced by agreement of the child advocates.

**5. Visitation Plan: ERNIE PRICE**

- 5.1. The Court finds that visitation between **ROBERT PRICE** and **ERNIE PRICE** must be supervised to protect the health and safety of **ROBERT PRICE**. The Court further finds that **ERNIE PRICE** must take the following specific steps to have level of supervision reduced:

Provided that Ms. Anita Dashee is present at the time of the visits, Mr. Ernie Price has no further restriction to his visitation with Robert Price. Once Mr. Price is able to produce two negative drug screens, the supervision requirement will be lifted.

**6. Orders**

- 6.1. **IT IS ORDERED** that, except as specifically modified by this order or any subsequent order, the plan of service for the parents, filed with the Court on June 13, 2024 and incorporated herein by reference as if the same were copied verbatim in this order, is **APPROVED** and made an **ORDER** of this Court.

- 6.2. **IT IS ORDERED** that the plan of service issued by this Court shall continue in full force and effect subject to the following modifications:

None.

- 6.3. 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.

- 6.4. Unless otherwise directed by this Court prior to the hearing, the following children shall not be required to attend the Initial Permanency Hearing Before Final Order:

**BEN HARRIS, ROBERT PRICE, AND ROSE PRICE**

- 6.5. **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.

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

Visits may be supervised by an approved family member, if they are willing and able to do so, at a location agreed to by the child advocates. Additionally, it is ordered that a weekly one hour sibling visit be scheduled for the children apart from their visit with their mother.

**8. Notice of Permanency Hearing**

**IT IS ORDERED** that the Initial Permanency Hearing Before Final Order in this cause is hereby set for **November 14, 2024** at 9:00 o'clock a.m., in the 499th Judicial District Court of San Gabriel County, Texas.

**SIGNED** this **16th** day of **July**, 2024.

*Presiding Judge*

JUDGE PRESIDING

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**DFPS ATTORNEY**

[DFPSAttorney@dfps.texas.gov](mailto:DFPSAttorney@dfps.texas.gov)

State Bar # 00000001

\_\_\_\_\_  
**UNKNOWN FATHER'S ATTORNEY**

[UnknownFatherAttorney@solopracticio  
ner.com](mailto:UnknownFatherAttorney@solopracticio<br/>ner.com)

State Bar # 00000004

\_\_\_\_\_  
**ATTORNEY AD LITEM**

[AttorneyadLitem@adlitemlawoffice.com](mailto:AttorneyadLitem@adlitemlawoffice.com)

State Bar # 00000003

\_\_\_\_\_  
**CASA VOLUNTEER**

Guardian Ad Litem for the Children

[CASA@volunteerCASA.org](mailto:CASA@volunteerCASA.org)

\_\_\_\_\_  
**KATHY PRICE'S ATTORNEY,**

[KathyPriceAttorney@GreatCityLawPractice.com](mailto:KathyPriceAttorney@GreatCityLawPractice.com)

State Bar # 00000002

\_\_\_\_\_  
**KATHY PRICE**

Mother of the Children

\_\_\_\_\_  
**JASON HARRIS' ATTORNEY**

[JasonHarrisAttorney@privateattorney.com](mailto:JasonHarrisAttorney@privateattorney.com)

State Bar # 00000007

\_\_\_\_\_  
**JASON HARRIS**

Father of Ben Harris

\_\_\_\_\_  
**ERNIE PRICE'S ATTORNEY**

[ErniePriceAttorney@lawoffice.com](mailto:ErniePriceAttorney@lawoffice.com)

State Bar # 00000008

\_\_\_\_\_  
**ERNIE PRICE**

Father of Robert Price

## Permanency Hearings Before Final Order

Permanency Hearings Before Final Order are held initially by day 180 in a child welfare case, with subsequent permanency review hearings before final order also held thereafter within 120 days following the prior permanency hearing. [Tex. Fam. Code § 263.301 et seq.](#) govern all permanency hearings in child welfare cases.

At the Initial Permanency Hearing Before Final Order in the *Harris-Price* case, the Court hears that Ms. Price's progress with services is mixed. Additionally, Ms. Price does not have a stable home and has not maintained a job. Ms. Price's felony abandonment with intent to return case has not been presented for indictment, and her misdemeanor theft case continues to be reset along with the felony case.

Mr. Ernie Price complied with requests for random UA drug tests and was negative each time. The supervision requirement for his visitation with Robert was lifted by the end of July. Mr. Price also submitted to a hair strand drug test in late August, and the drug test results returned negative for all substances. The Department has no further concerns about Mr. Price and drug use. All necessary parties signed an agreed order naming Ernie Price as the official placement for Robert Price and continuing TMC of the Department.

Mr. Jason Harris has not begun any services and does not respond to requests for drug testing. He does attend his scheduled visits with his son, Ben, and the visits are reported to go fine. He continues to provide Ms. Hill with \$200 a month for the care of Ben.

Substituted service on the Unknown Father of Rose Price was granted at the Status hearing, and service by posting was completed. In consideration of the current case progression, and the Department's ongoing 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.

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**PERMANENCY REPORT TO THE COURT - TEMPORARY MANAGING  
CONSERVATORSHIP**

The Texas Department of Family and Protective Services ("the Department") represented by **Conservatorship Caseworker** 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 November 14, 2024 at 9:00 a.m.

**I. SUBJECT CHILDREN**

Name: Ben Harris	Sex: Male	Age: 12	Date of Birth: 10/31/2012	Place of Birth: Great City, Texas USA
Name of Current School: Great City Middle School			Initial Placement Date: 5/25/2024	
Current Placement Type: Relative Placement	Date of Current Placement: 6/14/2024		County of Current Placement San Gabriel County	
Indian Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible Indian child status. <input type="checkbox"/> Child's possible Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's Indian child status denied by Kathy Price, Jason Harris, and Carol Hill. <input type="checkbox"/> Indian child status confirmed by Name Tribe.				
Name: Robert Price	Sex: Male	Age: 9	Date of Birth: 5/10/2015	Place of Birth: Great City, Texas USA
Name of Current School: Great City Elementary			Initial Placement Date: 5/25/2024	
Current Placement Type: Noncustodial Parent	Date of Current Placement: 8/30/2024		County of Current Placement San Gabriel County	

Indian Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible Indian child status. <input type="checkbox"/> Child's possible Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's Indian child status denied by Kathy Price, Ernie Price, Anita Dashee, and Carol Hill. <input type="checkbox"/> Indian child status confirmed by Name Tribe.				
Name: Rose Price	Sex: Female	Age: 1	Date of Birth: 3/28/2023	Place of Birth: Great City, Texas USA
Name of Current School: Not Applicable			Initial Placement Date: 5/25/2024	
Current Placement Type: Substitute Care- Foster Placement	Date of Current Placement: 5/25/2024		County of Current Placement San Gabriel County	
Indian Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible Indian child status. <input type="checkbox"/> Child's possible Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's Indian child status denied by Kathy Price and Carol Hill. <input type="checkbox"/> 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

Katy Price's Attorney  
554 Main Street  
Great City, Texas 75000

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

CASA/Guardian Ad Litem for the Children  
553 Main Street  
Great City, Texas 75000

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

Jason Harris' Attorney  
123 Main Street  
Great City, Texas 75000

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

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

Department's Attorney  
P.O. Box 7777  
Great City, Texas 75000

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

#### **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	5/30/2024	Served by Constable	
Jason Harris	6/6/2024	Served by Constable	
Ernie Price	5/31/2024	Served by Constable	
Unknown Father of Rose Price	7/18/2024	Cite by publication	Motion for Substituted Service granted on July 16, 2024. Citation by Posting began on July 18, 2024 pursuant to Tex. R. Civ. P. 116(d).

#### **IV. DUE DILIGENCE TO LOCATE ALL PARTIES ENTITLED TO CITATION**

##### **A. Parental Cooperation**

Ms. Price continues to state that she does not know who the father of Rose Price is and has not provided names of any potential fathers. The Department has requested names of potential fathers from Ms. Price during the initial investigation, during each office visit, and after each parent-child visit supervised at the department. Additionally, Ms. Price has been asked to provide names of potential fathers at each court hearing, and Ms. Price has not provided names or locating information.

##### **B. The Department's Efforts to Locate Missing Parents**

Caseworker has received a verification of birth certificate 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 Mr. Ernie Price, father of Robert Price and Ms. Anita Dashee, the paternal grandmother of Robert Price, who are placement for the child. Caseworker has notified Carol Hill and Anita Dashee, consistent with the Caregiver Resources Form completed by Kathy Price and Ernie Price. Caseworker sent a Notification of Removal Letters to Carol Hill and Anita Dashee on May 29, 2024. The unknown father and extended family 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 May 28, 2024.

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 June 3, 2025 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 \_\_\_\_\_ been previously granted a date of dismissal extension.

#### **VI. HISTORY OF FAMILY INVOLVMENT WITH CHILD WELFARE:**

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

DATE	ALLEGATION	VICTIM CHILD	DESIGNATED PERPETRATOR	DISPOSITION
5/25/24	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe
5/25/24	Neglectful Supervision	Robert Price	Kathy Price	Reason to Believe
5/25/24	Neglectful Supervision	Rose Price	Kathy Price	Reason to Believe
5/25/24	Medical Neglect	Ben Harris	Kathy Price	Reason to Believe
5/25/24	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
3/1/21	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe	DFPS/Texas

3/1/21	Neglectful Supervision	Robert Price	Kathy Price	Reason to Believe	DFPS/Texas
12/15/17	Neglectful Supervision	Ben Harris	Kathy Price	Ruled Out	DFPS/Texas
12/15/17	Neglectful Supervision	Robert Price	Kathy Price	Ruled Out	DFPS/Texas
1/12/14	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe	DFPS/Texas
6/1/13	Neglectful Supervision	Ben Harris	Kathy Price	Unable to Determine	DFPS/Texas
6/1/13	Physical Abuse	Ben Harris	Kathy Price	Ruled Out	DFPS/Texas

## **VII. SUMMARY OF CASE SINCE LAST COURT REVIEW**

### **A. Well-Being of the Child**

<b>CHILD</b>	<b>SEX</b>	<b>DATE OF BIRTH</b>	<b>RACE/ETHNICITY AS IDENTIFIED BY PARENT AND/OR CHILD</b>
Ben Harris	Male	10/31/12	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. Ben has supervised visitation with his father, Jason Harris, twice a month. Ben appears bonded to his father but expresses a wish to return to his mother and be reunited with his siblings. While Mr.

Harris attends visits with Ben, he has not complied with any of the other court orders related to his plan of service. While not ordered to, the placement reports that Mr. Harris provides her with \$200 a month to assist with Ben’s care.

2. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 6/19/2024
- ii. Child’s Current Weight (in lbs.): 125
- iii. Current Height: 5’4”
- iv. Date of last vision exam: 6/19/2024
- 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: 7/11/2024
- ii. Current Dental concerns/recommendations: No concerns.

c) Psychological

- i. Therapy  
  
Therapist: Tim Terry  
  
Therapy Type: Individual  
  
Dates/Frequency: Weekly since July 22, 2024.
- ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
6/17/24	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	72 mg/day	ADHD	Difficulty in school and at home with focus and organizing himself	10/23/24	Dr. Pete Psychiatrist
Prozac	40 mg/day	Major Depression	Difficulty in school and at home with focus and organizing himself	10/23/24	Dr. Pete Psychiatrist
Inhaler	Two Puffs as Needed	Asthma	Difficulty Breathing	10/10/24	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
6/14/24	Basic	Relative	Homestudy approved. Mother agreed to placement with maternal aunt.
5/25/24	Basic	Substitute Care Foster Home	Removal from home.

4. Education

ENROLLMENT DATE	NAME OF SCHOOL	GRADE LEVEL	SCHOOL PERFORMANCE
7/15/24	Great City Middle School	6	Children entered care at the end of the school year. Child was enrolled in middle school for the fall semester. At grade-level in Math; Deficient in Reading and Comprehension.

a) Significant Discipline Action

Ben has received In-School-Suspension twice since the start of the 2024-2025 school year. The first occurrence was on September 6, 2024, for disrespect towards a teacher, and the second occurrence was for punching a desk on October 15, 2024.

b) Supportive Educational Services and Special Education

Ben's fifth-grade teacher recommended weekly after-school tutoring in reading and comprehension during the 2023-2024 school year, but reported that he did not attend. Since entering care, Ms. Hill found a free online tutoring program to assist with bringing Ben up to speed over the summer break. He currently receives in-school tutoring and Ms. Hill reports that she sits with him and helps him practice his reading skills. He received additional reading time for assignments in school as needed.

c) Other identified school issues

Ben's elementary school reported previous attendance issues prior to DFPS being named TMC on May 25, 2024. There are no current concerns about attendance.

## 5. Permanency Plan

The Primary Permanency Goal is Family Reunification. The Department continues to offer in-person and virtual services, weekly parent-child visits and unlimited phone/FaceTime calls at the discretion of the placement, within the hours of 7 a.m. and 8 p.m. 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 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, but she is willing to facilitate sibling visits. Mr. Price, Ms. Dashee, and Ms. Carol Hill all report to be in communication with each other and have a good working relationship. Ms. Hill states that the foster family for Rose has recently reached out to her to schedule sibling time.

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	5/10/13	White and Black or African American

1. 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 was placed in the home through a separate DFPS case from another county.

Robert's academic performance is at grade level, and he recently received a 3<sup>rd</sup> 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, Ben, and sister, Rose and is glad when he sees them and his mother, Kathy Price, at visits. Ben and his father, Ernie, began family therapy in early September, and the therapist reports that Robert has adjusted well to his new surroundings and appears to be bonded well to his father. Robert reports that he would like to live in one house with all his siblings and states he feels safe with his dad and grandmother.

2. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 6/19/2024
- ii. Child's Current Weight (in lbs.): 60
- iii. Current Height: 4'2"
- iv. Date of last vision exam: 6/19/2024

v. Current Medical concerns/recommendations:

None.

b) Dental

i. Date of last dental: 7/11/2024

ii. Current Dental concerns/recommendations:

Robert had 8 cavities filled at his dental appointment and one remaining baby tooth was extracted because it had rotted. He 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 and Family

Dates/Frequency: Individual Therapy was changed to a biweekly status at the request of Ernie Price and upon the agreed recommendation of Tim Terry. Weekly family therapy began in September 2024, and it is the recommendation of Tim Terry that regular family sessions may end at the end of this month and be scheduled in the future, as needed.

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
6/17/24	Dr. Peter Psychiatrist	Child Victim of Abuse/Neglect	Individual therapy as needed to address any concerns of trauma and grief. Family therapy is needed to address any concerns of parental alienation.

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
8/30/24	Basic	Noncustodial Parent	Parties agreed to name father as placement for child. Father lives with paternal grandmother, who was previously named as placement for the child. No move was necessary.
6/14/24	Basic	Relative	Mother and Father agreed to placement with Paternal Grandmother, Anita Dashee. Father, Ernie Price lives in the home.
5/25/24	Basic	Substitute Care Foster Home	Removal from home.

#### 4. Education

ENROLLMENT DATE	NAME OF SCHOOL	GRADE LEVEL	SCHOOL PERFORMANCE
7/15/24	Great City Elementary School	4	Children entered care at the end of the school year. No change in school occurred during fall enrollment. 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. Robert is currently placed in the home of his father, Ernie Price, and paternal grandmother, Anita Dashee. The parties agreed to name Mr. Price placement of Robert on August 30, 2024. Ms. Dashee was the prior named placement for the child. In late September 2024, Mr. Price was named as the placement for his 6 month-old son, who is the subject of a DFPS suit in Sparks County. The Department

continues to offer in-person and virtual services, weekly parent-child visitation, and phone/FaceTime calls at the discretion of the placement between the hours of 7:00 a.m. and 8:00 p.m. to Kathy Price in an effort 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 applied and was hired for a new position within his company that came with a pay raise and does not require out of town travel on a regular basis. Mr. Price has remained drug-free and is willing and able to provide a safe and stable environment for Robert. He and Robert are about to be successfully discharged from family therapy, and there are no other services pending completion at this time. Mr. Price reports that he is not able to offer a placement for Ben Harris or Rose Price, but he is willing to facilitate sibling visits. Mr. Price, Ms. Dashee, and Ms. Carol Hill all report to be in communication with each other and have a good working relationship. Mr. Price states that the foster family for Rose has recently reached out to him and Ms. Hill to schedule sibling visits.

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	3/28/23	White and Black or African American

1. Description of Child

Rose Price is a happy twenty month old girl. She is doing well in her current foster home placement. Rose has begun to stand while holding on to objects and is attempting to walk small distances, she can say approximately 25 words, including “mama,” “dada,” and “bubba,” which she lovingly calls her brothers. Rose 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 resolved after ongoing treatment by her foster parents and pediatrician.

Rose eats a growing list of table foods and, while small for her age, has finally grown out of 12-15 month-old clothing and is beginning to fit into

18-24 month-old clothing. Rose appears to be bonding with her foster parents. Based on observations of their in-person visits, Rose appears to have a bond with her mother and siblings. She seems especially bonded to her oldest brother, Ben. DFPS has facilitated additional one hour sibling visits once a week as ordered by the court. The placements for the children have tried to schedule additional sibling time, but have found it difficult due to conflicts in schedule between Rose's foster placement and the family placements for the boys; however, the foster parents have recently had some free time open in their schedules and they have reached out to the family placements to schedule a sibling visit. In-person parent-child visits have not been consistent with Ms. Price either arriving late, leaving early, or missing visits all together. During the visits, Ms. Price spends about half of the time she is present at the visits on her phone while the children play with each other and has to be reminded to engage with her children. While she is allowed unlimited phone/Facetime calls with her children, the placements report that Kathy only asks to speak to the children about once a week. Ms. Price reports that phone/Facetime calls with Rose have been difficult because Rose seems to lack the attention span for it. Facetime calls do not last more than five to ten minutes before Rose becomes fussy or distracted.

## 2. Medical, Dental and Psychological Information

### a) Medical

- i. Date of last physical: 6/19/2024
- ii. Child's Current Weight (in lbs.): 19
- iii. Current Height: 27.5"
- iv. Date of last vision exam: 6/19/2024
- v. Current Medical concerns/recommendations:  
None.

### b) Dental

- i. Date of last dental: 9/12/24
- 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
None.					

3. Placement

DATE OF PLACEMENT	SERVICE LEVEL	TYPE OF PLACEMENT	REASON MOVED
5/25/24	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 in person and virtual services, weekly supervised visitation, and unlimited phone/FaceTime calls at the discretion of the placement between the hours of 7:00 a.m. and 8:00 p.m. to 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. Ms. Carol Hill, maternal aunt of Rose Price, has stated that she is unable to care for Rose at this time. Mr. Ernie Price considered serving as placement for Rose, but his other child was recently placed with him, and he is not able to care for any additional children at this time.

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, participates in AA/NA classes, and has recently signed up for out-patient treatment. However, she has also tested positive for marijuana on the two random hair strand drug tests requested by the department (ExperTox Analytical Laboratory test results show Ms. Price testing positive for marijuana on her hair specimens on July 25, 2024 and October 28, 2024), and admits to the “occasional” use of alcohol to wind down. She has completed a psychological evaluation and participates in therapy. She completed basic parenting, but has not begun protective parenting and stopped attending domestic violence classes about half way through because she states that she does not need these classes. Ms. Price has not provided proof of attendance for AA, but the I was able to confirm that Ms. Price enrolled in IOP on October 28, 2024. Ms. Price’s therapist, Ms. Consuela Counselor, stated that she can incorporate protective parenting into their individual sessions, if Ms.

Price is willing to do so. Ms. Price said she is okay with this as long as she does not have to go to a separate class. She attends approximately 75% of her scheduled visits, but often fails to provide notice or attempt to reschedule when she does not attend. While her reasons for skipping visits are suspect, when she does attend visits, she is appropriate with the children and, clearly, they are bonded. Ms. Price has stated that she does not wish to have phone/FaceTime calls with Rose because she cannot get Rose to pay attention and reports that it is very frustrating for her as a mom. Ms. Price has not been able to maintain stable employment. She reports that she is interested in the children returning home, but that she lost her apartment in August and has not been able to secure housing yet. She is currently “couch surfing” between several friend’s places. I have offered to assist Ms. Price with signing up for housing, but she stated that she does not want to live in government housing. Ms. Price’s criminal cases are still currently pending, and she reports that her next court date is in December. 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 also feels that Ben is doing well with her sister and knows he will be safe there and will be able to visit with Robert. Mr. Harris has not initiated in any of his services and does not comply with requests for random drug testing. He attends roughly half of his twice monthly supervised visitations with Ben and does not confirm or cancel visits. He continues to provide Ms. Hill with \$200 a month to assist with the care of Ben. Citation via publication has been completed on the Unknown Father of Rose Price. There has still been no additional identifying information received as to the identity of Rose Price’s father. 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 and Mr. Harris be required to confirm their attendance to visitation 24 hours in advance and that if they fail to do so, that the Department have the authority to cancel the scheduled visit.

The Department requests that protective parenting be incorporated into Ms. Price’s individual therapy.

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 four 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:**

*Conservatorship Caseworker*

Conservatorship Caseworker  
Child Protective Services Specialist  
Date: November 1, 2024

**Approved by:**

*CVS Caseworker Supervisor*

CVS Caseworker Supervisor  
Child Protective Services Supervisor  
Date: November 4, 2024

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**INITIAL PERMANENCY HEARING ORDER BEFORE FINAL ORDER**

On **November 14, 2024**, a Permanency Hearing Before Final Order was held pursuant to Subchapter D, Chapter 263, Texas Family Code, for review of the conservatorship appointment and the placement of the children.

**1. Appearances**

- 1.1.** The Department of Family and Protective Services (“the Department”) appeared through **CONSERVATORSHIP CASEWORKER**, caseworker, and by attorney, **DFPS 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 **KATHY PRICE’S ATTORNEY** 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 Presumed Father, **JASON HARRIS**, father of **BEN HARRIS**
- ☐ appeared in person and announced ready.
  - ☒ appeared through attorney of record, **MR. JASON HARRIS’ ATTORNEY**, 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 Presumed Father, **ERNIE PRICE**, father of **ROBERT PRICE**
- ☐ appeared in person and announced ready.
  - ☐ appeared through attorney of record, \_\_\_\_\_ and announced ready.
  - ☒ appeared in person and through attorney of record **MR. ERNIE PRICE'S ATTORNEY**, 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. Respondent **UNKNOWN FATHER**, father of **ROSE PRICE**
- ☐ appeared in person and announced ready.
  - ☒ appeared through attorney of record **MR. UNKNOWN FATHER'S ATTORNEY** and announced not 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.
- 1.6. **ATTORNEY AD LITEM**, appointed by the Court as Attorney Ad Litem of 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.
- 1.7. **CASA VOLUNTEER**, appointed by the Court as Guardian Ad Litem of 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.
- 1.8. Also Appearing: Conservatorship Worker's Supervisor, Carol Hill, and Anita Dashee
- 

## 2. Findings

- 2.1. 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.
- 2.2. The Court has reviewed services plans, permanency reports and other information submitted to the Court to determine the safety and well-being of the children, the

continuing necessity and appropriateness of the placement of each child; whether each child's educational needs and goals have been identified and addressed; 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.

- 2.3. The Court finds that all persons entitled to notice under § 263.0021, Texas Family Code, have been notified.
- 2.4. 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-1)(2)(B), Texas Family Code.
- 2.5. The Court has evaluated the Parties' compliance with temporary orders and the service plan, and the extent to which progress has been made toward alleviating or mitigating the cause necessitating the placement of the children in foster care, and finds that:
  - 2.5.1. **KATHY PRICE** is demonstrating partial compliance with the service plan.
  - 2.5.2. **JASON HARRIS** is not demonstrating adequate and appropriate compliance with the service plan.
  - 2.5.3. **ERNIE PRICE** is demonstrating adequate and appropriate compliance with the service plan.
  - 2.5.4. **UNKNOWN FATHER** is not demonstrating adequate and appropriate compliance with the service plan.
- 2.6. 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.

**2.7. THE COURT FINDS AND HEREBY NOTIFIES THE PARENTS THAT EACH OF THE ACTIONS REQUIRED OF THEM BELOW, IN ADDITION TO ACTIONS PREVIOUSLY ORDERED BY THE COURT, 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.**

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

2.9. The Court has inquired whether the children or the children's family has Native American heritage and identified any Native American tribe with which the children may be associated.

2.10. Pursuant to TRCP 21d, this court proceeding was held electronically as (1) good cause existed and no objection was made; (2) objection was made and the Court overruled the objection and found good cause existed; or (3) the parties agreed to the electronic proceeding.

**3. Continuing Danger to the Physical Health or Safety of the Children**

3.1. The Court finds that there is a continuing danger to the physical health or safety of the children; and returning **BEN HARRIS, ROBERT PRICE, AND ROSE PRICE** to **KATHY PRICE** is contrary to the welfare of the children.

3.2. The Court finds that there is a continuing danger to the physical health or safety of the child; and returning **BEN HARRIS** to **JASON HARRIS** is contrary to the welfare of the child.

3.3. The Court finds that there is not a continuing danger to the physical health or safety of the child; and that **ROBERT PRICE** has been placed with **ERNIE PRICE** and the Department remains the temporary managing conservator of the child **ROBERT PRICE**.

**4. Placement and Services: BEN HARRIS**

4.1. The Court finds that **BEN HARRIS** is placed with a relative or other designated caregiver.

4.2. The Court finds that **CAROL HILL** 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.

- 4.2. **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**.
- 4.3. **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**.
- 4.4. The Court finds that the relative or other designated caregiver serving as the placement of the child has been informed that the relative or other designated caregiver has the option to become verified by a licensed child-placing agency to operate as an agency foster home and has the option of seeking eligibility for permanency care assistance through the permanency care assistance program provided in Subchapter K, Chapter 264, Texas Family Code.
- 4.5. The Court finds that the Department **has** asked **BEN HARRIS**, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative caregiver or designated caregiver for the child.
- 4.6. The Court finds that **BEN HARRIS** has been provided the opportunity, in a developmentally appropriate manner to express the child's opinion on the medical care provided.
- 4.7. The Court finds that **BEN HARRIS** is receiving psychotropic medication and has been provided appropriate psychosocial therapies, behavior strategies, and other non-pharmacological interventions and has been seen by the prescribing physician, physician's assistant, or advanced practices nurse at least once every ninety days as required by § 266.011, Texas Family Code.
- 4.8. The Court has reviewed the visitation plan or any amended visitation plans filed by the Department, pursuant to § 263.306, Texas Family Code.
- 4.9. The Court has reviewed the Department's efforts to ensure that **BEN HARRIS** has the opportunity to engage in age appropriate normalcy activities, including activities not listed in **BEN HARRIS'S** service plan.
- 4.10. The Court finds that the Department has identified an education decision-maker for **BEN HARRIS**, as required by § 263.004, Texas Family Code, and **BEN HARRIS'S** education needs and goals have been identified and addressed.

- 4.11. The Court finds that **BEN HARRIS** is attending sixth grade and has determined whether there have been major changes in the child's school performance and whether there have been serious disciplinary events.
- 4.12. The Court has reviewed the appropriateness of the primary and alternate permanency goal for the child and finds that **BEN HARRIS'S** permanency goal is Family Reunification.
- 4.13. The Court finds that a health care professional **has** been consulted regarding a health care service, procedure, or treatment for **BEN HARRIS**. The Court **accepts** the recommendation of the health care professional for the following reason:

The recommendations are in the child's best interest.

- 4.14. The Court finds that no other plans or services are needed to meet the child's special needs or circumstances.

**Placement and Services: ROBERT PRICE**

- 4.15. The Court finds that **ROBERT PRICE** is placed with a relative or other designated caregiver.
- 4.16. 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.
- 4.17. **IT IS THEREFORE ORDERED** that the child **ROBERT PRICE** shall remain in the home of **ERNIE PRICE**.
- 4.18. The Court finds that the Department **has** asked **ROBERT PRICE**, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative caregiver or designated caregiver for the child.
- 4.19. The Court finds that **ROBERT PRICE** has been provided the opportunity, in a developmentally appropriate manner to express the child's opinion on the medical care provided.
- 4.20. The Court finds that **ROBERT PRICE** is not receiving psychotropic medication.
- 4.21. The Court has reviewed the visitation plan or any amended visitation plans filed by the Department, pursuant to § 263.306, Texas Family Code.
- 4.22. The Court has reviewed the Department's efforts to ensure that **ROBERT PRICE** has the opportunity to engage in age appropriate normalcy activities, including activities not listed in **ROBERT PRICE'S** service plan.

- 4.23. The Court finds that the Department has identified an education decision-maker for **ROBERT PRICE**, as required by § 263.004, Texas Family Code, and **ROBERT PRICE'S** education needs and goals have been identified and addressed.
- 4.24. The Court finds that **ROBERT PRICE** is attending third grade and has determined whether there have been major changes in the child's school performance and whether there have been serious disciplinary events.
- 4.25. The Court has reviewed the appropriateness of the primary and alternate permanency goal for the child and finds that **ROBERT PRICE'S** permanency goal is Family Reunification.
- 4.26. The Court finds that a health care professional **has** been consulted regarding a health care service, procedure, or treatment for **ROBERT PRICE**. The Court **accepts** the recommendation of the health care professional for the following reason:
- The recommendations are in the child's best interest.
- 4.27. The Court finds that no other plans or services are needed to meet the child's special needs or circumstances.

**Placement and Services: ROSE PRICE**

- 4.28. The Court finds that **ROSE PRICE** is **not** placed with a relative or other designated caregiver.
- 4.29. 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.
- 4.29.1. The Court finds that the child continues to need substitute care and the child's current placement is appropriate for the child's needs.
- 4.30. The Court finds that the Department **has** asked **ROSE PRICE**, in a developmentally appropriate manner, to identify any adult, particularly an adult residing in the child's community, who could be a relative caregiver or designated caregiver for the child.
- 4.31. The Court finds that **ROSE PRICE** has been provided the opportunity, in a developmentally appropriate manner to express the child's opinion on the medical care provided.
- 4.32. The Court finds that **ROSE PRICE** is not receiving psychotropic medication.
- 4.33. The Court has reviewed the visitation plan or any amended visitation plans filed by the Department, pursuant to § 263.306, Texas Family Code.

- 4.34. The Court has reviewed the Department's efforts to ensure that **ROSE PRICE** has the opportunity to engage in age appropriate normalcy activities, including activities not listed in **ROSE PRICE'S** service plan.
- 4.35. The Court finds that the Department has identified an education decision-maker for **ROSE PRICE**, as required by § 263.004, Texas Family Code, and **ROSE PRICE'S** education needs and goals have been identified and addressed.
- 4.36. The Court finds that **ROSE PRICE** is too young to attend school.
- 4.37. The Court has reviewed the appropriateness of the primary and alternate permanency goal for the child and finds that **ROSE PRICE'S** permanency goal is Family Reunification.
- 4.38. The Court finds that a health care professional **has** been consulted regarding a health care service, procedure, or treatment for **ROSE PRICE**. The Court **accepts** the recommendation of the health care professional for the following reason:
- The recommendations are in the child's best interest.
- 4.39. The Court finds that **ROSE PRICE** is placed in a foster home.
- 4.40. The Court finds that no other plans or services are needed to meet the child's special needs or circumstances.

**5. Visitation Plan: KATHY PRICE**

- 5.1. The Court finds that visitation between **BEN HARRIS, ROBERT PRICE AND ROSE PRICE** and **KATHY PRICE** must be supervised to protect the health and safety of **BEN HARRIS, ROBERT PRICE AND ROSE PRICE**. The Court further finds that **KATHY PRICE** must take the following specific steps to have level of supervision reduced:

**IT IS ORDERED** that **KATHY PRICE** must confirm all visits with the subject children 24 hours in advance with DFPS. If confirmation is not received, the visit may be cancelled. After attending and fully engaging in 6 consecutive parent-child visits, **KATHY PRICE** may have up to 2 of her weekly one-hour supervised visits converted to unsupervised visits. Visitation frequency may not be reduced without a court order, but may be increased as agreed by the child advocates.

**6. Visitation Plan: JASON HARRIS**

- 6.1. The Court finds that visitation between **BEN HARRIS** and **JASON HARRIS** must be supervised to protect the health and safety of **BEN HARRIS**. The Court further finds that **JASON HARRIS** must take the following specific steps to have level of supervision reduced:

**IT IS ORDERED** that **JASON HARRIS** must initiate his family plan of service and confirm all visits with **BEN HARRIS** 24 hours in advance with DFPS. If Mr. Harris fails to confirm his supervised visit 24 hours in advance, the visit may be cancelled.

**7. Visitation Plan: ERNIE PRICE**

- 7.1. The Court finds that visitation between **ERNIE PRICE** and **ROBERT PRICE** is unsupervised.

**8. Visitation Plan: UNKNOWN FATHER**

- 8.1. Until **UNKNOWN FATHER** of **ROSE PRICE** has been identified and contacted the caseworker, no visitation is permitted.

**9. Orders**

- 9.1. **IT IS ORDERED** that, except as specifically modified by this order or any subsequent order, the plan of service for the parents, previously filed with the Court and incorporated herein by reference as if the same were copied verbatim in this order, is **APPROVED** and made an **ORDER** of the Court.
- 9.2. **IT IS ORDERED** that all previous orders issued by this Court shall continue without modification.
- 9.3. **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.
- 9.4. Unless otherwise directed by this Court prior to the hearing, the following children shall not be required to attend the next permanency hearing:

**BEN HARRIS, ROBERT PRICE, and ROSE PRICE**

**10. Mediation**

- 11.1. **IT IS ORDERED** that this case is referred to mediation.
- 11.2. **IT IS FURTHER ORDERED** that all named parties shall be present during the entire mediation process. Counsel and parties are **ORDERED** to proceed in a good-faith effort to try to resolve this case and shall agree on a mediation date. If no agreed date can be scheduled, the mediator shall select a date for the mediation and all parties are **ORDERED** to appear as directed by the mediator. Any date so scheduled by the mediator is incorporated in this Order as the date on which the mediation shall occur. Mediation to be held no later than **February 21, 2025**.

11.3. **IT IS FURTHER ORDERED** that a representative of the Texas Department of Family and Protective Services who has final decision-making authority shall be present for the mediation.

11.4. Referral to mediation is not a substitute for trial, and the case will be tried if not settled.

**12. Dismissal Date and Hearing Dates**

12.1. Pursuant to § 263.401, Texas Family Code, the Court determines that the date for dismissal of this cause shall be **June 3, 2025**.

12.2. Pursuant to § 263.305, Texas Family Code, the Court determines that the next permanency hearing is set on **March 7, 2025**, at 9:00 o'clock a.m. in the 499th Judicial District Court of San Gabriel County in Great City, Texas.

12.3. Pursuant to § 263.304(b), Texas Family Code, the Court determines that this suit shall be and is hereby set for trial on the Merits **May 19, 2025** at 9:00 o'clock a.m. in the 499th Judicial District Court of San Gabriel County in Great City, Texas.

**SIGNED** this **14th** day of **November**, 2024.

*Presiding Judge*

JUDGE PRESIDING

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**DFPS ATTORNEY**

[DFPSAttorney@dfps.texas.gov](mailto:DFPSAttorney@dfps.texas.gov)

State Bar # 00000001

\_\_\_\_\_  
**UNKNOWN FATHER'S ATTORNEY**

[UnknownFatherAttorney@solopractitioner.com](mailto:UnknownFatherAttorney@solopractitioner.com)

State Bar # 00000004

\_\_\_\_\_  
**ATTORNEY AD LITEM**

[AttorneyadLitem@adlitemlawoffice.com](mailto:AttorneyadLitem@adlitemlawoffice.com)

State Bar # 00000003

\_\_\_\_\_  
**CASA/GUARDIAN AD LITEM**

[CASA@volunteerCASA.org](mailto:CASA@volunteerCASA.org)

\_\_\_\_\_  
**KATHY PRICE'S ATTORNEY,**

[KathyPriceAttorney@GreatCityLawPractice.com](mailto:KathyPriceAttorney@GreatCityLawPractice.com)

State Bar # 00000002

\_\_\_\_\_  
**KATHY PRICE**

Mother of the Children

---

**JASON HARRIS' ATTORNEY**

[JasonHarrisAttorney@privateattorney.com](mailto:JasonHarrisAttorney@privateattorney.com)

State Bar # 00000007

---

**JASON HARRIS**

Presumed Father of Ben Harris

---

**ERNIE PRICE'S ATTORNEY**

[ErniePriceAttorney@lawoffice.com](mailto:ErniePriceAttorney@lawoffice.com)

State Bar # 00000008

---

**ERNIE PRICE**

Presumed Father of Robert Price

## Mediation

On February 5, 2025, the parties attend mediation pursuant to the court's order. At the time of the mediation, Kathy Price has missed 6 consecutive visits with her children. Due to this, Ms. Price's visits remain supervised and subject to cancellation if she fails to confirm 24 hours in advance. Ms. Price has attended most, but not all of her virtual therapy sessions, which has incorporated protective parenting since the beginning of December. She missed several IOP appointments and was discharged unsuccessfully. However, IOP is willing to take her back, and she is scheduled to restart in a week. Ms. Price reports that in-person meetings are difficult to get to. The Caseworker looked into bus passes, but there currently aren't any available. Ms. Price reports that she started a job cleaning houses, but has not provided proof of employment and continues to "couch surf." Ms. Price also continues to smoke marijuana despite the court's order that her home remain drug free and free of illegal activity. She reports that she has been sober for one month and produced a red chip from AA commemorating the milestone. The day before the scheduled mediation, Ms. Price was indicted on the felony charge of abandonment with intent to return.

Mr. Harris will not engage in services and refuses to submit to requests for drug testing. He continues to attend supervised visits with Ben on a semi-regular basis and regularly sends money to Carol Hill for the care of Ben. There are no outstanding services for Ernie Price, and he is serving as the placement for both Robert and his younger son, who is part of a DFPS case in another county. He reports that his new position at work allows for him to be a more present parent and he enjoys spending time with both his sons. Both Ben and Robert have continued to express that they wish to maintain a relationship with their mother and their siblings. Ben would prefer to return home to Ms. Price, but is okay with living with his aunt, Carol. Ben states that he enjoys spending time with his father, but does not want to live with him. Robert prefers to remain in the home of his father, Ernie Price, and wishes that his brother and sister could come stay with him and his baby brother at his dad's house.

On the date of the mediation, Kathy Price and Jason Harris agree to Carol Hill being named the Permanent Managing Conservator (PMC)/Sole Managing Conservator (SMC) of Ben Harris while they both maintain possessory conservatorship rights to the child. Kathy also agrees to Ernie Price being named PMC/SMC of Robert Price and to be named a possessory conservator of Robert. There is an impasse as to any agreement related to Rose. Kathy remains adamant that her daughter, Rose, should be returned to her care. The Department is unable to agree to Rose returning home to Kathy, particularly due to Kathy's ongoing marijuana use, lack of stable housing, unpredictability surrounding the outcome of her felony criminal case, inconsistency with parent-child visits, incompleteness of services, and Rose Price's vulnerability due to her young age.

Two days after mediation, Kathy Price identifies Ryan Smith, DOB 7/1/1992, as the father of Rose Price. Ryan Smith, incarcerated four months earlier and expected to serve up to nine years in prison, is contacted by the Department. He reports to the caseworker that he is likely the father of Rose Price, but he would like a DNA test. Mr. Smith reports that he is willing to work services while incarcerated, and identifies his mother, Anne Smith, as a placement for Rose Price until he is able to assume care upon release from prison.

The Department immediately filed a Motion for Genetic Testing, and the court appoints Attorney for Unknown Father to Ryan Smith, and signs an order for genetic testing. The Department and CASA are investigating this possible placement with the named paternal grandmother. Kathy Price opposes placement of Rose with Anne Smith, and requests that Rose Price be returned to her care or, only in the alternative, remain in her current placement until she can come home.

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**ORDER FOR GENETIC TESTING**

On **February 7, 2025**, the Department of Family and Protective Services' *Motion for Genetic Testing* was heard by this Court. The Court finds that it is medically practical to take blood, buccal cells, bone, hair, or other body tissue or fluid samples for genetic testing of the child who is the subject of this order and that genetic testing is required by §160.502 of the Texas Family Code.

**1. The Child(ren)**

The Court finds that the following child(ren) is/are subject of this order:

1.1                      Name:      Rose Price  
                                 Sex:      Female  
                                 Date of Birth:      3/28/2023  
                                 Social Security Number:      **XXX-XX-1234**

**2. The Parents**

The Court finds that the following parents or alleged parent are the subject of this order:

**2.1 Mother**

                                 Name:      Kathy Price  
                                 Date of Birth:      2/14/1994  
                                 Social Security Number:      **XXX-XX-2345**

**2.2 Alleged Father**

                                 Name:      Ryan Smith  
                                 Date of Birth:      7/1/1992  
                                 Social Security Number:      **XXX-XX-3456**

### 3. Testing

- 3.1. **THE COURT FINDS** pursuant to §160.622(c) of the Texas Family Code that the mother of the child need not be tested.
- 3.2. **IT IS ORDERED** that the alleged father, **RYAN SMITH**, present himself to DNA DIAGNOSTICS CENTER (DDC) with appropriate photographic identification, at a date and time to be determined by the genetic testing expert to submit to scientifically accepted parentage tests by qualified experts to determine parentage.
- 3.3. **IT IS FURTHER ORDERED** that the child, **ROSE PRICE**, be presented by the party who has physical possession of the child to DNA DIAGNOSTICS CENTER (DDC) at a date and time to be determined by the genetic testing expert to submit to scientifically accepted parentage tests by qualified experts to determine parentage.
- 3.5. **IT IS FURTHER ORDERED** that if any party is incarcerated in a criminal correction facility at the time, the incarcerated party is to provide samples of blood, body fluid or tissue as required for parentage testing then samples shall be taken from the incarcerated party by the court appointed expert at the correction facility. Further it is **ORDERED** that the correction agency shall allow access to the incarcerated party by the court appointed expert and shall allow the court appointed expert to photograph the incarcerated party.

### 4. Order to Appear

The parties named above are **ORDERED** to appear at the next scheduled Court hearing following completion of genetic testing, at which the Court may render temporary orders under §160.624, Texas Family Code or an order adjudicating parentage under §160.636, Texas Family Code, or both, and may render orders for reimbursement of the cost of genetic testing.

**SIGNED** this 7th day of February, 2025.

*Presiding Judge*

---

JUDGE PRESIDING

## **Second Permanency Hearing Before Final Order**

This Second Permanency Hearing Before Final Order is held on March 7, 2025, and 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 permanent managing conservatorship (PMC) of Ben Harris to Maternal Aunt, Carol Hill, PMC of Robert Price to his Father, Ernie Price, and termination with non-relative adoption for Rose Price.

A few weeks before the second permanency hearing, the Department received a urinalysis drug test result for a random test Kathy Price submitted to on February 10, 2025, that indicated she was positive for both marijuana and cocaine. Ms. Price admitted to continued marijuana usage but denied using cocaine. She told her caseworker that she had last smoked marijuana with a friend after the mediation and that the only way she could have gotten cocaine in her system was if the joint had been laced with it without her knowledge. The Department requested a hair strand drug test to confirm the UA results and Ms. Price complied. The hair strand drug test was completed a week after the UA results were obtained and the results of the hair strand drug test indicated Ms. Price was positive for marijuana only. The Department would like a subsequent hair strand drug test ordered to ensure that the prior test was not premature, and Ms. Price is opposed to this request. She has, however continued to sporadically submit to requests for urinalysis drug tests and continues to test positive for marijuana only. Given this new development in addition to Kathy's unresolved felony criminal case, lack of stable housing, and the age and vulnerability of the child, the Department is moving forward to pursue termination of Kathy Price's parental rights as to the youngest child, Rose Price.

The caseworker visited Ryan Smith in jail to provide him with a parenting packet and a copy of his family plan of service. Prior to the second permanency hearing, Ryan Smith filed an answer and reported to the caseworker that he no longer wanted a paternity test and wanted to ask the judge to enter an order finding that he was her father. He again requested that his child be placed with his mother, Anne Smith. Ms. Smith has no prior relationship with Rose and questions whether Ryan is Rose's father. She states she is willing to care for Rose but she would like a DNA test to settle her mind because she doesn't trust Kathy. Rose's foster parents have come forward as potential adoptive parents for Rose.

Please see [Tex. Fam. Code § 263.305](#) for statutory provisions regarding subsequent permanency hearings following the initial permanency hearing and [Tex. Fam. Code § 263.306](#) for statutory provisions regarding permanency hearings before final order.

Assume that Mr. Smith appears at the hearing via Zoom from TDCJ and an order adjudicating Mr. Smith as the father of Rose Price is entered. Additionally assume that the Department

has amended its pleading after Ryan Smith's appearance in the case to name him specifically as Rose Price's father and to add [Tex. Fam. Code § 161.001\(b\)\(1\)\(Q\)](#) regarding termination of parental rights of an incarcerated parent as a ground plead and that the Court has ordered the family plan of service on file for Mr. Smith.

Though the orders are not included in this material, assume that at the Second Permanency Hearing, the Department proceeds to finalize the Agreed Orders of Conservatorship on Ben Harris and Robert Price. The two children are severed from this original cause, final orders are entered, and their cases are closed. Kathy Price is appointed Possessory Conservator of both boys. Mr. Jason Harris is appointed a Possessory Conservator as to Ben, and Mr. Price is named the Sole Managing Conservator of Robert.

Also, because this Second Permanency Hearing is 120 days after the prior Permanency Hearing, and because the scheduled trial on the merits is quickly approaching, the court grants an extension of the case pursuant to [Tex. Fam. Code § 263.401\(b\)](#). The court announces the **new dismissal deadline is November 30, 2025**, and schedules a **subsequent permanency hearing on June 30, 2025**.

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**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**

**PERMANENCY REPORT TO THE COURT - TEMPORARY MANAGING  
CONSERVATORSHIP**

The Texas Department of Family and Protective Services ("the Department") represented by Conservatorship Caseworker 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 March 7, 2025 at 9:00 a.m.

**I. SUBJECT CHILDREN**

Name:	Sex:	Age:	Date of Birth:	Place of Birth:
Ben Harris	Male	12	10/31/2012	Great City, Texas USA
Name of Current School:			Initial Placement Date:	
Great City Middle School			5/25/24	
Current Placement Type:	Date of Current Placement:		County of Current Placement	
Relative Placement	6/14/24		San Gabriel County	
Indian Child Status:				
<input type="checkbox"/> No parent/ relative interviewed yet about possible Indian child status.				
<input type="checkbox"/> Child's possible Indian child status reported by name each parent, relative, other, and is yet to be determined.				
<input checked="" type="checkbox"/> Child's Indian child status denied by Kathy Price, Jason Harris and Carol Hill.				
<input type="checkbox"/> Indian child status confirmed by Name Tribe.				

Name:	Sex:	Age:	Date of Birth:	Place of Birth:
Robert Price	Male	9	5/10/2015	Great City, Texas USA
Name of Current School:			Initial Placement Date:	
Great City Elementary			5/25/24	
Current Placement Type:	Date of Current Placement:		County of Current Placement	
Noncustodial Parent	8/30/24		San Gabriel County	
Indian Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible Indian child status. <input type="checkbox"/> Child's possible Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's Indian child status denied by Kathy Price, Ernie Price, Anita Dashee, and Carol Hill. <input type="checkbox"/> Indian child status confirmed by Name Tribe.				

Name:	Sex:	Age:	Date of Birth:	Place of Birth:
Rose Price	Female	1 year and 11 months	3/28/2023	Great City, Texas USA
Name of Current School:			Initial Placement Date:	
Not Applicable			5/25/24	
Current Placement Type:	Date of Current Placement:		County of Current Placement	
Substitute Care- Foster Placement	5/25/24		San Gabriel County	
Indian Child Status: <input type="checkbox"/> No parent/ relative interviewed yet about possible Indian child status. <input type="checkbox"/> Child's possible Indian child status reported by name each parent, relative, other, and is yet to be determined. <input checked="" type="checkbox"/> Child's Indian child status denied by Kathy Price, Ryan Smith, and Carol Hill. <input type="checkbox"/> American Indian child status confirmed by Name Tribe.				

## **II. PARTIES ENTITLED TO NOTICE OF THE HEARING**

Department's Attorney  
P.O. Box 7777  
Great City, Texas 75000

Jason Harris' Attorney  
550 Main Street  
Great City, Texas

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

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

CASA/Guardian Ad Litem for the Children  
553 Main Street  
Great City, Texas 75000

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

Kathy Price  
Respondent Mother  
123 Broadway  
Great City, Texas 75000

Ryan Smith  
Respondent Father of Rose Price  
Great City Penitentiary  
Great City, Texas 75000

Kathy Price's Attorney  
554 Main Street  
Great City, Texas 75000

Ryan Smith's Attorney  
555 Main Street  
Great City, Texas 75000

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

## **III. SERVICE OF PROCESS**

<b>PARENT</b>	<b>DATE OF SERVICE</b>	<b>METHOD OF SERVICE</b>	<b>IF PARENT HAS NOT BEEN SERVED, DESCRIBE THE EFFORTS MADE TO SERVE THE PARENT.</b>
Kathy Price	5/30/24	Served by Constable	
Jason Harris	6/7/24	Served by Constable	
Ernie Price	6/1/24	Served by Constable	
Unknown Father of Rose Price	7/18/24	Citation by Publication	Motion for Substituted Service was granted on July 16, 2024. Citation by Publication was posted pursuant to Tex. R. Civ.

			P. 116(d) on 7/18/24 and a return was filed on 8/20/24.
Ryan Smith	2/20/25	Served by Constable	

#### **IV. DUE DILIGENCE TO LOCATE ALL PARTIES ENTITLED TO CITATION**

##### **A. Parental Cooperation**

Two days after mediation, Ms. Price revealed the identity of the father of Rose Price as Mr. Ryan Smith. This followed the caseworker's repeated requests for names of potential fathers each month since the inception of this case, as well as during court hearings.

##### **B. The Department's Efforts to Locate Missing Parents**

Caseworker initiated service of process on Mr. Smith immediately upon receiving his identity and locating information. Mr. Smith was personally served on February 20, 2025.

##### **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 Ernie Price and with the paternal grandmother of Robert Price, Anita Dashee, who are the placement for Robert 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 May 29, 2024. The unknown father of Rose Price has been identified as Ryan Smith, and he has been located and sent a Notification of Removal Letter. A notification letter has also been sent to Anne Smith, paternal grandmother of Rose Price.

#### **V. CURRENT LEGAL STATUS**

The Department was appointed Temporary Managing Conservator of Ben Harris, Robert Price, and Rose Price on May 28, 2024.

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 June 3, 2025, 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 **June 3, 2025** set for this suit be reset to **November 30, 2025**, 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

include: Respondent Father **RYAN SMITH** was identified as the alleged father and served in this matter on February 20, 2025. This suit has not been previously granted a date of dismissal extension.

## **VI. HISTORY OF FAMILY INVOLVMENT WITH CHILD WELFARE:**

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

<b>DATE</b>	<b>ALLEGATION</b>	<b>VICTIM CHILD</b>	<b>DESIGNATED PERPETRATOR</b>	<b>DISPOSITION</b>
5/25/24	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe
5/25/24	Neglectful Supervision	Robert Price	Kathy Price	Reason to Believe
5/25/24	Neglectful Supervision	Rose Price	Kathy Price	Reason to Believe
5/25/24	Medical Neglect	Ben Harris	Kathy Price	Reason to Believe
5/25/24	Physical Abuse	Rose Price	Kathy Price	Unable to Determine

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

<b>DATE</b>	<b>ALLEGATION</b>	<b>VICTIM CHILD</b>	<b>DESIGNATED PERPETRATOR</b>	<b>DISPOSITION</b>	<b>AGENCY/STATE</b>
3/1/21	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe	DFPS/Texas
3/1/21	Neglectful Supervision	Robert Price	Kathy Price	Reason to Believe	DFPS/Texas
12/15/17	Neglectful Supervision	Ben Harris	Kathy Price	Ruled Out	DFPS/Texas
12/15/17	Neglectful Supervision	Robert Price	Kathy Price	Ruled Out	DFPS/Texas
1/12/14	Neglectful Supervision	Ben Harris	Kathy Price	Reason to Believe	DFPS/Texas
6/1/13	Neglectful Supervision	Ben Harris	Kathy Price	Unable to Determine	DFPS/Texas
6/1/13	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	10/31/12	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). Ms. Hill describes Ben as “more settled” and accepting of his situation. 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 one grade-level behind. Ben continues to engage in tutoring at school and through an after school program to work on his language arts assignments.

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 bad behaviors. Ben has supervised visitation with his father, Jason Harris, twice a month. Ben appears bonded to his father but expresses a wish to return to his mother and be reunited with his siblings. Ben’s therapist has discussed the possibility of Ben staying with his aunt, and reports that Ben said he is okay staying with her if he has to, as long as he can still see his mom and siblings.

### 2. Medical, Dental and Psychological Information

#### a) Medical

- i. Date of last physical: 6/19/2024
- ii. Child’s Current Weight (in lbs.): 135
- iii. Current Height: 5’5”
- iv. Date of last vision exam: 6/19/2024
- v. Current Medical concerns/recommendations:

Ben continues to take medication for behavior management but these are decreasing in amount and frequency. Ben also uses an inhaler as needed for asthma.

#### b) Dental

- i. Date of last dental: 1/16/25

ii. Current Dental concerns/recommendations: No concerns.

c) Psychological

i. Therapy

Therapist: Tim Terry

Therapy Type: Individual

Dates/Frequency: Weekly therapy sessions since 7/22/24.

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
6/17/24	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	72 mg/day	ADHD	Difficulty in school and at home with focus and organizing himself	2/13/25	Dr. Pete Psychiatrist
Prozac	30 mg/day, decreasing by 5 mg every month to 20 mg/day	Major Depression	Difficulty in school and at home with focus and organizing himself	2/13/25	Dr. Pete Psychiatrist
Inhaler	Two Puffs as Needed	Asthma	Difficulty Breathing	10/10/24	Great City Medicaid Clinic

e) Ben is working more effectively in his psychotherapy.

Ben reports better success at school. Prozac will continue to be re-evaluated and has been tapered. The doctor anticipates that this will be

discontinued at Ben's next appointment if he continues to improve.

### 3. Placement

DATE OF PLACEMENT	SERVICE LEVEL	TYPE OF PLACEMENT	REASON MOVED
6/14/24	Basic	Relative	Mother agreed to placement with maternal aunt.
5/25/24	Basic	Substitute Care Foster Home	Removal from home.

### 4. Education

ENROLLMENT DATE	NAME OF SCHOOL	GRADE LEVEL	SCHOOL PERFORMANCE
7/15/24	Great City Middle School	6	At grade-level in Math; Deficient in Reading and Comprehension.

#### a) Significant Disciplinary Action

Ben has received In-School-Suspension twice since the start of the 2024-2025 school year. The first occurrence was on September 6, 2024, for disrespect towards a teacher, and the second occurrence was for punching a desk on October 15, 2024. There have been no incidents since the start of the spring semester.

#### 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. 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 prior to DFPS being named TMC of the child. There are no current concerns about attendance.

### 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, Kathy Price, and Jason Harris until such time as a final order is entered regarding the permanent managing conservatorship of Ben Harris.

Mediation was held in February 2025. Ms. Price, Mr. Harris, and Ms. Hill signed a Mediated Settlement Agreement to enter into final orders naming Ms. Hill the managing conservator of Ben and naming each parent a possessory conservator of the child. 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	5/10/13	White and Black or African American

1. Description of Child

Robert is a happy and shy 11 year old boy. He continues to do well in the home of his father, Ernie Price and paternal grandmother, Anita Dashee. He enjoys playing basketball with Mr. Price and attending high school football and basketball games. He also enjoys playing with his younger half-brother, who lives in the home with him and is not a part of this suit.

Robert's academic performance is at grade level. He enjoys school and says that his favorite things to do at home are skateboard, play basketball with Mr. Price, and read.

Robert reports that he misses his brother, Ben, and sister, Rose, and is glad when he sees them and his mother, Kathy Price, at visits. He stated that he would like to have a sleep over with them at his father's home. Ben and his father, Ernie, began family therapy in late July and they were successfully discharged on January 9, 2025. The therapist reports that Robert has adjusted well to his new surroundings and appears to be bonded well to his father. Robert reports that he would like to live in one house with all his siblings and states he feels safe with his dad and grandmother.

2. Medical, Dental and Psychological Information

a) Medical

- i. Date of last physical: 6/19/2024
- ii. Child's Current Weight (in lbs.): 65
- iii. Current Height: 4'3"
- iv. Date of last vision exam: 6/19/2024
- v. Current Medical concerns/recommendations: None.

b) Dental

i. Date of last dental: 1/16/25

ii. Current Dental concerns/recommendations:

Robert has had no additional cavities since his last dental appointment and Ernie Price reports that Robert is consistently showing better dental habits at home.

c) Psychological

i. Therapy

Therapist: Tim Terry

Therapy Type: Individual and Family Therapy

Dates/Frequency: Robert's individual therapy was changed to a biweekly status at the request of Ernie Price and upon the agreed recommendation of Tim Terry. Family therapy was successfully completed.

ii. Psychological/Psychiatric Evaluation:

DATE	EVALUATOR INFORMATION	DIAGNOSIS	RECOMMENDATIONS
6/17/24	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
8/30/24	Basic	Noncustodial Parent	Parties agreed to name Father, Ernie Price, as the placement for the child.
6/14/24	Basic	Relative	Mother and Father agreed to placement with Paternal Grandmother, Anita Dashee.
5/25/24	Basic	Substitute Care Foster Home	Removal from home.

#### 4. Education

ENROLLMENT DATE	NAME OF SCHOOL	GRADE LEVEL	SCHOOL PERFORMANCE
7/15/24	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. Mediation was held in February 2025. Mr. Price and Ms. Price signed a Mediated Settlement Agreement agreeing to name Mr. Price the managing conservator of Robert and naming Ms. Price a possessory conservator. The Department will continue to offer services to Robert Price. The Department also will continue to support visitation between Robert Price, his siblings, 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.

#### 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	3/28/23	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 is walking and is slowly adding words to her vocabulary. She is slightly developmentally behind, but her pediatrician reports this is not significant enough to be a strong concern. Rose's foster

parents report no recurrence of the diaper rash which had plagued her at the time of removal.

Rose is eating a great variety of table foods and, while small for her age, is beginning to catch up to the size of her peers. Rose appears to be strongly bonded with her foster parents. Rose is able to visit with her siblings during scheduled parent-child visits. She continues to have a strong bond with her brothers and is appears bonded to her mother. Recently, Rose's foster parents were able to schedule additional sibling visits in coordination with Ms. Hill and Mr. Price, and all of the children plan to attend Rose's 2<sup>nd</sup> birthday party at the end of this month. Rose appears to also be comfortable around her aunt, Ms. Hill, Mr. Price, and Ms. Dashee as she has interacted with them during these sibling visits. In-person parent-child visits have not been consistent as Ms. Price either arrives late, leaves early, or misses visits all together.

Mr. Ryan Smith is in jail and will not be released for several years. He has indicated that he would like to have Rose placed with his mother, Anne Smith. Ms. Smith and Rose have no prior relationship and have not been introduced at this time. The Department attempted to schedule a home study for Ms. Smith, but was unable to proceed due to Ms. Smith's CPS history and extensive criminal history.

## 2. Medical, Dental and Psychological Information

### a) Medical

- i. Date of last physical: 1/14/2025
- ii. Child's Current Weight (in lbs.): 24
- iii. Current Height: 29"
- iv. Date of last vision exam: 1/14/2025
- v. Current Medical concerns/recommendations: None.

### b) Dental

- i. Date of last dental: Rose has two new teeth and is due for a 6 month check-up in March. The Department will coordinate with foster parents to schedule Rose's 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.			

d) Medication

MEDICATION	DOSAGE	CONDITION/ DIAGNOSIS	SYMPTOM BEING TREATED	LAST MED REVIEW	PRESCRIBING PHYSICIAN
Not Applicable					

3. Placement

DATE OF PLACEMENT	SERVICE LEVEL	TYPE OF PLACEMENT	REASON MOVED
5/25/24	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 with Unrelated Adoption. The Department will continue to offer services to Kathy Price and support visitation between Rose

Price, her siblings, Kathy Price, and Ryan Smith until such time as a final order is entered regarding the permanent managing conservatorship of Rose Price. 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.

The Concurrent Permanency Goal is Permanent Managing Conservatorship to a Relative. After learning of the recent events following the mediation, Mr. Price offered to serve as Permanent Managing Conservator of Rose Price, if parental rights were not terminated. He stated that Rose is in a good home and knows that the placement will work to keep Rose in the other children's lives, but that he is willing to take Rose if needed because she is family, and he is now in the position to do so. The Department will continue to offer services to Kathy Price and support visitation between Rose Price, Kathy Price, and Ryan Smith until final orders are entered in this case.

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 when she wants to, she has not made consistent progress. Kathy Price is not making enough improvements to have her children reunified with her:

- Ms. Price reengaged in and has successfully completed all of her domestic abuse classes.
- Ms. Price has completed a drug and alcohol assessment, and participated in about two-thirds of her treatment plan. However, she tested positive for marijuana in recent drug screenings (ExperTox Analytical Laboratory test results returned positive for marijuana on hair strand specimens provided on September 25, 2024 and January 30, 2025, and for marijuana and cocaine on February 10, 2025 in a urine sample) and admits to "occasional" use of alcohol.
- Ms. Price admits to marijuana use but denies using cocaine and suggested that she must have shared a joint that was laced with cocaine without her knowledge. A subsequent hair strand drug test was completed about a week after her returned UA results and it showed a positive result for marijuana only. The Department has concerns that the hair strand drug test was taken prematurely and is requesting that Ms. Price submit to a subsequent hair strand drug test. Ms. Price has declined this request, but continues to periodically appear for random urinalysis drug test requests, the results of the most recent test are pending. The Department would like another hair strand test ordered to ensure that Ms. Price does not have an issue with cocaine usage.
- Although Ms. Price completed a psychological evaluation and engaged in therapy, she is inconsistent with her attendance to weekly therapy sessions. Ms. Price states that she has trouble with making in-person appointments. Ms. Consuela Counselor has provided Ms. Price with the option of virtual therapy sessions in lieu of in-

person sessions as Ms. Price's attendance at in-person sessions had become nonexistent in the months of November and December. Ms. Counselor reports that since switching exclusively to virtual sessions in January, Ms. Price has made 85% of her virtual sessions. Despite her inconsistent attendance in therapy, Ms. Counselor is recommending reunification of Rose with Ms. Price on a return and monitor basis, with intense in-home support, as long as Ms. Price can find and maintain stable housing.

- Ms. Price was previously unsuccessfully discharged from her protective parenting classes due to her poor attendance and failure to complete her assignments. Ms. Price was given the option to incorporate her protective parenting classes into her therapy sessions with Counselor after her unsuccessful discharge. Ms. Counselor reports that her sessions with Ms. Price have included a protective parenting component since late December 2024.
- After previously being dismissed, Ms. Price began attending IOP again one week ago, but she is not consistent with her attendance and is already at risk of being unsuccessfully discharged again. I have had numerous conversations with Ms. Price regarding her missed outpatient and therapy sessions, and Ms. Price's response is that she had transportation problems and issues with her phone or that she can't attend because she needs to keep her job and has other priorities. 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.
- Ms. Price reports that she found employment, but she does not have stable housing. She reports that she is bouncing back and forth between her co-workers' and friends' houses, and she has failed to provide paystubs to the Department. I have offered to assist Ms. Price to get on a housing list, but she has declined. 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 supervised visits, but still fails to provide notice or attempt to reschedule when she does not attend. When she does attend visits, she has gone from appearing clearly bonded to being moderately involved with the children and this caseworker feels that she doesn't interact with them as much as she could. Ms. Price spends a lot of time on her cell phone during in-person visits, has to be redirected to interact with the children, and does not take advantage of the additional options of supplemental phone or video calls.
- Ms. Price has agreed to the permanent placement of Robert with Ernie Price (per request of Ernie Price), as he seems to be doing so well there. She has also agreed to PMC of Ben by her sister, Carol Hill. Ms. Price has stated that she wants Rose to be placed back with her and that she wants nothing to do with Mr. Ryan Smith or his mother, Anne Smith. She has stated that Rose's life would be better off if he remained "out of the picture," and that he "doesn't know the baby at all."
- Mr. Harris has not initiated any of his services and refuses to submit to the Department's requests for random drug testing. He has, however, attended about 90% of his scheduled supervised visits with Ben since the last hearing, and visits have been appropriate. Ben appears to be bonded with his father, but states that he

does not want to live with him. Mr. Harris has agreed for Carol Hill to be named the PMC of Ben.

- Mr. Price has continued to remain drug free and has successfully completed all services set out in his family plan of service. Robert is bonded with his father and grandmother, Anita Dashee. Mr. Price and Ms. Dashee have reached out to Ms. Hill to schedule sibling visits between Robert and Ben. Mr. Price has also reached out to Rose's current placement to initiate additional sibling visitation. In addition to Robert, Mr. Price is currently serving as placement for his younger son in another DFPS case. Mr. Price reports that the goal in that case is Family Reunification. He has recently offered to serve as placement for Rose, if adoption is not an option for her current placement.
- Mr. Ryan Smith is expected to remain in jail for the next nine years. This caseworker provided him with a parenting packet when initial contact was made in early February. Mr. Smith reports that he is on the waitlist at the jail to participate in the parenting group. The Department attempted to schedule virtual therapy sessions for Mr. Smith, but he has refused to attend therapy. Mr. Smith has indicated that he would like Rose to be placed with his mother, Anne Smith, who has an extensive criminal history dating back to when Ryan was a child, including felony drug possession, and a RTB for neglectful supervision of Ryan Smith.

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 the children are bonded to her and that she is having successful ongoing visits with them.

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 difference of opinion to the Court. 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 interacting with her children. Additionally, a review of Ms. Price's Facebook page reveals that she is in the regular company of other parents with active CPS cases, often in a party atmosphere.

A home study was not able to be completed on the paternal grandmother, Anne Smith, due to Ms. Smith's extensive criminal history, dating from 1989 to 2012, which includes felony drug charges. Ms. Smith also has a RTB from 2000 for the neglectful supervision of her son, Ryan Smith. Ms. Smith has repeatedly stated that she is willing to care for Rose, if she is her granddaughter. Ms. Smith understands that her son asked to be adjudicated the father of Rose, but she maintains that Kathy Price cannot be trusted and wants a DNA test to prove that Rose is Ryan's daughter. CASA is discussing the possibility of adoption by the foster parents because Rose Price has spent nearly all of her life with her foster parents. Rose Price and her foster parents are extremely bonded.

This Caseworker would make the Court aware that Ryan Smith has an extensive criminal history, including a guilty plea for Assault Family Violence Strangulation (a third degree felony) of another girlfriend in September 2021, for which his community supervision was revoked due to (among other things) his failure to check in with his probation officer, failure to pay his court related fees, and four positive urinalysis drug tests for marijuana and two positive drug urinalysis drug tests for methamphetamines between November 2022 and February 2023.

Finally, the Court should be made aware of a new development: Kathy Price's latest living arrangement with her new boyfriend, Mr. Perry A. Moore. Mr. Moore a criminal record for prior domestic violence assaults. The Department expressed concerns over Ms. Price's pattern of choosing violent men, but Ms. Price has stated people change and that Mr. Moore had never so much as raised his voice at her. Of note is that Ms. Price's therapist has conveyed continued support of Ms. Price's reunification with Rose Price, but now says that this is contingent on Ms. Price's ability to secure stable housing without the presence of her new boyfriend.

These factors raise significant concerns about Ms. Price's ability to maintain a sober lifestyle and a protective home for Rose Price.

### **VIII. RECOMMENDATIONS:**

The Department requests that the Court enter a final orders as to the children Ben Harris and Robert Price per the MSA on file and sever their cases from this suit. The Department requests that pending a trial on the merits, that supervised visits between Ms. Price and Rose Price continue as previously ordered.

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 Conservator of the subject children, Ben Harris, Robert Price, and Rose Price;
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 a hearing to enter final orders as to the subject children Ben Harris and Robert Price be set without delay, and that the two children be severed out of this suit.
5. That a trial on the merits as to Ms. Kathy Price, Ryan Smith and the subject child Rose Price be set without delay; and
6. That the Family Plan of Service for Mr. Ryan Smith be made an order of the court.

**Respectfully submitted:**

*Conservatorship Caseworker*

Conservatorship Caseworker

Child Protective Services Specialist

Date: February 24, 2025

**Approved by:**

*CVS Caseworker Supervisor*

CVS Caseworker Supervisor

Child Protective Services Supervisor

Date: February 24, 2025

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

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

**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 Tex. Fam. Code § 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,

/s/ Ryan Smith's Attorney

Ryan Smith's Attorney

State Bar No. 00000004

Law Office of Ryan Smith's Attorney

555 Main Street

Great City, Texas 75000

[RyanSmithAttorney@solopractitioner.com](mailto:RyanSmithAttorney@solopractitioner.com)

P: (987) 555-4555

F: (987) 444-5666

**CERTIFICATE OF SERVICE**

I certify by my signature appearing above that a true copy of the above was served on each attorney of record or party indicated below in accordance with the Texas Rules of Civil Procedure on February 25, 2025.

Department's Attorney  
[DFPSAttorney@dfps.texas.gov](mailto:DFPSAttorney@dfps.texas.gov)

Attorney ad Litem,  
Attorney for the Children  
[AttorneyadLitem@adlitemlawoffice.com](mailto:AttorneyadLitem@adlitemlawoffice.com)

Kathy Price's Attorney  
Mother of the Children  
[KathyPriceAttorney@GreatCityLawPractice.com](mailto:KathyPriceAttorney@GreatCityLawPractice.com)

CASA Volunteer  
Guardian ad Litem for the Children  
[CASA @volunteerCASA.org](mailto:CASA@volunteerCASA.org)

Jason Harris' Attorney  
Presumed Father of Ben Harris  
[JasonHarrisAttorney@privateattorney.com](mailto:JasonHarrisAttorney@privateattorney.com)

Robert Price's Attorney  
Presumed Father of Robert Price  
[ErniePriceAttorney@lawoffice.com](mailto:ErniePriceAttorney@lawoffice.com)

## Jury Matters

Under [Tex. Fam. Code § 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.

Assume that there are no local orders with regard to deadlines for filing jury demands, and Ms. Price's attorney timely filed her jury demand after the Second Permanency Hearing and obtains a jury trial date of October 20, 2025.

[Tex. R. Civ. P. 277](#) requires a jury question on each individual statutory ground for termination as to each parent and each child without requiring further granulated questions for subparts of an individual ground. An additional requirement is that there must be a separate question on best interest of the child as to each parent and each child that is predicated on an affirmative answer to at least one termination-ground question. 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 jury charge and when it is due to be filed with the court. It is critical to research this deadline early in your case if you foresee that a final trial may be imminent.

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.

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

**IN THE INTEREST OF:**

**ROSE PRICE**

**A CHILD**

§  
§  
§  
§  
§  
§

**IN THE DISTRICT COURT OF**

**SAN GABRIEL COUNTY, TEXAS**

**499<sup>TH</sup> JUDICIAL DISTRICT COURT**

**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*

---

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

**CERTIFICATE OF SERVICE**

I certify by my signature appearing above that a true copy of the above was served on each attorney of record or party indicated below in accordance with the Texas Rules of Civil Procedure on March 10, 2025.

Department's Attorney, DFPS Attorney  
Attorney for The Department of Family and Protective Services  
[DFPSAttorney@dfps.texas.gov](mailto:DFPSAttorney@dfps.texas.gov)

Attorney Ad Litem for the Children, Attorney ad Litem  
[AttorneyadLitem@adlitemlawoffice.com](mailto:AttorneyadLitem@adlitemlawoffice.com)

Father of Rose Price's Attorney,  
Attorney for Father of Rose Price, Ryan Smith  
[RyanSmith@solopractitioner.com](mailto:RyanSmith@solopractitioner.com)

Guardian ad Litem  
CASA Volunteer  
[CASA@volunteerCASA.org](mailto:CASA@volunteerCASA.org)

### **Third Permanency Hearing Before Final Order**

At the Third Permanency Hearing, held on June 30, 2025, the Department expresses its intention to move forward to pursue termination of Kathy Price's parental rights as to the youngest child, Rose Price. The Department points to Kathy's inability to provide adequate, stable housing; maintain employment; refrain from using illegal drugs; provide for the safety of the child, or attend visits with Rose consistently. At the hearing, the caseworker states that her specific concerns are Kathy Price's positive urinalysis drug test for cocaine in February 2025, her "cherry-picking" of when to show up for UA drug tests, her refusal to submit to additional requests for hair strand drug tests, and her living arrangement with a new boyfriend, Mr. Perry A. Moore, who has a criminal record for prior domestic violence assaults. Mr. Moore has also indicated that he is not willing to allow the department to complete a walk through of his home, nor will he submit to requests for drug testing nor complete a psychological so that the Department can determine whether he is a safe individual for Rose to be around. Though she had been certain that her felony criminal case would be dismissed, Ms. Price is now scheduled for a jury trial on January 12, 2026. The caseworker reports that Ms. Consuela Counselor has conveyed continued support of Ms. Price's reunification with Rose Price, but that this is contingent on Ms. Price's ability to remain in secure stable housing, without the presence of her new boyfriend, Mr. Moore.

The Department is also moving forward with pursuing termination of Ryan Smith's parental rights to Rose Price as Ryan will continue to be in jail for the next nine years, has not completed any services other than returning a completed parenting packet, does not have a relationship with his daughter, and is not able to provide a safe and appropriate placement for his child. Mr. Smith continues to insist upon placement with his mother, Ms. Anne Smith, but the Department is opposed as Ms. Smith had, until recently, stated that she wanted a DNA test completed before she would consider caring for the child, and the child has no prior relationship or bond with Ms. Smith. Additionally, the Department is further opposed to placement with Ms. Smith due to her criminal history, which includes a felony drug charge, and her CPS history, which includes a RTB for neglectful supervision of Ryan Smith in 2000.

Please see [Tex. Fam. Code § 263.305](#) for statutory provisions regarding subsequent permanency hearings following the initial permanency hearing and [Tex. Fam. Code § 263.306](#) for statutory provisions regarding permanency hearings before final order.

## **Review Hearing**

In light of the movement in Ms. Price's criminal case, the court sets a Review Hearing for July 28, 2025, at the end of the Third Permanency Hearing Before Final Order. At the time of the review hearing, it is reported that Ms. Price has been offered one year deferred adjudication probation for her criminal case, and she is set to return to court on her felony charge on August 27, 2025. While she has now provided the Department with pay stubs confirming that she has been employed for the last two months, she continues to live with her boyfriend, Mr. Moore. Ms. Price has confirmed and attended the last 4 of 7 visits with Rose. With the exception of therapy, which she has attended weekly since mid-August, Ms. Price's compliance with services remains status quo. Please assume that Rose's status is mostly unchanged.

Ms. Price expresses a wish to have all of her legal issues resolved sooner, rather than later. With the Jury trial in the child welfare case set on October 20, 2025, and dismissal date of November 30, 2025, Ms. Price decides to waive her jury demand, and both she and Mr. Smith agree to a bench trial. The court sets the case for a Final Trial on the Merits on October 6, 2025.

## Merits Trial

As the extended statutory deadline in the Harris-Price case approaches, the parties prepare for trial.

Kathy Price wants Rose Price to be returned to her and reports that she has moved out of her boyfriend's home and signed a lease to a one-bedroom apartment the week prior to trial. She said that if Rose is placed with her, she will get on the waitlist at her complex for a two-bedroom apartment. In the alternative, she wants Ernie Price, Father to Robert Price, to be named PMC of Rose, and to maintain possessory conservatorship rights. She does not want father, Ryan Smith, to have any unsupervised access to Rose. Ernie Price has recently considered serving as placement for Rose if her current placement were no longer be able to care for her. Rose's current placement continues to be safe and stable and is willing to adopt her, should she become available for adoption. Kathy Price's felony court date was reset from August 27, 2025, to September 30, 2025, due to a scheduling conflict for her attorney. On September 30, 2025, Kathy accepted the plea deal in her criminal case and was placed on one year deferred adjudication probation.

Ryan Smith wants PMC to be granted to his mother, Anne Smith. He states that his mother's criminal history is being overexaggerated and that "she hasn't been in trouble with the law in over 15 years." As to the RTB finding for neglectful supervision, Mr. Smith argues that was related to her prior criminal issues and that she has changed and is not that same person. He plans to become a caregiver for Rose Price upon his release from incarceration. Anne Smith recently stated that she is willing to act as the permanent managing conservator for Rose and agreed to submit to drug testing and anything else the Department would like to prove that she is clean and able to care for her grandchild. Ms. Smith has had no contact with the child.

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 and CPS history and lack of relationship with Rose Price. CASA is supportive of Rose being adopted by her foster parents, to whom she is very bonded and she has lived with since she was removed from her mother's care in May 2024.

Rose's foster parents continue to express a desire to adopt Rose and have formed a good relationship with Mr. Price, Ms. Dashee, and Ms. Hill. They intend to continue sibling visits and access should they be able to adopt Rose. They are aware that Ms. Price has possessory conservatorship rights to Ben and Robert, and they would be willing to discuss supervised

visits with Rose, if appropriate, after the adoption has been completed. There are no interventions filed prior to the date of trial.

[Tex. Fam. Code § 161.001](#) relates to Involuntary Termination of Parental Rights. [Tex. Fam. Code § 263.401](#) addresses the dismissal dates in cases with children under the Department's care.

Please note that a parent's failure to complete service plan under [Tex. Fam. Code § 161.001\(b\)\(1\)\(O\)](#) was repealed in the 89<sup>th</sup> legislature and the repeal applies to a suit affecting the parent-child relationship (SAPCR) that is pending in a trial court on or after September 1, 2025, or that is filed on or after September 1, 2025. All subsequent grounds listed after [Tex. Fam. Code § 161.001\(b\)\(1\)\(O\)](#) have been renumbered to conform with the removal of the "failure to complete service plan" language (i.e., [Tex. Fam. Code § 161.001\(b\)\(1\)\(P\)](#) has been renumbered to [Tex. Fam. Code § 161.001\(b\)\(1\)\(O\)](#)). Also, the addition of [Tex. Fam. Code § 153.002\(b\)](#) creates a rebuttable best interest presumption in suits between a parent and nonparent and applies to suits pending in trial court or filed on or after September 1, 2025.

**Participants are expected to familiarize themselves with these legislative changes which apply to SAPCR suits pending in trial court or filed on or after September 1, 2025.**