

**CAUSE NO. 2779 THROUGH CAUSE NO. 2902
CAUSE NO 2905 CAUSE NO. 2908**

IN THE INTEREST OF	§	IN THE DISTRICT COURT OF
	§	
MINOR CHILDREN	§	SCHLEICHER COUNTY, TEXAS
	§	
FROM THE YFZ RANCH	§	51ST JUDICIAL DISTRICT

**ORDER VACATING TEMPORARY MANAGING CONSERVATORSHIP
AND ADDITIONAL TEMPORARY ORDERS**

Following an adversary hearing on April 17-18, 2008 pursuant to Section 262.201 of the Texas Family Code, this Court entered temporary orders including an order among others appointing the Department of Family and Protective Services (the Department) temporary sole managing conservator of the children the subject of the above-styled and numbered causes. In opinions rendered by the Third District Court of Appeals in the cases of *In re Steed*, ___ S.W.3d ___ (Tex. App.–Austin 2008, orig. proceeding) and *In re Bradshaw*, ___ S.W.3d ___ (Tex. App.–Austin 2008, orig. proceeding), and an opinion rendered by the Texas Supreme Court in the cases of *In re Department of Family and Protective Services*, 08-0391, ___ S.W.3d ___ (Tex. 2008, orig. proceeding) and *In re Department of Family and Protective Services*, 08-0403, ___ S.W.3d ___ (Tex. 2008, orig. proceeding), this Court has been directed to vacate its temporary orders granting the Department temporary sole managing conservatorship of the children who were the subject of those causes. While the parents of remaining children removed from the YFZ Ranch have not challenged this Court’s order, this Court recognizes that the relief provided to the Relators by the Third District Court of Appeals and the Texas Supreme Court should be afforded to all parties.

THEREFORE, IT IS ORDERED that the provision in this Court's prior temporary order granting the Department sole temporary managing conservatorship of the children removed from the YFZ Ranch is hereby **VACATED**. All other provisions of said order shall remain in full force and effect.

This Court has an obligation to ensure that all of the children and their parents are reunited with all deliberate speed while ensuring the safety and well-being of the children. Despite diligent efforts of the Relators and their attorneys, the parents who were not parties to the lawsuits and their attorneys, the attorneys ad litem, the guardians ad litem for the children, and the Department, the interested parties have not been successful in presenting a Rule 11 (Texas Rules of Civil Procedure) agreement.

In its opinion, the Texas Supreme Court provided the following:

The court may make and modify temporary orders "for the safety and welfare of the child," including an order "restraining a party from removing the child beyond a geographical area identified by the court." The court may also order the removal of an alleged perpetrator from the child's home and may issue orders to assist the Department in its investigation. The Code prohibits interference with an investigation, and a person who relocates a residence or conceals a child with the intent to interfere with an investigation commits an offense.

...

While the district court must vacate the current temporary custody orders as directed by the court of appeals, it need not do so without granting other appropriate relief to protect the children, as the mothers involved in this proceeding concede in response to the Department's motion for emergency relief. The court of appeals' decision does not conclude the SAPCR proceedings. *Id.* (footnotes omitted).

Pursuant to the direction of the appellate courts, this Court hereby enters the following **ADDITIONAL TEMPORARY ORDERS**:

- I. **IT IS ORDERED** that the Department shall return each child to each child's parent(s), as that term is defined by Section 101.024, Texas Family Code, a managing conservator as that term is defined under the Texas Family Code, or a legal guardian under Texas law (hereinafter parent, managing conservator, or legal guardian) entitled to possession of each child, beginning June 2, 2008 from 10:00 o'clock a.m. to 5:00 o'clock p.m., and continuing each day thereafter until all children have been returned, provided that each parent, managing conservator, or legal guardian shall execute the authorization attached to this order as Appendix A, and shall present such authorization to the designated representative of the Department at each placement where such child is located. The person taking possession of each child shall permit his or her photograph and a photograph of the child to be taken at the time of taking possession of the child, and shall submit to the taking of a fingerprint.

- II. **IT IS ORDERED** that each parent, managing conservator, or legal guardian shall attend, participate in and successfully complete standard parenting classes at such dates, times and places as determined by the Department and shall submit to the Department a certificate of completion. The parties shall negotiate any concerns regarding parenting class providers.

- III. **IT IS ORDERED** that each parent, managing conservator, legal guardian, and child that is the subject of this order, and any person in active concert or participation with them, shall not interfere with the ongoing investigation into allegations of abuse and neglect of the children and that the Department shall be authorized to conduct its investigation in accordance with all

statutory provisions of the Section 261.302, Texas Family Code. These statutory provisions provide that in the course of the investigation the Department may:

- (1) visit the home of the child(ren);
- (2) interview and examine the child(ren) that is the subject of this action. The interview and/or examination may include a medical, psychological, or psychiatric examination. The interview and/or examination of the child(ren) may be conducted at any reasonable time and place including the child's home, the office of the Department, or any other reasonable location that will, in the opinion of the Department or State agency, facilitate the interview or examination.

- IV. **IT IS ORDERED** that the Department shall have access to the residence of each child the subject of this order for unannounced home visits during the hours of 8 o'clock a.m. through 8 o'clock p.m. each day.
- V. **IT IS ORDERED** that the Department shall provide the attorneys ad litem and guardians ad litem a current address and telephone number for each parent, managing conservator, or legal guardian, and child the subject of this suit, and contact information for the Department caseworker assigned to that child.
- VI. **IT IS ORDERED** that each parent, managing conservator, or legal guardian at the time he or she takes possession of a child from the Department, SHALL provide the Department the specific address where that child will reside and a telephone contact number for each parent, managing conservator or legal

guardian and the child. Each parent, managing conservator or legal guardian shall also provide the Department the name(s) of all adults and children who will be residing within the same household as each child. For purposes of this order, the term *household* means any dwelling, building, trailer, or structure that is intended for or is actually used as a habitation that is occupied by individuals that are related to each other within the third degree of consanguinity or second degree of affinity, as determined under Chapter 573, Government Code.

VII. If the residence of a child must be changed, it is **ORDERED** that the parent, managing conservator or legal guardian shall provide the Department with written notice of intent to change the residence of the child not later than seven (7) working days prior to the relocation. If an emergency requires that the child be relocated, the parent, managing conservator or legal guardian shall notify the Department within 24 hours of the emergency. Furthermore, it is **ORDERED** that if a child is to travel, within the State of Texas, a distance of more than 100 miles from the child's designated residence, the child's parent, managing conservator or legal guardian shall provide the Department not less than 48 hours notice of such travel.

VIII. **IT IS ORDERED** that every child the subject of these proceedings shall remain within the State of Texas at all times and shall not be removed from the State of Texas for any reason or purpose without the approval of this Court. No parent, managing conservator, possessory conservator, or legal guardian or anyone acting in concert with them,

shall remove any child or children from the state of Texas
without further order of this court.

SIGNED: June 2, 2008.



JUDGE PRESIDING

AUTHORIZATION

CASE / CAUSE NO. _____

I SWEAR OR AFFIRM THAT ALL OF THE INFORMATION I PROVIDE IN THIS AUTHORIZATION IS TRUE AND CORRECT.

Name of Parent(s):	
Address:	
City, State, Zip Code:	
Telephone Number(s):	

I, the individual listed above, am (select one)
a parent as that term is defined under the Texas Family Code;
a managing conservator as that term is defined under the Texas Family Code;
a legal guardian under Texas law
of the following child:

Child's Name:	
Date of Birth:	

I hereby authorize the Texas Department of Family and Protective Services to release said child into the custody of the following individual:

Name:	
Address:	
City, State, Zip Code:	
Telephone Number(s):	

Date signed: _____

Parent's signature

Authorized individuals **must** present a copy of this order and identification to the Department before the child will be released into their custody.

State of Texas
County of _____

SWORN TO and SUBSCRIBED before me by the affiant listed above on the _____ day of
_____, 2008.

Notary Public in and for
The State of Texas

My commission expires:

Authorized individuals **must** present a copy of this order and identification to the Department
before the child will be released into their custody.

RELEASE OF CHILD INTO THE CUSTODY OF AUTHORIZED INDIVIDUAL

CASE / CAUSE NO. _____

Child's Name:	
Date of Birth:	

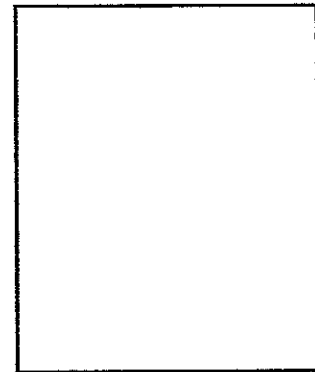
AUTHORIZED INDIVIDUAL'S INFORMATION

Full Legal Name:	
Identification # (SSN, TDL, or Other):	
Date of Birth:	
Address:	
City, State, Zip Code:	
Telephone Number(s):	

I swear or affirm that all the information I have provided is true and correct.

Date: _____

Signature



Right Thumbprint

DEPARTMENT CHECKLIST:

- Attach Copy of Authorization
- Date and Time child released. _____
- Photo of child
- Photo of parent or authorized person