

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

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

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

TO THE HONORABLE COURT:

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

I.

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

II.

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

III.

The following Children are the subjects of this suit:

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

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

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

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

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

IV.

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

Process of Service should be served at this address.

V.

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

Process of Service should be served at this address.

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

Process of Service should be served at this address.

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

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

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

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

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

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

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

VI.

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

VII.

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

VIII.

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

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

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

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

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

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

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

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

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

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

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

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

IX.

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

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

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

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

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

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

authorized agency for not less than six months, and:

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

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

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

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

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

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

X.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XI.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XII.

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

XIII.

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

XIV.

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

XV.

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

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

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

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

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

XVI.

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

XVII.

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

XVIII.

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

XIX.

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

XX.

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

XXI.

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

XXII.

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

NOTICE OF RIGHT TO COUNSEL

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

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

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

AFFIDAVIT IN SUPPORT OF REMOVAL

STATE OF TEXAS

COUNTY OF SAN GABRIEL

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

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

1. CHILDREN

Child

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

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

Place of Birth: Great City, Texas, USA

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

Child

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

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

Place of Birth: Great City, Texas, USA

Information about Indian Child Status:

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

Child

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

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

Place of Birth: Great City, Texas, USA

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

2. PARENTS/ MEMBERS OF THE HOUSEHOLD

Mother

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

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

Father of Ben Harris

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

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

Father of Robert Price

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

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

Father of Rose Price

Name: UNKNOWN
DOB: UNKNOWN
Current address: UNKNOWN

Any other address during past 6 months: UNKNOWN

3. ALLEGATIONS

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

4. FACTS NECESSITATING REMOVAL

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

January 1, 2012:

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

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

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

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

I met with and interviewed Kathy Price in Great City Jail. Ms. Price reports that she purchased vodka on the night of December 31, 2011 at Great City Liquor, and then was arrested for stealing formula at a nearby convenience store. Ms. Price denies the allegations of the arrest.

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

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

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

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

5. CPS HISTORY

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

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

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

On **December 15, 2006**, the Department received a referral of neglectful supervision of eight year old Ben Harris and three year old Robert Price by their mother Kathy Price.

Ms. Price was arrested for DUI and the location of the children was unknown. Neglectful Supervision was given a disposition of Ruled Out after the children were found to be safely and appropriately in the care of Ernie Price.

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

6. CRIMINAL HISTORY

Criminal History of Kathy Price:

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

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

December 2011: Arrest for Theft. Pending Disposition.

Criminal History of Jason Harris:

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

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

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

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

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

October 2011: Arrest for Theft. Pending Disposition.

Criminal History of Ernie Price:

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

7. ICPC COMPLIANCE

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

8. CONCLUSION

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

Bob Johnson

Child Protective Services
Investigator
Texas Department of Family
and Protective Services

Affiant

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

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