

CAUSE NO. 2902

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

**ORDER TO VACATE TEMPORARY ORDER GRANTING
TEMPORARY MANAGING CONSERVATORSHIP AND TO MODIFY
TEMPORARY ORDERS**

The Court has previously entered temporary orders following the holding of an adversary hearing on April 17-18, 2008 pursuant to Section 262.201, Texas Family Code, which appointed the Department as sole temporary managing conservator of the children the subject of the above-styled and numbered causes. The Court further finds that, as a result of the opinions rendered by the Texas Third Court of Appeals in the cases of In re Sara Steed, et al, Cause No. 03-08-00235-CV and In re Louisa Bradshaw, et al, Cause No. 03-08-00298-CV, and the opinion rendered by the Texas Supreme Court in the case of In re Texas Department Of Family And Protective Services, Relator, Cause No. 08-0391, the Court has been directed to vacate its temporary orders granting the Department sole temporary managing conservatorship of some of the children the subject of the above-styled and numbered cause. The Court further finds that, in light of such opinions, the Court should vacate only the portion of the temporary orders granting the Department temporary managing conservatorship of the children listed in attached Appendix 1.

The Court further finds that the opinion of the Supreme Court of Texas in In re Steed, id., provided that 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 opinion further

provided that: "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."

IT IS ORDERED that only the portion of the temporary orders that grants to the Department sole temporary managing conservatorship of the children listed in attached Appendix 1, is vacated and that the temporary order is modified as follows.

IT IS ORDERED that the Department shall return the children to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession of the children, beginning June 2, 2008 from 8:00 o'clock a.m. to 5:00 o'clock p.m. each day through June 6, 2008, provided that each parent shall execute the affidavit provided by the Department and shall present such affidavit to Department representative at each placement wherein they identify the child(ren) of whom they take possession. The person taking possession of each child shall permit his or her photo and the photo of the child be taken at the time of taking possession of the child.

IT IS ORDERED that each Respondent shall attend, participate in and successfully complete standard parenting classes at such times and places as arranged by the Department and to submit to the Department a certificate of completion.

The children SHALL NOT be removed from the State of Texas;

The parent(s) SHALL at the time that they take possession of the children from the Department provide to the Department the specific address where the children will reside and telephone contact number for the parents and the children. The parents shall provide to the Department the name(s) of all adults and children that will be residing within the same household (as hereinafter defined);

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;

If the residence of the child(ren) must be changed, the parent(s) is to provide the Department with written notice of intent to change the residence of the child(ren) seven (7) working days prior to the relocation. If an emergency requires that the child(ren) be relocated, the parent(s) **MUST** notify the Department within 24 hours of the emergency. Furthermore, it is **ORDERED** that if the children are to travel, within the State of Texas, a distance of more than 60 miles from their designated residence, the Department **SHALL** be given at least 48 hours notice of such travel;

All parents, caregivers, and children that are subject to this **ORDER** are **HEREBY ORDERED** not to interfere with the ongoing investigation, conducted by the Department or other agents of the State of Texas, into allegations of child abuse and neglect. The Department in the course of the investigation **SHALL** be permitted to:

- (1) Visit the home of the child(ren);
- (2) If any of the children reside at the location known as the YFZ Ranch in Schleicher County, Texas, the Department or other State agency **SHALL** be allowed access to said property at any and all times necessary to the investigation;
- (3) Interview and examine the child(ren) that are the subject of this action. The interview and examination may include a medical, psychological, or psychiatric examination;
 - (a) The interview and/or examination of the child(ren) may:
 - (i) 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;
 - (ii) include the presence of persons the Department or designated agency determines necessary; and

(iii) include the transportation of the child(ren) for purposes relating to the interview or investigation. The Department shall notify the parent(s), or other persons having custody of the child(ren), of the transportation; and

(4) The Department or agency may interview the child(ren)'s parents or any adult that lives within the household.

The Department shall provide the Guardians ad Litem and the Attorneys ad Litem a current address and telephone number for the Respondents, for the children, and Department caseworker contact information.

This order is to remain in effect until further orders of the Court. Except as otherwise modified by this order, the prior orders of the Court remain in effect.

SIGNED: _____, 2008.

JUDGE PRESIDING