

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATANCP Name: *CHARLES RAY JENKINS JR*CP Name: *LATOYA SMIKLE*OAG Number: **0014137410**LAC: **AOPP**CAUSE NUMBER 324-727828-22

IN THE INTEREST OF § IN THE _____ DISTRICT COURT

CAYDEN JENKINS §
CHARLES RAY JENKINS III § OF

CHILDREN § TARRANT COUNTY, TEXAS

ORIGINAL PETITION IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP (AOP)

1. The OFFICE OF THE ATTORNEY GENERAL, representing the State of Texas, files this pleading pursuant to Texas Family Code Chapter 231 for which discovery is intended to be conducted under Level 2 of Rule 190, Texas Rules of Civil Procedure. The OFFICE OF THE ATTORNEY GENERAL is assigned the support and enforcement rights in this case.

JURISDICTION

2. No Court has continuing jurisdiction of this suit or of the children the subject of this suit. There are no court-ordered conservatorships, guardianships, or other court-ordered relationships affecting the children the subject of this suit.

CHILDREN

3. The following children are the subject of this suit:

Name	Sex	DOB
CAYDEN JENKINS	M	10/17/2016
CHARLES RAY JENKINS III	M	12/25/2018

No property, other than personal effects, is owned by any child the subject of this suit.

PERSONS ENTITLED TO NOTICE

4. The children reside with the *mother*, *LATOYA SMIKLE*, a resident of Texas. The OFFICE OF THE ATTORNEY GENERAL requests the issuance and service of process on this person in accordance with the attached service information sheet.

5. The *father* of the children is *CHARLES RAY JENKINS JR*, a resident of Texas. The OFFICE OF THE ATTORNEY GENERAL requests the issuance and service of process on this person in accordance with the attached service information sheet.

DETERMINATION OF DISCLOSURE OF ADDRESS

6. The Court should enter appropriate orders concerning the disclosure of the addresses of the parties.

PARENTAGE

7. Parentage of the child(ren), *CAYDEN JENKINS*, subject of this suit, was established when a properly executed Acknowledgment of Paternity was filed with the Vital Statistics Unit pursuant to Texas Family Code, Chapter 160. Attached as **EXHIBIT A**, is a copy of the Acknowledgment of Paternity.

CONSERVATORSHIP

8. Because the parents of the children are separated, the Court should appoint appropriate conservators pursuant to Texas Family Code § 153.005.

SUPPORT

9. The Court should order appropriate current and retroactive child, medical, and dental support for the children, including temporary support pursuant to Texas Family Code §§ 160.624 and 105.001. In determining the amount of retroactive support the Court should consider the duty of parents to support their minor children, and all applicable provisions of the Texas Family Code. In addition, the Court should order medical support and dental support, including any employment-related or other group health insurance and group dental insurance that is available to the parent.

WITHHOLDING FROM EARNINGS FOR SUPPORT

10. The Court should order all support withheld from disposable earnings pursuant to Texas Family Code § 158.006. The Court should order all payments of support processed pursuant to Texas Family Code Chapter 231 for distribution according to law. If appropriate, the Court should order *CHARLES RAY JENKINS JR* to post a bond or security.

REQUEST FOR PRODUCTION OF DOCUMENTS

11. *CHARLES RAY JENKINS JR* has in his possession documents that will show the nature and extent of his ability to pay child support. The OFFICE OF THE ATTORNEY GENERAL, pursuant to Rule 196, Texas Rules of Civil Procedure, requests him to produce and permit the OFFICE OF THE ATTORNEY GENERAL to inspect and copy the originals, or true copies, of the following documents in his possession, custody, or control showing income received, including but not limited to:

- (1) income tax returns for the previous two years, including the same for a party's DBA or sole-proprietorship (including Schedule C). If no return has been filed, then Form W-2, Form 1099, and Schedule K-1 for such years;**
- (2) all payroll check stubs received in the prior three months (including military LES); and**
- (3) all policies, statements, and the summary description of benefits for any medical, dental, and health insurance coverage that is or would be available for the children.**

The OFFICE OF THE ATTORNEY GENERAL requests production of the specified documents at:

The Office of the Attorney General
CHILD SUPPORT OFFICE
2001 BEACH ST STE 800
FT WORTH, TX 76103-2300
or
CSD-legal-914@oag.texas.gov

on or before 3:00 p.m. on the 30th day following the date of service of this request. If not provided prior to the initial hearing, the OFFICE OF THE ATTORNEY GENERAL may request the Court order *CHARLES RAY JENKINS JR* to provide additional financial information pursuant to Texas Family Code § 154.063.

COSTS

12. The Court should order *CHARLES RAY JENKINS JR* to pay costs of this proceeding.

PRAYER

The OFFICE OF THE ATTORNEY GENERAL prays that the Court grant all relief requested herein. The OFFICE OF THE ATTORNEY GENERAL prays for general relief.

Respectfully submitted,

Ken Paxton
Attorney General of Texas

Brent Webster
First Assistant Attorney General


Holly Hayes SBN# 24110698

TAMEKA D BOYD - SBN: 24027406
CHOYA BURKLEY - SBN: 24012361
KARLA BYRD - SBN: 24097445
STEPHEN E HAMMEL - SBN: 24043710
PAULA CROCKETT - SBN: 00798123
JOHN CASHMAN - SBN: 24038807
HOLLY L HAYES - SBN : 24110698
ATTORNEY OF RECORD
CHILD SUPPORT ENFORCEMENT
CHILD SUPPORT OFFICE
2001 BEACH ST STE 800
FT WORTH TX 76103-2300
Email CSD-legal-914@texasattorneygeneral.gov
Telephone No. (817)926-7197
Toll Free 1(800)252-8014
Fax No. (817)926-0522



STATE OF TEXAS

ACKNOWLEDGMENT OF PATERNITY

2381324

This is a legal document. Type or Print in black ink. Parents are to be given a copy of this completed document.

We declare under penalty of perjury that CHARLES RAY JENKINS JR
 Biological Father's first middle last name
 is the biological father of CHARLES RAY JENKINS III
 Child's first middle last name
 born on , in FORT WORTH TARRANT TEXAS
 m m d d y y y y city county state
 to LATOYA AUDREYA SMIKLE SMIKLE
 Mother's first middle last name maiden name if different
 Father's date of birth social security number address city state zip code
 Mother's date of birth social security number address city state zip code

We further declare under penalty of perjury that:

- We have been given written and oral notice of: the benefits of having paternity established; the availability of paternity establishment and child support services; and the legal consequences of, the rights and responsibilities of, and the alternative to signing this Acknowledgment.
- No other Acknowledgment of Paternity form naming another man as the biological father of this child has been filed.
- There is no court order naming another man as the biological father of this child.
- A genetic test has not determined that another man is the biological father of this child.

Fill one circle by the correct statement from EACH of the following:

- ☒ There **has not** been genetic testing of the man listed above to determine if he is the biological father of this child. **OR** ☐ Genetic testing **has** determined that the man listed above is the biological father of this child.
- ☒ The mother **was not** married to someone other than the biological father at the time of the child's birth or within 300 days prior to the child's date of birth, or there is a court order that states that the man the mother was married to is not the father of the child, and during the first two years of the child's life, no man continuously lived with the child and represented the child as his own. **OR** ☐ The mother **was** married to someone other than the biological father at the time of the child's birth or during the 300 days before the child's birth or during the first two years of the child's life, a man continuously lived with the child and represented the child as his own; and that man has completed the Denial of Paternity below or has a Denial of Paternity filed with the Vital Statistics Unit.

Charles R Jenkins Jr 12/26/18 Latoya Smikle 12/26/18
 Full Signature of Biological Father date Full Signature of Mother date

Denial of Paternity (only required if "mother **was** married to someone other than the biological father or if, during the child's first two years of life, a man continuously lived with the child and represented the child as his own" is checked.)

We declare under penalty of perjury that
 Presumed Father's first middle last name
 the presumed father of the child, is not the biological father. We understand that filing of this denial with an acknowledgment removes the presumed father's legal duty to support the child and terminates his right of custody or visitation with the child.

 Full Signature of Presumed Father date Full Signature of Mother date

 Presumed Father's date of birth social security number Presumed Father's address city state zip code

Texas Department of State Health Services
 Vital Statistics
 VS-159.1F Revised 09/2011

Entity Code

1390

39986

EXHIBIT

A

WARNING: This is a governmental document. Texas Penal Code, Section 37.10, specifies penalties for making false entries or providing false information in this document.



STATE OF TEXAS ACKNOWLEDGMENT OF PATERNITY

2081660

This is a legal document. Type or Print in black ink. Parents are to be given a copy of this completed document.

We declare under penalty of perjury that CHARLES RAY JENKINS Jr
Biological Father's first middle last name
is the biological father of CAYDEN LASHAWN JENKINS
Child's first middle last name
born on , in FORT WORTH TARRANT TEXAS
m m d d y y y y city county state
to LATOYA AUDREYA SMIKLE SMIKLE
Mother's first middle last name maiden name if different

Father's date of birth social security number address city state zip code

Mother's date of birth social security number address city state zip code

We further declare under penalty of perjury that:

- We have been given written and oral notice of: the benefits of having paternity established; the availability of paternity establishment and child support services; and the legal consequences of, the rights and responsibilities of, and the alternative to signing this Acknowledgment.
- No other Acknowledgment of Paternity form naming another man as the biological father of this child has been filed.
- There is no court order naming another man as the biological father of this child.
- A genetic test has not determined that another man is the biological father of this child.

Fill one circle by the correct statement from EACH of the following:

- ☒ There has not been genetic testing of the man listed above to determine if he is the biological father of this child. **OR** ☐ Genetic testing has determined that the man listed above is the biological father of this child.
- ☒ The mother was not married to someone other than the biological father at the time of the child's birth or within 300 days prior to the child's date of birth, or there is a court order that states that the man the mother was married to is not the father of the child, and during the first two years of the child's life, no man continuously lived with the child and represented the child as his own. **OR** ☐ The mother was married to someone other than the biological father at the time of the child's birth or during the 300 days before the child's birth or during the first two years of the child's life, a man continuously lived with the child and represented the child as his own; and that man has completed the Denial of Paternity below or has a Denial of Paternity filed with the Vital Statistics Unit.

Charles R Jenkins Jr 10/18/16 Latoya Smikle 10/18/16
Full Signature of Biological Father date Full Signature of Mother date

Denial of Paternity (only required if "mother was married to someone other than the biological father or if, during the child's first two years of life, a man continuously lived with the child and represented the child as his own" is checked.)

We declare under penalty of perjury that

 Presumed Father's first middle last name
the presumed father of the child, is not the biological father. We understand that filing of this denial with an acknowledgment removes the presumed father's legal duty to support the child and terminates his right of custody or visitation with the child.

Full Signature of Presumed Father date Full Signature of Mother date

Presumed Father's date of birth social security number Presumed Father's address city state zip code

Texas Department of State Health Services
Vital Statistics
VS-159.1F Revised 09/2011

Entity Code

39986

1390

WARNING: This is a governmental document. Texas Penal Code, Section 37.10, specifies penalties for making false entries or providing false information in this document.

This is a true and correct reproduction of the original record as recorded in this office under authority of Section 160.313, Texas Family Code.

ISSUED

Victor A. Farinelli
Victor A. Farinelli, Acting State Reg
Texas Department of State Health Services

EXHIBIT
A