

CAUSE NO. _____

IN THE MATTER THE INTEREST OF

JOHN JESUS WILLIS AND NICOLE
ELIZABETH WILLIS

MINOR CHILDREN

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IN THE DISTRICT COURT

____th JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

ORIGINAL PETITION IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP

1. *Discovery Level*

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

2. *Objection to Assignment of Case to Associate Judge*

Petitioner objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

3. *Parties*

This suit is brought by **ELIZABETH ALVARADO**, Petitioner. Petitioner's date of birth is 09/08/1984. Petitioner resides at 16601 Market St., Channelview, TX 77530. The last three numbers of Petitioner's driver's license number are 884. The last three numbers of Petitioner's Social Security number are 924.

SCOTT ALLEN WILLIS is the Respondent. He is the father of the children the subject of this suit.

ELIZABETH ALVARADO is the mother of the children the subject of this suit.

Petitioner has standing to bring this suit in that she is the mother of the children.

4. *Domicile*

Petitioner has been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

5. *Service*

Process should be served on Respondent in Harris County or wherever he may be found.

6. *Protective Order Statement*

No protective order under title 4 of the Texas Family Code is in effect, and no application for a Protective order is pending with regard to the parties to this suit.

7. *Request to Establish Paternity*

Petitioner is not seeking an establishment of paternity. Paternity has been properly established when a properly executed Acknowledgment of Paternity was filed with the Vital Statistics Unit pursuant to Texas Family Code, Chapter 160.

8. *Children*

Petitioner and Respondent are parents of the following children who are not under the continuing jurisdiction of any other court:

Name: JOHN JESUS WILLIS
Sex: Male
DOB: 09/27/2012
County of Resident: Harris County

Name: NICOLE ELIZABETH WILLIS
Sex: Female
DOB: 09/28/2014
County of Resident: Harris County

There are no court-ordered conservatorships, court-ordered guardianships, or other court-ordered relationships affecting the children the subject of this suit.

9. *Persons or Entities Entitled to Citation*

Information required by section 152.209 of the Texas Family Code will be provided at a later date.

Information required by section 154.181(b) of the Texas Family Code will be provided at a later date.

10. *Children's Property*

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

11. *Conservatorship, Possession and Access, and Support*

Petitioner believes that Petitioner and Respondent will enter into a written agreement containing provisions for conservatorship of, possession of, access to, and support of the child. If such an agreement is made, Petitioner requests that the Court approve that agreement and adopt it as the Court's order. If such an agreement is not made, Petitioner requests the Court to make orders for conservatorship of, possession of, access to, and support of the child including but not limited to the following:

The appointment of Petitioner and Respondent as joint managing conservators would not be in the best interest of the child. Petitioner on final hearing should be appointed sole managing conservator with all of the rights, powers, privileges and duties of a sole managing conservator, and Respondent should be appointed possessory conservator.

In the alternative, should the court not appoint Petitioner sole managing conservator of the children, then Petitioner and Respondent, on final hearing, should be appointed joint managing conservators, with all the rights and duties of a parent conservator and with Petitioner having the following exclusive rights:

1. the exclusive right to designate the primary residence of the child within Harris County, Texas and all counties contiguous to Harris County, Texas;
2. the exclusive right to consent to medical, dental, and surgical treatment involving invasive procedures;
3. the exclusive right to consent to psychiatric and psychological treatment of the children;
4. the exclusive right to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the children;
5. the exclusive right to represent the child in legal action and to make other decisions of substantial legal significance concerning the children;
6. the exclusive right to consent to marriage and to enlistment in the armed forces of the United States;
7. the exclusive right to make decisions, including enrollment, concerning the children's education;
8. except as provided by section 264.0111 of the Texas Family Code, the exclusive right to the services and earnings of the children;
9. except when a guardian of the children's estate or a guardian or attorney ad litem has been appointed for the child, the exclusive right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government; and
10. the exclusive duty to manage the estate of the children to the extent the estate has been created by community property or the joint property of the parents.

Alternatively, if this Court does not feel it in the children's best interest to appoint Petitioner as the conservator with the rights as pled above, Petitioner requests that she have the exclusive right to determine the residence of the children and it be restricted to Harris County, Texas and all counties contiguous to Harris County, Texas and that all other rights and duties of Section §153.132 of the Texas Family Code be by agreement of the parties.

Petitioner requests the Court to deny Respondent access to the children. Alternatively, if the Court finds that awarding Respondent access to the children would not endanger the children's physical health or emotional welfare and would be in the best interest of the children, Petitioner requests that the Court render a possession order that is designed to protect the safety and well-

being of the children including but not limited to ordering that the periods of access be continuously supervised by an entity or person chosen by the Court, ordering that the exchange of possession of or access to the children occur in a protective setting, and ordering Respondent to refrain from the consumption of alcohol or a controlled substance within the twelve hours before or during each of Respondent's periods of possession of or access to the children.

Preceding the filing of this suit, Respondent has engaged in a history or pattern of child abuse and child neglect.

Petitioner requests that the Court consider this conduct in appointing Petitioner as sole managing conservator or the parties as joint managing conservators.

Petitioner requests the Court to order Respondent to obtain and maintain a life insurance policy payable to Petitioner for the benefit of the child to be applied toward Respondent's support obligation under the child support order in the event of Respondent's death.

Respondent should be ordered to make payments for the support of the children and to provide medical child support in the manner specified by the Court. Petitioner requests that the payments for the support of the children survive the death of Respondent and become the obligation of Respondent's estate. Petitioner requests that retroactive child support be ordered.

Petitioner requests the Court render a possession order that is in the best interest of the children.

The requested orders are in the best interest of the children.

12. *Request for Temporary Restraining Order*

Petitioner requests the Court to dispense with the issuance of a bond, and Petitioner requests that the parties be temporarily restrained immediately, without hearing, and after notice and hearing be temporarily enjoined, pending the further order of this Court, from:

1. Disturbing the peace of the child or of another party.
2. Withdrawing the child from enrollment in the school or day-care facility where the children are presently enrolled.
3. Hiding or secreting the child from one another.
4. Making disparaging remarks regarding either party or the family of either party in the presence or within the hearing of a child.
5. Canceling, altering, failing to pay premiums, or in any manner affecting the present level of coverage of any health insurance policy insuring the child.
6. Allowing the children to remain within the hearing of a third party who is making disparaging remarks regarding either party or either parties' family in the presence or within the hearing of the children.
7. Allowing the child to view any statements on any media whatsoever that are disparaging remarks regarding either party or their family.

8. Discussing any litigation concerning the child in the presence or within the hearing of the child or on any form of social media.
9. Allowing the child to remain within the hearing of a third party who is discussing any litigation concerning the children in the presence or within the hearing of the children or on any form of social media.
10. Consuming alcohol within twelve (12) hours before or during the period of possession of or access to the children.
11. Consuming or otherwise using any controlled substance within twelve (12) hours before or during the period of possession of or access to the children.
12. Consuming or otherwise using any prescription medications beyond the prescribed amount within twelve (12) hours before or during the period of possession of or access to the child.

13. *Request for Temporary Orders and Injunction*

Petitioner requests the Court, after notice and hearing, to dispense with the issuance of a bond, to make temporary orders and issue any appropriate temporary injunctions for the safety and welfare of the children as deemed necessary and equitable, including but limited to the following:

1. Disturbing the peace of the child or of another party.
2. Withdrawing the children from enrollment in the school or day-care facility where the children are presently enrolled.
3. Hiding or secreting the children from one another.
4. Making disparaging remarks regarding either party or the family of either party in the presence or within the hearing of a child.
5. Canceling, altering, failing to pay premiums, or in any manner affecting the present level of coverage of any health insurance policy insuring the child.
6. Allowing the children to remain within the hearing of a third party who is making disparaging remarks regarding either party or either parties' family in the presence or within the hearing of the children.
7. Allowing the children to view any statements on any media whatsoever that are disparaging remarks regarding either party or their family.
8. Discussing any litigation concerning the children in the presence or within the hearing of the child or on any form of social media.
9. Allowing the child to remain within the hearing of a third party who is discussing any litigation concerning the children in the presence or within the hearing of the children or on any form of social media.
10. Consuming alcohol within the twelve (12) hours before or during the period of possession of or access to the children.
11. Consuming or otherwise using any controlled substance within twelve (12) hours before or during the period of possession of or access to the children.

12. Consuming or otherwise using any prescription medications beyond the prescribed amount within twelve (12) hours before or during the period of possession of or access to the child.

As the basis for the extraordinary relief requested below, Petitioner would show that before the filing of this petition Respondent has engaged in the conduct stated in the affidavit attached as Exhibit A. Based on that affidavit, Petitioner requests the Court to grant the following relief:

1. Issue an order excluding Respondent from possession of or access to JOHN JESUS WILLIS and NICOLE ELIZABETH WILLIS.

14. *Request for Temporary Orders Regarding the Children*

Petitioner requests the Court, after notice and hearing, to dispense with the necessity of a bond and to make temporary orders and issue any appropriate temporary injunctions for the safety and welfare of the child of the marriage as deemed necessary and equitable, including but not limited to the following:

Appointing Petitioner as temporary sole managing conservator of the child with all of the rights, powers, privileges and duties of a sole managing conservator, and appointing Respondent as possessory conservator of the children.

In the alternative, should the court not appoint Petitioner temporary sole managing conservator of the children, then Petitioner and Respondent, on final hearing, should be appointed temporary joint managing conservators, with all the rights and duties of a parent conservator with Petitioner having the following exclusive rights:

1. the exclusive right to designate the primary residence of the child within Harris County, Texas and all counties contiguous to Harris County, Texas;
2. the exclusive right to consent to medical, dental, and surgical treatment involving invasive procedures;
3. the exclusive right to consent to psychiatric and psychological treatment of the children;
4. the exclusive right to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the children;
5. the exclusive right to represent the child in legal action and to make other decisions of substantial legal significance concerning the children;
6. the exclusive right to consent to marriage and to enlistment in the armed forces of the United States;
7. the exclusive right to make decisions, including enrollment, concerning the children's education;

8. except as provided by section 264.0111 of the Texas Family Code, the exclusive right to the services and earnings of the children;
9. except when a guardian of the children's estate or a guardian or attorney ad litem has been appointed for the child, the exclusive right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government; and
10. the exclusive duty to manage the estate of the children to the extent the estate has been created by community property or the joint property of the parents.

Ordering Respondent to pay child support, health insurance premiums for coverage on the child, and 50 percent of the child's uninsured medical expenses.

Denying access to the children or, alternatively rendering a possession order providing that Respondent's periods of possession be continuously supervised.

15. Attorney's Fees, Expenses, Costs, and Interest

It was necessary for Petitioner to secure the services of Laci Rendon, a licensed attorney, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, and for services rendered in connection with conservatorship and support of the child, judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Respondent and in favor of Petitioner for the use and benefit of Petitioner's attorney and be ordered paid directly to Petitioner's attorney, who may enforce the judgment in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

16. Prayer

Petitioner prays that citation and notice issue as required by law and that the Court grant orders in accordance with the allegations and relief requested contained in this petition.

Petitioner prays that the Court immediately grant a temporary restraining order restraining Respondent, in conformity with the allegations of this petition, from the acts set forth above, and Petitioner prays that, after notice and hearing, this temporary restraining order be made a temporary injunction.

Petitioner prays that the Court, in addition to the temporary restraining order and temporary injunction prayed for above, after notice and hearing, grant a temporary injunction enjoining Respondent, in conformity with the allegations of this petition, from the acts set forth above while this case is pending.

Petitioner prays for attorney's fees, expenses, costs, and interest as requested above.

Petitioner prays for general relief.

Respectfully,

RENDON LEGAL, PLLC

/s/ L. Rendon

Laci Rendon

SBN: 24093922

415 N. Main

Highlands, TX 77562

Telephone: 281-426-7170

Fax: 281-954-0075

E-mail: laci@rendonlegal.com

Service only: rendonlaw@outlook.com

Attorney for Petitioner

Unofficial Copy Office of Marilyn Burgess District Clerk