

Case Name: Nance,Rebecca J
Case #: 46813988

Working Narrative Log

Safe Sleeping Habits: Place child on back and alone in crib or bassinet. Make sure mattress is firm. The room temperature is ideal around 70 degrees. Do not place child in crib with big blankets, pillows, or stuffed animals. The child needs to sleep alone (no co-sleeping). Case worker gave Room to Breathe Handout.

Shaken Baby Syndrome: We discussed it's never appropriate to shake a child. We discussed to have a plan in place if overwhelmed. Make sure baby has clean diaper, fed, and not hurt. Ask for help.

Pool/Water Safety: We discussed pool and water safety. Always watch children around all types of water including, lakes, pools, buckets, of water and etc. Never leave child unattended in bath. Wear the proper floatation devices when needed.

Keeping child safe wherever you go. We discussed safe sleeping. Place child on back and alone in crib or bassinet. Make sure mattress is firm. The room temperature is ideal around 70 degrees. Do not place child in crib with big blankets, pillows, or stuffed animals. The child needs to sleep alone (no co-sleeping). We discussed car safety. Always use the proper car seat. Watch children when playing in driveways. Never leave a child unattended in a car. We discussed pool and water safety. Always watch children around all types of water including, lakes, pools, buckets, of water and etc. Never leave child unattended in bath. Wear the proper floatation devices when needed. We discussed firearm safety. Keep firearms unloaded and keep ammunition separate from firearm. Always have firearm and ammunition locked in a lock box. We discussed poison prevention. Put all medicines away and out of sight. Keep cleaning products in original containers, also lock them up. Call 911 or poison control when needed. We discussed TV and Furniture Tip Overs- Make sure tv's and furniture are secured. We discussed help caring for your child. Make sure you have an appropriate person watching children.

Stage Entered:	FPR	Narrative:	Yes
Contact ID:	298240199	Contacted By:	Rosado,Angella
Contact Date and Time:	10/10/2018 6:30 PM	Names:	Ian Nance-Porter
Est. Time w/Client(s):	Hours 0 Mins. 35		Ignacio Cruz Fifth
Type:	Contact	Attempted:	No
Purpose:	Coord/Monitor		Lorie Frederick
Method:	Face to Face - Announced		William Frederick
Location:	Residence		
Sibling Visit:	No		

CONTACT NARRATIVE

10/10/2018 FTF with Ian Cruz, Ignacio Cruz, Lorie Frederick, William Frederick at 320 Redbud Street Rhome, TX
Mr. Frederick invited case worker into his home. He said come in.

Home Visit
Ms. Frederick invited case worker into her home. She stated please come in. The home is observed slightly cluttered due to number of people and animals. Mr. and Mrs. Frederick have running water and working electric. There is plenty of food in home. They have two fridge's. They store cleaning supplies in kitchen cabinet that has child locks, and also in laundry room up high. They store medications in kitchen up high on cabinets. They have two gun safes. They have the boys share a room but they each have a bed. They have

Case Name: Nance,Rebecca J
Case #: 46813988

Working Narrative Log

proper transportation and two car seats for the boys. They have 4 dogs that are all sizes. They stated they have vet and one dog they had to introduce children too. They have doggie door for animals. They stated they have no concerns for dogs with the children.

FTF Ian Cruz

He was not interviewed privately due to not being able to carry on a conversation. He is observed behind with speech. He was observed playing and running around. He is played with his brother and fought with his brother. He was observed having red mark on his arm. he still has mosquito bites on his arms. He had Benadryl. It appears to be a bug bite. He was observed without any other marks or bruises on his body.

FTF Ignacio Cruz

He was interviewed when privately in living room. He said he is 3. He said yes to eating food. He was observed hyper and running around. He was observed slightly behind on speech. He was observed without any marks or bruises on his body. He said he likes school. He likes the dogs and they are nice. He sees his mom. He said he stands in corner if in trouble.

Overall, Mr. and Mrs. Frederick stated things are still overwhelming. They feel it wouldn't be so bad but they feel mom is causing way to much drama. They all understand placements are designed to be temporary but depending on mom's and dad's progress help may be needed long-term. They do not know how they feel about long-term at this exact moment. They have asked primary worker to talk to mom about her behaviors when visiting. We discussed they need to make sure they are supervising all contact. They stated they understand what supervised contact means. They said they will watch everything. They understand mom and/or dad cannot spend the night or move in at either caregiver home. As of now visitation is set up for mom to come every morning and help with boys. On weekends, Alice comes to Frederick's home she can see her mom when she visits. They have requested everyone meet at park for two hours on the weekends. Mom sometimes shows up and sometimes doesn't. She is late, or has excuses, she does what she wants per caregivers. The caregivers have been provided Medicaid cards and Numbers. They stated boys attend doctor at Cooks Children off Berry. They are willing to make sure children attend all medical appointments. ECI and Hope referrals will be made. Boys will be evaluated soon, no medical appointments since last visit. Mom has Food Stamps on the children and has made caregivers authorized users so they can use card to help with food. Parents haven't provided financial help but they are trying and willing to figure out how to buy all supplies for children. They work and receive disability.

Case worker discussed Keeping Children Safe with all caregivers:

Potty Training- Ian is too young. Ignacio is learning. He needs pull-ups at night time. They understand not to punish for an accident.

Discipline- We discussed they cannot use physical discipline for boys during placement. They will use time-out and re-direction.

Safe Sleeping Habits: Place child on back and alone in crib or bassinet. Make sure mattress is firm. The room temperature is ideal around 70 degrees. Do not place child in crib with big blankets, pillows, or stuffed animals. The child needs to sleep alone (no co-sleeping). Case worker gave Room to Breathe Handout.

Shaken Baby Syndrome: We discussed it's never appropriate to shake a child. We discussed to have a plan in place if overwhelmed. Make sure baby has clean diaper, fed, and not hurt. Ask for help.

Pool/Water Safety: We discussed pool and water safety. Always watch children around all types of water including, lakes, pools, buckets, of water and etc. Never leave child unattended in bath. Wear the proper floatation devices when needed.

Case Name: Nance,Rebecca J
Case #: 46813988

Working Narrative Log

Keeping child safe wherever you go. We discussed safe sleeping. Place child on back and alone in crib or bassinet. Make sure mattress is firm. The room temperature is ideal around 70 degrees. Do not place child in crib with big blankets, pillows, or stuffed animals. The child needs to sleep alone (no co-sleeping). We discussed car safety. Always use the proper car seat. Watch children when playing in driveways. Never leave a child unattended in a car. We discussed pool and water safety. Always watch children around all types of water including, lakes, pools, buckets, of water and etc. Never leave child unattended in bath. Wear the proper floatation devices when needed. We discussed firearm safety. Keep firearms unloaded and keep ammunition separate from firearm. Always have firearm and ammunition locked in a lock box. We discussed poison prevention. Put all medicines away and out of sight. Keep cleaning products in original containers, also lock them up. Call 911 or poison control when needed. We discussed TV and Furniture Tip Overs- Make sure tv's and furniture are secured. We discussed help caring for your child. Make sure you have an appropriate person watching children.

Stage Entered:	FPR	Narrative: Yes Contacted By: Rosado,Angella Names: Lorie Frederick Attempted: No
Contact ID:	298407625	
Contact Date and Time:	10/11/2018 9:30 AM	
Type:	Contact	
Purpose:	Coord/Monitor	
Method:	Text	
Sibling Visit:	No	

CONTACT NARRATIVE

10/11/2018 Text message received from PCSP Caregiver Lorie Frederick

Alice's ECI evaluation is at October 30th at 2:00 pm and Ian's evaluation is same day at 3:0 0pm.

10/11/2018 TCT Ms. Ford PCSP Caregiver for Alice.

She said they have been discharged. Her heart is fine. No concerns. Doctor said continue to monitor Alice.

Stage Entered:	FPR	Narrative: Yes Contacted By: Sledge,Ben Names: Christopher Batts Attempted: No Rebecca Nance
Contact ID:	298365308	
Contact Date and Time:	10/12/2018 10:00 AM	
Type:	Contact	
Purpose:	Coord/Monitor	
Method:	Telephone Call From	
Sibling Visit:	No	

CONTACT NARRATIVE

10/12/2018-TCF Christopher Batts and Rebecca Nance

Mr. Batts explained that he and Ms. Nance will be out of town and unable to make the previously scheduled visit. A new visit was scheduled for 2pm on Tuesday October 16.

Ms. Nance agreed to being prompt when getting to Ms. Fredrick's home in the morning to help with the boys. She agreed to visits on Saturday from 2-4pm at the Rhome park. Ms. Nance will also help get the boys from school on Thursdays and Fridays.

Case Name: Nance,Rebecca J
Case #: 46813988

Working Narrative Log

Stage Entered: FPR
Contact ID: 298698957
Contact Date and Time: 10/18/2018 10:00 PM
Type: Contact
Purpose: Coord/Monitor
Method: Telephone Call From
Sibling Visit: No
Narrative: Yes
Contacted By: Rosado,Angella
Names: Alice Batts
Attempted: No Lora Roberts

CONTACT NARRATIVE

10/18/2018 TCF Lora Ford (placement for Alice Batts)

She called to say Alice is back in hospital again. She was admitted again last night. They saw pediatrician and the doctor sent them straight to Cooks Children again. Her fever is back. They checking for meningitis again. Her white blood cell count is extremely high. Lorie and Lora (both caregivers for both placements) are taking turns there. They tried to call mom and there was no answer. Mom hasn't show up to see the boys since Tuesday. They haven't heard from her. Also, Lorie is asking to have the boys placed somewhere else. Her and her husband can no longer handle the situation. They feel to overwhelmed and also having to many issues with mom. We discussed PCSP worker will let primary know.

Stage Entered: FPR
Contact ID: 298715730
Contact Date and Time: 10/19/2018 10:52 AM
Type: Contact
Purpose: Coord/Monitor
Method: Text
Sibling Visit: No
Narrative: Yes
Contacted By: Sledge,Ben
Names: Rebecca Nance
Attempted: No

CONTACT NARRATIVE

10/19/2018–Text message to Rebecca Nance

Text was sent to Ms. Nance asking if she and Mr. Batts could please come to the CPS office for their 2pm visit.

Stage Entered: FPR
Contact ID: 298791250
Contact Date and Time: 10/20/2018 12:00 PM
Type: Contact
Purpose: Coord/Monitor
Method: Telephone Call From
Sibling Visit: No
Narrative: Yes
Contacted By: Rosado,Angella
Names: Lora Roberts
Attempted: No

CONTACT NARRATIVE

10/20/2018 TCF Lora Ford (PCSP Caregiver for Alice Batts)

Case Name: Nance,Rebecca J
Case #: 46813988

Working Narrative Log

She has been diagnosed with [REDACTED]

Stage Entered: FPR
Contact ID: 298829443
Contact Date and Time: 10/22/2018 12:30 PM
Type: Contact
Purpose: Coord/Monitor
Method: Face to Face - Unannounced
Location: DFPS Office
Sibling Visit: No
Narrative: Yes
Contacted By: Sledge,Ben
Names: Christopher Batts
Attempted: No
Rebecca Nance

CONTACT NARRATIVE

10/22/2018-FTF with Chris Batts and Rebecca Nance at Wise County CPS Office

Ms. Nance and Mr. Batts submitted to a send off oral swab.

The family reports things are going well and Mr. Batts is currently looking for work.

Mr. Batts presented a letter from probation and reported he was told to sign up for a class but that he should contact CPS first to coordinate a needed class.

It was agreed that Mr. Batts would sign up for BIPP.

Ms. Nance reported healthy relationships was going well and so was her drug treatment with Star Counsel.

Mr. Batts reported he has been going to Star Counsel and things are going well.

Mr. Batts reported the synthetic urine that was found during a traffic stop was his from when he was using and did not know he still had this.

It was reported the urine has been thrown away.

Stage Entered: FPR
Contact ID: 298830278
Contact Date and Time: 10/22/2018 1:20 PM
Type: Contact
Purpose: Case Planning
Method: Telephone Call From
Sibling Visit: No
Narrative: Yes
Contacted By: Sledge,Ben
Names: DFPS Personnel
Attempted: No

CONTACT NARRATIVE

10/22/2018-Staffing with Supervisor Anna Husfeld

PCSP is willing to keep children based on if mother is coming to help in the mornings as previously agreed upon.

Contact Kim Garrison at Cooke's to check on the status of Alice and help obtaining medical records.

Speak to Kim Garrison about Alice's diagnosis and figure out if there is any training that would be beneficial for the family.

FGC is possible if Ms. Nance continues to not show up timely/at all to help get the boys ready in the morning.

Case Name: Nance,Rebecca J
Case #: 46813988

Working Narrative Log

Stage Entered:	FPR	Narrative:	Yes
Contact ID:	298831599	Contacted By:	Sledge,Ben
Contact Date and Time:	10/22/2018 1:49 PM	Names:	DFPS Personnel
Type:	Contact	Attempted:	No
Purpose:	Coord/Monitor		
Method:	Telephone Call To		
Sibling Visit:	No		

CONTACT NARRATIVE

10/22/2018--Telephone Call to CPS Liason Kim Garrison of Cook Children's Hospital

A voicemail was left asking Ms. Garrison to return the call to CPS worker Ben Sledge at 682-219-9969.

Stage Entered:	FPR	Narrative:	Yes
Contact ID:	299027230	Contacted By:	Sledge,Ben
Contact Date and Time:	10/25/2018 11:08 AM	Names:	Service Provider
Type:	Contact	Attempted:	No
Purpose:	Coord/Monitor		
Method:	Other		
Location:	Other		
Sibling Visit:	No		

CONTACT NARRATIVE

10/25/2018--Oral Send off Results

Ms. Nance was █ for all substances on her oral send off.

Mr. Batts was █ for all substances on his oral send off.

Stage Entered:	FPR	Narrative:	TCS
Contact ID:	299300014	Contacted By:	Sledge,Ben
Contact Date and Time:	10/30/2018 10:00 PM	Names:	Lorie Frederick
Type:	Contact	Attempted:	William Frederick
Purpose:	Coord/Monitor		Mary Frank
Method:	Face to Face - Announced		
Location:	Residence		
Sibling Visit:	No		

CONTACT NARRATIVE

10/30/2018--FTF with Lorie Fredrick, William Fredrick, and Mary Franks at Residence

Ms. Fredrick granted verbal permission to enter the residence.

Ms. Fredrick provided a log book she and Mr. Fredrick have kept regarding Ms. Nance arriving as agreed upon to get the boys ready for school in the morning. The log provided numerous no shows and Ms. Nance has not

Case Name: Nance,Rebecca J
Case #: 46813988

Working Narrative Log

made it a full week to see the boys as agreed upon. Mr. and Ms. Fredrick reported Ms. Nance began doing better after I spoke with her about needing to punctual and being there for the boys everyday as she agreed, but has began to regress again and miss days without notice. The family agreed that Ms. Nance appears to put Mr. Batts over the children.

Ms. Franks stated she gave Mr. Batts and Ms. Nance 60 days to find a home when Mr. Batts was released from jail. She reported the 60 days is up on December 4 and they have not found jobs, or a new residence. Ms. Franks reported someone stole \$120 dollars from her and the only person with access to the home is Ms. Nance. Ms. Franks reported she is considering evicting Ms. Nance and Mr. Batts. Ms. Franks reported Ms. Nance and Mr. Batts have been arguing loudly lately and she believes the domestic violence could still be occurring. Ms. Fredrick reported Ms. Nance admitted that Aiden got in the middle once and told Mr. Batts not to hit his mommy. This was admitted after Aiden kept telling Ms. Nance to not let Mr. Batts be mean to her.

The family agrees that an FGC could be beneficial because they do not feel Ms. Nance is making progress with the children.

Stage Entered: FPR
Contact ID: 299646358
Contact Date and Time: 10/31/2018 12:00 AM
Type: Monthly Evaluation
Sibling Visit: No

Narrative: Yes
Contacted By: Sledge,Ben

CONTACT NARRATIVE

SUMMARY:

Danger/Worry Statement

- The Department, Ms. Nance and Mr. Batts are worried about the ongoing domestic violence between Ms. Nance and Mr. Batts. Both parents are both actively using illegal substances which can be detrimental to the development and health of all the children.

Date FSNA completed and uploaded into One Case

8/29/2018

Summary of Face-to face contact with Principal adults and children.

- o Principals not seen
 - All principals seen.
- o Were all principal children interviewed alone?
 - Children are not at an appropriate age to interview
- o Has contact been made every 10 days with parents who agree to the PCSP?
 - Yes
- o Brief description of contacts made with parents and children during September 2018
 - 10/10/2018 PCSP worker Rosado made FTF contact with Alice Batts, Lorie Frederick, and Lora Ford at Cook Children's Medical Center located at 801 7th Ave Fort Worth, TX
 - 10/10/2018 FTF with Ian Cruz, Ignacio Cruz, Lorie Frederick, William Frederick at 320 Redbud Street Rhome, TX
 - 10/12/2018-TCF Christopher Batts and Rebecca Nance
 - 10/19/2018-Text message to Rebecca Nance
 - 10/22/2018-FTF with Chris Batts and Rebecca Nance at Wise County CPS Office

"ATTENTION: You are reading a REDACTED copy of the record. Do not share with anyone not entitled under confidentiality laws."

Case Name: Nance,Rebecca J
Case #: 46813988

Working Narrative Log

EVALUATION:

Safety Assessment Information:

- Safe with a plan/PCSP: 8/28/2018

Safety Assessment Information:

- Ms. Nance and Mr. Batts are to have no unsupervised contact with the children. They are not allowed to stay in the home and can only visit between the hours of 6am-8pm. Ms. Nance is responsible for being at Ms. Fredrick's home in the mornings to help get her children ready for daycare.

Assessment of the child's current safety and special needs

- All the children go to Little Jackets daycare. The children do not have any special medical needs at this time. The children have no services at this time. ECI is being discussed possibly for Alice.

PCSP Information:

- Lora Ford is the PCSP for Alice Batts and Lorie Frederick is the PCSP for Ian and Ignacio.

Family Progress Summary- Mr. Batts has been released from jail. Ms. Nance and Mr. Batts are working with Star Counsel and are participating in group and individual drug counseling. Ms. Nance has been inconsistent in getting to Ms. Fredrick's home to get the boys ready for school.

What is working well?

- Ms. Nance is working with CPS and is working services. Mr. Batts is willing to cooperate with CPS and work services.

What are we still worried about?

- Mr. Batts and Ms. Nance have been missing individual and group sessions with Star Counsel. Ms. Nance is still unstable emotionally and is not making it to care for the boys as agreed upon in the FTM. Ms. Nance is not making doctors appointments for Alice and does not appear as concerned as a parent should be with a serious illness in her child. Sobriety for both parents is as well as the dynamic of their relationship is a concern. Domestic violence is still a concern as Ms. Franks reports arguing in the home.

PLAN:

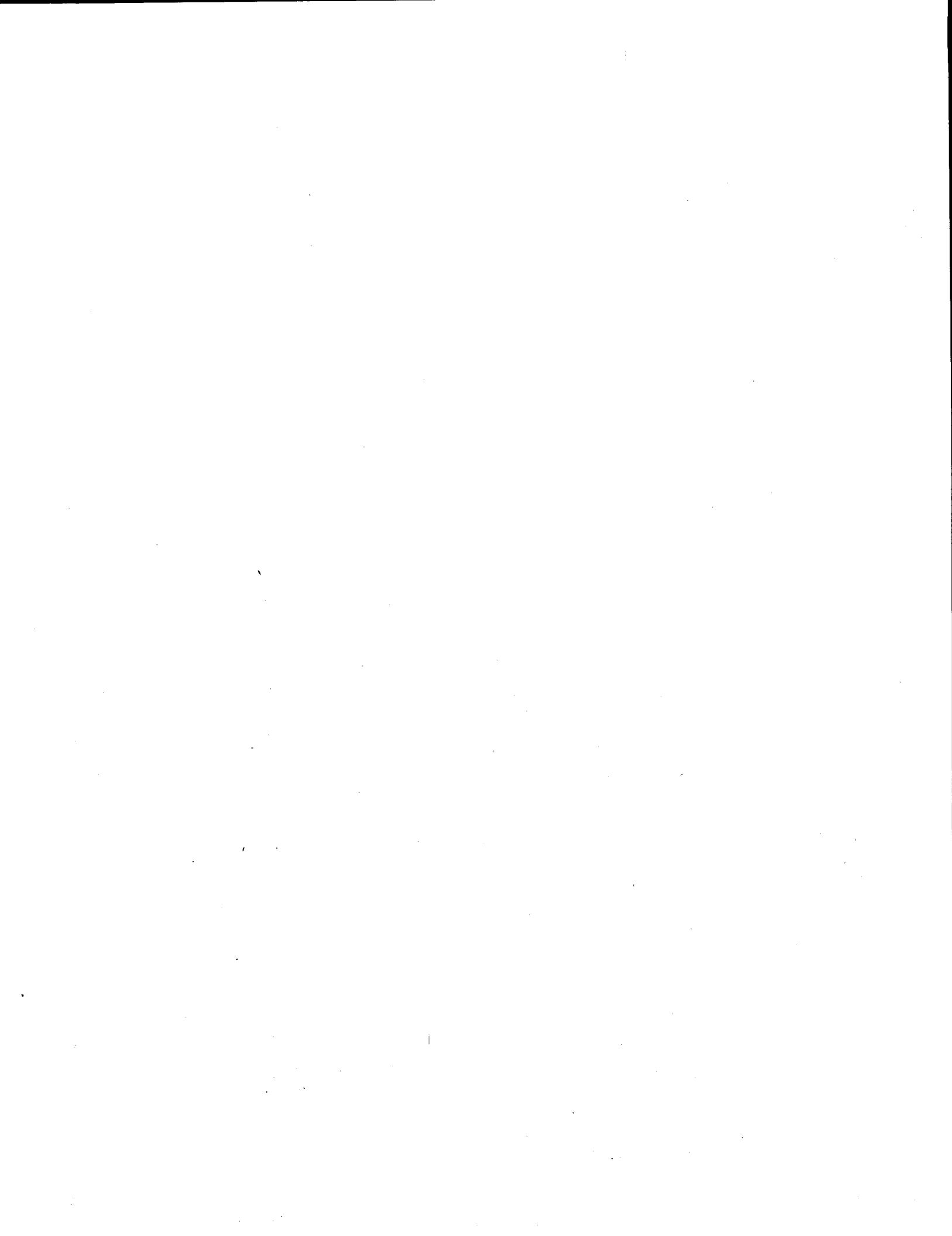
What needs to happen?

- Worker will follow up with Star Counsel to ensure Mr. Batts and Ms. Nance are attending and active.
- Worker will stay in contact with PCSP caregivers to ensure Ms. Nance is having appropriate visitation.
- Worker will follow up with Mr. Cruz about his involvement with the case and his interest in obtaining his son.
- Worker will continue to randomly drug test Ms. Nance and Mr. Batts to ensure sobriety.

Foster Care Candidacy:

- Safety plan and PCSP continues to be needed; child remains a foster care candidate





3017841

GENERAL CITATION
THE STATE OF TEXAS

FILED

AM 12:28 PM

U.S. DISTRICT COURT
FORT WORTH TX

TO: REBECCA JOLENE NANCE
TARRANT COUNTY CORRECTION CENTER
401 W BELKNAP ST
FORT WORTH TX 76196

APR 29 2019

BRENDA ROWE
DISTRICT CLERK-WISE COUNTY, TX

BY JK DEPUTY

'19 APR 18 A8:34

04/18/19
JK

DEPUTY SW

Greetings.

You are hereby commanded to appear by filing a written answer to the plaintiff's petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service hereof, before the Honorable 271st Judicial District Court of Wise County, Texas at the courthouse of said County in Decatur, Texas.

Said plaintiff's **ORIGINAL PETITION FOR PROTECTION OF A CHILD, FOR CONSERVATORSHIP, AND FOR TERMINATION IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP AND ORDER SETTING HEARING** was filed in said court, on April 09, 2019 numbered and styled

CV19-04-307-1

CV19-04-307

IN THE INTEREST OF

IAN EDWARD NANCE-PORTER AND ALICE ROSE BATTIS,
CHILDREN

The name and address of the attorney or party requesting the citation is:

STACY JEWETT

Attorney for Department of Family and Protective Services
1200 East Copeland, Suite 300
P.O. Box 200697
Arlington, TX 76011

A copy of the **ORIGINAL PETITION FOR PROTECTION OF A CHILD, FOR CONSERVATORSHIP, AND FOR TERMINATION IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP AND ORDER SETTING HEARING** accompanies this citation.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Issued and given under my hand and seal of said Court, at the office in Decatur, Texas, on this the 9th day of April, 2019

Brenda Rowe
Wise County District Clerk
P.O. Box 308
Decatur, Texas 76234

By Hannah Avants Deputy Clerk



OFFICER'S RETURN

Came to hand on the 18 day of Apr 19, 2019 at 12:28 o'clock P.m. Executed at 100 W. Main St., Ste. 620 within the County of Tarrant at 12:30 o'clock P.m. on the 18 day of Apr 19, 2019, by delivering to the within named REBECCA JOLENE NANCE, in person, a true copy of this process together with the accompanying copy of the instrument being served, having first attached such copy of such instrument to such copy of process and endorsed on such copy of process the date of delivery.

Not executed, the diligence used to execute being _____; for the reason _____, defendant may be found _____.

J.W. Willingham 8702

SIGNATURE OF AUTHORIZED PERSON SERVING PROCESS

TARRANT

COUNTY, TEXAS

BY J.W. Willingham DEPUTY 8702

Fee for serving this process \$ _____

CONSTABLE RUBEN GARCIA
PCT-5 TARRANT CO. TEXAS

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CV19-04-307-1
NO. CV19-04-307

IN THE INTEREST OF
IAN NANCE-PORTER
ALICE ROSE BATTES
CHILDREN

JUDICIAL DISTRICT COURT
§ 271ST JUDICIAL DISTRICT
§ WISE COUNTY, TEXAS

NO. CV18-02-126

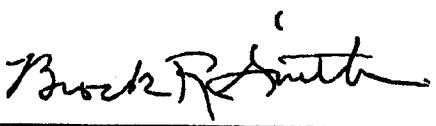
IN THE INTEREST OF
IAN EDWARD CRUZ
A CHILD

IN THE DISTRICT COURT
§ 271ST JUDICIAL DISTRICT
§ WISE COUNTY, TEXAS

ORDER ON MOTION TO CONSOLIDATE

On April 23, 2019 the Court considered the Motion to Consolidate of Matthew Dewayne Porter and ORDERS that the above lawsuits be consolidated under the newer and higher cause number.

SIGNED on April 23, 2019.


JUDGE PRESIDING
NO. CV19-04-307

9:52 AM FILED PM
APR 23 2019
BRENDA ROWE
DISTRICT CLERK WISE COUNTY, TX
BY _____ DEPUTY

GENERAL CITATION
THE STATE OF TEXAS

TO: REBECCA JOLENE NANCE
WHEREVER FOUND

Greetings,

You are hereby commanded to appear by filing a written answer to the plaintiff's petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service hereof, before the Honorable County Court at Law Number 2 of Wise County, Texas at the courthouse of said County in Decatur, Texas.

Said PETITION TO MODIFY PARENT-CHILD RELATIONSHIP was filed in said court, on March 20, 2019 numbered and styled

CV18-02-126
IN THE INTEREST OF
IAN EDWARD CRUZ, A CHILD

The name and address of the attorney or party requesting the citation is:

DONALD C. NEMEC
PO BOX 124055
FORT WORTH, TX 76121

A copy of the PETITION TO MODIFY PARENT-CHILD RELATIONSHIP accompanies this citation.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Issued and given under my hand and seal of said Court, at the office in Decatur, Texas, on this the 21st day of March, 2019

Brenda Rowe
Wise County District Clerk
P.O. Box 308
Decatur, Texas 76234

By Kristi Polone Deputy Clerk
Kristi Polone



OFFICER'S RETURN

Came to hand on the 22 day of March, 2019 at 5:45 o'clock P.m. Executed at 100 N. Lamar St. Suite 300, Decatur, TX 76234 within the County of Wise at 7:45 o'clock P.m. on the 22 day of March, 2019, by delivering to the within named Rebecca Jolene Nance, in person, a true copy of this process together with the accompanying copy of the instrument being served, having first attached such copy of such instrument to such copy of process and endorsed on such copy of process the date of delivery. *

Not executed, the diligence used to execute being _____; for the reason _____, defendant may be found

Leslie Luttrell exp 2/28/21
SIGNATURE OF AUTHORIZED PERSON SERVING PROCESS

COUNTY, TEXAS
BY Leslie Luttrell DEPUTY PPS

Fee for serving this process \$ 100

* along with a letter notice of hearing, confirming hearing on April 16, 2019, at 3:30 p.m., endorsed by Donald C. Neme

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CV19-04-307-1

CAUSE NO. CV19-04-307

IN THE INTEREST OF

**IAN EDWARD NANCE-PORTER
ALICE ROSE BATTIS**

CHILDREN

IN THE DISTRICT COURT OF

WISE COUNTY, TEXAS

271ST JUDICIAL DISTRICT

**ORIGINAL PETITION FOR PROTECTION OF A CHILD,
FOR CONSERVATORSHIP, AND FOR TERMINATION
IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP
AND ORDER SETTING HEARING**

This *Original Petition for Protection of a Child and Suit Affecting the Parent-Child Relationship and Order Setting Hearing* is brought by the Department of Family and Protective Services ("the Department"), whose address is 2000 W Business 380, Decatur, Texas 76234 for the purposes of § 30.015, Texas Civil Practice and Remedies Code. The Department has standing to bring this suit under §§ 102.003(5) and 262.001, Texas Family Code.

1. Discovery Level

Discovery in this case is intended to be conducted under Level 2, subject to the discovery limitations provided by Rule 190.3, unless modified by order pursuant to Rule 190.5, Texas Rules of Civil Procedure.

2. Jurisdiction

- 2.1. This Court has continuing jurisdiction of this suit.
- 2.2. Information required by § 152.209 of the Texas Family Code is provided in the affidavit attached to this petition. This Court has emergency and/or home state jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.

3. The Children:

The following children are the subject of this suit:

- 3.1. Name: **IAN EDWARD NANCE-PORTER**
Sex: **Male**
Birth Date: **December 7, 2016**
Indian Child Status: **All parties deny that the child has Indian heritage**

3.2. Name: **ALICE ROSE BATT**
Sex: **Female**
Birth Date: **July 4, 2018**
Indian Child Status: **All parties deny that the child has Indian heritage**

4. Parties to be Served

4.1. The mother of the children the subject of this suit is:

Party: **REBECCA JOLENE NANCE**
Date Of Birth: **February 14, 1986**
CID#: **0783544**
Address: **Tarrant County Correction Center, 401 W Belknap ST,
Fort Worth, TX 76196**

The Department requests that process be served at that address, in Court, or wherever found.

4.2. The father of the child **IAN EDWARD NANCE-PORTER** is:

Party: **MATTHEW DEWAYNE PORTER**
Date Of Birth: **January 12, 1993**
Address: **931 S Cooper ST, Apartment 293, Arlington, TX 76010**

The Department requests that process be served at that address, in Court, or wherever found.

4.3. The father of the child **ALICE ROSE BATT** is:

Party: **CHRISTOPHER SHANE BATT**
Date Of Birth: **July 20, 1980**
CID#: **0933993**
Address: **Tarrant County Jail, Greenbay Unit, 5136 Northeast
Parkway, Fort Worth, TX 76106**

The Department requests that process be served at that address, in Court, or wherever found.

4.4. The Attorney General's office will be served by mail under Rule 21a, Texas Rules of Civil Procedure at P.O. Box 12017, Austin, Texas 78711-2017, pursuant to § 102.009(d), Texas Family Code.

5. Information on Protective Orders

To the best of the Department's knowledge, there are no protective orders in effect or applications pending, as described in § 102.008(b)(11), Texas Family Code, in regard to a party to the suit or a child of a party to the suit.

6. Interstate Compact on the Placement of Children

A verified statement of compliance with Subchapter B, Chapter 162, Texas Family Code, as required by § 162.002, Texas Family Code will be filed at a later time should one be required.

7. Property Owned by the Children

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

8. Reasonable Efforts to Reunify Family

8.1. The Department will make reasonable efforts to eliminate the need for the children's removal and to enable the return of the children to the parents.

9. Request for Temporary Order for Protection of Children

9.1. There is a continuing danger to the physical health or safety of the children caused by an act or failure to act of the person entitled to possession of the children and that allowing the children to remain in the home would be contrary to the children's welfare; and

9.2. Reasonable efforts, consistent with the circumstances and providing for the safety of the children, have been made to prevent or eliminate the need to remove the children from the children's home.

9.3. The Department has attached to this Petition an affidavit setting out the facts of this case.

9.4. The Department requests that the Court set this case for a show cause hearing pursuant to § 262.113 and order the parties to appear for a hearing to determine whether the children should be removed from the home and whether other temporary orders requested in this petition should be granted.

10. Temporary Managing Conservatorship

The Department requests that the Court, after notice and hearing, appoint the Department as temporary managing conservator of the children as provided in § 105.001, Texas Family Code.

11. Required Information

11.1. The Department requests that each Parent, Alleged Father or Relative of the children before the Court to provide the full name and current address or whereabouts and phone number of any absent parent or alleged father of the children the subject of this suit pursuant to Rule 194, Texas Rules of Civil Procedure, and § 262.114, Texas Family Code.

- 11.2. The Department requests that each Parent, Alleged Father or Relative of the children before the Court submit the Child Placement Resources Form provided under § 261.307, if the form has not previously been provided and provide to the Department and the Court the full name and current address or whereabouts and phone number of any and all relatives of the children the subject of this suit with whom the Department may place the children during the pendency of this suit, pursuant to Rule 194, Texas Rules of Civil Procedure., and § 262.114, Texas Family Code.
- 11.3. The Department requests that each parent of the children the subject of this suit furnish information sufficient to accurately identify that parent's net resources and ability to pay child support along with copies of income tax returns for the past two years, any financial statements, bank statements, and current pay stubs, pursuant to Rule 196, Texas Rules of Civil Procedure, and § 154.063, Texas Family Code.
- 11.4. The Department requests that each parent of the children the subject of this suit provide to the Department and the Court evidence of health insurance available for the children, pursuant to Rule 196, Texas Rules of Civil Procedure, and § 154.182, Texas Family Code.
- 11.5. The Department requests that each Respondent provide the Department and the Court information sufficient to establish the parentage and immigration status of the children, including but not limited to marriage records, birth or death certificates, baptismal records, Social Security cards, records of lawful permanent residence ("green cards"), naturalization certificates, or any other records from the United States Citizenship and Immigration Services, and records of Indian Ancestry or Tribal Membership, Rule 196, Texas Rules of Civil Procedure.
- 11.6. The Department requests that each Respondent furnish to the Department all information necessary to ensure the Department has an adequate medical history for the children, including but not limited to immunization records and the names and addresses of all treating physicians. The Department requests the Court order each parent to provide information regarding the medical history of the parent and parent's ancestors on the medical history report form, pursuant to § 161.2021, Texas Family Code.
- 11.7. The Department requests that each parent of the children provide any information regarding whether the children have Native American heritage and identify any Native American tribe with which the children may be associated and provide all available family history information relevant to determination of Indian child status on request.
- 11.8. The Department requests that, at the show cause hearing in this cause, the Court order the Respondents to execute an authorization for the release of the Respondents' medical and mental health records to the Department, and to further

provide the Department with a list of the names and addresses of the physicians and mental health providers who have treated the Respondents.

12. Request for Temporary Orders

At the show cause hearing required by § 262.205, Texas Family Code, the Court should render temporary orders under § 105.001, Texas Family Code, to include but not be limited to:

- 12.1. a provision appointing the Department temporary sole managing conservator of the children, with all of the rights and duties listed in § 153.371, Texas Family Code, pending the final disposition of this suit;
 - 12.1.1. a provision authorizing the Department to consent to medical care for the subject children, pursuant to § 266.004, Texas Family Code;
 - 12.1.2. pursuant to § 153.131, Texas Family Code, the appointment of Respondents as permanent managing conservator of the children is not in the children's best interest because the appointment would significantly impair the children's physical health or emotional development.
- 12.2. a provision pursuant to § 154.001(b), Texas Family Code, ordering the parents of the children to make payments for the temporary support of the children, pending final disposition of this suit, these child support payments to be withheld from their disposable earnings;
- 12.3. a provision ordering the parents of the children to provide health insurance for the children under §§ 154.182 and 154.183, Texas Family Code, pending final disposition of the suit;
- 12.4. a provision restricting the parents' possession and access to the children the subject of this suit;
- 12.5. a provision for the preparation of a social study into the circumstances and conditions of the children and the home of any person requesting managing conservatorship or possession of the children;
- 12.6. a provision ordering the parents of the children to submit to psychological and/or psychiatric examinations;
- 12.7. a provision ordering the parents of the children to attend counseling sessions to address the specific issues that led to the removal of the children from the home and to attend counseling sessions to address any additional issues arising from the psychological examinations or from the counseling sessions;
- 12.8. a provision ordering the parents of the children to attend parenting classes as requested by the Department;

- 12.9. a provision ordering the Respondents to submit to a drug and alcohol assessment and to complete a substance abuse treatment program if needed;
- 12.10. a provision ordering the Respondents to submit to random urinalysis and/or oral swab and/or hair strand drug testing as requested by the Department;
- 12.11. a provision ordering the parents of the children to comply with each requirement set out in the Department's original, or any amended, service plan during the pendency of this suit, as provided by §§ 263.106 and 153.602, Texas Family Code;
- 12.12. a provision ordering the Respondents to provide the Court and the Department with a current residence address and telephone number at which each can be contacted;
- 12.13. a provision ordering the Respondents to notify the Court and the Department of any change in his or her residence address or telephone number within five (5) days of a change of address or telephone number.

13. Reunification

- 13.1. The Department will make reasonable efforts to eliminate the need for the children's removal and to enable the return of the children to a parent.
- 13.2. If the children cannot be safely reunified with either parent, then the Department will seek alternative relief as described in the sections below.

14. Permanent Conservatorship and Support of the children

14.1. Conservatorship

- 14.1.1. Pursuant to §§ 153.005 and 263.404, Texas Family Code, if the children cannot safely be reunified with either parent, but may be permanently placed with a relative or other suitable person, the Department requests that the Court appoint the person as permanent sole managing conservator of the children; if the children cannot safely be reunified with either parent or permanently placed with a relative or other suitable person, the Department requests that the Court appoint the Department as permanent sole managing conservator of the children.
- 14.1.2. Pursuant to § 153.131, Texas Family Code, the appointment of a parent as permanent managing conservator of the children is not in the children's best interest, because the appointment would significantly impair the children's physical health or emotional development.
- 14.1.3. If conservatorship is awarded under this paragraph, the application of the guidelines for possession and access to the children, as set out in §§ 153.311, *et seq.*, Texas Family Code, would not be in the children's best interest. The parents of the children, as possessory conservators of the

children, should have limited access to and possession of the children, under conditions and restrictions prescribed by the court for the best interests of the children.

14.2. Support

- 14.2.1.** Each parent should be ordered to make payments for the support of the children in accordance with § 154.001(b), Texas Family Code, including retroactive support if appropriate, determined pursuant to § 154.131, Texas Family Code, and in a manner specified by the Court under Chapter 154, Texas Family Code. The payments for the support of the children should survive the death of either parent and become the obligation of the deceased Parent's estate.
- 14.2.2.** Each parent should be ordered to provide health insurance for the children in accordance with §§ 154.182 and 154.183, Texas Family Code.
- 14.2.3.** If any parent is found to be in arrears in child support or medical support payments ordered in this or in any other action, a judgment for enforcement of said arrearage should be issued against that parent pursuant to §§ 157.261, 158.003 and 158.004, Texas Family Code.

15. Termination of REBECCA JOLENE NANCE'S Parental Rights

If reunification with the mother cannot be achieved, the Court should terminate the parent-child relationship between **REBECCA JOLENE NANCE** and the children, **Ian Edward Nance-Porter and Alice Rose Batts** the subject of this suit under Chapter 161, Texas Family Code, if both of the following are shown:

- 15.1.** **REBECCA JOLENE NANCE** has committed any of the following acts or omissions:
 - 15.1.1.** knowingly placed or knowingly allowed the children to remain in conditions or surroundings which endanger the physical or emotional well-being of the children, pursuant to § 161.001(b)(1)(D), Texas Family Code;
 - 15.1.2.** 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, pursuant to § 161.001(b)(1)(E), Texas Family Code;
 - 15.1.3.** executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by Chapter 161, Texas Family Code, pursuant to § 161.001(b)(1)(K), Texas Family Code;
 - 15.1.4.** constructively abandoned the children who have been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than six months and: (1) the Department has

made reasonable efforts to return the children to the mother; (2) the mother has not regularly visited or maintained significant contact with the children; and (3) the mother has demonstrated an inability to provide the children with a safe environment, pursuant to § 161.001(b)(1)(N), Texas Family Code;

- 15.1.5. failed to comply with the provisions of a court order that specifically established the actions necessary for the mother 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, pursuant to § 161.001(b)(1)(O), Texas Family Code;
- 15.1.6. 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 (1) failed to complete a court-ordered substance abuse treatment program; or (2) after completion of a court-ordered substance abuse treatment program continued to abuse a controlled substance, pursuant to § 161.001(b)(1)(P), Texas Family Code;
- 15.1.7. knowingly engaged in criminal conduct that has resulted in the mother's conviction of an offense and confinement or imprisonment and inability to care for the children for not less than two years from the date of filing the petition, pursuant to § 161.001(b)(1)(Q), Texas Family Code;

- 15.2. AND that termination of the parent-child relationship is in the children's best interest.

16. Termination of MATTHEW DEWAYNE PORTER'S Parental Rights

If reunification with the father cannot be achieved, the Court should terminate the parent-child relationship between **MATTHEW DEWAYNE PORTER** and the child, **Ian Edward Nance-Porter** the subject of this suit under Chapter 161, Texas Family Code, if both of the following are shown:

- 16.1. **MATTHEW DEWAYNE PORTER** has committed any of the following acts or omissions:
 - 16.1.1. knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child, pursuant to § 161.001(b)(1)(D), Texas Family Code;
 - 16.1.2. 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, pursuant to § 161.001(b)(1)(E), Texas Family Code;

- 16.1.3. executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by Chapter 161, Texas Family Code, pursuant to § 161.001(b)(1)(K), Texas Family Code;
- 16.1.4. constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than six months and: (1) the Department has made reasonable efforts to return the child to the father; (2) the father has not regularly visited or maintained significant contact with the child; and (3) the father has demonstrated an inability to provide the child with a safe environment, pursuant to § 161.001(b)(1)(N), Texas Family Code;
- 16.1.5. 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, pursuant to § 161.001(b)(1)(O), Texas Family Code;
- 16.1.6. used a controlled substance, as defined by Chapter 481, Health and Safety Code, in a manner that endangered the health or safety of the child, and (1) failed to complete a court-ordered substance abuse treatment program; or (2) after completion of a court-ordered substance abuse treatment program continued to abuse a controlled substance, pursuant to § 161.001(b)(1)(P), Texas Family Code;

16.2. AND that termination of the parent-child relationship is in the child's best interest.

17. Termination of CHRISTOPHER SHANE BATT'S Parental Rights

If reunification with the father cannot be achieved, the Court should terminate the parent-child relationship between **CHRISTOPHER SHANE BATT'S** and the child, Alice Rose Batts the subject of this suit under Chapter 161, Texas Family Code, if both of the following are shown:

- 17.1. **CHRISTOPHER SHANE BATT'S** has committed any of the following acts or omissions:
 - 17.1.1. knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child, pursuant to § 161.001(b)(1)(D), Texas Family Code;
 - 17.1.2. 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, pursuant to § 161.001(b)(1)(E), Texas Family Code;

17.1.3. executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by Chapter 161, Texas Family Code, pursuant to § 161.001(b)(1)(K), Texas Family Code;

17.1.4. been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following sections of the Penal Code, or under a law of another jurisdiction that contains elements that are substantially similar to the elements of an offense under one of the following Penal Code Sections, or adjudicated under Title 3 for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:

§ 22.01 (assault)

17.1.5. constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than six months and: (1) the Department has made reasonable efforts to return the child to the father; (2) the father has not regularly visited or maintained significant contact with the child; and (3) the father has demonstrated an inability to provide the child with a safe environment, pursuant to § 161.001(b)(1)(N), Texas Family Code;

17.1.6. 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, pursuant to § 161.001(b)(1)(O), Texas Family Code;

17.1.7. used a controlled substance, as defined by Chapter 481, Health and Safety Code, in a manner that endangered the health or safety of the child, and (1) failed to complete a court-ordered substance abuse treatment program; or (2) after completion of a court-ordered substance abuse treatment program continued to abuse a controlled substance, pursuant to § 161.001(b)(1)(P), Texas Family Code;

17.1.8. knowingly engaged in criminal conduct that has resulted in the father's conviction of an offense and confinement or imprisonment and inability to care for the child for not less than two years from the date of filing the petition, pursuant to § 161.001(b)(1)(Q), Texas Family Code;

17.2. AND that termination of the parent-child relationship is in the child's best interest.

18. Attorney Ad Litem and Guardian Ad Litem for the children

- 18.1. The immediate appointment of an attorney *ad litem* for the children is required by § 107.012, Texas Family Code.
- 18.2. The immediate appointment of a guardian *ad litem* to represent the interests of the children is required by § 107.011, Texas Family Code.
- 18.3. Petitioner would show the Court that the Department possesses information which may be essential to the work of the attorney *ad litem* and guardian *ad litem*, but which cannot be provided, except by direction of this Court, without the editing required by § 261.201(g), Texas Family Code. Resource limitations will result in substantial delay in providing the information if the editing must be done before release. The release of all files, reports, records, communications and working papers used or developed in the investigation or in the providing of services to the children the subject of this suit to the attorney *ad litem* and guardian *ad litem* is in the best interests of the children, is essential to the administration of justice, and is not likely to endanger the life or safety of any person. If the Court determines that release of the information to the attorney *ad litem* and guardian *ad litem*, as officers of the Court, without editing should be made, the Department requests that appropriate orders be made to prevent further disclosure of the information.

**19. Attorneys for Parents and Respondents;
Payment of Attorney Ad Litem Fees and Expenses**

19.1. Indigent Parent

If a parent responds in opposition to the suit affecting their parent-child relationship and appears without attorney, the Department requests that the Court determine whether the parent is indigent. If the Court determines that the parent is indigent, the appointment of an attorney *ad litem* to represent the interests of that parent is required by § 107.013, Texas Family Code. The Court may appoint one attorney to represent both indigent parents if the parents' interests are not in conflict.

19.2. Other Parents Entitled to Appointment of Attorney Ad Litem

- 19.2.1. If a parent is served with citation by publication or service is not required, pursuant to § 161.002(c) or (d), Texas Family Code, the appointment of an attorney *ad litem* for the absent parent is required by § 107.013, Texas Family Code.
- 19.2.2. If the Court finds that a parent is a minor, the Department requests that the Court appoint an attorney *ad litem* to represent the interests of the minor parent pursuant to § 107.010, Texas Family Code.

19.3. Payment of Fees for Attorneys Ad Litem

The Department requests that attorney's fees for any attorney *ad litem* be assessed and paid in accordance with § 107.015, Texas Family Code.

20. Statutory Warning to Parents

The Department requests that the Court inform each parent in open court as required by §§ 262.205(c)(2) and 263.006, Texas Family Code, at the show cause hearing, at the status hearing, and at each subsequent permanency hearing that parental and custodial rights and duties may be subject to restriction or to termination unless the parent or parents are willing and able to provide the children with a safe environment.

21. Prayer

- 21.1. The Department prays that citation and notice issue as required by law, and that the Court enter temporary and final orders in accordance with the allegations of this petition.
- 21.2. The Department prays for attorney's fees, expenses, and costs.
- 21.3. The Department prays for general relief.

Respectfully Submitted,

/s/ Stacy Jewett
STACY JEWETT
Attorney for Petitioner,
Department of Family and Protective Services
1200 E. Copeland
Arlington, Texas 76011
email: stacy.jewett@dfps.state.tx.us
phone: (817) 792-4416
fax: (512) 276-3500
State Bar # 24060019

Wise County District Clerk Phone: (940) 627-5535

E-FILING REQUEST FOR ISSUANCE

- ◊ This document MUST be filed as a separate LEAD document when e-filing
- ◊ Choose the E-Filing Code: "REQUEST"
- ◊ Select the type of issuance using the "Optional Services" fee section on the e-filing screen
- ◊ Most service issued requires a document to be attached, you must add the "Copies for Service" fee and enter the number of pages the clerk needs to print. The fee is \$1.00 per page (ex: Petition has 5 pages, 3 citations are requested: 5 X 3 = 15 pages that will need to be printed by the clerk. The total "Copies for Service" fee is \$15.00.)

CV19-04-307-1
CAUSE NO. CV19-04-307 STYLE OF CASE: ITIO Nance-Porter/Batts, children

DOCUMENT TO BE SERVED: Original Petition, affidavit, Order Setting Hearing

PLEASE SELECT THE TYPE AND QUANTITY OF ISSUANCE(S) REQUESTED:

TYPE	AMOUNT	QUANTITY
All Writs	\$8	
Citation	\$8	
Citation for Expedited Foreclosure	\$8	
Notice	\$8	
Precept	\$8	
Show Cause Notice	\$8	
Temporary Restraining Order	\$8	

(citation, TRO, etc)

Name of party to be served: Rebecca Jolene Nance, CID #:0783544

Type: citation/notice

Address for Service: Tarrant County Correction Center
401 W Belknap ST
Fort Worth, TX 76196

Name of party to be served: Matthew Dewayne Porter

Type: citation/notice

Address for Service: 931 S Cooper ST, Apartment 293
Arlington, TX 76010

Name of party to be served: Christopher Shane Batts, CID #:0933993

Type: citation/notice

Address for Service: Tarrant County Jail, Greenbay Unit
5136 Northeast Parkway
Fort Worth, TX 76106

CHECK ONE OF THE OPTIONS BELOW FOR YOUR PREFERRED SERVICE METHOD

Hold in Clerk's office.

Requestor Name & Phone number: Susie Perkins 817-565-4202

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA** CV19-04-307-1

CAUSE NO. CV19-04-307

IN THE INTEREST OF	§	IN THE DISTRICT COURT OF
IAN EDWARD NANCE-PORTER	§	WISE COUNTY, TEXAS
ALICE ROSE BATTIS	§	
CHILDREN	§	271 ST JUDICIAL DISTRICT

ORDER SETTING HEARING

The *Original Petition for Protection of a Child* filed by the Department of Family and Protective Services is set for hearing as follows.

1. **IT IS ORDERED** that the Clerk of this Court shall issue notice to Respondents **REBECCA JOLENE NANCE, MATTHEW DEWAYNE PORTER and CHRISTOPHER SHANE BATTIS** to appear, and Respondents are **ORDERED** to appear in person before this Court in the Wise County Courthouse at Decatur, Texas, on April 24, 2019, at 9:30 o'clock A.m., which is a date not later than 30 days from the date of the filing of the petition pursuant to § 262.201(b), Texas Family Code. The purpose of the hearing is to determine whether the Department's request for temporary orders in this case should be granted.
2. **IT IS ORDERED** that each parent, alleged father, or relative of the children before the court to provide to the Department and the Court the full name and current address or whereabouts and phone number of any absent parent or alleged father of the children the subject of this suit, pursuant to Rule 194, Texas Rules of Civil Procedure, and § 262.201, Texas Family Code.
3. **IT IS ORDERED** that each parent, alleged father, or relative of the children before the court to provide to the Department and the Court the full name and current address or whereabouts and phone number of any relative of the children the subject of this suit with whom the Department may place the children during the pendency of this suit, pursuant to Rule 197, Texas Rules of Civil Procedure, and § 262.114, Texas Family Code.
4. **IT IS ORDERED** that each parent of the children the subject of this suit furnish to the Department and the Court information sufficient to accurately identify that parent's net resources and ability to pay child support along with copies of income tax returns for the past two years, any financial statements, bank statements, and current pay stubs, pursuant to Rule 196, Texas Rules of Civil Procedure and § 154.063, Texas Family Code.
5. **IT IS ORDERED** that each parent of the children the subject of this suit provide to the Department and the Court evidence of health insurance available for the children, pursuant to Rule 196, Texas Rules of Civil Procedure and § 154.182, Texas Family Code.

6. **IT IS ORDERED** that each Respondent provide the Department and the Court information sufficient to establish the parentage and immigration status of the children, including but not limited to marriage records, birth or death certificates, baptismal records, social security cards, records of lawful permanent residence ("green cards"), naturalization certificates, and any other Bureau of Citizenship and Immigration Service records of lawful entry.
7. **IT IS ORDERED** that each Respondent provide the Department all information regarding whether the children have Native American heritage and identify any Native American tribe with which the children may be associated and provide all available family history information relevant to determination of Indian child status on request.
8. **IT IS ORDERED** that each Respondent furnish to the Department all information necessary to ensure the Department has an adequate medical history for the children, including but not limited to the immunization records for the children and the names and addresses of all physicians who have treated the children.
9. **IT IS ORDERED** that all of the information required above be provided as ordered no later than the date of the full adversary hearing held in this cause.

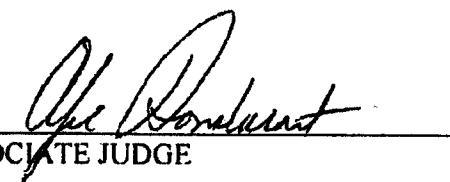
10. Ad Litem Appointments

- 10.1. The Court finds that appointment of an attorney *ad litem* for the children is mandatory under § 107.012, Texas Family Code. **IT IS ORDERED** that STEVEN WILSON, a licensed attorney at law of this state, is appointed to represent the children the subject of this suit.
- 10.2. The Court finds that appointment of a guardian *ad litem* for the children is mandatory under § 107.011, Texas Family Code. **IT IS ORDERED** that CASA of Wise and Jack Counties, a volunteer advocate, is appointed to represent the interest of the children the subject of this suit.

ASSOCIATE JUDGE'S REPORT

A PARTY MAY REQUEST A DE NOVO HEARING BEFORE THE REFERRING COURT BY FILING WITH THE CLERK OF THE REFERRING COURT A WRITTEN REQUEST NOT LATER THAN 3 DAYS AFTER THE DATE THE PARTY RECEIVES NOTICE OF THE SUBSTANCE OF THE ASSOCIATE JUDGE'S REPORT IN A CASE FILED BEFORE SEPTEMBER 1, 2007, OR NOT LATER THAN THE 7TH WORKING DAY AFTER THE DATE THE PARTY RECEIVED NOTICE OF THE SUBSTANCE OF THE ASSOCIATE JUDGE'S REPORT IN A CASE FILED ON OR AFTER SEPTEMBER 1, 2007, OR NOT LATER THAN THE 3RD WORKING DAY AFTER THE DATE THE PARTY RECEIVED NOTICE OF THE SUBSTANCE OF THE ASSOCIATE JUDGE'S REPORT IN A CASE REFERRED ON OR AFTER SEPTEMBER 1, 2013, OR NOT LATER THAN THE 3RD WORKING DAY AFTER THE DATE THE PARTY RECEIVED NOTICE OF THE SUBSTANCE OF THE ASSOCIATE JUDGE'S REPORT OR THE DATE THE PARTY RECEIVED NOTICE OF THE RENDERING OF THE TEMPORARY ORDER, IF THE REQUEST CONCERNS A TEMPORARY ORDER RENDERED BY AN ASSOCIATE JUDGE UNDER § 201.007(A)(14)(C) IN A CASE REFERRED ON OR AFTER JUNE 16, 2015.

SIGNED this 9 day of April, 2019.



ASSOCIATE JUDGE

FORT WORTH METRO

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

NCP Name: *MATTHEW DEWAYNE PORTER*

CP Name: *REBECCA JOLENE NANCE*

CV19-04-307-1

OAG Number: **0013675931**

CV19-04-307

LAC: **PATY**

CAUSE NUMBER CV18-02-126

IN THE INTEREST OF

§ IN THE 271ST DISTRICT COURT

IAN EDWARD CRUZ

§ OF

A CHILD

§ *WISE COUNTY, TEXAS*

PETITION TO ESTABLISH THE PARENT-CHILD RELATIONSHIP

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.

JURISDICTION

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

CHILDREN

3. The following child is the subject of this suit:

Name	Sex	DOB
<i>IAN EDWARD CRUZ</i>	M	12/7/2016

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

PERSONS ENTITLED TO NOTICE

4. The child resides with the *mother*, *REBECCA JOLENE NANCE*, 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 child is *MATTHEW DEWAYNE PORTER*, 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 PARENTAGE

6. The Court should determine the parentage of the child subject of this suit. If any party denies parentage, the Court should immediately order parentage testing. The Court should order how such fee should be paid and tax the fee as court costs.

CONSERVATORSHIP

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

NAME CHANGE

8. The Court should consider whether good cause exists to change the surname of the minor child to reflect parentage, if established, and enter an order concerning the name of the child pursuant to Texas Family Code Chapter 160.

SUPPORT

9. The Court should order appropriate current and retroactive child and medical support for the child, 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 child, and all applicable provisions of the Texas Family Code. In addition, the Court should order medical support, including any employment-related or other group health 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 *MATTHEW DEWAYNE PORTER* to post a bond or security.

REQUEST FOR PRODUCTION OF DOCUMENTS

11. *MATTHEW DEWAYNE PORTER* 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: (a) his IRS federal tax returns for the past two years with all schedules included with the returns and all W-2s and 1099s attached to such returns, (b) any and all W-2 statements, all 1099s, and all documents showing income received by Respondent from any source for the two tax years preceding the date of filing of this action, (c) all payroll stubs, vouchers, records of commissions and all other written records or evidence of income received by him within the last six months, (d) the most recent Social Security Administration Form SSA-7005, showing his income history, sent to him three months before his last birthday, (e) statements of accounts for all checking or saving accounts in which he has held an interest within the last six months, (f) all evidence (policies, premium schedules, records of premiums paid, etc.) of health insurance available at his place of employment that may provide coverage for dependent children, (g) copies of loan applications made within the last six months, (h) current statement of benefits and account balances for all retirement, pension, or profit-sharing plans in which the respondent has accrued or may accrue benefits, regardless if such benefits have vested, including but not limited to employer- or union-sponsored defined benefit or defined contribution plans and individual retirement accounts (IRAs), and (i) summary plan description of all retirement, pension, or profit-sharing plans in which the respondent has accrued or may accrue benefits, regardless if such benefits have vested. 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

on or before 3:00 p.m. on the 50th day following the date of service of this request.

COSTS

12. The Court should order *MATTHEW DEWAYNE PORTER* 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

Jeffrey C. Mateer
First Assistant Attorney General

Megan E. Leger

Megan E. Leger SBN 24067911
CSD-Legal-914@texasattorneygeneral.gov

TAMEKA D BOYD - SBN: 24027406
DANA D CLARK - SBN: 00785766
DEBORAH A MCKINNEY - SBN: 24035620
KC ODOM - SBN: 24035459
KRISTI ORTH - SBN: 15323060
ASHLEY CARROLL - SBN: 03884400
SEAN COOK - SBN: 24032095
KELLEY GREENWOOD - SBN: 00787591
PAULA CROCKETT - SBN: 00798123
LYNNE GERGANESS - SBN: 00793799
TAYLER NICHOLS - SBN: 24099755
AGHABIE OBISESAN - SBN: 24047650
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)258-2020

CV19-04-307-1

CAUSE NO: CV19-04-307

IN THE INTEREST OF

§

CHILDREN

§

ALICE ROSE BATT
IAN EDWARD CRUZ

§
§
§

IN THE DISTRICT COURT OF

WISE COUNTY, TEXAS

271ST JUDICIAL DISTRICT

AFFIDAVIT IN SUPPORT OF REMOVAL

STATE OF TEXAS

COUNTY OF WISE

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

My name is Ben Sledge. 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, the facts and allegations stated in this affidavit and the above petition are within my personal knowledge and are true and correct.

1. CHILD (REN)

Child

Name: Alice Batts

DOB: 07/04/2018

Place of birth (city/state/country): Wise County

Last Address: 11044 S US Highway 287, Rhome, TX 76078

Last address: Any other address during past 6 months: None

Child

Name: Ian Edward Cruz

AKA: Ian Edward Nance Porter

DOB: 12/07/2016

Place of birth (city/state/country): Wise County

Last address: 11044 S US Highway 287, Rhome, TX 76078

Any other address during past 6 months: 320 Redbud Street, Rhome, TX 76078

2. PARENTS - MANAGING CONSERVATOR - MEMBERS OF THE HOUSEHOLD

Mother

Name: Rebecca Jolene Nance

DOB: 02/14/1986

Current address: 100 N Lamar St., Fort Worth, TX 76196 (Tarrant County Jail)

Father



**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

NO. CV18-02-126

IN THE INTEREST OF
IAN EDWARD CRUZ
A CHILD

\$ IN THE COUNTY COURT
\$ AT LAW #2
\$ WISE COUNTY, TEXAS

PETITIONER'S DECLARATION IN SUPPORT

Matthew Dewayne Porter appeared in person before me today and stated under oath:

"My name is Matthew Dewayne Porter. I am above the age of eighteen years, and I am fully competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

I am the father of the subject child and the Petitioner in this case. Rebecca Jolene Nance ("Rebecca") is the mother of the child and the Respondent.

Rebecca has proven herself unfit by first getting CPS involved for domestic violence with her boyfriend Christopher Batts, then failing a drug test administered by CPS. My child was then placed in with a non-parent caregiver without any notification to me. This placement occurred sometime last fall.

Since this time, Rebecca has been arrested again on January 8, 2019, along with Christopher Batts, for possession of controlled substance and burglary of a habitat. That case is currently pending and she is currently incarcerated in Tarrant County.

I have always tried to visit with my son and have been denied at every attempt. I even contacted the Attorney General to set up child support so that I could get visitation with my son. I have not been allowed access, even since having the order in place.

My son is now staying with the father of Rebecca's other children and I know very little about this man other than he has a criminal history. This placement presents a danger to the emotional and perhaps physical development and welfare of my child. He needs to be with me, his biological father.

- I have a steady income and the ability to continue to support my son. I do currently pay child support to Ian's mother and I pay for his health insurance as well. I am fully prepared to take on the responsibility of my son.
- CPS was baffled when I contacted them. Rebecca told them I was a non-present parent and had nothing to do with Ian. I invited CPS in my home and let them see my house and passed a drug test for them. They still don't seem to care and say that even though Rebecca does not have possession of Ian that she still has the right to choose where and with whom Ian stays, and I continue to get denied visitation which is why I am now taking legal action and requesting this Honorable Court to appoint me as the managing conservator with the exclusive right to designate the residence of my son."

Respectfully Submitted,

/s/ Matthew Dewayne Porter
Matthew Dewayne Porte

FILED

10:35 AM

August 13, 2019

BRENDA ROWE

DISTRICT CLERK WISE COUNTY, TX
BY Jeanne Polone DEPUTY

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

NO. CV19-04-307-1

IN THE INTEREST OF

§ IN THE COUNTY COURT

IAN EDWARD CRUZ

§ # 2 OF

A CHILD

§ WISE COUNTY, TEXAS

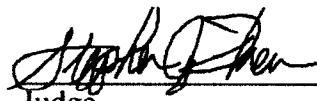
RESET ORDER AND INTERIM ORDER

IT IS ORDERED that Petitioner Matthew Porter's Request for Temporary Orders is reset to September 19, 2019 at 2:30 p.m. in the County Court #2 of Wise County, Texas.

IT IS FURTHER ORDERED that the subject child, Ian Edward Cruz, shall remain in the sole possession of father and Petitioner, Matthew Porter, until further order of the court.

Respondent Rebecca Jolene Nance shall have access to the child as supervised by an agreed supervisor at times and location as agreed by the parties.

SIGNED on August 12, 2019.



Judge

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CV19-04-307-1
NO. CV19-04-307

IN THE INTEREST OF	§ IN THE DISTRICT COURT
IAN EDWARD NANCE-PORTER AND	§ 271ST JUDICIAL DISTRICT
ALICE ROSE BATTIS	§
CHILDREN	§ WISE COUNTY, TEXAS

RESPONDENT'S ORIGINAL ANSWER

Matthew Dewayne Porter, Respondent, files this original answer. The last three numbers of Respondent's driver's license number are 132. The last three numbers of the Respondent's Social Security number are 439.

1. Information about Children

Information required by section 154.181(b) and section 154.1815 of the Texas Family Code will be provided.

2. Denial of Allegations

Respondent enters a general denial.

3. Prayer

Respondent prays that all relief prayed for by Petitioner be denied and that Respondent be granted all relief requested in this answer.

Respondent prays for general relief.

Respectfully Submitted,

Law Office of Donald C. Nemec
P.O. Box 124055
Fort Worth, Texas 76121
Tel: (817) 382-8333
Fax: (817) 887-5345

By: /s/ Donald C. Neme

Donald C. Neme

State Bar No. 24049967

dcnemec@nemeclaw.com

Attorney for Respondent

Certificate of Service

I certify that a true copy of this document was served in accordance with rule 21a of the Texas Rules of Civil Procedure on April 19, 2019.

/s/ Donald C. Neme

Donald C. Neme

Attorney for Respondent

Cause No. CV 18-02-126THE STATE OF TEXAS

RJ

In the interest
 of Ian Edward
 Cruz A Child

(IN THE county court at law #2
 (on
 (DISTRICT COURT OF
 (WISE COUNTY, TEXAS FILED

AM 3:34 PM

APR 16 2019

BRENDA ROWE
 DISTRICT CLERK-WISE COUNTY, TX
 BY JRC DEPUTY

AFFIDAVIT

THE STATE OF TEXAS
 COUNTY OF Tarrant

[PRINT the name of the county where this statement is being notarized.]

BEFORE ME, the undersigned authority, on this day personally appeared

Rebecca Nance
 [PRINT the first and last names of the person who will sign this statement]

truth, and stated as follows:

"My name is Rebecca Nance.

I am of sound mind and capable of making this sworn statement. I am not making this statement under duress nor am I being forced or coerced in any way. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement I may be held criminally responsible. This statement is true.

The statement made by Matthew Porter is false. Since the order from the Attorney General has been put in place I have tried to work out visitation between Matthew & his son. I have allowed his stepfather & his mother Lisa Cruz to take care of Ian in my absence so that I may take care of my legal issues. There has been no abuse or neglect on my part because I feel like me removing myself to get help and allowing family to take care of Ian was the right thing to do. Ian doesn't know his biological father Matthew Porter. When CPS went to him & he was interviewed so that Ian could go live with him, Matthew failed to disclose his full criminal history to CPS so they requested Matthew to complete a hair follicle test which he failed to do so. I was told this by my case worker Ben Sledge FBSB out of Wise

country; who I'm sure can verify this information. CPS has also approved Lisa Cruz, Ian's step-grandmother, as an appropriate caregiver in my absence. I pray that the court take this statement into consideration and allow the current parent-child relationship to remain in place without any changes until I am able to defend myself in person. If the court sees it necessary that Ian should live with his biological father, Matthew Porter, I do not object to this while I am taking care of my legal issue. I still request however that the parent-child relationship not be modified. Matthew Porter has a history of violence and has been arrested numerous times for domestic violence against a family member. This is why I request the current parent-child relationship to stay in place and Ian to be allowed to stay with Lisa Cruz so that Ian and his brother will not be separated. I respectfully request that Matthew Porter have to abide by the current parent-child relationship set in place by the attorney general and allow Lisa Cruz to be Ian's caretaker in my absence. With temporary guardianship given to Brenda + Jessica Neece.

DATE: April 9, 2019

SIGNATURE: Ronald Clark

STATE OF TEXAS
COUNTY OF _____

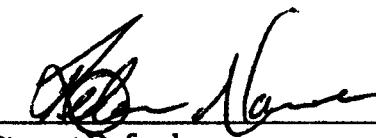
SWORN AND SUBSCRIBED before me, the undersigned authority, on the _____ day
of _____, _____ year by _____
[PRINT the first and last names of the person signing the affidavit]

[Notary Public, State of Texas]

Verification of Unsworn Declaration

I, Rebecca Nance, Defendant pro se in this cause, state the following under penalty of perjury: I am a prisoner, #0783544, currently incarcerated in the Tarrant County Jail in Tarrant County, Texas. I am duly qualified and authorized in all respects to make this declaration. I have read the foregoing Authorization for temporary guardianship of minor and declare that I have personal knowledge of the facts contained therein and said facts are true and correct.

EXECUTED in Tarrant County, Texas, pursuant to Art. 132.001 et. seq., Texas C.P.R.C. and 28 USC §1746, on this 9 day of April, 2011.


(Signature) Defendant pro se

Rebecca Nance
(Print Name)

CID #0783544 DOB 2/14/86

100 N. Lamar St.
Address

Fort Worth, TX. 76102

*Under both federal law (28 USC §1746) and state law (Art. 132.001, Texas C.P.R.C.), inmates incarcerated in Texas may use an unsworn declaration under penalty of perjury in place of a written declaration sworn before a notary public.

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CV19-04-307-1
CV19-04-307

NO. CV18-02-126

IN THE INTEREST OF
IAN EDWARD CRUZ
A CHILD

\$ IN THE COUNTY COURT
\$ AT LAW #2
\$ WISE COUNTY, TEXAS

PETITION TO MODIFY 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. *Parties and Order to Be Modified*

This suit to modify a prior order is brought by Matthew Dewayne Porter, Petitioner. The last three numbers of Matthew Dewayne Porter's driver's license number are 133. The last three numbers of Matthew Dewayne Porter's Social Security number are 439. Petitioner is the father of the child and has standing to bring this suit. The requested modification will be in the best interest of the child.

Respondent is Rebecca Jolene Nance.

The order to be modified is entitled *Order Establishing the Parent-Child Relationship* and was rendered on November 2, 2018.

3. *Jurisdiction*

This Court has continuing, exclusive jurisdiction of this suit.

4. *Child*

The following child is the subject of this suit:

Name: IAN EDWARD CRUZ

Sex: Male

Birth date: 12/07/2016

County of residence: Wise

5. *Parties Affected*

The following parties may be affected by this suit:

Name: Rebecca Jolene Nance

Relationship: mother

Process should be served in Tarrant County Correction Center, where she is currently incarcerated.

Name: Office of the Attorney General

Relationship: Representing the State of Texas

The Office of the Attorney General can be served via the e-service system.

6. *Insurance Information*

Information required by section 154.181(b) and section 154.1815 of the Texas Family Code will be provided.

7. *Child's Property*

There has been no change of consequence in the status of the child's property since the prior order was rendered.

8. *Protective Order Statement*

No protective order under title 4 of the Texas Family Code, protective order under

Chapter 7A of the Texas Code of Criminal Procedure, or order for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure is in effect in regard to a party to this suit or a child of a party to this suit and no application for any such order is pending.

9. *Modification of Conservatorship, Possession and Access*

The order to be modified is not based on a mediated or collaborative law settlement agreement. The circumstances of the child, a conservator, or other party affected by the order to be modified have materially and substantially changed since the date of rendition of the order to be modified.

The conservator who has the exclusive right to designate the primary residence of the child has voluntarily relinquished the primary care and possession of the child to another person, and such temporary relinquishment is not a result of the conservator's military deployment, military mobilization, or temporary military duty as those terms are defined in section 153.701 of the Texas Family Code.

The order to be modified is not based on a mediated or collaborative law settlement agreement. This suit to modify the designation of the person having the exclusive right to designate the primary residence of the child is filed within one year after the date of the rendition of the order to be modified. Petitioner's declaration setting forth the statutory allegations and supporting facts is attached as Exhibit A.

Respondent has voluntarily surrendered the child to a non-parent care-giver as a result of an investigation by Child Protective Services.

Petitioner requests that he be appointed the conservator with the exclusive right to designate the primary residence of the child.

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 the Petitioner as sole managing conservator or the parties as joint managing conservators.

There is a history or pattern of child neglect and abuse committed by Respondent. Petitioner requests the Court to deny Respondent access to the child. Alternatively, Petitioner requests that the Court render a possession order that provides that Respondent's periods of visitation be continuously supervised by an entity or person chosen by the Court.

The requested modification is in the best interest of the child.

10. Support

The order to be modified is not based on a mediated or collaborative law settlement agreement. The circumstances of the child or a person affected by the order have materially and substantially changed since the date of the rendition of the order to be modified, and the Respondent should be ordered to pay child support until the child is eighteen years of age and, if the child is enrolled under chapter 25 of the Texas Education Code in an accredited secondary school in a program leading toward a high school diploma and complying with the minimum attendance requirements of subchapter C of chapter 25 of the Education Code, or enrolled under section 130.008 of the Education Code in courses for joint high school and junior college credit and complying with the minimum attendance requirements of subchapter C of chapter 25 of the Education Code, or enrolled on a full-time basis in a private secondary school in a program leading toward a high school diploma and complying with the minimum attendance requirements imposed by that school, until the end of the month in which the child graduates from high school. The support payments previously ordered are not in substantial compliance with the guidelines in chapter 154 of the Texas Family Code, and the requested increase would be in the best interest of

the child. Petitioner requests that any increase be made retroactive to the earlier of the time of service of citation on Respondent or the appearance of Respondent in this modification action.

The requested modification is in the best interest of the child.

11. Request for Temporary Restraining Order

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

Disturbing the peace of the child or of another party.

Hiding or secreting the child from Petitioner.

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:

Issue an order excluding Respondent from possession of or access to the child, IAN EDWARD CRUZ.

12. Request for Attorney's Fees, Expenses, Costs, and Interest

It was necessary for Petitioner to secure the services of Donald C. Nemec, a licensed attorney, to preserve and protect the child's rights. Respondent should be ordered to pay reasonable attorney's fees, expenses, and costs through trial and appeal, and a judgment should be rendered in favor of this attorney and against Respondent 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.

13. *Prayer*

Petitioner prays that citation and notice issue as required by law and that the Court enter its orders in accordance with the allegations 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 for attorney's fees, expenses, costs, and interest as requested above.

Petitioner prays for general relief.

Respectfully submitted,

Law Office of Donald C. Neme
P.O. Box 124055
Fort Worth, Texas 76121
Tel: (817) 382-8333
Fax: (817) 887-5345

By: /s/ Donald C. Neme

Donald C. Neme
State Bar No. 24049967
dcnemec@nemeclaw.com
Attorney for Petitioner

**WISE COUNTY STANDING ORDER REGARDING
CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES**

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Wise County District Court that applies in every divorce suit and every suit affecting the parent-child relationship filed in Wise County. The District Court of Wise County has adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the Court. Therefore, IT IS ORDERED:

1. NO DISRUPTION OF CHILDREN. Both parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this cause:

1.1 Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.

1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parties or an order of this Court.

1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.

1.4 Disturbing the peace of the children.

1.5 Making disparaging remarks about each other or the other person's family members, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents.

1.6 Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or the other party.

1.7 If this is an original divorce action, allowing anyone with whom the party is romantically involved, to remain overnight in the home while in possession of the children. Overnight is defined from 10:00 p.m. until 7:00 a.m.

2. CONDUCT OF THE PARTIES DURING THE CASE. Both parties are ORDERED to refrain from doing the following acts:

2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner to communicate with the other party, whether in person, by telephone, or in writing.

2.2 Threatening the other party in person, by telephone or in writing to take unlawful action against any person.

2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.

2.4 Opening or diverting mail addressed to the other party.

3. PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from the following acts:

3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.

3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.

3.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.

3.4 Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.

3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real estate property, and whether separate or community, except as specifically authorized by this order.

3.6 Incurring any indebtedness, other than legal expense in connection with this suit, except as specifically authorized by this order.

3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

3.8 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order.

3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.

3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.

Brock R. Smith

JUDGE BROCK R. SMITH
271ST JUDICIAL DISTRICT COURT
JACK AND WISE COUNTIES

Melton D. Cupe
JUDGE MELTON D. CUDE
WISE COUNTY
COUNTY COURT AT LAW NO. 1

3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.

3.13 Discontinuing or altering the withholding for federal income taxes on wage or salary while this suit is pending.

3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.

3.15 Intercepting or recording the other party's electronic communications.

4. PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

4.1 Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.

4.2 Falsifying any writing or record relating to the property of either party.

4.3 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

5. INSURANCE IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

5.1 Withdrawing or borrowing in any manner all or any part of the case surrender value of life insurance policies on the life of either party, except as specifically authorized by this order.

5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.

5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property of persons including the parties' minor children.

6. SPECIFIC AUTHORIZATIONS IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

6.1 To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.

6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses commensurate with such expenditures and indebtedness incurred for the past six months.

6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

7. SERVICE AND APPLICATION OF THIS ORDER.

7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of this petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.

7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the day of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of this Court. This entire order will terminate and will no longer be effective when the Court signs a final order or the case is dismissed.

8. EFFECT OF OTHER COURT ORDERS. If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the Court signs a final decree.

9. PARTIES ENCOURAGED/ORDERED TO MEDIATE. The parties are encouraged to settle their disputes amicably without court intervention. In the event the parties are unable to settle their disputes, they are hereby ORDERED to use alternative dispute resolution methods, such as mediation, to settle those items that cannot be agreed to before setting a hearing on temporary orders or final orders.

THIS WISE COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME
EFFECTIVE FEBRUARY 1, 2008.

Stephen J. Wren
JUDGE STEPHEN J. WREN
WISE COUNTY
COUNTY COURT AT LAW NO. 2

Name: Christopher Shane Batts
DOB: 07/20/1980
Current address: 100 N Lamar, Fort Worth, TX 76196 (Tarrant County Jail)

Father

Name: Matthew Porter
DOB: 01/12/1993
Current address: 931 S. Cooper St. Apt 293, Arlington, TX 76010

3. INDIAN CHILD STATUS

Mother

X Unknown

Fathers

X Unknown

4. REPORT

On April 25, 2018 the Department received a referral alleging Neglectful Supervision and Physical Neglect of Ian Nance-Porter and Ignacio Cruz by Rebecca Nance. Ms. Nance demonstrated actions and behavior indicating methamphetamine abuse. It was also reported that the Ms. Nance was leaving the children with elderly relatives for extended periods of time that were unable to properly care for children. Then on August 6th a second referral was received alleging Neglectful Supervision of Alice Batts, Ian Nance-Porter, and Ignacio Cruz by Rebecca Nance and Christopher Batts. These allegations were regarding a domestic violence incident between Ms. Nance and Mr. Batts.

The allegations of Neglectful Supervision of Alice Batts, Ian Nance-Porter, and Ignacio Cruz by Rebecca Nance and Christopher Batts were found Reason to Believe. Mr. Batts was arrested for the domestic violence and was positive on a UA drug test with Star Council for methamphetamines in August 2018. Mr. Batts was positive on an oral send-off for the Department for marijuana in August 2018. Ms. Nance was positive on an oral send-off for the Department for methamphetamines and marijuana in August 2018. The children were placed in a PCSP with maternal cousins Lora and Lorie Ford.

5. FACTS NECESSITATING REMOVAL

On 1/9/2019, I was notified by PCSP worker Angela Rosado that Ms. Nance was arrested. The police report was obtained and it was found that Ms. Nance and Mr. Batts were arrested together. Ms. Nance and Mr. Batts broke into an apartment. Police arrived and they claimed they were there to get money for their friends bail as he was arrested on 1/4/2019. Police contacted this individual and it was determined that no one was supposed to be in his apartment. Report stated Mr. Batts had \$200 in his front pocket and Ms. Nance was found with 1.6 grams of methamphetamines in her front left pocket. Mr. Batts was arrested for Burglary of a Habitat and Ms. Nance was arrested for Possession of Controlled Substance and Burglary of Habitat. Mr. Batts is still in jail. Ms. Nance was arrested once again for Possession of Controlled Substance on 3/17/2019.

Due to being in jail Ms. Nance and Mr. Batts missed Alice's medical appointments. Alice has the current diagnoses: Norovirus, Otitis Media, Bronchiolitis, Kawasaki Disease, Aneurysm of Coronary Artery, Anticoagulation Management Encounter and Encounter for Monitoring Antiplatelet Therapy. Alice has been diagnosed with Kawasaki's disease and requires a blood thinner shot and baby aspirin every 12 hours to keep Alice's blood from clotting.

Ms. Nance was discharged from Star Council since she was arrested in January 2019. Ms. Nance did not complete another drug assessment and has not been in much contact with the Department. Ms. Nance was required to have supervised visits at the CPS office. She has not been attending visits with her children.

Mr. Batts was discharged from Star Council too. In a Family Group Conference (FGC) on 12/13/2018, Mr. Batts and Ms. Nance were 30 minutes late for the meeting. Mr. Batts admitted in the FGC that he had used methamphetamine intravenously earlier that day. Mr. Batts completed another drug assessment and was recommended for outpatient drug treatment. Mr. Batts has not started drug treatment. Mr. Batts has also not started BIPP. Mr. Batts was required to have supervised visits at the CPS office. He has not been attending visits with his child.

Ms. Nance and Mr. Batts have had an open FBSS case since September 2018 to reduce the safety threats to Alice and Ian during the investigation and FBSS case. Ms. Nance and Mr. Batts have not made the needed behavioral changes to provide Alice and Ian with a safe, stable and drug free home environment. The parents have not been compliant during the FBSS case and have not completed the necessary services. The children have also been in a Parent Child Safety Placement since August 2018. Ms. Nance and Mr. Batts can also not meet Alice's medical needs due to being incarcerated and actively using methamphetamines.

Mr. Porter, Ian's father, has met with the Department, but has not complete drug testing, when asked. Mr. Porter and Ms. Nance have a court order regarding custody of Ian. In this order Mr. Porter is required to have supervised contact with Ian.

6. FBSS CASE

The case was stage progressed to Family Based Safety Services (FBSS) on 9/10/2018. On 9/18/2018, I met with Ms. Nance. She stated Mr. Batts was in jail and had been for almost 30 days. Ms. Nance stated she believed it was in best interest because he had no choice, but to stay clean.

On 9/27/2018, I called Star Council and confirmed that Ms. Nance was attending outpatient treatment. It was reported Ms. Nance had not missed a single session. It was reported Ms. Nance has moments where she is really motivated and it appears she is turning a corner, but then she will see her the next time and she has fallen back into disorganization and is not motivated.

On 10/22/2018, I met with Ms. Nance and Mr. Batts at the DFPS office. Ms. Nance reported services were going well. Mr. Batts reported he had returned to Star Counsel and it is was going well. Mr. Batts reported the synthetic urine that was found during a traffic stop was his from when he was using and did not know he still had this. Mr. Batts reported using it for job purposes when he was using drugs. It was reported the urine has been thrown away.

On 10/31/2018, I received a call from Star Counsel. It was reported Ms. Nance and Mr. Batts have been missing their group and individual counseling sessions. It was reported Ms. Nance had an individual

appointment the previous day at 2pm, but did not show and did not call to let anyone know she would be missing. Mr. Batts had an individual appointment at 3pm and both he and Ms. Nance arrived for this. Mr. Batts had a gash and a knot on his forehead. Mr. Batts reported they were in a car wreck, but when Mr. Batts showed the vehicle to the counselor she was unable to notice any significant damage to the vehicle that would cause an injury like that. Mr. Batts reported the police were not called and insurance was just unchanged. Ms. Nance was also found with a knock area, which she stated came from the car door.

On 11/5/2018, I called Ms. Nance. Ms. Nance was made aware she and Mr. Batts needed to take a drug test ASAP. She was provided the information to the testing facility via text and acknowledged via text saying ok.

On 11/5/2018, I received a phone call from Ms. Nance reporting she and Mr. Batts have run out of gas and would not be able to make it to drug test because of this. It was agreed that they would both go test the following day.

On 11/6/2018, I received a text message from Ms. Nance asking if she could have until the end of the week to take the test. She reported Mr. Batts was arrested.

On 11/13/2018, I received the results of the drug test. Mr. Batts was positive on a urine analysis for methamphetamine. Mr. Batts' hair was not long enough for a hair test. Ms. Nance was negative on a urine analysis and was positive on a hair test for methamphetamines.

On 11/28/2018, I met with Ms. Nance and Mr. Batts at the DFPS office. Mr. Batts admitted to using the week before he went to jail, but denied using after being released. He reported he was dismissed from Star Counsel, but is calling as required to be reinstated.

On 12/17/2018, I called Recovery Resource regarding Mr. Batts. It was reported he completed an assessment with Recovery Resource. He admitted to using 5 times and IV usage. Mr. Batts was referred back to Star Counsel due to him not using more than half of the days of the month.

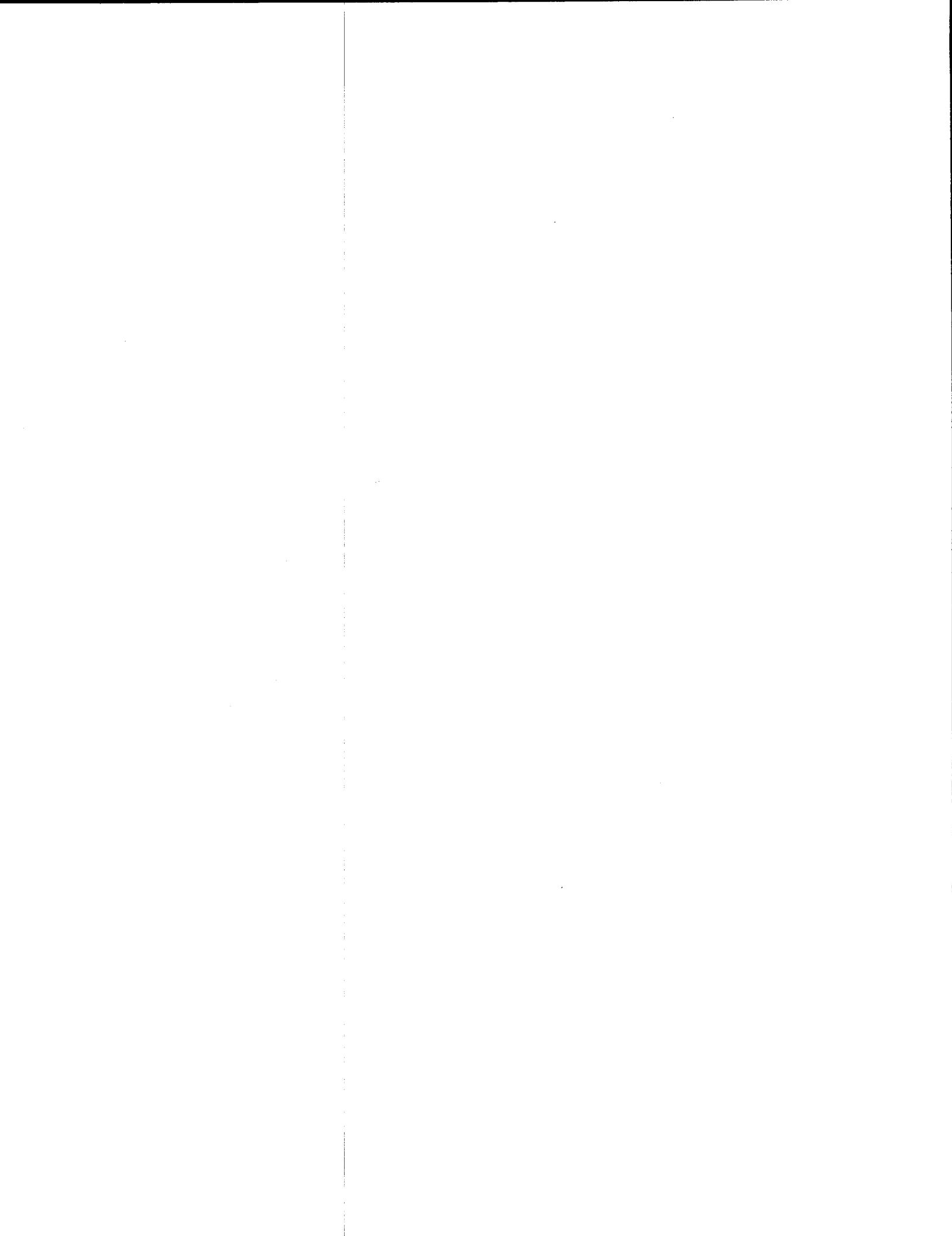
On 1/3/2019, I met with Matthew Porter, father of Ian Nance-Porter. Mr. Porter reported he was deemed the father of Ian in November and Ms. Nance has been lying to him and CPS about the situation. Mr. Porter took an instant oral swab and was negative. Mr. Ported denied any drug history at this visit. Mr. Porter is living with his brother and sister-in-law.

On 1/15/2019, I received a call from Star Counsel. It was reported Ms. Nance was being dismissed from the program due to missing 3 days the previous week with no notice.

On 1/16/2019, I received a call from Mr. Porter. He was asked to explain the criminal charges that he had not previously told CPS about. He reported the family violence charges were from fights with his brother. He denied domestic violence with Ms. Nance. Mr. Porter reported he had a possession of marijuana charge when he was 18 years old. Mr. Porter reported he was willing to take further drug testing.

1/16/2019, I received a call from Ms. Nance. She denied picking up methamphetamines and putting in her pocket when she was at the residence of her friends when she was arrested in January 2019. She reported she must have picked it up by mistake.

Ms. Nance was arrested once again for Possession of Controlled Substance on 3/17/2019. Mr. Batts is still incarcerated.





**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CAUSE NO. CV19-04-307-01

**IN THE INTEREST OF
IAN EDWARD CRUZ
A CHILD**

**§ IN THE COUNTY COURT
§
§ AT LAW #2
§
§ WISE COUNTY, TEXAS**

**MOTION TO DISMISS CASE FOR WANT OR PROSECUTION AND
ALTERNATIVE MOTION TO MODIFY INTERIM ORDERS**

This Motion to Dismiss Case for Want of Prosecution and Alternative Motion to Modify Interim Orders is brought by Rebecca Nance, Movant. The last three numbers of Movant's driver's license number are 132. The last three numbers of Movant's Social Security number are 242. Movant is the mother and joint managing conservator of the child. Respondent in this motion is Matthew Porter.

The present orders relating to conservatorship of the child have become unworkable and are no longer in the best interest of the child. The present orders do not provide for any rights, duties, or specific and enforceable terms for possession of and access to the child.

The order to be modified is entitled "Reset Order and Interim Order" and was rendered on August 12, 2019. In that order, a temporary orders hearing was

**MOTION TO DISMISS CASE FOR WANT OF PROSECUTION AND
ALTERNATIVE MOTION TO MODIFY INTERIM ORDERS**

THE PETROSS LAW FIRM, PLLC.
100 AUSTIN AVENUE, SUITE 201
WEATHERFORD, TEXAS 76086
Tel: 817.677.8772
Fax: 817.886.8646

Motion to Dismiss Case

Movant requests the Court, after notice and hearing, to dismiss this case for want of prosecution. Respondent has not pursued his Petition to Modify Parent-Child Relationship. Movant suspects that Respondent has moved the child from Wise County and contiguous counties, a geographic restriction on the residence of the child set in the Order Establishing the Parent-Child Relationship, entered on November 2, 2018, which is the order sought to be modified in this cause.

Alternative Request for Temporary Orders

Movant requests the Court, after notice and hearing, to make temporary orders for the safety and welfare of the child, including but not limited to the following:

Appointing Movant the temporary conservator who has the exclusive rights to designate the primary residence of the child and to make educational decisions on the child's behalf.

Alternatively, appointing Movant and Respondent as Joint Managing Conservators and restricting the primary residence of the child to Wise County, and contiguous counties in Texas.

Alternatively, entering a possession schedule in accordance with a Standard Possession Order, Chapter 153, Texas Family Code.

**MOTION TO DISMISS CASE FOR WANT OF PROSECUTION AND
ALTERNATIVE MOTION TO MODIFY INTERIM ORDERS**

THE PETROSS LAW FIRM, PLLC.
100 AUSTIN AVENUE, SUITE 201
WEATHERFORD, TEXAS 76086
Tel: 817.677.8772
Fax: 817.886.8646

Prayer

Movant prays that citation and notice issue as required by law and that the Court enter its orders in accordance with the allegations contained in this petition.

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

Movant prays for general relief.

Respectfully submitted.

THE PETROSS LAW FIRM, PLLC.
100 AUSTIN AVE., SUITE 201
WEATHERFORD, TEXAS 76086
Tel: 817.677.8772
Fax: 817.886.8646
Email: petrosslaw@gmail.com

/s/ Chad D. Petross
Chad D. Petross
State Bar No.: 24056127
Attorney for Rebecca Nance

**MOTION TO DISMISS CASE FOR WANT OF PROSECUTION AND
ALTERNATIVE MOTION TO MODIFY INTERIM ORDERS**

THE PETROSS LAW FIRM, PLLC.

100 AUSTIN AVENUE, SUITE 201

WEATHERFORD, TEXAS 76086

Tel: 817.677.8772

Fax: 817.886.8646

**WISE COUNTY STANDING ORDER REGARDING
CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES**

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Wise County District Court that applies in every divorce suit and every suit affecting the parent-child relationship filed in Wise County. The District Court of Wise County has adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the Court. Therefore, IT IS ORDERED:

1. NO DISRUPTION OF CHILDREN. Both parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this cause:

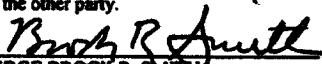
- 1.1 Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.
- 1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parties or an order of this Court.
- 1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.
- 1.4 Disturbing the peace of the children.
- 1.5 Making disparaging remarks about each other or the other person's family members, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents.
- 1.6 Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or the other party.
- 1.7 If this is an original divorce action, allowing anyone with whom the party is romantically involved, to remain overnight in the home while in possession of the children. Overnight is defined from 10:00 p.m. until 7:00 a.m.

2. CONDUCT OF THE PARTIES DURING THE CASE. Both parties are ORDERED to refrain from doing the following acts:

- 2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner to communicate with the other party, whether in person, by telephone, or in writing.
- 2.2 Threatening the other party in person, by telephone or in writing to take unlawful action against any person.
- 2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.
- 2.4 Opening or diverting mail addressed to the other party.

3. PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from the following acts:

- 3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
- 3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.
- 3.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.
- 3.4 Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real estate property, and whether separate or community, except as specifically authorized by this order.
- 3.6 Incurring any indebtedness, other than legal expense in connection with this suit, except as specifically authorized by this order.
- 3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 3.8 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.
- 3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order.
- 3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
- 3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.


JUDGE BROCK R. SMITH

271ST JUDICIAL DISTRICT COURT
JACK AND WISE COUNTIES


JUDGE GREG LOWERY
WISE COUNTY
COUNTY COURT AT LAW NO. 1

- 3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.

3.13 Discontinuing or altering the withholding for federal income taxes on wage or salary while this suit is pending.

3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.

3.15 Intercepting or recording the other party's electronic communications.

4. PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 4.1 Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.
- 4.2 Falsifying any writing or record relating to the property of either party.
- 4.3 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

5. INSURANCE IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 5.1 Withdrawing or borrowing in any manner all or any part of the case surrender value of life insurance policies on the life of either party, except as specifically authorized by this order.
- 5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.
- 5.3 Cancelling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property of persons including the parties' minor children.

6. SPECIFIC AUTHORIZATIONS IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

- 6.1 To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.
- 6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
- 6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses commensurate with such expenditures and indebtedness incurred for the past six months.
- 6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

7. SERVICE AND APPLICATION OF THIS ORDER.

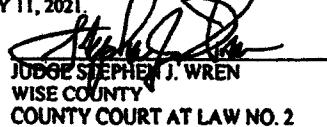
7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of this petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.

7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the day of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of this Court. This entire order will terminate and will no longer be effective when the Court signs a final order or the case is dismissed.

8. EFFECT OF OTHER COURT ORDERS. If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the Court signs a final decree.

9. PARTIES ENCOURAGED/ORDERED TO MEDIATE. The parties are encouraged to settle their disputes amicably without court intervention. In the event the parties are unable to settle their disputes, they are hereby ORDERED to use alternative dispute resolution methods, such as mediation, to settle those items that cannot be agreed to before setting a hearing on temporary orders or final orders.

THIS WISE COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON JANUARY 11, 2021.


JUDGE STEPHEN J. WREN
WISE COUNTY
COUNTY COURT AT LAW NO. 2

At this time Ian is in a Parental Child Safety Placement with Lisa Cruz and has been since 11/12/2018. Alice is in a Parental Child Safety Placement with Lora Ford and has been since 8/28/2018.

7. CPS HISTORY

No history

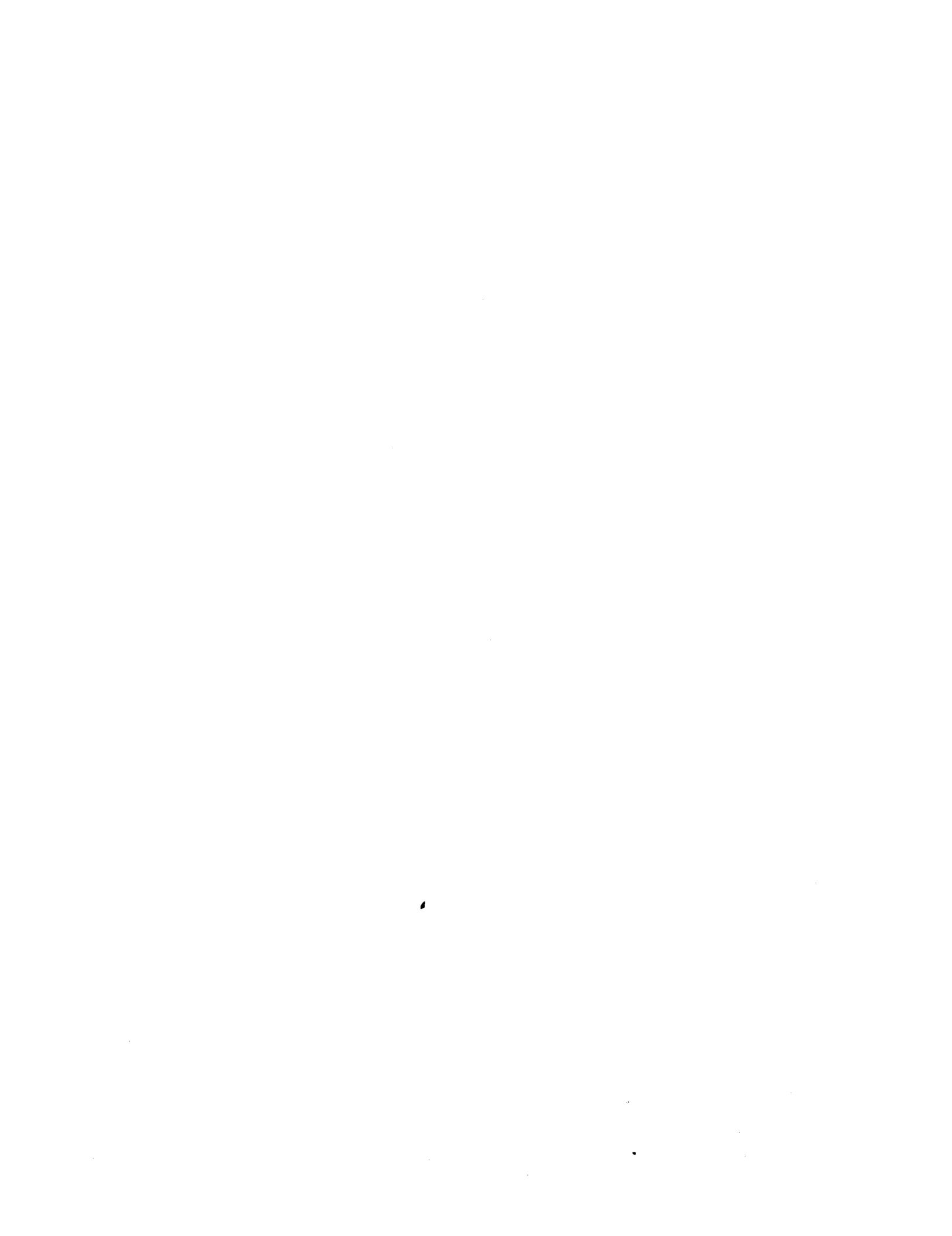
8. CRIMINAL HISTORY

Rebecca Nance (Mother):

01/03/2011 POSS CS PG 1 < 1G STATE JAIL FELONY, DISMISSED
01/03/2011 POSS CS PG 3 <28G - NOT FILED FOR HIGHER CHARGES
01/03/2011 POSS MARIJ < 2OZ - HIGHER CHARGE FILED
01/03/2011 DRIVING WHILE INTOXICATED - GUILTY - 20 D CONFINEMENT
11/19/2013 DRIVING WHILE INTOXICATED 2ND - 16 MONTH PROBATION
11/19/2013 POSS MARIJ <2OZ - DISMISSED
12/19/2013 DRIVING WHILE INTOXICATED 2ND - 16 MONTH PROBATION
01/05/2015 FAL DRUG TEST FALSIFICATION DEVICE - 12 MONTH PROBATION
10/13/2015 ASSAULT CAUSES BODILY INJURY - RELEASED WITHOUT PROSECUTION
10/13/2015 POSS CS PG 1 >1G >4G - REJECTED CHARGE
10/13/2015 POSS MARIJ < 2OZ - REJECTED CHARGE
10/27/2015 POSS CS PG < 1G, STATE JAIL FELONY, GUILTY, 6M CONFINEMENT/60M PROBATION
09/09/2018 THEFT PROP >=\$100<\$750, GUILTY, 30D CONFINEMENT
01/06/2019 BURGLARY OF HABITATION, FELONY 2ND DEGREE, HELD
01/06/2019 POSS CS PG1>=1G<4G, FELONY 3RD DEGREE, HELD
02/28/2019 LIQUOR VIOLATION CLASS C
03/17/2019 POSS CS P>=1G<4G, FELONY-3RD DEGREE, HELD
03/17/2019 TAMPER/FABRICATE PHYS EVID W/INTENT TO IMPAIR, FELONY 3RD DEGREE, HELD

Christopher Batts (Father):

04/26/2001 DRIVING WHILE LIC SUSPENDED, MISDEMEANOR-CLASS B, BAIL/RELEASED ON OWN RECOGNIZANCE
06/10/2004 POSS CS PG 1 < 1G, STATE JAIL FELONY, PROSECUTOR HAS REJECTED THE CHARGE WITHOUT A PRE-TRIAL DIVERSION
10/14/2006 DRIVING WHILE INTOXICATED, MISDEMEANOR CLASS B, GUILTY, 180D CONFINEMENT/9M PROBATION
10/11/2008 AGG ASSLT W/DEADLY WEAPON, FELONY 2ND DEGREE, WITHDRAWN BY COMPLAINANT
10/11/2008 ASSAULT CAUSES BODILY INJ, MISDEMEANOR-CLASS A, DIMISSED
10/11/2008 TERRORISTIC THREAT, MISDEMEANOR-CLASS B, DISMISSED
12/17/2012 SILENT /ABUSIVE CALLS TO 9-1-1 SERVICE, MISDEMEANOR - CLASS B, PROSECUTOR HAS REJECTED THE CHARGE WITHOUT A PRE-TRIAL DIVERSION
08/30/2018 ASSAULT FAM/HOUSE MEM IMPEDE BREATH/CIRCULAT, FELONY 3RD DEGREE, GUILTY, 5Y PROBATION
-AGG ASSLT W/DEADLY WEAPON, FELONY 2ND DEGREE, WAIVED
9/5/2018 INTERFER W/EMERGENCY REQ FOR ASSISTANCE, MISDEMEANOR - CLASS A, HELD
11/05/2018 VIOL BOND/PROTECTIVE ORDER, MISDEMEANOR-CLASS A, PROSECUTOR HAS REJECTED THE CHARGE WITHOUT A PRE-TRIAL DIVERSION
01/06/2019 BURGLARY OF HABITATION, FELONY 2ND DEGREE, HELD



02/28/2019 DRIVING WHILE INTOXICATED 3RD OR MORE, FELONY 3RD DEGREE, HELD

Matthew Porter (Father):

04/23/2008 THEFT PROP>=\$500 < \$1500, MISDEMEANOR - CLASS A, JUVENILE,
UNREPORTED/UNKNOWN
04/16/2009 BURGLARY OF HABITATION, FELONY 2ND DEGREE, JUVENILE
03/13/2012 DISORDERLY CONDUCT-ABUSIV, MISDEMEANOR - CLASS C
03/31/2012 POSS MARIJ <= 4OZ > 2OZ, MISDEMEANOR - CLASS A, GUILTY 12M PROBATION
08/16/2012 TRAFFIC OFFENSE CLASS C, MISDEMEANOR CLASS UNKNOWN
10/04/2015 ASSAULT CAUSES BODILY INJURY FAMILY MEMBER, MISDEMEANOR CLASS A,
DISMISSED
11/10/2015 ASSAULT BY FAMILY VIOLENCE, MISDEMEANOR - CLASS C, HELD
01/04/2016 ASSAULT BI FAM/HOUSE MEM 2+ W/IN 12 MONTHS, FELONY 3RD DEGREE,
RELEASE WITHOUT PROSECUTION
05/12/2017 TRAFFIC OFFENSE CLASS C, MISDEMEANOR CLASS C
05/16/2017 CRIMINAL MISCHIEF >=\$100<\$750, MISDEMEANOR - CLASS B, CONVICTED 2D
CONFINEMENT
09/21/2017 ASSAULT FAMILY/HOUSEHOLD MEMBER PREV CONV IAT, MISDEMEANOR -
CLASS A, DISMISSED

9. 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.

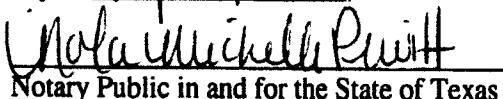
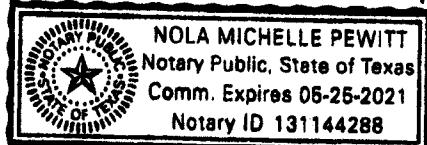
10. CONCLUSION

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 and to make it possible for the children to remain in their home, but it is not in the children's welfare to return home. A Family Based Safety Services case was open with this family to prevent removal. Ms. Nance and Mr. Batts have not demonstrated adequate compliance with the Department or proven they have changed their pattern of behavior to prevent future occurrences of abuse or neglect. Ms. Nance and Mr. Batts have been provided the opportunity to comply with services to reduce the risk of why the Department is involved with their family, but they continue to use methamphetamines and are currently incarcerated.



Ben Sledge, CPS

SIGNED under oath before me on the 4 day of April, 2019



Nola Michelle Pewitt
Notary Public in and for the State of Texas

My commission expires 5-25-2021

Respectfully submitted,

Ken Paxton
Attorney General of Texas

Jeffrey C. Mateer
First Assistant Attorney General

Megan E. Leger

Megan E. Leger SBN 24087911
CSD-Legal-914@texasattorneygeneral.gov

TAMEKA D BOYD - SBN: 24027406

DANA D CLARK - SBN: 00785766

DEBORAH A MCKINNEY - SBN: 24035620

KC ODOM - SBN: 24035459

KRISTI ORTH - SBN: 15323060

ASHLEY CARROLL - SBN: 03884400

SEAN COOK - SBN: 24032095

KELLEY GREENWOOD - SBN: 00787591

PAULA CROCKETT - SBN: 00798123

LYNNE GERGANESS - SBN: 00793799

TAYLER NICHOLS - SBN: 24099755

AGHABIE OBISESAN - SBN: 24047650

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)258-2020

DL Number:	40994133		
Name:	MATTHEW DEWAYNE PORTER		
Date of Birth:	01121993		
Photo:			
PLEASE SHRED AFTER SERVICE DO NOT FILE WITH THE COURT			
Address: 3203 HYDE PARK CT , ARLINGTON, TX 76015			
Race:	WHITE	Sex:	M
Height:	603	Weight:	185
Eye Color:	BLUE	Hair Color:	BROWN
Image Date:	11182017	Class:	ID
Expiration Date:	01122023	Restriction:	
CDL Flag:	N	Endorsement:	

OFFICIAL LAW ENFORCEMENT PURPOSE ONLY.
Violations subject to civil and criminal penalties and termination of access.

For technical assistance, contact TexasOnline
24 hours a day, 7 days a week toll free at 877.452.9060
or by email at support@texasgovhelpdesk.com.

Case Name: Nance,Rebecca J
Case #: 46813988

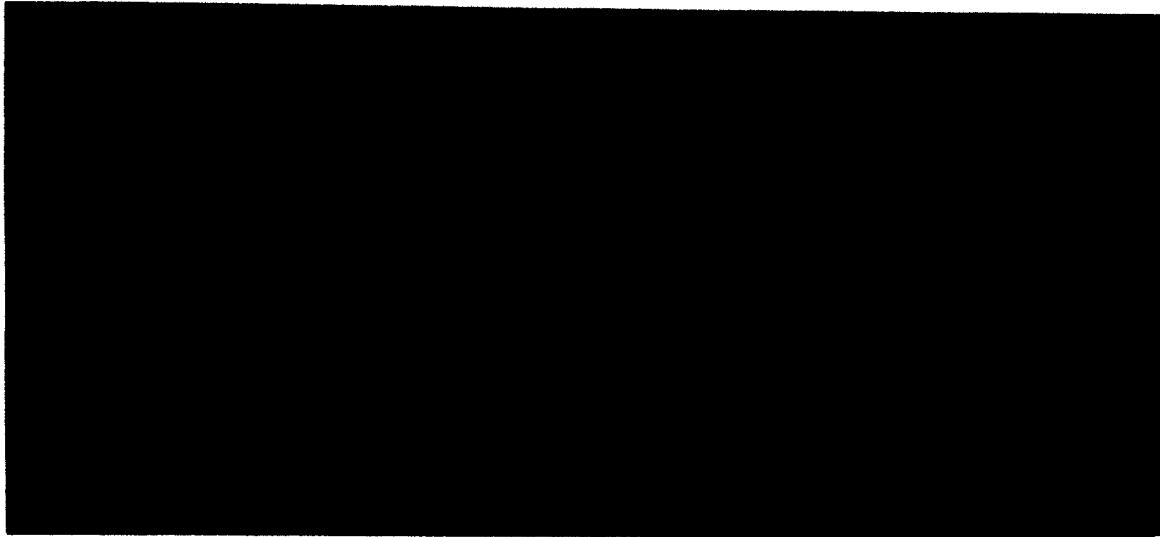
Working Narrative Log

Stage Entered: FPR
Contact ID: 299345863
Contact Date and Time: 10/31/2018 10:45 AM
Type: Contact
Purpose: Coord/Monitor
Method: Telephone Call From
Sibling Visit: No

Narrative: Yes
Contacted By: Sledge,Ben
Names: Service Provider
Attempted: No

CONTACT NARRATIVE

10/31/2018-TCF Sheryl of Star Counsel



Stage Entered: FPR
Contact ID: 299349573
Contact Date and Time: 10/31/2018 11:57 AM
Type: Contact
Purpose: Coord/Monitor
Method: Text
Sibling Visit: No

Narrative: Yes
Contacted By: Sledge,Ben
Names: Lorie Frederick
Attempted: No

CONTACT NARRATIVE

10/31/2018-Text Message from Lorie Fredrick

- No show again this morning.

Stage Entered: FPR
Contact ID: 299365560
Contact Date and Time: 10/31/2018 2:00 PM
Type: Contact

Narrative: Yes
Contacted By: Young,Teresa
Names: FPS Staff



FEB 25 2025

Cause Number

CV19-04-307-1Print cause number and other court information exactly as it appears on the petition filed in this case.
In the interest of:LOUCRECIA BIGGERSTAFF
DISTRICT CLERK-WISE COUNTY, TX
BY CAS DEPUTY

1. Tan Edward Nance-Boster
2. _____
3. _____
4. _____
5. _____

Child(ren)

271st

Court Number

 District Court County Court at LawWise

County, Texas

Affidavit for Temporary Restraining Order

THE STATE OF TEXAS

COUNTY OF Wise County

Print name of county where this affidavit is being notarized.

Today 2-25-2025 appeared in person

Print the full name of the person signing this affidavit.

before me and stated under oath:

My full legal name is: Matthew Deweyne Boster.
Print the full name of the person signing this affidavit.

I am over 18 years of age, of sound mind and capable of making affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

I have attached USB additional pages of supporting facts.

The child(ren) who are the subject of this suit will suffer immediate and irreparable harm if the Court does not immediately and without notice or a hearing grant the relief requested in Section 4 of the attached Motion for Temporary Restraining Order, Temporary Injunction & Temporary Orders.

The facts to support this request for relief are as follows:

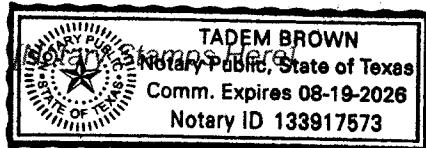
USB, Recording 1 Feb 13th, 2025:

• Ms. Nance admits to attempting to use drugs, drinking with child and dog in car going to restaurant to get more ~~drunk~~ drunk, She admit's she need's help..

- Recording down
- 2nd Recording is of Ms. Nance coaches the children on How to answer question's to C.P.S., When I responds undesirably, she becomes agitated and verbally abusive.
 - Manipulate and obstruct the CPS Investigation
 - Ms. Nance is currently on probation for ten year's for child Endangerment.
- My child come's ~~at~~ frist sir thank you.

► Matthew Devayne Porter
Your Signature
DO NOT SIGN until you are in front of a notary.

Sworn under oath before me, the undersigned notary, on this date: 2/25/25
by: Matthew Devayne Porter
Print the full name of the person signing this affidavit. NOT the notary's name



► Tadem Brown
Notary's Signature



February 11, 2025

Hon. Brock Smith
271st Judicial District Court of Wise County
101 N. Trinity, Suite 201
Decatur, Texas 76234
By electronic filing

Re: Cause No: CV19-04-307-1
In the Interest of Ian Edward Cruz, a Child

Dear Judge Smith –

Please find included for filing with this letter, a proposed **Final Order in Suit Affecting Parent-Child Relationship** as prepared for entry in the above-referenced cause. This proposed order is drafted in accordance with the the Court's ruling on the record on January 28, 2025.

I respectfully request the Court to enter this order 10 days after receipt of same, unless met with a legitimate substantive objection to the order by John-Paul Chidgey, counsel for Petitioner, Matthew Porter.

If you have any questions or concerns regarding this matter, please do not hesitate to call.

Sincerely,

Chad Petross

Enclosures: As stated
Xc: John-Paul Chidgey

Chad D. Petross, Attorney
Board Certified - Family Law - Texas Board of Legal Specialization

PETROSSLAW.COM
112 Hogle St., Weatherford, Texas 76086 • Chadi@PetrossLaw.com • 817-677-8772

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Chad Petross on behalf of Chad Petross

Bar No. 24056127

petrosslaw@gmail.com

Envelope ID: 97227596

Filing Code Description: Proposed Order

Filing Description: FINAL ORDER IN SUIT TO MODIFY PARENT-CHILD
RELATIONSHIP

Status as of 2/11/2025 1:52 PM CST

Associated Case Party: REBECCAJOLENENANCE

Name	BarNumber	Email	TimestampSubmitted	Status
Chad Petross		Petrosslaw@gmail.com	2/11/2025 11:38:10 AM	SENT

Associated Case Party: MATTHEWDEWAYNEPORTER

Name	BarNumber	Email	TimestampSubmitted	Status
John-Paul Chidgey		chidgeyjp@gmail.com	2/11/2025 11:38:10 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Attorney General		CSD-legal-914@texasattorneygeneral.gov	2/11/2025 11:38:10 AM	SENT
Matthew DewaynePorter		mattmattpp55@gmail.com	2/11/2025 11:38:10 AM	SENT
TRACY JOHNSON		tracy.johnson@oag.texas.gov	2/11/2025 11:38:10 AM	SENT

Associated Case Party: ATTORNEY GENERAL

Name	BarNumber	Email	TimestampSubmitted	Status
Office of Attorney General		CSD-Legal-413@oag.texas.gov	2/11/2025 11:38:10 AM	SENT

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. CV-19-04-307-1

IN THE (check one):

Petitioner/
Plaintiff

Matthew Dewayne Porter

271st Judicial District Court
 County Court at Law No.

FILED

Respondent/
Defendant

Rebecca Sloane Nance

WISE COUNTY, TEXAS AM 1:14 PM

FEB 25 2025

Affidavit of Indigency
(Statement of Inability to Pay Court Costs.)

LOUCRECIA BIGGERSTAFF
DISTRICT CLERK-WISE COUNTY, TX
BY CJS DEPUTY

① Your Information:

My full legal name is: Matthew Dewayne Porter My date of birth is: 01/12/1993
First Middle Last Month/Day/Year

My address is: (Home) 3203 Hyde Park ct, Arlington Tx , 76015
(Mailing) _____

My phone number: 469-620-9673 My email: MattMattpp55@gmail.com

About my dependents: "The people who depend on me financially are listed below."

	Name	Age	Relationship to Me
1	<u>Jan Edward Nance-Porter</u>	<u>3</u>	<u>Child</u>
2	<u>Katherin Ann Porter</u>	<u>N/A</u>	<u>Mother</u>
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____

② Are you represented by Legal Aid?

I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as 'Exhibit: Legal Aid Certificate.'

-or-

I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case. I have attached documentation from legal aid stating this.

-or-

I am not represented by legal aid. I did not apply for representation by legal aid.

③ Do you receive public benefits?

I do not receive needs-based public benefits. - or -

I receive these public benefits/government entitlements that are based on indigency:
(Check ALL boxes that apply and attach proof to this form, such as a copy of an eligibility form or check.)

Food stamps/SNAP TANF Medicaid CHIP SSI WIC AABD
 Public Housing or Section 8 Housing Low-Income Energy Assistance Emergency Assistance
 Telephone Lifeline Community Care via DADS LIS in Medicare ("Extra Help")
 Needs-based VA Pension Child Care Assistance under Child Care and Development Block Grant
 County Assistance, County Health Care, or General Assistance (GA)
 Other: _____

"If you receive any of the above public benefits, attach proof and label it "Exhibit: Proof of Public Benefits."

4 "My monthly income and income sources are stated below. (Check all that apply)

I get this monthly income:

\$ 0.00 in monthly wages. I work as a _____ for _____.

Your job title

Your employer

\$ 0.00 in monthly unemployment. I have been unemployed since (date) _____.

\$ 0.00 in public benefits per month.

\$ 1,400 monthly from other people in my household: (List only if other members contribute to your household income.)

\$ <u>0.00</u> from	Retirement/Pension	Tips, bonuses	Disability	<input type="checkbox"/> Worker's Comp
	Social Security	Military Housing	Dividends, interest, royalties	
	Child/spousal support			

\$ 0.00 from other jobs/sources of income. (Describe) _____

\$ 1,400 is my total monthly income.

5 "My Spouse's income sources and amounts are stated below:

Unemployed since: (date) 4-29-2025 *mp*

OR

Wages: Spouse work as _____ for _____ (Your Employer)

Employer's Telephone Number: _____

(a) Spouse's monthly net income after taxes are taken out is: Total income after taxes → \$ _____

(b) Amount spouse receives each month from other sources is: Total amount received → + \$ _____

*List this income only if other members contribute to your household income

(e) Spouse's TOTAL monthly income is Add all sources of income above = \$ _____

6 My property includes:

Value*

Cash \$ 30.00

Bank Accounts, Other Financial Assets (List)

Chine Bank Account \$ _____

_____ \$ _____

_____ \$ _____

Vehicles (cars, boats) (List make and model)

Ford Edge 2013 \$ 4,500

_____ \$ _____

_____ \$ _____

Other Property (jewelry, stocks, land, house, etc.)

_____ \$ _____

_____ \$ _____

Total value of Property →

\$ 4,530

7 My monthly expenses are:

Amount

Rent/House Payment/Maintenance	\$ <u>708.00</u>
Food and household supplies	\$ <u>300.00</u>
Utilities and telephone	\$ <u>100.00</u>
Clothing and laundry	\$ <u>20.60</u>
Medical and dental expenses	\$ <u>100.00</u>
Insurance (life, health, auto, etc)	\$ <u>50.00</u>
School and child care	\$ <u>18.00</u>
Vehicle payments	\$ <u>8.00</u>
Gas, bus fare, auto repair	\$ <u>30.00</u>
Child / Spousal Support	\$ <u>530.00</u>
Wages withheld by court order	\$ <u>10.00</u>
Debt payments	\$ <u>0.00</u>
Other expenses (describe)	\$ <u>0.00</u>

Total Monthly Expenses →

\$ 1,930

*The value is the amount the item would sell for less the amount you still owe on it (if anything).

8 Are there debts or other facts explaining your financial situation?

My debts include: (List debt and amount owed) Family Mother & Step father -1,432

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach another page to this form and label it "Exhibit: Additional Supporting Facts".

Check here if you attach another page.

● Identify below all persons residing in your current place of residence:

	Name	Age	Relationship to Me	Employed
1	Katherin Ann Port		Mother	<input type="checkbox"/> Yes <input type="checkbox"/> No
2				<input type="checkbox"/> Yes <input type="checkbox"/> No
3				<input type="checkbox"/> Yes <input type="checkbox"/> No
4				<input type="checkbox"/> Yes <input type="checkbox"/> No
5				<input type="checkbox"/> Yes <input type="checkbox"/> No
6				<input type="checkbox"/> Yes <input type="checkbox"/> No

● Are you currently in jail or in a correctional institution? Yes No

If yes, provide name of institution: _____

● Declaration

I declare under penalty of perjury that the foregoing is true and correct. I further swear:

I cannot afford to pay court costs.

I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision.

My name is Matthew DeWayne Porter. My date of birth is: 01/21/1993
 My address is 3203 Hyde Park Ct, Arlington TX 76015 Tarrant
Street City Zip Code Country
 ► Matthew Porter signed on 7/25/25 in Wise County, TX
Signature Month/Day/Year County name State

Matthewpp55@gmail.com

FEB 25 2025

Cause Number

CV19-04-307-1

Print cause number and other court information exactly as it appears on the petition filed in this case.
 In the interest of:

LOUCBECIA BIGGERSTAFF
 DISTRICT CLERK-WISE COUNTY, TX
 BY CCS DEPUTY

1. Ian Edward Nance-Poter
2. _____
3. _____
4. _____
5. _____

Child(ren)

271st

Court Number

 District Court County Court at LawWise

County, Texas

Affidavit for Temporary Restraining Order

THE STATE OF TEXAS

COUNTY OF Wise County

Print name of county where this affidavit is being notarized.

Today 2-25-2025 appeared in person

Print the full name of the person signing this affidavit.

before me and stated under oath:

My full legal name is: Matthew Dewayne Potter

Print the full name of the person signing this affidavit.

I am over 18 years of age, of sound mind and capable of making affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

I have attached USB additional pages of supporting facts.

The child(ren) who are the subject of this suit will suffer immediate and irreparable harm if the Court does not immediately and without notice or a hearing grant the relief requested in Section 4 of the attached Motion for Temporary Restraining Order, Temporary Injunction & Temporary Orders.

The facts to support this request for relief are as follows:

USB, Recording 1 Feb 13th, 2025:

Mrs. Nance admits to attempting to use drugs, drinking with child and dog in car going to restaurant to get more ~~drunk~~ drunk, She admit's she need's help..

Recording down

- 2nd Recording is of Ms. Nancy
she coaches the children on How to answer
question's to C.P.S.,
When I responds undesirably, she becomes
agitated and verbally abusive.
-Manipulate and obstruct the CPS Investigation
 - Ms. Nancy is currently on probation for ten
year's for child Endangerment.
- My child come's ~~at~~ first sir thank you.

► Matthew Devayne Porter

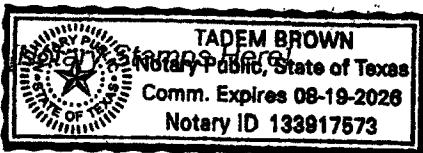
Your Signature

DO NOT SIGN until you are in front of a notary.

Sworn under oath before me, the undersigned notary, on this date: 2/25/25

by: Matthew Devayne Porter

Print the full name of the person signing this affidavit. NOT the notary's name



► Tadem Brown

Notary's Signature

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CAUSE NO. CV19-04-307-1

IN THE INTEREST OF

IAN EDWARD CRUZ,

A CHILD

§ IN THE DISTRICT COURT

§ 271st JUDICIAL DISTRICT

§ WISE COUNTY, TEXAS

FINAL ORDER IN SUIT TO MODIFY PARENT CHILD RELATIONSHIP

On January 28, 2025, the Petition to Modify Parent-Child Relationship filed by Matthew Porter was heard by the Court.

Appearances

Matthew Porter, Petitioner, appeared in person and by attorney, John-Paul Chidgey, and announced ready for hearing.

Rebecca Nance, Respondent, appeared in person and by attorney, Chad D. Petross, and announced ready for hearing.

Record Made

A record of the testimony and proceedings was made by the court reporter for this Court.

FINAL ORDER IN SUIT TO MODIFY PARENT-CHILD RELATIONSHIP

THE PETROSS LAW FIRM, PLLC

112 HOGLE ST.

WEATHERFORD, TEXAS 76086

Email: petrosslaw@gmail.com

Tel: 817.677.8772

Jury

A jury was waived and all questions of fact and of law were submitted to the Court.

Jurisdiction

The Court finds that the pleadings are proper and citation was properly served on all necessary parties as required by law. The Court, having examined the pleadings and having heard the evidence and argument of counsel, finds that no other court has continuing, exclusive jurisdiction over this suit and that it has jurisdiction over the parties and matters in this proceeding.

Children of the Suit

The Court finds that the following child is the subject of this suit:

Name	Gender	Birth Date
Ian Edward Cruz	Male	12/07/2016

Findings

The Court finds that the circumstances of the child have materially and substantially changed since the date of the rendition of the Order.

The Court finds that the circumstances of a conservator of the child have materially and substantially changed since the date of the rendition of the Order.

Modification of Previous Order

IT IS ORDERED that the Order Establishing the Parent-Child Relationship signed on November 2, 2018, is modified and rendered as stated below.

Best Interests

The Court finds that the following orders are in the best interests of the child of this suit.

Rights and Duties at All Times

IT IS ORDERED that Rebecca Nance and Matthew Porter, as parent joint managing conservators, shall each have the following rights and duties at all times:

1. the right to receive information from any other conservator of the child concerning the health, education, and welfare of the child;
2. the right to confer with the other conservator to the extent possible before making a decision concerning the health, education, and welfare of the child;
3. the right of access to medical, dental, psychological, and educational records of the child;
4. the right to consult with a physician, dentist, or psychologist of the child;
5. the right to consult with school officials concerning the child's welfare and educational status, including school activities;
6. the right to attend school activities, including school lunches, performances, and field trips;
7. the right to be designated on the child's records as a person to be notified in case of an emergency;

8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child;
9. the right to manage the estate of the child to the extent the estate has been created by the parent or the parent's family;
10. the duty to inform the other conservator of the child in a timely manner of significant information concerning the health, education, and welfare of the child;
11. the duty to inform the other conservator of the child if the conservator resides with for at least 30 days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under Chapter 62 of the Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. This required notice must be made as soon as practicable, but not later than the 40th day after the date the conservator of the child begins to reside with the person or the 10th day after the date the marriage occurs, as appropriate. The notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged; and
12. the duty to inform the other conservator of the child if the conservator:
 - a. establishes a residence with a person the conservator knows is the subject of a final protective order sought by an individual other than the conservator, that is in effect on the date residence is established. This required notice must be made as soon as practicable, but not later than the 30th day after the date the conservator of the child begins to reside with the person who is the subject of a final protective order.
 - b. resides with, or allows unsupervised access to a child, by a person who is the subject of a final protective order sought by the conservator after the expiration of the 60-day period following the date the final protective order is issued. This required notice must be made as soon as practicable, but not later than the 90th day after the date the final protective order was issued.

c. is the subject of a final protective order issued after the date of the order establishing conservatorship. That this required notice must be made as soon as practicable, but not later than the 30th day after the date the final protective order was issued.

WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE ANY OF THE ABOVE NOTICES.

Rights and Duties During Periods of Possession

IT IS ORDERED that Rebecca Nance and Matthew Porter, as parent joint managing conservators, shall each have the following rights and duties during their respective periods of possession of the child:

1. the duty of care, control, protection, and reasonable discipline of the child;
2. the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
3. the right to consent for the child to medical and dental care not involving an invasive procedure; and
4. the right to direct the moral and religious training of the child.

Additional Rights of Rebecca Nance

IT IS ORDERED that Rebecca Nance, as a parent joint managing conservator, has the following additional rights with respect to the child:

1. the exclusive right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the exclusive right to consent to psychiatric and psychological treatment;
3. 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 child;
4. the independent right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
5. the independent right to consent to marriage and to the child's enlistment in the armed forces of the United States;
6. the exclusive right to make decisions concerning the child's education;
7. except as provided by Section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the child;
8. except when a guardian of the child's estates or a guardian or attorney ad litem has been appointed for the child, the independent 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;
9. the exclusive right to apply for passport for the child, renew the child's passport, and maintain possession of the child's passport; and
10. the independent duty to manage the estate of the child to the extent the estate has been created by the community or joint property of the parent.

Additional Rights of Matthew Porter

IT IS ORDERED that Matthew Porter, as a parent joint managing conservator, has the following rights with respect to the child:

1. the independent right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;

2. the independent right to consent to marriage and to enlistment in the armed forces of the United States;
3. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the child;
4. except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the independent 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
5. the independent duty to manage the estate of the child to the extent the estates have been created by the community or joint property of the parent.

Notwithstanding any provision in this order to the contrary, IT IS ORDERED that Rebecca Nance shall have the exclusive right to enroll the child in school. Each conservator, during that conservator's period of possession, is ORDERED to ensure the child's attendance in the schools in which Rebecca Nance has enrolled the child.

Primary Residence of Child

IT IS FURTHER ORDERED that Rebecca Nance has the exclusive right to designate the primary residence of the child within Wise County and contiguous counties.

The parties are enjoined from changing the child's primary residence to be outside Wise County and contiguous counties unless both parties file a written agreement with the Court or a court of continuing jurisdiction modifies this Order to allow that change.

The Court finds that the parties presently reside in the geographic area described above. IT IS FURTHER ORDERED that if Matthew Porter does not reside in that geographic area, then the exclusive right of Rebecca Nance to designate the child's primary residence shall be without geographic restriction.

Possession and Access

Definitions

As used in this Order, the following words have these meanings:

- (a) "Child" includes each individual who is a subject of this suit that is under the age of eighteen years or not otherwise emancipated.
- (b) "School" means the elementary or secondary school in which the child is enrolled, or if the child is not enrolled in an elementary or secondary school, the public school district in which the child primarily resides.

Possession Order

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the conservators, and in the absence of mutual agreement, the conservators shall have possession of the child under the specified terms set out in this Order.

Conservators Who Reside 100 Miles or Less Apart

IT IS ORDERED that, except as otherwise expressly provided in this Order, when Matthew Porter resides 100 miles or less from the primary residence of the child, Matthew Porter shall have the right to possession of the child as follows:

1. Weekends

On weekends throughout the year, beginning at 6 p.m. on the first, third, and fifth Friday of each month and ending at 6 p.m. on the following Sunday.

2. Weekend Possession Extended by Holiday

a. Friday Holidays. If a weekend period of possession coincides with a student holiday or teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, the weekend possession shall begin at 6 p.m. on Thursday. When a federal, state, or local holiday falls on a Friday during the summer months in which school is not in session, the weekend possession shall begin at 6 p.m. on Thursday.

b. Monday Holidays. If a weekend period of possession coincides with a student holiday or teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, the weekend possession shall end at 6 p.m. on Monday. When a federal, state, or local holiday falls on a Monday during the summer months in which school is not in session, the weekend possession shall end at 6 p.m. on Monday.

3. Weekdays. On Thursday of each week during the regular school term, beginning at 6 p.m. and ending at 8 p.m.

4. Spring Vacation in Even-Numbered Years. In even-numbered years, beginning at 6 p.m. on the day the child's school is dismissed for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation.

5. Extended Periods of Summer Possession

a. With Written Notice by April 1. If Matthew Porter gives Rebecca Nance written notice by April 1 of each year specifying an extended period or periods of summer possession, Matthew Porter shall have possession of the child for 30 days beginning no earlier than the day after the child's school is dismissed for the summer

vacation and ending no later than seven days before school resumes at the end of the summer vacation, to be exercised in no more than two separate periods of at least seven consecutive days each, with each period of possession beginning at 6 p.m. and ending at 6 p.m.

b. Failure to Give Written Notice by April 1. If Matthew Porter does not give Rebecca Nance written notice by April 1 of each year specifying an extended period or periods of summer possession, Matthew Porter shall have possession of the child in that year, beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31.

IT IS ORDERED that, when Matthew Porter resides 100 miles or less from the primary residence of the child, Rebecca Nance shall have the right to possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years. In odd-numbered years, beginning at 6 p.m. on the day the child's school is dismissed for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation.
2. Summer Weekend Possession. If Rebecca Nance gives Matthew Porter written notice by April 15 of each year, Rebecca Nance shall have possession of the child on any one weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during one period of the extended summer possession by Matthew Porter, provided that Rebecca Nance picks up the child from Matthew Porter and returns the child to that same place.
3. Additional Summer Weekend Possession. If Rebecca Nance gives Matthew Porter written notice by April 15 of each year or gives Matthew Porter 14 days written notice on or after April 16 of a year, Rebecca Nance may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by Matthew Porter shall not take place in that year, provided that the weekend designated does not interfere with Matthew Porter's period or periods of extended summer possession.

4. Location of Pickup and Return. Additionally, after receiving notice from Rebecca Nance designating the summer weekend during which Rebecca Nance is to have possession of the child, Matthew Porter, not later than the 15th day before the Friday that begins that designated weekend, must give Rebecca Nance written notice of the location at which Rebecca Nance is to pick up and return the child. Otherwise, the location of pickup and return shall be at Walmart Supercenter, 2401 Avondale-Haslet Road, Haslet, Texas 76052.

Conservators Who Reside Over 100 Miles Apart

IT IS ORDERED that, except as otherwise expressly provided in this Order, when Matthew Porter resides more than 100 miles from the residence of the child, Matthew Porter shall have the right to possession of the child as follows:

1. Weekends

a. On weekends throughout the year, beginning at 6 p.m. on the first, third, and fifth Friday of each month and ending at 6 p.m. on Sunday.

b. Alternate Weekend Option. In lieu of the alternating weekend possession schedule in the previous paragraphs, Matthew Porter may elect to have possession of the child not more than one weekend per month of the Matthew Porter's choice beginning at 6 p.m. on the day school recesses for the weekend and ending at 6 p.m. on the day before school resumes after the weekend, provided that Matthew Porter gives Rebecca Nance 14 days' written or telephonic notice preceding a designated weekend, and provided that Matthew Porter elects an option for this alternative period of possession by written notice given to Rebecca Nance within 90 days after the parties begin to reside more than 100 miles apart. Matthew Porter may not choose weekends under this alternate option that conflict with rights of possession granted to Rebecca Nance in other parts of this Order.

2. Weekend Possession Extended by Holiday

a. Friday Holidays. If a weekend period of possession coincides with a student holiday or teacher in-service day that falls on a Friday

during the regular school term, as determined by the school in which the child is enrolled, the weekend possession shall begin at 6 p.m. on Thursday. When a federal, state, or local holiday falls on a Friday during the summer months in which school is not in session, the weekend possession shall begin at 6 p.m. on Thursday.

b. Monday Holidays. If a weekend period of possession coincides with a student holiday or teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, the weekend possession shall end at 6 p.m. on Monday. When a federal, state, or local holiday falls on a Monday during the summer months in which school is not in session, the weekend possession shall end at 6 p.m. on Monday.

3. Spring Vacation. Matthew Porter shall have possession of the child every year beginning at 6 p.m. on the day the child's school is dismissed for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation.

4. Extended Periods of Summer Possession

a. With Written Notice by April 1. If Matthew Porter gives Rebecca Nance written notice by April 1 of each year specifying an extended period or periods of summer possession, Matthew Porter shall have possession of the child for 42 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, to be exercised in no more than two separate periods of at least seven consecutive days each, with each period of possession beginning at 6 p.m. and ending at 6 p.m.

b. Without Written Notice by April 1. If Matthew Porter does not give Rebecca Nance written notice by April 1 of each year specifying an extended period or periods of summer possession, Matthew Porter shall have possession of the child for 42 consecutive days in that year beginning at 6 p.m. on June 15 and ending at 6 p.m. on July 27.

Except as otherwise expressly provided in this Possession Order, it is expressly ORDERED that Rebecca Nance shall have right to possession of the child as follows:

1. Summer Weekend Possession by Rebecca Nance —

If Rebecca Nance gives Matthew Porter written notice by April 15 of a year, Rebecca Nance shall have possession of the child on any one weekend beginning at 6 p.m. on Friday and ending at 6 p.m. on the following Sunday during any one period of possession by Matthew Porter during Matthew Porter's extended summer possession in that year, provided that if a period of possession by Matthew Porter in that year exceeds thirty days, Rebecca Nance may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that Rebecca Nance picks up the child from Matthew Porter and returns the child to that same place and that no weekend so designated interferes with Father's Day possession.

2. Extended Summer Possession by Rebecca Nance —

If Rebecca Nance gives Matthew Porter written notice by April 15 of a year, Rebecca Nance may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which Matthew Porter shall not have possession of the child, provided that the period or periods so designated do not interfere with Matthew Porter's period or periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6 p.m. on each applicable day.

Holiday Possession Periods Unaffected by Distance

The following specified holidays supersede any rights for conflicting weekend or weekday possession periods which may have been specified above:

1. Christmas Vacation in Even-Numbered Years. Matthew Porter shall have possession of the child in even-numbered years beginning at 6 p.m. on the day the child's school is dismissed and ending at 12 p.m. on December 28. Rebecca Nance shall have possession of the child in even-numbered years beginning at 12 p.m. on December 28 and ending at 6 p.m. on the day before school resumes after Christmas.
2. Christmas Vacation in Odd-Numbered Years. Rebecca Nance shall have possession of the child in odd-numbered years beginning at 6 p.m. on the day the child's school is dismissed and ending at 12 p.m. on December 28. Matthew Porter shall have possession of the child in odd-numbered years beginning at 12 p.m. on December 28 and ending at 6 p.m. on the day before school resumes after that vacation.
3. Thanksgiving Vacation in Odd-Numbered Years. Matthew Porter shall have possession of the child in odd-numbered years beginning at 6 p.m. on the day the child's school is dismissed and ending at 6 p.m. on the Sunday following Thanksgiving.
4. Thanksgiving Vacation in Even-Numbered Years. Rebecca Nance shall have possession of the child in even-numbered years beginning at 6 p.m. on the day the child's school is dismissed and ending at 6 p.m. on the Sunday following Thanksgiving.
5. Child's Birthday. The conservator not otherwise entitled under this Order to present possession of a child on the child's birthday shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that the conservator picks up the child from the residence of the conservator entitled to possession and returns the child to that same place.
6. Father's Day. Matthew Porter shall have possession of the child beginning at 6 p.m. on the Friday preceding Father's Day and ending at 6 p.m. on Father's Day, provided that, if Matthew Porter is not otherwise entitled under this Order to present possession of the child, Matthew Porter picks up the child from the residence of the conservator entitled to possession and returns the child to that same place. No extended summer or otherwise designated period of possession shall interfere with this Father's Day possession period.

7. Mother's Day. Rebecca Nance shall have possession of the child beginning at 6 p.m. on the Friday preceding Mother's Day and ending 6 p.m. on Mother's Day, provided that, if Rebecca Nance is not otherwise entitled under this Order to present possession of the child, Rebecca Nance picks up the child from the residence of the conservator entitled to possession and returns the child to that same place.

Periods Not Designated

IT IS ORDERED that Rebecca Nance shall have the right to possession of the child at all times that are not specifically designated as periods of possession for Matthew Porter in this Order.

General Terms and Conditions

Except as otherwise expressly provided in this Order, the following terms and conditions of possession of a child apply without regard to the distance between the residence of a conservator and the child:

1. Surrender of Child by Rebecca Nance. Rebecca Nance shall surrender the child to Matthew Porter at the beginning of each period of Matthew Porter's possession at the Walmart Supercenter, 2401 Avondale-Haslet Road, Haslet, Texas 76052.

2. Surrender of Child by Matthew Porter. At the end of each period of Matthew Porter's possession, Matthew Porter shall surrender the child to Rebecca Nance at the Walmart Supercenter, 2401 Avondale-Haslet Road, Haslet, Texas 76052.

3. Personal Effects. Each conservator shall return with the child the personal effects that the child brought at the beginning of the period of possession.

4. Designation of Competent Adult. Either conservator may designate a competent adult to pick up and return the child, as applicable. A conservator

or a designated competent adult shall be present when the child is picked up or returned.

5. Inability to Exercise Possession. A conservator shall give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for a specified period.

6. Written Notice. Written notice, including notice provided by electronic mail or facsimile, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due.

7. Notice to School and Conservator Not in Possession. If a conservator's time of possession of a child ends at the time school resumes and for any reason the child is not or will not be returned to school, the conservator in possession of the child shall immediately notify the school and the other conservator that the child will not be or has not been returned to school.

8. IT IS ORDERED that Matthew Porter shall not allow Christopher Porter to be in possession of, have access to, or be in the presence of the child during any period of his possession.

Tax Returns for the Child

IT IS ORDERED that Rebecca Nance has the exclusive right and duty to prepare and file income tax returns for the child. IT IS ORDERED that Matthew Porter provide to Rebecca Nance all information requested for the preparation of the child's income tax returns no later than the earlier of March 1 of that year, or 30 days following receipt of a written request for the information. Any requested information that becomes available after that date should be provided to the requesting party within 10 days of its receipt.

Passport Application

IT IS ORDERED that a parent whose consent is required for the issuance of a passport for the child must consent in writing within 5 days of receiving a request for consent, unless that parent has good cause to withhold consent.

Child Support

Child Support Obligation of Matthew Porter

IT IS ORDERED that, except as otherwise expressly provided in this Order, Matthew Porter shall pay child support totaling five hundred ten and 36/100 dollars (\$510.36) per month to Rebecca Nance for support of the child. Such amount shall be paid on the first day of each month. The first such payment is due and payable on February 1, 2025, and a like payment is due and payable on the first day of each month thereafter until further order of this Court.

Confirmation of Zero Judgment

The Court finds and confirms that Matthew Porter is in arrears in the amount of zero and no/100 dollars (\$0.00) as of January 31, 2025. The includes all unpaid child support and any balance owed on previously confirmed arrearages or

retroactive support judgments as of the specified date. The judgment for this amount is a cumulative judgment.

IT IS ORDERED that a judgment is granted against Matthew Dewayne Porter and in favor of the Office of the Attorney General in the amount of \$0.00.

Duration of Support Obligation

IT IS FURTHER ORDERED that the child support obligation of Matthew Porter shall continue until the first month following the date of the earliest occurrence of one of the following events:

1. Ian Edward Cruz reaches 18 years of age or graduates from high school, whichever occurs later. The child support obligation will not, however, be reduced so long as the child remains enrolled:
 - a. under Chapter 25 of the Texas Education Code, in an accredited secondary school program leading toward a high school diploma and complying with the minimum attendance requirements of Subchapter C, Chapter 25 of the Texas Education Code;
 - b. under Section 130.008 of the Texas Education Code, in courses for joint high school and junior college credit and complying with the minimum attendance requirements of Subchapter C, Chapter 25 of the Texas Education Code; or
 - c. on a full-time basis in a private secondary school in a program leading toward a high school diploma and complying with the minimum attendance requirements imposed by that school;
2. Ian Edward Cruz marries;
3. Ian Edward Cruz dies;

4. Ian Edward Cruz enlists in the armed forces of the United States and begins active service as defined by Section 101 of the United States Code; or

5. Ian Edward Cruz has the disabilities of minority removed by Court order, or other operation of law.

On the first occurrence of one of the above events, the child support obligation of Matthew Porter shall terminate.

Withholding for Child Support

As used in this Order for Withholding for Child Support, the following words have these meanings:

1. "Earnings" means payments to or due Matthew Porter, regardless of source and how denominated. The term includes: periodic or lump-sum payments for wages, salary, compensation received as an independent contractor, overtime pay, severance pay, commission, bonus, and interest income; as well as periodic or lump-sum payments made under a pension, an annuity, workers' compensation, and a disability or retirement program; unemployment benefits; compensation from a transportation network company as defined by Section 2402.001, Occupations Code; and compensation from a person that operates a technology platform used to make deliveries to customers.

2. "Disposable earnings" means that part of the earnings of Matthew Porter remaining after the deduction from those earnings of any amounts required by law to be withheld for union dues, nondiscretionary retirement contributions, and medical, hospitalization, and disability insurance coverage for Matthew Porter and Matthew Porter's child.

IT IS ORDERED that any employer of Matthew Porter shall withhold for child support from Matthew Porter's disposable earnings.

IT IS ORDERED that a credit against Matthew Porter's child support obligation is created equal to all amounts withheld by the employer and paid in compliance with this Court's Order.

IT IS ORDERED that Matthew Porter's child support obligation is discharged by payment of the full amount of child support ordered to be paid under this Order by means of withholding from Matthew Porter's earnings.

IT IS ORDERED that if the amount withheld from Matthew Porter's earnings and credited against the child support obligations is less than 100 percent of the amount ordered to be paid under this Order, the resulting balance constitutes a continuing obligation of Matthew Porter, which Matthew Porter is ORDERED to pay directly to the state disbursement unit as described in this Order.

IT IS ORDERED that the employer shall remit payments of child support to the state disbursement unit and the state disbursement unit should promptly remit the payments to Rebecca Nance for the support of Ian Edward Cruz.

IT IS ORDERED that if Matthew Porter's employer's address changes, or if Matthew Porter's employment terminates, Matthew Porter shall notify this Court and Rebecca Nance of either event, by U.S. certified mail, return receipt requested, within 7 days after the occurrence of the event. Contained in the above notice, or as soon as new information becomes available, Matthew Porter IS FURTHER

ORDERED to provide this Court and Rebecca Nance, as applicable, with Matthew Porter's current address, and the name and address of Matthew Porter's current employer.

The court clerk will send a certified copy of the Income Withholding for Support to the employer upon request from a prosecuting attorney, Title IV-D agency, friend of the court, domestic relations office, party to this suit, or an attorney representing a party to this suit.

Child Support Payment Instructions

IT IS ORDERED that all child support payments made by Matthew Porter shall be made through the Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, TX 78265-9791. Payments will then be promptly remitted to Rebecca Nance for the support of the child.

Payments by Matthew Porter shall be made payable to the Office of the Attorney General and include the 10-digit Office of the Attorney General case number (if available), this suit's cause number, Matthew Porter's name as the noncustodial parent (NCP), and Rebecca Nance's name as the custodial parent (CP).

IT IS FURTHER ORDERED that each party shall pay all fees charged against that party by the State Disbursement Unit and any other agency authorized by statute to charge a fee.

Payment options and specific remittance information for each type of payment method can be found on the Attorney General of Texas' website at: <https://www.texasattorneygeneral.gov/cs/payment-options-and-types>.

No Offset

IT IS ORDERED that any expense incurred by Matthew Porter during periods of possession of, or access to, the child, or any payment made by Matthew Porter for the food, clothing, shelter, travel, entertainment, gifts, or other expense items of the child are considered to be in addition to, and not in lieu of the child support obligation.

Obligation of the Estate

All child support obligations provided in this Order shall not terminate on the obligor's death, but shall continue as an obligation of obligor's estate. Any payment received by an obligee for the benefit of the child, including life insurance proceeds, annuity payments, trust or other fiduciary distributions, including retirement survivor benefits, and payments from the Social Security Administration, Department of Veteran Affairs, or other governmental agency,

shall be a credit against the obligor's estate's child support obligation. Any unpaid balance of the child support obligation remaining after due application of all credits is an obligation of obligor's estate.

Termination of Support on Marriage of the Parties

IT IS ORDERED that all child support obligations payable by one parent to the other parent shall terminate upon the marriage of the parents, unless a nonparent or agency has been appointed conservator of the child under Chapter 153 of the Texas Family Code.

Child Support Modification Notice

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

- 1. THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR**
- 2. IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.**

Medical and Dental Support

Definitions

As used in this Order:

- (a) “Health insurance” means insurance coverage that provides basic health care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services for a child, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under Chapter 32 of the Texas Human Resources Code.
- (b) “Reasonable cost” of health insurance means the cost of health insurance coverage for a child that does not exceed 9 percent of the obligor's annual resources, as described by Section 154.062(b) of the Texas Family Code.
- (c) “Dental insurance” means insurance coverage that provides preventative dental care and other dental services, including usual dentist services, office visits, examinations, X-rays, and emergency services, that may be provided through a single service health maintenance organization or other private or public organization.
- (d) “Reasonable cost” of dental insurance means the cost of dental insurance coverage for a child that does not exceed 1.5 percent of the obligor's annual resources, as described by Section 154.062(b) of the Texas Family Code.
- (e) “Reasonable and necessary health care expenses” include office visit and prescription medicine copayments, deductibles, medical, surgical, mental health-care services, prescription drugs, vision and dental expenses for a child that does not exceed 9 percent of the obligor's annual resources, as described by Section 154.062(b) of the Texas Family Code, but shall not include expenses for travel to and from the provider or for nonprescription medication.

Duration of Medical Support Obligation

IT IS ORDERED that the duties to obtain and to pay for health care and dental coverage for the child as provided in this Order shall continue for so long as a parent has a duty to provide child support for such child.

Government Provided Health Care

The Court finds that the child is presently covered by a government medical assistance program or health plan. IT IS ORDERED that Rebecca Nance shall continue such enrollment until the child is covered by another health insurance program or health plan or is no longer eligible for participation in the government medical assistance program.

Cash Medical Support

IT IS ORDERED that Matthew Porter shall pay one hundred and no/100 dollars (\$100.00) per month to Rebecca Nance as cash medical support to compensate Rebecca Nance for the insurance costs for the child. Said amount shall be paid monthly, with the first payment of \$100.00 due and payable on February 1, 2025, and a like payment being due and payable on the first day of each month thereafter, so long as child support is due under this Order.