

CV19-04-307-1
CAUSE NO: CV19-04-307

IN THE INTEREST OF	§	IN THE DISTRICT COURT OF
	§	
CHILDREN	§	WISE COUNTY, TEXAS
	§	
ALICE ROSE BATTS		
IAN EDWARD CRUZ	§	271 ST 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

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 exchanged. Ms. Nance was observed with a black eye, 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. Porter 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.

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, DISMISSED
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

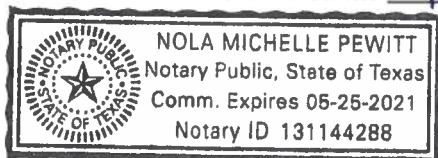
At this time no interstate placement is planned. If an interstate placement becomes an option DFPS will comply with the Interstate Compact on the Placement of Children, TEX. FAM. CODE CH. 162, SUBCHAPTER B.

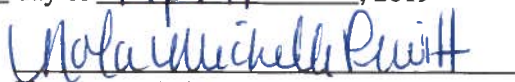
10. CONCLUSION

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




Notary Public in and for the State of Texas

My commission expires 5-25-2021