



## CITATION BY POSTING

THE STATE OF TEXAS:  
DEPARTMENT OF FAMILY AND PROTECTIVE  
SERVICES  
VS.  
HILTS, BRENDA  
ENGLEBERT, ERIC

Cause No: 2797  
IN THE  
47TH JUDICIAL DISTRICT COURT  
OF ARMSTRONG COUNTY, TEXAS

**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 30 days after the date you were served this citation and petition, a default judgment may be taken against you." *TRCP.99*

### TO: UNKNOWN FATHER OF DUSTIN ENGLEBERT- Defendant - GREETING

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 thirty days after the date of service of this citation before the Honorable 47TH JUDICIAL DISTRICT COURT of Armstrong County, at the Courthouse in said County in Claude, Texas. Said Plaintiff's Petition was filed in said court on the 8th day of January 2024 in the above-entitled cause.

A brief statement of the nature of this suit is as follows, to wit:

**PERMANENCY ORIGINAL PETITION FOR PROTECTION OF A CHLD, FOR CONSERVATORSHIP,  
AND FOR TERMINATION IN SUIT AFFECTING THE PARENT-CHILD REALTIONSHIP AND HEARING  
ORDER BEFORE FINAL ORDER- UNKNOWN FATHER OF DUSTIN ENGLEBERT**

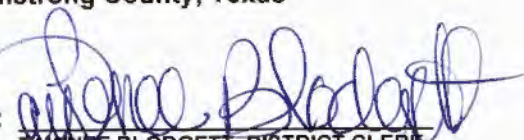
As is more fully shown by Plaintiff's Petition on file in this suit.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make do return as the law directs.

Issued and given under my hand and seal of said Court at Claude, Texas, this 30th day of September 2024.

**Attorney for Plaintiff or Plaintiff:**  
DEPARTMENT OF FAMILY & PROTECTIVE  
SERVICES  
ANDREA CHISM  
3521 S.W. 15TH AVENUE  
AMARILLO, TX 79102

**Clerk of the Court:**  
TAWNEE BLODGETT, DISTRICT CLERK  
47TH JUDICIAL DISTRICT COURT  
Armstrong County, Texas

By:   
TAWNEE BLODGETT, DISTRICT CLERK







**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

2797  
**CAUSE NO.** \_\_\_\_\_

<b>IN THE INTEREST OF</b>	<b>§</b>	<b>IN THE DISTRICT COURT OF</b>
	<b>§</b>	
<b>DUSTIN ENGLEBERT</b>	<b>§</b>	<b>ARMSTRONG COUNTY, TEXAS</b>
	<b>§</b>	
<b>A CHILD</b>	<b>§</b>	<b>47TH JUDICIAL DISTRICT</b>

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

*This Original Petition for Protection of a Child, for Conservatorship, and for Termination in Suit Affecting the Parent-Child Relationship is brought by the Department of Family and Protective Services ("the Department"), whose address is 121 2nd Street NE, Childress, Texas 79201 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 Child:**

The following child is the subject of this suit:

Name:	<b>DUSTIN ENGLEBERT</b>
Sex:	<b>Male</b>
Birth Date:	<b>October 6, 2023</b>
Indian Child Status:	<b>An inquiry regarding the child or family's possible Indian ancestry is not complete due to ex parte proceedings or similar circumstances</b>

**5. Parties to be Served**

5.1. The mother of the child the subject of this suit is:

Party: **BRENDA HILTS**  
Date of Birth: **July 8, 1987**  
Address: **Unknown, Colorado**

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

5.2. The alleged father of the child is:

Party: **ERIC ENGLEBERT**  
Date of Birth: **November 12, 1979**  
Address: **Unknown, Colorado**

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

5.3. To the best of the Department's knowledge, there are no Court-ordered conservatorships, guardianships, or other court-ordered relationships affecting the child the subject of this suit.

5.4. The Attorney General's office will be served 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.

**6. 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.

**7. 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 is attached to the Original Petition.

**8. Property Owned by the Child**

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

**9. Reasonable Efforts to Reunify Family**

9.1. The Department made reasonable efforts, consistent with time and circumstances prior to the child's removal and prior to the placement of the child in foster care, to prevent or eliminate the need for removal of the child and the Department has made reasonable efforts to make it possible for the child to return home.



- 9.2. The Department will make reasonable efforts to eliminate the need for the child's removal and to enable the return of the child to the parent.
- 9.3. The child would not be adequately protected in the child's home with an order for the removal of the alleged perpetrator under Section 262.1015 or 262.1016 or a protective order issued under Title 4;
- 9.4. Placing the child with a relative or designated caregiver or with a caregiver under a parental child safety placement agreement authorized by Subchapter L, Chapter 264:
  - 9.4.1. was offered but refused;
  - 9.4.2. was not possible because there was no time, consistent with the physical health or safety of the child and the nature of the emergency, to conduct the caregiver evaluation; or
  - 9.4.3. would pose an immediate danger to the physical health or safety of the child.
  - 9.4.4. if the child is in a parental child safety placement: In accordance with § 264.905, Texas Family Code, the Department is not prevented from removing a child at any time from a person who makes a parental child safety placement or from a caregiver if removal is determined to be necessary by the Department for the safety and welfare of the child as provided by Chapter 262.
- 9.5. The continuation of the child in the home would be contrary to the child's welfare and reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to prevent or eliminate the need for removal of the child.

## **10. Request for Emergency Orders**

- 10.1. On January 5, 2024, the child the subject of this suit was taken into the possession of the Department in compliance with § 262.104, Texas Family Code.
- 10.2. The Department attached to this Petition an affidavit setting out the facts of this case.
- 10.3. There is a continuing danger to the physical health or safety of the child if returned to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who was entitled to possession of the child.

## **11. Temporary Managing Conservatorship**

The Department requests that the court immediately, without notice or a Full Adversary Hearing, appoint the Department as temporary sole managing conservator of the child as provided in Chapter 262 and § 105.001(a)(1) and (h), Texas Family Code.



## **12. Required Information**

- 12.1. The Department requests that each Parent, Alleged Father or Relative of the child before the Court provide the full name and current address or whereabouts and phone number of any absent parent of the child the subject of this suit pursuant to Rule 194, Texas Rules of Civil Procedure and §262.201, Texas Family Code.
- 12.2. The Department requests that each Parent, Alleged Father or Relative of the child before the Court submit the Child Placement Resources Form provided under § 261.307, if the form has not previously been provided and provide the Department and the Court the full name and current address or whereabouts and phone number of any and all relatives of the child the subject of this suit with whom the Department may place the child during the pendency of this suit, pursuant to Rule 194, Texas Rules of Civil Procedure, and § 262.201, Texas Family Code.
- 12.3. The Department requests that each parent of the child 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.
- 12.4. The Department requests that each parent of the child the subject of this suit provide to the Department and the Court evidence of health insurance available for the child, pursuant to Rule 196, Texas Rules of Civil Procedure, and § 154.182, Texas Family Code.
  - 12.4.1. Further that if private health insurance is in effect, the Department requests that each parent provide the identity of the insurance company, the policy number, which parent is responsible for the payment of any insurance premium, whether the coverage is provided through a parent's employment, and the cost of such premium.
  - 12.4.2. If private health insurance is not in effect, the Department requests that each parent provide information on whether the child is receiving medical assistance under chapter 32 Human Resource Code; or the child is receiving health benefits coverage under the state child health plan under chapter 62, Health and Safety Code and the cost of any premium or if either parent has access to private health insurance at reasonable cost to the parent.
- 12.5. The Department requests that each Respondent provide the Department and the Court information sufficient to establish the parentage and immigration status of the child, 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, pursuant to Rule 196, Texas Rules of Civil Procedure.



- 12.6. The Department requests that each Respondent furnish to the Department all information necessary to ensure the Department has an adequate medical history for the child, 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.
- 12.7. The Department requests that each parent of the child provide any information regarding whether the child has Native American heritage and identify any Native American tribe with which the child may be associated and provide all available family history information relevant to determination of Indian child status on request.
- 12.8. The Department requests that, at the Full Adversary 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.

**13. Determination of Parentage: ERIC ENGLEBERT**

- 13.1. The Department requests the Court to determine whether **ERIC ENGLEBERT** is the father of, pursuant to Chapter 160, Texas Family Code.
- 13.2. If the allegation of parentage is admitted, the Court should waive genetic testing and enter temporary orders, including orders for temporary support of the child pursuant to § 160.624, Texas Family Code.
- 13.3. If **ERIC ENGLEBERT** appears and any party denies paternity, the Court should immediately order the alleged father, and the child to submit to genetic testing pursuant to § 160.502 Texas Family Code.
- 13.4. **ERIC ENGLEBERT**, on final court proceeding, if adjudicated to be the father, should be ordered to pay retroactive support pursuant to § 154.009, Texas Family Code.
- 13.5. If any party denies the presumption that a man presumed to be the father of the child is in fact the biological father of the child subject of this suit, the Department requests that the Court order genetic testing and pretrial proceedings as provided by Chapter 160, Texas Family Code, if such testing is permitted by that chapter.

**14. Request for Temporary Orders**

At the Full Adversary Hearing under §262.201, Texas Family Code, the Court should render temporary orders under §105.001, Texas Family Code, to include but not be limited to:



- 14.1. a provision appointing the Department temporary sole managing conservator of the child, with all of the rights and duties listed in § 153.371, Texas Family Code, pending the final disposition of this suit;
  - 14.1.1. a provision authorizing the Department to consent to medical care for the subject child, pursuant to § 266.004, Texas Family Code;
- 14.2. a provision authorizing the Department or its employee or designee to consent to medical care of the child, pursuant to § 266.004, Texas Family Code;
- 14.3. a provision pursuant to § 154.001(b), Texas Family Code, ordering the parents of the child to make payments for the temporary support of the child, pending final disposition of this suit, these child support payments to be withheld from their disposable earnings;
- 14.4. a provision that any child support ordered to be paid for the support of the child **DUSTIN ENGLEBERT** as a result of any prior court orders be ordered to be redirected and paid to the Texas Department of Family and Protective Services.
- 14.5. a provision ordering the parents of the child to provide health insurance for the child under §§ 154.182 and 154.183, Texas Family Code, pending final disposition of the suit;
- 14.6. a provision restricting the parents' possession and access to the child the subject of this suit;
- 14.7. a provision for the preparation of a social study into the circumstances and conditions of the child and the home of any person requesting managing conservatorship or possession of the child;
- 14.8. a provision ordering the parents of the child to submit to the Department the Child Placement Resources Form required under § 261.307, Texas Family Code;
- 14.9. a provision ordering the parents of the child to submit to psychological examinations;
- 14.10. a provision ordering the parents of the child to attend counseling sessions to address the specific issues that led to the removal of the child from the home and to attend counseling sessions to address any additional issues arising from the psychological examinations or from the counseling sessions;
- 14.11. a provision ordering the parents of the child to attend parenting classes as requested by the Department;
- 14.12. a provision ordering the Respondents to submit to a drug and alcohol assessment and to complete a substance abuse treatment program if needed;



- 14.13. a provision ordering the parents of the child 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;
- 14.14. 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;
- 14.15. 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.

**15. Reunification**

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

**16. Permanent Conservatorship and Support of the Child**

**16.1. Conservatorship**

- 16.1.1. Pursuant to §§ 153.005 and 263.404, Texas Family Code, if the child 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 child; if the child 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 child.
- 16.1.2. Pursuant to § 153.131, Texas Family Code, the appointment of a parent as permanent managing conservator of the child is not in the child's best interest, because the appointment would significantly impair the child's physical health or emotional development.
- 16.1.3. Pursuant to § 153.191, Texas Family Code, the appointment of a parent as permanent possessory conservator of the child is not in the best interest of child and parental possession or access would endanger the physical or emotional welfare of the child.
- 16.1.4. If conservatorship is awarded under this section, the application of the guidelines for possession and access to the child, as set out in §§ 153.311, *et seq.*, Texas Family Code, would not be in the child's best interest. The parents of the child, as possessory conservators of the child, should have limited access to and possession of the child, under conditions and restrictions prescribed by the Court for the best interests of the child.



## **16.2. Support**

- 16.2.1. Each parent should be ordered to make payments for the support of the child 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 child should survive the death of either parent and become the obligation of the deceased Parent's estate.
- 16.2.2. Each parent should be ordered to provide health insurance for the child in accordance with §§ 154.182 and 154.183, Texas Family Code.
- 16.2.3. 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.

## **17. Termination of BRENDA HILTS'S Parental Rights**

If reunification with the mother cannot be achieved, the Court should terminate the parent-child relationship between **BRENDA HILTS** and the child, **DUSTIN ENGLEBERT** the subject of this suit under Chapter 161, Texas Family Code, if both of the following are shown:

### **17.1. BRENDA HILTS has committed any of the following acts or omissions:**

- 17.1.1. voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return, pursuant to § 161.001(b)(1)(A), Texas Family Code;
- 17.1.2. voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months, pursuant to § 161.001(b)(1)(B), Texas Family Code;
- 17.1.3. 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;
- 17.1.4. 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;
- 17.1.5. 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;



17.1.6. had her parent-child relationship terminated with respect to another child based on a finding that the mother's conduct was in violation of § 161.001(b)(1)(D) or (E), Texas Family Code, or substantially equivalent provisions of the law of another state, pursuant to § 161.001(b)(1)(M), Texas Family Code;

17.1.6.1. This petition has been filed not later than the first anniversary of the date the Department or an equivalent agency in another state was granted managing conservatorship of a child in the case that resulted in the termination of the parent-child relationship with respect to that child based on a finding that the mother's conduct violated § 161.001 (b)(1)(D) or (E), Texas Family Code, or a substantially equivalent provision of the law of another state.

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

17.1.8. 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 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;

17.1.9. 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;

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

**18. Termination of Alleged Father ERIC ENGLEBERT'S Parental Rights**

The Department requests that the Court terminate the parent-child relationship between **ERIC ENGLEBERT**, the alleged father, and, a child the subject of this suit, under § 161.002, Texas Family Code, if any of the following is shown:

18.1. After being served with citation, he has not responded by timely filing an admission of paternity or a counterclaim for paternity under Chapter 160;



- 18.2. He has not registered with the paternity registry under Chapter 160, Texas Family Code; or
- 18.3. He has registered with the paternity registry under Chapter 160, Texas Family Code, but the Department's attempt to personally serve citation at the address provided to the registry and at any other address for the alleged father known by the Department has been unsuccessful, despite the due diligence of the Department.

If **ERIC ENGLEBERT** appears and is established as the father, or is determined to be the presumed father, and reunification with the father cannot be achieved, the Court should terminate the parent-child relationship between **ERIC ENGLEBERT** and the child under Chapter 161, Texas Family Code, if both of the following are shown:

- 18.4. **ERIC ENGLEBERT** has committed any of the following acts or omissions:
  - 18.4.1. voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return, pursuant to § 161.001(b)(1)(A), Texas Family Code;
  - 18.4.2. voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months, pursuant to § 161.001(b)(1)(B), Texas Family Code;
  - 18.4.3. voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months, pursuant to § 161.001(b)(1)(C), Texas Family Code;
  - 18.4.4. 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;
  - 18.4.5. 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;
  - 18.4.6. 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;
  - 18.4.7. had his parent-child relationship terminated with respect to another child based on a finding that the father's conduct was in violation of § 161.001(b)(1)(D) or (E), Texas Family Code, or substantially equivalent provisions of the law of another state, pursuant to § 161.001(b)(1)(M), Texas Family Code;



18.4.7.1. This petition was filed not later than the first anniversary of the date the Department or an equivalent agency in another state was granted managing conservatorship of a child in the case that resulted in the termination of the parent-child relationship with respect to that child based on a finding that the father's conduct violated § 161.001 (b)(1)(D) or (E), Texas Family Code, or a substantially equivalent provision of the law of another state.

18.4.8. 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;

18.4.9. 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;

18.4.10. 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;

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

**19. Attorney Ad Litem and Guardian Ad Litem for the Child**

19.1. The immediate appointment of an attorney *ad litem* for the child is required by § 107.012, Texas Family Code.

19.2. The immediate appointment of a guardian *ad litem* to represent the interests of the child is required by § 107.011, Texas Family Code.



19.3. 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 child the subject of this suit to the attorney *ad litem* and guardian *ad litem* is in the best interests of the child, 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.

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

**20.1. Indigent Parent**

If a parent responds in opposition to this 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.

**20.2. Parent with Mental or Emotional Illness or Deficiency**

If termination of parental rights is sought due to the inability of a parent to provide for the physical, emotional, and mental needs of the child due to mental or emotional illness or deficiency, the appointment of an attorney *ad litem* to represent the parent is required by § 161.003(b), Texas family Code.

**20.3. Other Parents Entitled to Appointment of Attorney Ad Litem**

20.3.1. 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.

20.3.2. If the Court finds that the 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.



**20.4. 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.

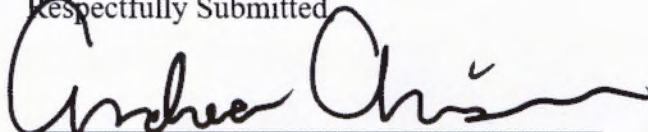
**21. Statutory Warning to Parents**

The Department requests that the Court inform each parent in open court as required by §§ 262.201(c) and 263.006, Texas Family Code, at the Full Adversary Hearing, at the Status Hearing, and at each subsequent Permanency Hearing Before Final Order 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 child with a safe environment.

**22. Prayer**

- 22.1. 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.
- 22.2. The Department prays that the Court immediately grant emergency orders in conformity with the allegations of this petition.
- 22.3. The Department prays for attorney's fees, expenses, and costs.
- 22.4. The Department prays for general relief.

Respectfully Submitted



**ANDREA L. CHISM**

Attorney for Petitioner,  
Department of Family and Protective Services  
3521 S.W. 15th Avenue  
Amarillo, Texas 79102

*email:* Andrea.Chism@dfps.texas.gov

*phone:* (806) 341-4867

*fax:* (512) 927-5707

State Bar # 24105234



**CAUSE NO.**

**IN THE INTEREST OF**

**DUSTIN ENGLEBERT**

**A CHILD**

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**IN THE COUNTY COURT**

**47<sup>TH</sup> JUDICIAL DISTRICT**

**ARMSTRONG COUNTY, TEXAS**

**AFFIDAVIT IN SUPPORT OF REMOVAL**

**STATE OF TEXAS**

**COUNTY OF ARMSTRONG**

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

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

**1. CHILD**

**Name:** Dustin Englebert

**DOB:** October 6, 2023

**Place of birth:** Amarillo, Texas USA

**Current address:** 711 Dyer Street, Claude, Texas 79109

**Any other address during past 6 months:** 1628 N. Nelson Street, Amarillo, Texas 79107

**2. PARENTS - MANAGING CONSERVATOR - MEMBERS OF THE HOUSEHOLD**

**Mother**

**Name:** Brenda Hilts

**DOB:** July 8, 1987

**Current address:** Unknown

**Any other address during past 6 months:** 1628 N. Nelson St., Amarillo, Texas 79107

**Father**

**Name:** Eric Englebert

**DOB:** November 12, 1979

**Current address:** Unknown



**Any other address during past 6 months:** 711 Dyer Street, Claude, Texas 79109 & 1628 N. Nelson St., Amarillo, Texas 79107

### 3. 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.

### 4. INDIAN CHILD STATUS

#### **Mother**

☒ Denies tribal connection

☐ Unavailable/unable to answer

☐ Reports tribal connection as follows: \_\_\_\_\_

#### **Father**

☒ Denies tribal connection

☐ Unavailable/unable to answer

☐ Reports tribal connection as follows: \_\_\_\_\_

#### **Child**

☐ Denies tribal connection

☒ Unavailable/unable to answer.

☐ Reports tribal connection as follows: \_\_\_\_\_

### 5. ALLEGATIONS

On November 29, 2023, the Department received a report alleging neglectful supervision of Dustin Englebert by Eric Englebert and Sally Garza. There were concerns for neglectful supervision due to Dustin's father, Eric leaving Dustin in the care of family friend, Sally Garza. This is concerning due to Sally's serious and ongoing child protective services involvement in Oklahoma. Eric is Dustin's legal father. Brenda Hilts is Dustin's mother. In a prior CPS case opened in October, a safety plan was signed stating, Sally Garza could not be alone with Dustin. Brenda has extensive history with child protective services in Colorado and Oklahoma and has had her parental rights terminated.

### 6. FACTS NECESSITATING REMOVAL

On January 5, 2024, The Texas Department of Family and Protective Services took exigent custody of Dustin Englebert, and placed him in foster care due to the exigent circumstances:

- Ms. Brenda Hilts and Mr. Eric Englebert have failed to make adequate childcare arrangements for Dustin Englebert. Ms. Brenda Hilts and Mr. Eric Englebert left Dustin in the care of a family friend, Glen and Charla Rogers, with no plans on assuming their



parental responsibility of Dustin. Glen and Charla Rogers are not able to care for Dustin any longer, placing Dustin in immediate danger.

On November 30, 2023, I, Investigator Jessica Lepe was assigned to investigate this case.

On November 30, 2023, I contacted Dustin's father, Eric Englebert. I reviewed the 3010 with Eric and sent it to him via-email. He signed this form verbally and in written response via text message. He agreed to speak with me. He reported that he is in Colorado and wants to return to Texas to pick up Dustin. When he left Claude without Dustin, he was reportedly kicked out of the home he and Dustin were staying at and was not allowed by Sally to take Dustin with him. Sally and other household members are caring for Dustin. He said he does not have the financial means to travel to Texas to pick up Dustin. Eric ask that I or Colorado Child Protective Services provide financial means to pick the child up and take him to Eric. I advised that would more than likely not be possible but that arrangements could be made to meet at the Texas state line with Dustin and he said he would not be able to make this trip without assistance from one or the other Department. He is currently staying at the Salvation Army and has no mailing address. He asked that all information be sent to him via e-mail. I let him know I would be meeting with Dustin and his caregivers today and speak with him after this.

On November 30, 2023, Investigator Aguirre and I conducted an unannounced home visit at the home of Sally Garza in Claude, Texas. I was greeted by Sally Garza who reported she lived in the home with other family members. She confirmed Dustin is in the home and that Eric is no longer there. She said Eric left a few days ago because he chose to leave in the middle of the night. He did want to take Dustin with him, but he had no vehicle therefore he left on foot and it was 21 degrees outside and she other household members made the decision to not let Eric take Dustin. She also knew he had nowhere to go and would be homeless. I met with other household members, Charla and Glen Rogers, who reported they are caring for Dustin. They are aware that Sally can't be left alone with Dustin due to her open CPS case in Oklahoma. They want to care for Dustin as they have been involved with him since he was born and feel Eric and Brenda are unable to care for him. During this home visit I observed Dustin. He is almost 2 months old. He was appropriately dressed in a sleeper. He was undressed so that I could observe his body and he had no concerning marks or bruises on him. No concerns were noted with Dustin. Charla and Glen were very loving of him during this visit.

On November 30, 2023, I called Brenda Hilts. I reviewed the 3010 with Brenda and sent it via-email. She signed this form verbally and in written response via text message. She agreed to speak with me. Brenda didn't give a reason as to why she left Dustin in the care of his father, Eric. I informed her that Eric had left Dustin in the care of Sally Garza and other household members. I informed her the other members are Charla and Glen Rogers. Brenda said she wanted Dustin to remain in the care of Glen and Charla and not be returned to Eric.

On November 30, 2023, I staffed this case with Supervisor, Jamie Blount. Background checks were completed for Charla and Glen Englebert and it was determined that they were appropriate caregivers and appeared protective as they both said they have not allowed any unsupervised contact between Dustin and Sally. We were not able to explore a Parental Child Safety Placement as Eric does not want Dustin there and we are not saying as a department



that Dustin cannot be with Eric. Eric needs to be advised that if and when he is able to pick up Dustin from the current caregivers, he will need to contact law enforcement and notify them that he was kicked out of the home and not allowed to take his child with him as this is a legal matter at this point.

On November 30, 2023, I contacted Eric and let him know that he would need to make his own arrangements to retrieve Dustin from the home if and when he was able to travel to Claude and the Department would not be able to assist.

On December 11, 2023, a 2<sup>nd</sup> intake was received in regards to Dustin Englebert and two additional children, Mairead and Glen III Rogers. It was reported the 3 children were in the care of Sally Garza. Due to prior and recent contact with the family I confirmed this is not true.

On December 14, 2023, I obtained medical records for Dustin from Texas Tech Physicians Pediatrics. Dustin's last well child check was a 2 month check up on December 7, 2023. His formula was changed to Enfamil Gentle Ease. Development is normal. He is at 16 percentile for weight weighing 4.95 kilograms. Dental referral was made but he has no teeth. 2-month immunizations were given. He will need to return in 2 months. He was there with caregiver. It was noted that child lives with his father, mother and grandparents. HIPPA was signed by Eric Englebert and that is who brought him in. I explained that Eric is no longer in the home and Glen and Charles maybe signing as father. I advised it was agreed that Dustin could stay with Glen and Charla and Sally but Sally can't be left alone.

On December 14, 2023 I spoke with Charla Rogers. She discussed as follows: Dustin is doing good. She confirmed that he went to his doctor appointment. WIC is not wanting to give the prescribed formula because WIC is under Eric. She did buy some formula with her medicaid OTC card so they do have formula for now. When Sally went to court in Oklahoma Dustin stayed in Claude with her (Charla). Eric nor Brenda have contacted them to see how Dustin is doing.

On January 2, 2024, I sent Brenda and Eric an email attaching, an Authorization Agreement for Voluntary Adult Caregivers and explained why this was needed. Both parties failed to respond and as of January 5, 2024 had failed to complete and return this form.

On January 5, 2024, I contacted Charla Rogers and attempted to set up a home visit with the family to discuss the case. Charla said she and the family are in the process of moving back to Amarillo and agreed to meet with me at the Wal-Mart parking lot in Amarillo, Texas. Shortly after this call I met with the family in the parking lot. I observed Dustin in a car seat and he also was dressed appropriately and smiled when spoken to. Dustin's caregiver, Glenn Rogers then asked if I he could surrender Dustin to the Department as Dustin's mother, Brenda Hilts and father, Eric Englebert have failed to provide any paperwork in place that would allow them to renew his medicaid and such benefits. Glen said he and Charla are no longer able to meet Dustin's needs as they are not able to sign up for benefits for Dustin due to not being his legal guardian. Glen and Charla both said this was a very hard and sad decision for them to make but they can no longer assist with caring for Dustin. They also do not wish to have any further DFPS involvement and feel that with continued care of Dustin this will be the case.



On January 5, 2024, I attempted a phone call to Ms. Brenda Hilts and Mr. Eric Englebert. I did not receive an answer.

On January 5, 2024, I CPI Lepe staffed for emergency removal of Dustin from Brenda Hilts and Eric Englebert as their decisions have led to a situation in which they are unable to provide immediate care for Dustin. Dustin is unable to care for himself and there is no known relative/fictive kin in Texas available to take care of Dustin. Dustin is in a situation where he is left with inadequate supervision, no proper shelter or food thus endangering his health and safety. Removal was granted.

On January 5, 2024, I spoke to Brenda Hilts and informed her of the current situation. She said she needed a few days to figure out a plan for gas money but wanted Dustin. I advised I would be sending her the removal paperwork via e-mail as she has no physical address to send it to and she agreed. She agreed to review the paperwork and to complete it. I let her know an adversary would be scheduled and she could present to the Judge why Dustin needs to be returned to her care then. She asked me to tell Dustin that she loves him.

On January 5, 2024, I later received a missed call from Mr. Eric Englebert and I was unable to take his phone call.

On January 5, 2024, Investigator Leonor Aguirre and I placed Dustin in a family foster home. Dustin was all smiles and never cried while awaiting placement or at placement. Dustin appears to be healthy and developmentally on target as he is attempting to sit up when partially laying down. He is attempt to side roll when laying down. He coos when talked to.

On January 6, 2024, I spoke to Mr. Eric Englebert and informed him of what took place on January 5, 2024. He said he is currently in the hospital for the 2<sup>nd</sup> time due to a viral infection. He wants Dustin back in his care but couldn't provide any details as to how he can do that. I advised I would be sending the removal paperwork via e-mail today and via mail on Monday. He has a mailing address but no physical residence address. He agreed to review the paperwork and complete it.

## **7. Reasonable Efforts to Prevent or Eliminate Removal**

- \* Dustin would not adequately be protected in the care of Brenda Hilts and Eric Englebert as they have both reported they have no physical addresses and currently live out of state with no immediate way to pick up Dustin.
- \* Placement of Dustin with a relative or designated caregiver or with a caregiver under a parental child safety placement agreement was not possible as his current caregivers reported being unable to meet Dustin's needs and there were no other known possible parental child safety placements.
- \* Brenda and Eric were provided with an Authorization Agreement for Voluntary Adult Caregivers and they failed to complete this form.

## **8. CPS HISTORY**



On October 7, 2023 the department received a referral alleging neglectful supervision of Dustin by an unknown caregiver. There were concerns due to Brenda's possible cognitive challenges. During this investigation Brenda left to Colorado without Dustin. Dustin remained in the care of his father, Eric Englebert. The allegations of Neglectful Supervision were ruled out.

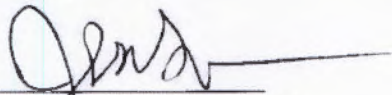
There is no other CPS history in Texas.

## 9. ICPC COMPLIANCE

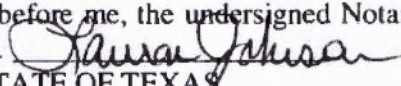
At this time no interstate placement is planned. If an interstate placement becomes an option DFPS will comply with the Interstate Compact on the Placement of Children, TEX. FAM. CODE CH. 162, SUBCHAPTER B.

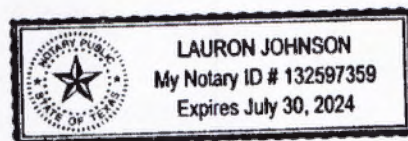
## 10. CONCLUSION

The Department respectfully requests temporary managing conservatorship of Dustin Englebert. All reasonable efforts, consistent with time and circumstances, have been made by the Department of Family and Protective Services to prevent or eliminate the need for removal of Dustin Englebert and to make it possible for him to remain in the care of his parents, Ms. Brenda Hilts and Mr. Eric Englebert.



Jessica Lepe, Investigator IV  
Texas Department of Family and Protective Services

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public on this the 8th day of January 2024.   
NOTARY PUBLIC in and for the STATE OF TEXAS  
Commission Expires:





### 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.

Gail Ruiz on behalf of Andrea Chism

Bar No. 24105234

Gail.Ruiz@dfps.texas.gov

Envelope ID: 83184567

Filing Code Description: Petition

Filing Description: Petition for Protection of A Child in an Emergency

01.08.2024

Status as of 1/8/2024 3:38 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Judge Baker		rachel.cady@txcourts.gov	1/8/2024 2:50:34 PM	SENT
Amarillo AreaCASA		amacasa@amarillocasa.org	1/8/2024 2:50:34 PM	SENT
Andrea L.Chism		andrea.chism@dfps.texas.gov	1/8/2024 2:50:34 PM	SENT
Bailey Sapien	24121817	baileysapien@gmail.com	1/8/2024 2:50:34 PM	SENT







**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**CAUSE NO. 2797**

<b>IN THE INTEREST OF</b>	<b>§</b>	<b>IN THE DISTRICT COURT OF</b>
	<b>§</b>	
<b>DUSTIN ENGLEBERT</b>	<b>§</b>	<b>ARMSTRONG COUNTY, TEXAS</b>
	<b>§</b>	
<b>A CHILD</b>	<b>§</b>	<b>47TH JUDICIAL DISTRICT</b>

**FIRST AMENDED PETITION FOR PROTECTION OF A CHILD,  
FOR CONSERVATORSHIP, AND FOR TERMINATION  
IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP**

*This First Amended Petition for Protection of a Child, for Conservatorship, and for Termination in Suit Affecting the Parent-Child Relationship is brought by the Department of Family and Protective Services ("the Department"), whose address is 121 2nd Street NE, Childress, Texas 79201 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 jurisdiction of this suit.

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

**3. The Child:**

The following child is the subject of this suit:

Name:	<b>DUSTIN ENGLEBERT</b>
Sex:	<b>Male</b>
Birth Date:	<b>October 6, 2023</b>
Indian Child Status:	<b>An inquiry regarding the child or family's possible Indian ancestry is not complete due to ex parte proceedings or similar circumstances</b>



**4. Parties to be Served**

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

Party: **BRENDA HILTS**  
Date of Birth: **July 8, 1987**  
Address: **1337 Spruce Street, Pueblo, CO 81004**

Service of citation will be achieved pursuant to Rule 21a, Texas Rules of Civil Procedure.

4.1.1. **BRENDA HILTS** is not a resident of Texas but is entitled to citation.

4.1.2. The child the subject of this suit resides in Texas as a result of the acts or directives of **BRENDA HILTS**.

4.2. The alleged father of the children **DUSTIN ENGLEBERT** is:

Party: **ERIC ENGLEBERT**  
Date of Birth: **November 12, 1979**  
Address: **7929 Kirby Drive Apt#2178, Houston, TX 77054**

Service of citation will be achieved pursuant to Rule 21a, Texas Rules of Civil Procedure.

4.3. The name and location of the father of **DUSTIN ENGLEBERT** is **Unknown**. Citation by publication or other substituted service is necessary for the reasons stated in an attached affidavit or in an affidavit that will be filed with the Court.

4.4. To the best of the Department's knowledge, there are no Court-ordered conservatorships, guardianships, or other court-ordered relationships affecting the child the subject of this suit.

4.5. The Attorney General's office will be served 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 is attached to the Original Petition.

**7. Property Owned by the Child**

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

**8. Reasonable Efforts to Reunify Family**

- 8.1. The Department made reasonable efforts, consistent with time and circumstances prior to the child's removal and prior to the placement of the child in foster care, to prevent or eliminate the need for removal of the child and the Department has made reasonable efforts to make it possible for the child to return home.
- 8.2. The Department will make reasonable efforts to eliminate the need for the child's removal and to enable the return of the child to the parent.
- 8.3. The child would not be adequately protected in the child's home with an order for the removal of the alleged perpetrator under Section 262.1015 or 262.1016 or a protective order issued under Title 4;
- 8.4. Placing the child with a relative or designated caregiver or with a caregiver under a parental child safety placement agreement authorized by Subchapter L, Chapter 264:
  - 8.4.1. was offered but refused;
  - 8.4.2. was not possible because there was no time, consistent with the physical health or safety of the child and the nature of the emergency, to conduct the caregiver evaluation; or
  - 8.4.3. would pose an immediate danger to the physical health or safety of the child.
  - 8.4.4. if the child is in a parental child safety placement: In accordance with § 264.905, Texas Family Code, the Department is not prevented from removing a child at any time from a person who makes a parental child safety placement or from a caregiver if removal is determined to be necessary by the Department for the safety and welfare of the child as provided by Chapter 262.
- 8.5. The continuation of the child in the home would be contrary to the child's welfare and reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to prevent or eliminate the need for removal of the child.

**9. Request for Emergency Orders**

- 9.1. On January 5, 2024, the child the subject of this suit was taken into the possession of the Department in compliance with § 262.104, Texas Family Code.



- 9.2. The Department attached to the original Petition an affidavit setting out the facts of this case.
- 9.3. There is a continuing danger to the physical health or safety of the child if returned to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who was entitled to possession of the child.

**10. Temporary Managing Conservatorship**

The Department requests that the Court, after notice and a court proceeding, appoint the Department as temporary managing conservator of the child 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 child before the Court provide the full name and current address or whereabouts and phone number of any absent parent of the child the subject of this suit pursuant to Rule 194, Texas Rules of Civil Procedure and §262.201, Texas Family Code.
- 11.2. The Department requests that each Parent, Alleged Father or Relative of the child before the Court submit the Child Placement Resources Form provided under § 261.307, if the form has not previously been provided and provide the Department and the Court the full name and current address or whereabouts and phone number of any and all relatives of the child the subject of this suit with whom the Department may place the child during the pendency of this suit, pursuant to Rule 194, Texas Rules of Civil Procedure, and § 262.201, Texas Family Code.
- 11.3. The Department requests that each parent of the child 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 child the subject of this suit provide to the Department and the Court evidence of health insurance available for the child, pursuant to Rule 196, Texas Rules of Civil Procedure, and § 154.182, Texas Family Code.
  - 11.4.1. Further that if private health insurance is in effect, the Department requests that each parent provide the identity of the insurance company, the policy number, which parent is responsible for the payment of any insurance premium, whether the coverage is provided through a parent's employment, and the cost of such premium.



- 11.4.2. If private health insurance is not in effect, the Department requests that each parent provide information on whether the child is receiving medical assistance under chapter 32 Human Resource Code; or the child is receiving health benefits coverage under the state child health plan under chapter 62, Health and Safety Code and the cost of any premium or if either parent has access to private health insurance at reasonable cost to the parent.
- 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 child, 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, pursuant to 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 child, 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 child provide any information regarding whether the child has Native American heritage and identify any Native American tribe with which the child 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 Full Adversary 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. Determination of Parentage: ERIC ENGLEBERT**

- 12.1. The Department requests the Court to determine whether **ERIC ENGLEBERT** is the father of **DUSTIN ENGLEBERT**, pursuant to Chapter 160, Texas Family Code.
- 12.2. If the allegation of parentage is admitted, the Court should waive genetic testing and enter temporary orders, including orders for temporary support of the children pursuant to § 160.624, Texas Family Code.
- 12.3. If **ERIC ENGLEBERT** appears and any party denies paternity, the Court should immediately order the alleged father, and the children to submit to genetic testing pursuant to § 160.502 Texas Family Code.



- 12.4. **ERIC ENGLEBERT**, on final court proceeding, if adjudicated to be the father, should be ordered to pay retroactive support pursuant to § 154.009, Texas Family Code.
- 12.5. If any party denies the presumption that a man presumed to be the father of the child is in fact the biological father of the child subject of this suit, the Department requests that the Court order genetic testing and pretrial proceedings as provided by Chapter 160, Texas Family Code, if such testing is permitted by that chapter.

### 13. Request for Temporary Orders

At the Full Adversary Hearing under §262.201, Texas Family Code, the Court should render temporary orders under §105.001, Texas Family Code, to include but not be limited to:

- 13.1. a provision appointing the Department temporary sole managing conservator of the child, with all of the rights and duties listed in § 153.371, Texas Family Code, pending the final disposition of this suit;
  - 13.1.1. a provision authorizing the Department to consent to medical care for the subject child, pursuant to § 266.004, Texas Family Code;
- 13.2. a provision authorizing the Department or its employee or designee to consent to medical care of the child, pursuant to § 266.004, Texas Family Code;
- 13.3. a provision pursuant to §154.001(b), Texas Family Code, ordering the parents of the child to make payments for the temporary support of the child, pending final disposition of this suit, these child support payments to be withheld from their disposable earnings;
- 13.4. a provision that any child support ordered to be paid for the support of the child **DUSTIN ENGLEBERT** as a result of any prior court orders be ordered to be redirected and paid to the Texas Department of Family and Protective Services.
- 13.5. a provision ordering the parents of the child to provide health insurance for the child under §§ 154.182 and 154.183, Texas Family Code, pending final disposition of the suit;
- 13.6. a provision restricting the parents' possession and access to the child the subject of this suit;
- 13.7. a provision for the preparation of a social study into the circumstances and conditions of the child and the home of any person requesting managing conservatorship or possession of the child;
- 13.8. a provision ordering the parents of the child to submit to the Department the Child Placement Resources Form required under § 261.307, Texas Family Code;



- 13.9. a provision ordering the parents of the child to submit to psychological examinations;
- 13.10. a provision ordering the parents of the child to attend counseling sessions to address the specific issues that led to the removal of the child from the home and to attend counseling sessions to address any additional issues arising from the psychological examinations or from the counseling sessions;
- 13.11. a provision ordering the parents of the child to attend parenting classes as requested by the Department;
- 13.12. a provision ordering the Respondents to submit to a drug and alcohol assessment and to complete a substance abuse treatment program if needed;
- 13.13. a provision ordering the parents of the child 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;
- 13.14. 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;
- 13.15. 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.

#### **14. Reunification**

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

#### **15. Permanent Conservatorship and Support of the Child**

##### **15.1. Conservatorship**

- 15.1.1. Pursuant to §§ 153.005 and 263.404, Texas Family Code, if the child 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 child; if the child 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 child.



- 15.1.2. Pursuant to § 153.131, Texas Family Code, the appointment of a parent as permanent managing conservator of the child is not in the child's best interest, because the appointment would significantly impair the child's physical health or emotional development.
- 15.1.3. Pursuant to § 153.191, Texas Family Code, the appointment of a parent as permanent possessory conservator of the child is not in the best interest of child and parental possession or access would endanger the physical or emotional welfare of the child.
- 15.1.4. If conservatorship is awarded under this section, the application of the guidelines for possession and access to the child, as set out in §§ 153.311, *et seq.*, Texas Family Code, would not be in the child's best interest. The parents of the child, as possessory conservators of the child, should have limited access to and possession of the child, under conditions and restrictions prescribed by the Court for the best interests of the child.

## 15.2. Support

- 15.2.1. Each parent should be ordered to make payments for the support of the child 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 child should survive the death of either parent and become the obligation of the deceased Parent's estate.
- 15.2.2. Each parent should be ordered to provide health insurance for the child in accordance with §§ 154.182 and 154.183, Texas Family Code.
- 15.2.3. 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.

## 16. Termination of BRENDA HILTS' Parental Rights

If reunification with the mother cannot be achieved, the Court should terminate the parent-child relationship between **BRENDA HILTS** and the child, **DUSTIN ENGLEBERT** the subject of this suit under Chapter 161, Texas Family Code, if both of the following are shown:

- 16.1. **BRENDA HILTS** has committed any of the following acts or omissions:
  - 16.1.1. voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return, pursuant to § 161.001(b)(1)(A), Texas Family Code;



- 16.1.2. voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months, pursuant to § 161.001(b)(1)(B), Texas Family Code;
- 16.1.3. voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months, pursuant to § 161.001(b)(1)(C), Texas Family Code;
- 16.1.4. 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;
- 16.1.5. 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;
- 16.1.6. 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;
- 16.1.7. had her parent-child relationship terminated with respect to another child based on a finding that the mother's conduct was in violation of § 161.001(b)(1)(D) or (E), Texas Family Code, or substantially equivalent provisions of the law of another state, pursuant to § 161.001(b)(1)(M), Texas Family Code;
  - 16.1.7.1. This petition has been filed not later than the first anniversary of the date the Department or an equivalent agency in another state was granted managing conservatorship of a child in the case that resulted in the termination of the parent-child relationship with respect to that child based on a finding that the mother's conduct violated § 161.001 (b)(1)(D) or (E), Texas Family Code, or a substantially equivalent provision of the law of another state.
- 16.1.8. 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 mother; (2) the mother has not regularly visited or maintained significant contact with the child; and (3) the mother has demonstrated an inability to provide the child with a safe environment, pursuant to § 161.001(b)(1)(N), Texas Family Code;
- 16.1.9. 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 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;

16.1.10. 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 Alleged Father ERIC ENGLEBERT'S Parental Rights**

The Department requests that the Court terminate the parent-child relationship between **ERIC ENGLEBERT**, the alleged father, and **DUSTIN ENGLEBERT**, children the subject of this suit, under § 161.002, Texas Family Code, if any of the following is shown:

- 17.1. After being served with citation, he has not responded by timely filing an admission of paternity or a counterclaim for paternity under Chapter 160;
- 17.2. He has not registered with the paternity registry under Chapter 160, Texas Family Code; or
- 17.3. He has registered with the paternity registry under Chapter 160, Texas Family Code, but the Department's attempt to personally serve citation at the address provided to the registry and at any other address for the alleged father known by the Department has been unsuccessful, despite the due diligence of the Department.

If **ERIC ENGLEBERT** appears and is established as the father, or is determined to be the presumed father, and reunification with the father cannot be achieved, the Court should terminate the parent-child relationship between **ERIC ENGLEBERT** and the children **DUSTIN ENGLEBERT** under Chapter 161, Texas Family Code, if both of the following are shown:

- 17.4. **ERIC ENGLEBERT** has committed any of the following acts or omissions:
  - 17.4.1. voluntarily left the children alone or in the possession of another not the parent and expressed an intent not to return, pursuant to § 161.001(b)(1)(A), Texas Family Code;
  - 17.4.2. voluntarily left the children alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the children, and remained away for a period of at least three months, pursuant to § 161.001(b)(1)(B), Texas Family Code;



- 17.4.3. voluntarily left the children alone or in the possession of another without providing adequate support of the children and remained away for a period of at least six months, pursuant to § 161.001(b)(1)(C), Texas Family Code;
- 17.4.4. 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;
- 17.4.5. 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;
- 17.4.6. 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;
- 17.4.7. had his parent-child relationship terminated with respect to another child based on a finding that the father's conduct was in violation of § 161.001(b)(1)(D) or (E), Texas Family Code, or substantially equivalent provisions of the law of another state, pursuant to § 161.001(b)(1)(M), Texas Family Code;
  - 17.4.7.1. This petition was filed not later than the first anniversary of the date the Department or an equivalent agency in another state was granted managing conservatorship of a child in the case that resulted in the termination of the parent-child relationship with respect to that child based on a finding that the father's conduct violated § 161.001 (b)(1)(D) or (E), Texas Family Code, or a substantially equivalent provision of the law of another state.
- 17.4.8. 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 father; (2) the father has not regularly visited or maintained significant contact with the children; and (3) the father has demonstrated an inability to provide the children with a safe environment, pursuant to § 161.001(b)(1)(N), Texas Family Code;
- 17.4.9. 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 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;
- 17.4.10. 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;

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

**18. Termination of Unknown Father's Parental Rights**

The Department requests that the Court terminate the parent-child relationship between the unknown father and **DUSTIN ENGLEBERT**, a child the subject of this suit, under § 161.002, Texas Family Code, if any of the following is shown:

- 18.1. After being served with citation, he has not responded by timely filing an admission of paternity or a counterclaim for paternity under Chapter 160 prior to the final court proceeding in this suit;
- 18.2. He has not registered with the paternity registry under Chapter 160, Texas Family Code; or
- 18.3. He has registered with the paternity registry under Chapter 160, Texas Family Code, but the Department's attempt to personally serve citation at the address provided to the registry and at any other address for the alleged father known by the Department has been unsuccessful, despite the due diligence of the Department.

**19. Attorney Ad Litem and Guardian Ad Litem for the Child**

- 19.1. The immediate appointment of an attorney *ad litem* for the child is required by § 107.012, Texas Family Code.
- 19.2. The immediate appointment of a guardian *ad litem* to represent the interests of the child is required by § 107.011, Texas Family Code.
- 19.3. 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 child the subject of this suit to the attorney *ad litem* and guardian *ad litem* is in the best interests of the child, 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.



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

**20.1. Indigent Parent**

If a parent responds in opposition to this 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.

**20.2. Parent with Mental or Emotional Illness or Deficiency**

If termination of parental rights is sought due to the inability of a parent to provide for the physical, emotional, and mental needs of the child due to mental or emotional illness or deficiency, the appointment of an attorney *ad litem* to represent the parent is required by § 161.003(b), Texas family Code.

**20.3. Other Parents Entitled to Appointment of Attorney Ad Litem**

20.3.1. 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.

20.3.2. If the Court finds that the 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.

**20.4. 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.

**21. Statutory Warning to Parents**

The Department requests that the Court inform each parent in open court as required by §§ 262.201(c) and 263.006, Texas Family Code, at the Full Adversary Hearing, at the Status Hearing, and at each subsequent Permanency Hearing Before Final Order 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 child with a safe environment.



**22. Prayer**

- 22.1. 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.
- 22.2. The Department prays for attorney's fees, expenses, and costs.
- 22.3. The Department prays for general relief.

Respectfully Submitted,



**TODD L. ALVEY**

Attorney for Petitioner,  
Department of Family and Protective Services  
3521 S.W. 15th Avenue  
Amarillo, Texas 79102

*email:* todd.alvey@dfps.texas.gov

*phone:* (806) 640-3643

*fax:* (512) 927-5707

State Bar # 01129500

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been sent by the following methods to the following parties:

**BAILEY SAPIEN, Via E-Service**

**SAVANAH J. KINGCADE, Via E-Service**

**AMARILLO AREA CASA, Via E-Service**

**ERIC ENGLEBERT, 7929 Kirby Drive Apt#2178, Houston, TX 77054**

**Via CMRRR**

in accordance with the Texas Rules of Civil Procedure 21a on February 8, 2024.



**TODD L. ALVEY**

Attorney for the Petitioner



### Automated Certificate of eService

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Gail Ruiz on behalf of Todd Alvey

Bar No. 1129500

Gail.Ruiz@dfps.texas.gov

Envelope ID: 84303464

Filing Code Description: No Fee Documents

Filing Description: First Amended Petition for Protection of A Child

02.08.2024

Status as of 2/12/2024 6:25 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Venice Mincey		venice.mincey@st-francis.org	2/8/2024 2:10:20 PM	SENT
Charla Faulkner		charla.faulkner@st-francis.org	2/8/2024 2:10:20 PM	SENT
Court Mailbox		txreg1court@st-francis.org	2/8/2024 2:10:20 PM	SENT
Nurti Anggraini		nurti.anggraini@st-francis.org	2/8/2024 2:10:20 PM	SENT
Todd Alvey		todd.alvey@dfps.texas.gov	2/8/2024 2:10:20 PM	SENT
Amarillo AreaCASA		amacasa@amarillocasa.org	2/8/2024 2:10:20 PM	SENT
Judge Baker		rachel.cady@txcourts.gov	2/8/2024 2:10:20 PM	SENT
Savanah Kingcade	24102518	savanah@kingcadelaw.com	2/8/2024 2:10:20 PM	SENT
Bailey Sapien	24121817	baileysapien@gmail.com	2/8/2024 2:10:20 PM	SENT
Gail Ruiz		Gail.Ruiz@dfps.texas.gov	2/8/2024 2:10:20 PM	SENT







***Pursuant to TRCP 21d, this court proceeding was held electronically as (1) good cause existed and no objection was made; (2) objection was made and the Court overruled the objection and found good cause existed; or (3) the parties agreed to the electronic proceeding.***

**NOTICE: THIS DOCUMENT  
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**CAUSE NO. 2797**

**IN THE INTEREST OF**

**DUSTIN ENGLEBERT**

**A CHILD**

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**IN THE DISTRICT COURT OF**

**ARMSTRONG COUNTY, TEXAS**

**47TH JUDICIAL DISTRICT**

**ORDER APPOINTING ATTORNEY AD LITEM FOR UNKNOWN FATHER**

The Court finds that appointment of an Attorney *Ad Litem* for **UNKNOWN FATHER OF DUSTIN ENGLEBERT** is mandatory under § 107.013 of the Texas Family Code, Rule 244, Texas Rules of Civil Procedure, or other provisions of law.

**IT IS THEREFORE ORDERED** that **TRACIE REILLY**, a licensed attorney at law of this state, is appointed Attorney *Ad Litem* for **UNKNOWN FATHER OF DUSTIN ENGLEBERT**.

The attorney *ad litem* shall examine the record in this case and may present evidence to the court concerning the diligence used to identify, locate, or obtain service on the defaulting party § 161.002, Texas Family Code.

SIGNED this 26th day of September, 2024.

  
ASSOCIATE JUDGE



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Gail Ruiz on behalf of Eugene Graff

Bar No. 24130204

Gail.Ruiz@dfps.texas.gov

Envelope ID: 92526670

Filing Code Description: No Fee Documents

Filing Description: Permanency Hearing Order Before Final Order

09.25.2024

Status as of 9/30/2024 12:57 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Court Mailbox		txreg1court@st-francis.org	9/27/2024 10:21:30 AM	SENT
Nurti Anggraini		nurti.anggraini@st-francis.org	9/27/2024 10:21:30 AM	SENT
Sara Zinmer		Sara.Zinmer@st-francis.org	9/27/2024 10:21:30 AM	SENT
Amarillo AreaCASA		amacasa@amarilocasa.org	9/27/2024 10:21:30 AM	SENT
Judge Baker		rachel.cady@txcourts.gov	9/27/2024 10:21:30 AM	SENT
Tracie Reilly	24090988	Tracie@reillylawfirmTX.com	9/27/2024 10:21:30 AM	SENT
Savanah Kingcade	24102518	savanah@kingcadelaw.com	9/27/2024 10:21:30 AM	SENT
Bailey Sapien	24121817	baileysapien@gmail.com	9/27/2024 10:21:30 AM	SENT
Gail Ruiz		Gail.Ruiz@dfps.texas.gov	9/27/2024 10:21:30 AM	SENT
Kimberly Darnall		sapienparalegal@gmail.com	9/27/2024 10:21:30 AM	SENT
Eugene Graff		eugene.graff@dfps.texas.gov	9/27/2024 10:21:30 AM	SENT
Carla K.King		Carla@amarilocasa.org	9/27/2024 10:21:30 AM	SENT
Venice Mincey		venice.mincey@st-francis.org	9/27/2024 10:21:30 AM	SENT







*Pursuant to TRCP 21d, this court proceeding was held electronically as (1) good cause existed and no objection was made; (2) objection was made and the Court overruled the objection and found good cause existed; or (3) the parties agreed to the electronic proceeding.*

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Filed 9/27/2024 10:21 AM  
Tawnee Blodgett, District Clerk  
Armstrong County, Texas  
Tawnee Blodgett

**CAUSE NO. 2797**

**IN THE INTEREST OF  
  
DUSTIN ENGLEBERT  
  
A CHILD**

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**IN THE DISTRICT COURT OF  
  
ARMSTRONG COUNTY, TEXAS  
  
47TH JUDICIAL DISTRICT**

**ORDER OF REFERRAL TO MEDIATION**

This case is referred to mediation in accordance with section 153.0071 of the Texas Family Code. Panhandle Regional Planning Commission is appointed mediator in this case, and all counsel are ordered to contact the mediator to arrange the logistics of mediation within three business days. The mediator's address and telephone number are 415 SW 8<sup>th</sup>, Amarillo, Texas 79101, (806) 372-3381.

This mediation is a mandatory settlement conference, conducted with the assistance of the mediator. A mediated settlement agreement can be made binding on the written agreement of the parties. Mediation is private, confidential, and privileged, except as provided by applicable law. After mediation, the Court will be advised by the mediator, the parties, and counsel only that the case did or did not settle. The mediator shall not be a witness, and the mediator's records may not be subpoenaed or used as evidence. No subpoenas, citations, writs, or other process shall be served at or near the location of any mediation session on any person entering, leaving, or attending any mediation session.

The mediator will negotiate a reasonable fee with the parties, which shall be divided and borne equally by the parties unless agreed otherwise, paid in advance by the parties directly to the mediator, and taxed as costs. If the parties do not agree on the fee requested by the mediator, the mediator is ORDERED to supply the Court with all information requested for compliance with Texas Supreme Court Miscellaneous Docket Order No. 94-9014, and the Court will set a reasonable fee, which shall be taxed as costs. Each party and counsel will be bound by any rules for family law mediation furnished by the mediator and shall complete and supply all information requested by the mediator.



Order of Referral to Mediation

Page 2 of 2

IT IS ORDERED that all named parties shall be present during the entire mediation process. Counsel and parties are ORDERED to agree on a mediation date within the next 15 days. If no agreed date can be scheduled within the next 15 days, the mediator shall select a date for the mediation and all parties are ORDERED to appear as directed by the mediator. Any date so scheduled by the mediator is incorporated in this Order as the date on which the mediation shall occur.

Referral to mediation is not a substitute for trial, and the case will be tried if not settled.

SIGNED on this 26th day of September, 2024.

  
ASSOCIATE JUDGE



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Gail Ruiz on behalf of Eugene Graff

Bar No. 24130204

Gail.Ruiz@dfps.texas.gov

Envelope ID: 92526670

Filing Code Description: No Fee Documents

Filing Description: Permanency Hearing Order Before Final Order

09.25.2024

Status as of 9/30/2024 12:57 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Kimberly Darnall		sapienparalegal@gmail.com	9/27/2024 10:21:30 AM	SENT
Nurti Anggraini		nurti.anggraini@st-francis.org	9/27/2024 10:21:30 AM	SENT
Sara Zinmer		Sara.Zinmer@st-francis.org	9/27/2024 10:21:30 AM	SENT
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Eugene Graff		eugene.graff@dfps.texas.gov	9/27/2024 10:21:30 AM	SENT
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Tawnee Blodgett, District Clerk  
Armstrong County, Texas  
Tawnee Blodgett

**CAUSE NO. 2797**

**IN THE INTEREST OF  
DUSTIN ENGLEBERT  
A CHILD**

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**IN THE DISTRICT COURT OF  
ARMSTRONG COUNTY, TEXAS  
47TH JUDICIAL DISTRICT**

**MOTION FOR SUBSTITUTED SERVICE OF CITATION  
BY POSTING OR OTHER MEANS**

*This Motion for Substituted Service of Citation by Posting or Other Means* is brought by the Department of Family and Protective Services ("the Department"), Petitioner.

1. On January 8, 2024, the Department filed its *First Amended Petition* seeking termination of the parental rights of **UNKNOWN FATHER OF DUSTIN ENGLEBERT**, Respondent.
2. After due diligence, the Department has been unable to obtain the identity of the Respondent whose last name is unknown and unable to locate the whereabouts of the Respondent.
3. The Department asks the Court to authorize the Department to serve Respondent by publication by posting. Publication of notice on the public information Internet website maintained as required by Section 72.034, Government Code, or in the newspaper of record for this county, is unlikely to result in actual notice to the Respondent. Citation by posting at the courthouse door in this county is as likely as publication on the public information Internet website, or in the newspaper of record for this county, to give the Respondent actual notice.
4. **Prayer**

The Department requests this Court to order publication by posting as authorized under §102.010, Texas Family Code.

Respectfully Submitted,



**EUGENE M. GRAFF**

Attorney for Petitioner,  
Department of Family and Protective Services  
3521 S.W. 15th Avenue  
Amarillo, Texas 79102

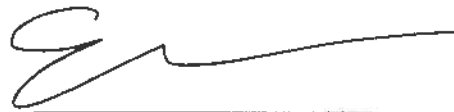
*email:* eugene.graff@dfps.texas.gov  
*phone:* (806) 341-4867  
*fax:* (512) 927-5707  
State Bar # 24130204

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been sent by the following methods to the following parties:

**BAILEY SAPIEN, Via E-Service**  
**SAVANAH J. KINGCADE, Via E-Service**  
**AMARILLO AREA CASA, Via E-Service**  
**TRACIE REILLY, Via E-Service**  
**ERIC ENGLEBERT, 7929 Kirby Drive Apt#2178, Houston, TX 77054, Via CMRRR**

in accordance with the Texas Rules of Civil Procedure 21a on September 25, 2024.



**EUGENE M. GRAFF**  
Attorney for Petitioner



### Automated Certificate of eService

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Gail Ruiz on behalf of Eugene Graff

Bar No. 24130204

Gail.Ruiz@dfps.texas.gov

Envelope ID: 92426433

Filing Code Description: No Fee Documents

Filing Description: Motion for Substituted Service of Citation by Posting or Other Means - Unknown Father 09.25.2024

Status as of 9/25/2024 5:11 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Venice Mincey		venice.mincey@st-francis.org	9/25/2024 10:54:41 AM	SENT
Court Mailbox		txreg1court@st-francis.org	9/25/2024 10:54:41 AM	SENT
Nurti Anggraini		nurti.anggraini@st-francis.org	9/25/2024 10:54:41 AM	SENT
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Carla K.King		Carla@amarilocasa.org	9/25/2024 10:54:41 AM	SENT
Tracie Reilly	24090988	Tracie@reillylawfirmTX.com	9/25/2024 10:54:41 AM	SENT

***Pursuant to TRCP 21d, this court proceeding was held electronically as (1) good cause existed and no objection was made; (2) objection was made and the Court overruled the objection and found good cause existed; or (3) the parties agreed to the electronic proceeding.***

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Armstrong County, Texas  
Tawnee Blodgett

**CAUSE NO. 2797**

**IN THE INTEREST OF**

**DUSTIN ENGLEBERT**

**A CHILD**

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**IN THE DISTRICT COURT OF**

**ARMSTRONG COUNTY, TEXAS**

**47TH JUDICIAL DISTRICT**

**ORDER FOR SUBSTITUTED SERVICE BY POSTING OR OTHER MEANS**

On this date, a *Motion for Substituted Service of Citation by Posting or Other Means* was presented to this Court.

After reviewing the pleadings and hearing argument of counsel, the Court finds that this is a suit filed under Chapter 161 or 262 of the Texas Family Code, that the last name of the Respondent is unknown and that citation as specified in this order is as likely as publication on the public information Internet website maintained as required by Section 72.034, Government Code, or in the newspaper of record for this county, to give **UNKNOWN FATHER OF DUSTIN ENGLEBERT** actual notice.

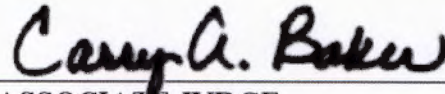
**IT IS THEREFORE ORDERED** that the clerk shall issue, and the Sheriff or Constable shall post and return, citation on **UNKNOWN FATHER OF DUSTIN ENGLEBERT** in this case as authorized under §102.010, Texas Family Code.



## 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 7<sup>TH</sup> 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 3<sup>RD</sup> 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 3<sup>RD</sup> 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 26th day of September, 2024.



ASSOCIATE JUDGE

### Automated Certificate of eService

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Gail Ruiz on behalf of Eugene Graff

Bar No. 24130204

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Filing Description: Permanency Hearing Order Before Final Order

09.25.2024

Status as of 9/30/2024 12:57 PM CST

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