

CAUSE NO. [REDACTED]

DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

VS.

[REDACTED] IN A [REDACTED] ONDENTS

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IN THE 6<sup>TH</sup> DISTRICT COURT

OF

LAMAR COUNTY, TEXAS

FILED FOR RECORD  
LAMAR COUNTY, TEXAS  
2017 AU 29 PM 2:31  
SHAWNITA S. GOLDEN  
DISTRICT CLERK  
BY [REDACTED] DUTY

**ORDER DENYING THE DEPARTMENT'S PETITION FOR ORDER TO PARTICIPATE IN SERVICES**

CAME ON to be heard the 5<sup>th</sup> day of October, 2016, the Department's Petition for Order to Participate in Services. Appearing on behalf of the Department was the State's attorney Malcom McClenchie. The Respondents [REDACTED] appeared along with their attorney Don Haslam.

After considering the pleadings and the evidence presented, the Court DENIES the Department's Petition. Pursuant to Texas Family Code § 264.203(d), the Court makes the following findings in support for its decision to not order participation:

- A. The assertion that the parents were not seeking medical care was unsupported by the evidence and further contradicted by the testimony of both [REDACTED] as well as the Affiant's own statement; and
- B. [REDACTED] testimony that she was not under the influence of some type of mind altering substance while at the Doctor's Office outweighed the Department's evidence on that issue.

In sum and on the whole, the evidence was insufficient to find that the three children the subject of the suit were abused or neglected or that there was a reasonable likelihood that the children may be abused or neglected in the immediate or foreseeable future.

Although the Court's ruling addresses the Departments request for the parents to participate in services and only that request, by implication the Court's ruling does adjudicate the merits of the claims made at this time and based on the evidence presented. In other words, a finding of past or possibly future abuse or neglect would have had to have been made for the relief sought to be granted. Such a finding was not made.

This ruling was made by way of an email dated October 6, 2016, but formally signed on this the 29<sup>th</sup> day of August, 2017.



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JUDGE PRESIDING