

FILED FOR RECORD

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NO. 38338

HEATHER MARLETTE
DISTRICT CLERK
ANDERSON COUNTY, TX

IN THE INTEREST OF:

NIKKI MICHELLE
CURTIS/BOWMAN/ROBERSON,

A CHILD

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§
§

IN THE DISTRICT COURT
THIRD JUDICIAL DISTRICT

ANDERSON COUNTY, TEXAS

ORIGINAL PETITION FOR CUSTODY BY GRANDPARENT, REQUEST FOR
TEMPORARY RESTRAINING ORDER AND REQUEST FOR TEMPORARY ORDERS

1. *Discovery Level*

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

2. *Parties*

This suit is brought by CAROLYN ROBERSON, whose age is 52 years, and ROBERT L. ROBERSON, III, whose age is 33 years. Petitioner, CAROLYN ROBERSON, is the paternal grandmother of the child the subject of this suit, and resides at 308 South Sycamore, Palestine, Texas 75801. Petitioner, ROBERT L. ROBERSON, III, is the biological father of the child the subject of this suit, and resides at 1500 East Langdon Road, Dallas, Texas 75241. Petitioners have standing to bring this suit as more fully detailed below.

3. *Jurisdiction*

No court has continuing jurisdiction of this suit or of the child the subject of this suit.

4. *Child*

The following child, whose actual birth name is unknown to Petitioners, is the subject of this suit:

Name: NIKKI MICHELLE CURTIS/BOWMAN/ROBERSON

Sex: Female

Birthplace: Ft. Worth, Tarrant County, Texas

Birth date: 10/20/1999

Present residence: Route 1, Palestine, Texas 75801

5. *Mother*

The mother of the child the subject of this suit is GWENDOLYN MICHELLE BOWMAN, also known as GWENDOLYN MICHELLE HAMBY, GWENDOLYN MICHELLE SMITH, and GWENDOLYN MICHELLE ROBERSON, who is 22 years of age and resides with her mother, Diane Beggs, at 2309 Ellis Avenue, Apt. 8, Ft. Worth, Texas 76106.

Process should be served at that address.

6. *Maternal Grandfather*

The maternal grandfather of the child is LARRY BOWMAN, who is 54 years of age and resides at Route 1, Palestine, Texas 75801. The child the subject of this suit currently resides with the maternal grandfather and his wife.

Process should be served at that address.

7. *Maternal Step-Grandmother*

The maternal step-grandmother of the child is VERNA BOWMAN, who is 50 years of age and resides at Route 1, Palestine, Texas 75801. VERNA BOWMAN is married to LARRY BOWMAN.

Process should be served at that address.

8. *Court-Ordered Relationships*

There are no court-ordered conservatorships, court-ordered guardianships, or other

court-ordered relationships affecting the child the subject of this suit.

9. *Determination of Parentage*

The Court should determine the parentage of the child subject of this suit. If any party denies parentage, the Court should immediately order parentage testing. The Court should fix a reasonable fee for such testing, order how such fee should be advanced, and tax the fee as Court costs.

10. *Property*

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

11. *Conservatorship*

It is in the best interest of the child the subject of this suit that Petitioners, CAROLYN ROBERSON and ROBERT L. ROBERSON, III, be appointed Joint Temporary Managing Conservators of the child by Order of this Court.

At the time this relief is requested, Petitioners allege the parents of the child are the biological parents, ROBERT L. ROBERSON, III and GWENDOLYN MICHELLE BOWMAN, also known as GWENDOLYN MICHELLE HAMBY, GWENDOLYN MICHELLE SMITH, GWENDOLYN MICHELLE ROBERSON.

The child has been neglected by GWENDOLYN MICHELLE BOWMAN, also known as GWENDOLYN MICHELLE HAMBY, GWENDOLYN MICHELLE SMITH, GWENDOLYN MICHELLE ROBERSON. Petitioner, ROBERT L. ROBERSON, III, father of the child, is incarcerated.

The parents of the child have been living apart for the three-month period preceding the filing of this Petition.

licensed attorney, to preserve and protect the child's rights. Respondents, LARRY BOWMAN, VERNA BOWMAN and GWENDOLYN MICHELLE BOWMAN, also known as GWENDOLYN MICHELLE HAMBY, GWENDOLYN MICHELLE SMITH, GWENDOLYN MICHELLE ROBERSON, should be ordered to pay a reasonable attorney's fee, and judgment should be rendered in favor of this attorney and against Respondents or, in the alternative, reasonable attorney's fees should be taxed as costs and should be ordered paid directly to the undersigned attorney.

15. Statement on Alternative Dispute Resolution

Petitioner, CAROLYN ROBERSON, has signed a statement on alternative dispute resolution, which is attached as Exhibit A.

16. In the Alternative Only

Petitioners request the Court to grant Petitioner, CAROLYN ROBERSON, grandparent access to the child pursuant to Sections 153.432 and 153.433 of the Texas Family Code.

17. Prayer

Petitioners pray that citation and notice issue as required by law and that Petitioners pray that the Court grant relief in accordance with the allegations of this petition.

Petitioners pray the Court immediately grant a temporary restraining order restraining Respondents in conformity with the allegations contained in this Petition from the acts set forth above, and Petitioners further pray that after notice and hearing this temporary restraining order be made a temporary injunction.

Petitioners further pray that Petitioners, CAROLYN ROBERSON and ROBERT L. ROBERSON, III, be named Joint Temporary Managing Conservators of the child, and later

Petitioners request the Court to enter its order appointing Petitioners, CAROLYN ROBERSON and ROBERT L. ROBERSON, as Joint Temporary Managing Conservators of the child.

12. *Request for Temporary Restraining Order*

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

Molesting or disturbing the peace of the child or of another party.

Removing the child beyond the jurisdiction of the Court, acting directly or in concert with others.

Hiding or secreting the child from Petitioners.

13. *Request for Temporary and Permanent Orders Regarding Child*

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

Appointing Petitioners, CAROLYN ROBERSON and ROBERT L. ROBERSON, Joint Temporary Managing Conservators. Petitioners, CAROLYN ROBERSON and ROBERT L. ROBERSON, also request to be named Permanent Joint Managing Conservators if the Court finds the same is in the best interest of the child.

14. *Attorney's Fees*

It was necessary for Petitioners to secure the services of James C. Boone, Jr., a

permanent Joint Managing Conservators of the child.

Petitioners further pray the Court grant a permanent injunction enjoining Respondents in conformity with the allegations of this Petition from the acts set forth above.

Petitioners further pray that in the alternative only, the Court grant Petitioner, CAROLYN ROBERSON, grandparent access to the child.

Petitioners further pray for attorney's fees and other costs.

Petitioners further pray for general relief.

Respectfully submitted,

JAMES C. BOONE, JR.
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Palestine, Texas 75801
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By: 

James C. Boone, Jr.
State Bar No. 02640000
Attorney for Petitioners

STATEMENT ON ALTERNATIVE DISPUTE RESOLUTION

I AM AWARE THAT IT IS THE POLICY OF THE STATE OF TEXAS TO PROMOTE THE AMICABLE AND NONJUDICIAL SETTLEMENT OF DISPUTES INVOLVING CHILDREN AND FAMILIES. I AM AWARE OF ALTERNATIVE DISPUTE RESOLUTION METHODS INCLUDING MEDIATION. WHILE I RECOGNIZE THAT ALTERNATIVE DISPUTE RESOLUTION IS AN ALTERNATIVE TO AND NOT A SUBSTITUTE FOR A TRIAL AND THAT THIS CASE MAY BE TRIED IF IT IS NOT SETTLED, I REPRESENT TO THE COURT THAT I WILL ATTEMPT IN GOOD FAITH TO RESOLVE BEFORE FINAL TRIAL CONTESTED ISSUES IN THIS CASE BY ALTERNATIVE DISPUTE RESOLUTION WITHOUT THE NECESSITY OF COURT INTERVENTION.

ANDERSON COUNTY
DISTRICT CLERK
JANICE STAPLES

Carolyn B. Robinson

EXHIBIT A