

2.7

BRITTNEY JAMES 175-6  
BLANCA MARTINEZ 175-6

CAUSE NO. 201305183J

IN THE INTEREST OF

IN THE DISTRICT COURT OF

NATHANIEL NICHOLAS CONLEY  
HONESTY JACKSON  
DWAYNE JACKSON  
CALEB JACKSON  
TRINITY JACKSON  
JONAH JACKSON

Chris Daniel  
District Clerk  
SEP 19 2013

HARRIS COUNTY, TEXAS

CHILDREN

Time: \_\_\_\_\_  
Harris County, Texas

313th

By \_\_\_\_\_  
Deputy JUDICIAL  
FAMILY/JUVENILE DISTRICT

**AFFIDAVIT**

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, personally appeared **BRITTNEY JAMES**, who was sworn by me and deposed as follows:

“My name is **BRITTNEY JAMES**. I am of sound mind and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

**1. Information to be Submitted to the Court Pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act**

“The present placement of **NATHANIEL NICHOLAS CONLEY** the subject of this suit is: **OWN HOME**

The present placement of **HONESTY JACKSON** the subject of this suit is: **OWN HOME**

The present placement of **DWAYNE JACKSON** the subject of this suit is: **OWN HOME**

The present placement of **CALEB JACKSON** the subject of this suit is: **OWN HOME**

The present placement of **TRINITY JACKSON** the subject of this suit is: **OWN HOME**

The present placement of **JONAH JACKSON** the subject of this suit is: **OWN HOME**

At this time, all the places where the children have lived during the last five years and all the names and present addresses of the persons with whom the children have lived during the period are currently not reasonably ascertainable. The Department will continue their investigation and attempt to discover the information.

To the best of my knowledge, the Department:

Has not participated in any capacity in any other litigation concerning the custody of the children in this or any other state;

Does not have information of any proceeding concerning the children pending in a court of this or any other state;

Does not know of any person not a party to the proceedings who has physical custody of the children or who claims to have custody or visitation rights with respect to the children."

## **2. Interstate Compact on the Placement of Children**

"At the time of the filing of this petition, an interstate placement is not planned, but the Department of Family and Protective Services will comply with all requirements of the Interstate Compact on the Placement of Children as set forth in Chapter 162, Subchapter B, Texas Family Code.

## **3. Facts Necessitating Removal of the Children**

"I have made reasonable efforts under the circumstances to prevent removal of the child but considering the immediate needs to protect the child, removal of the child is necessary."

### **Present Referral / Allegation**

In October 2012, the Texas Department of Family and Protective Services (DFPS) received multiple referrals of physical abuse and neglectful supervision. Nathaniel Conley, Honesty Jackson, Dwayne Jackson, Caleb Jackson, Jonah Jackson and Trinity Jackson live with Valerie Jackson (mother) and David Conley (step father).

On October 17, 2012 it is indicated that the mother, Valerie Jackson, has placed Nathaniel Conley, Honesty Jackson, Dwayne Jackson, Caleb Jackson, Trinity Jackson, and Jonah Jackson in a situation that a reasonable person would realize requires judgment and actions beyond the children's level of maturity. The mother would leave all the children at home alone multiple times, and not supervise the children when she was in the home.

On October 26, 2012, it is indicated that the alleged father, Dwayne Jackson, threatened to kill Valerie Jackson, Dwayne Jackson, Honesty Jackson, Caleb Jackson, Jonah Jackson, Trinity Jackson, and Nathaniel Conley (step child to Dwayne Jackson). The dispositions on these referrals were unable to determine and referred over to Family Based Safety Services in January 2013.

Valerie Jackson received and signed a child safety plan on July 30, 2013 by the Department. The safety plan stated that Ms. Jackson will be protective of her children and not allow David Conley any contact with the children, due to the mother's allegations of domestic violence, participate in Family Based Safety Services recommended services, and contact the Department within 24 hours of moving.

### **Summary Conclusion**

Seven year old, special needs child, Caleb Jackson, has walked out of his home on two different occasions within a month and a half unsupervised. On July 28, 2013, police discovered Caleb wondering in the middle of a major intersection near his home at 8:30 pm. Mother was unaware of Caleb's absence from the home. On September 17, 2013, while mother was at home, Caleb "snuck out of the home as he normally does," looking for his siblings Dwayne and Nathaniel who are normally wondering the neighborhood unsupervised. Mother drove around for an hour looking for Caleb, and ultimately had to call police to locate him. The police located Caleb playing at a park near his home's subdivision. The Department of Family and Protective Services initiated services with the mother through FBSS in January 2013 due to the allegations made regarding domestic violence and neglectful supervision by the mother and others in the home.

### **Family Structure / Court History**

Valerie Jackson (DOB 6/18/1975) is the biological mother of Nathaniel Conley (DOB 09/12/2001), Dwayne Jackson (DOB 11/21/2004), Honesty Jackson (DOB 1/18/2004), Caleb Jackson (DOB 4/20/2006), Jonah Jackson (DOB 5/21/2008), Trinity Jackson (DOB 7/23/2009).

Dwayne Jackson (DOB 3/18/1965) is the alleged father of Dwayne Jackson, Honesty Jackson, Caleb Jackson, Jonah Jackson, Trinity Jackson. Mr. Jackson's whereabouts are currently unknown. Ms. Valerie Jackson stated that she is allegedly married to Dwayne Jackson and has been so for the last 10 years. He Agency is unaware of where they were married.

David Conley (DOB 12/29/1966) is the alleged father of Nathaniel Conley. Mr. Conley has failed to provide the Department with his current living address.

## **Investigation**

The family was investigated by the Department in October 2012: multiple referrals were received alleging physical abuse and neglectful supervision of the children. One referral received alleged physical abuse of all children by the alleged father, Dwayne Jackson, that was unable to determine and closed. The second referral received alleged neglectful supervision by the mother, Valerie Jackson, which was unable to determine and transferred to Family Based Safety Services.

On November 4, 2012 Dwayne Jackson was interviewed by an investigative worker and stated that "he is left home alone with his siblings for about 2 hours while his mom and step-dad go to the store. He stated that he does not have the phone number, but his older siblings can call his parents if they need to. He stated that he eat every day, breakfast, lunch, and dinner. He stated that sometimes he does not eat when his parents are not home."

Honesty Jackson was interviewed by the same investigative worker and stated that, "she is left home alone sometimes while her mom goes to the store to buy food."

Nathaniel Conley was also interviewed November 4, 2012 and he stated that, "they are left home alone all the time while his parents are out." He also stated that, "he gets whooped all the time for things he does not even know about."

On December 6, 2012, the investigative worker was advised by her supervisor to submit the case to Family Based Safety Services with the disposition of unable to determine with risk indicated, due to the information gathered.

## **Family Based Safety Services**

The case was transferred to Family Based Safety Services, caseworker Brittney James and her supervisor, Sondera Malry, in January 2013 for ongoing services and monitoring of the Jackson Family. Valerie Jackson and David Conley were very cooperative at the assessment. Both stated they would comply with all recommendations given by the Department.

In April of 2013 Valerie Jackson contacted caseworker Brittney James and notified her of having to call the police on David Conley due to domestic violence. Ms. Jackson reported that Mr. Coney had chased her with a knife and cut her finger. David Conley was arrested with pending family violence charges and a pending court date.

July 28, 2013 Caleb Jackson, who is diagnosed with chronic static encephalopathy, managed to wonder outside the home unsupervised. Caleb Jackson was found by law enforcement and returned to the home. Valerie Jackson failed to inform caseworker Brittney James of this incident.

On July 30, 2013 caseworker Brittney James received a new referral in regards to the incident that took place July 28th with Caleb Jackson. Caseworker Brittney James went to the home to interview the Jackson family in regards to the latest referral. A new Safety Plan was written for the Jackson children in regards to David Conley on his upcoming release from jail for the incidence that occurred in April 2013. Mrs. Jackson agreed and signed to comply with the new Safety Plan.

In August 2013, Mr. Conley was released from Harris County Jail after Ms. Jackson recanted her version of the events from April 2013. The case was dismissed as a result. Mr. Conley was prohibited from returning to the home because of the new safety plan that was put in place in July.

Finally, as of September 18, 2013 Mrs. Jackson informed the caseworker Brittney James of her son Caleb Jackson leaving the home, again, without her knowledge or supervision. Valerie Jackson searched for the child on her own, but she eventually had to call law enforcement for assistance. Law enforcement located Caleb Jackson at the park across from their residence subdivision.

During the time that mother has been involved in FBSS, it has become evident by the Agency that the mother fails to assert her role as a parent and as result the older children leave the home without permission and the younger children, including Caleb, are following suit. Through FBSS, the mother has been attending in-home therapy to address her lack of decision making skills, child management skills, implementing and establishing roles in the home and promoting a healthy home environment. Despite mother being involved in this therapy, her children continue to undermine her authority, leading Caleb to leave the home without permission as his other brothers do often.

### **CPS History**

On July 29, 2013, DFPS received a report alleging neglectful supervision of Caleb Jackson. The case was ruled out with no significant factors found.

On October 22, 2012, DFPS received a report alleging neglectful supervisor of Nathaniel Conley, Dwayne Jackson, Jonah Jackson, Caleb Jackson, and Trinity Jackson. The case was unable to determine with risks factors found.

On October 17, 2012, DFPS received a report alleging physical abuse of Nathaniel Conley, Dwayne Jackson, Jonah Jackson, Caleb Jackson, and Trinity Jackson. The case was unable to determine with risks factors found.

On December 23, 2011, DFPS received a report alleging physical abuse of Caleb Jackson, Trinity Jackson, Jonah Jackson. The case was ruled out with no significant factors found.

## **Criminal History**

As of September 2013, Valerie Jackson does not have any criminal history. It was documented that she may have had a warrant and ran from probation in Wisconsin.

On December 14, 1988, David Conley was arrested for fleeing and resisting an officer.

On March 1, 1989, David Conley was arrested for aggravated robbery and was convicted.

On January 13, 1994, David Conley was charged with Trespassing; Misdemeanor Class A; Transferred to County; Dismissed.

On January 13, 1994, David Conley was charged with evading arrested; Misdemeanor Class B; Transferred to County; Convicted.

On March 3, 1994, David Conley was charged with Possession of Controlled Substance; Felony 2nd degree; Transferred to County; Convicted.

On April 8, 2013, David Conley was charged with Aggravated Assault Cause Bodily Harm; Felony 2nd degree; Convicted with lesser charge.

On December 17, 2012, Dwayne Jackson, Soliciting Funds; Misdemeanor Class C; referred to arresting agency.

## **Available Relative Placements**

There are currently no available relative placements for the children at this time. The Department is in the process of locating family members.

## **Conclusion and Requested Relief**

Based on the fact that the mother, Valerie Jackson has failed to provide adequate supervision for her children as demonstrated on at least two occasions while participating in Family Based Safety Services and by her own admission that Caleb wanders off often, the Department believes that the children are in immediate danger. In addition to Caleb, twelve year old Nathaniel, who is diagnosed with ADHD and ODD, and four year old Jonah, who is diagnosed with a mild form of autism, are also special needs children. Despite having been involved in therapy to address parenting skills, the children continue to undermine her authority and leave the home at will and unsupervised. As a result, Caleb will wander far from the home, on one occasion to be found in the middle of a busy intersection, only to be retrieved by law enforcement hours later. Mother's lack of control and parenting skills places the children in immediate danger.

Reasonable efforts have been made to prevent or eliminate removal. Therefore, the Texas Department of Family and Protective Services asserts that it is in the children's best interest to be named emergency temporary managing conservator's of the following children: Nathaniel Conley, Dwayne Jackson, Honesty Jackson, Caleb Jackson, Jonah Jackson, Trinity Jackson.

/s/Brittney James  
**Brittney James**

SIGNED under oath before me on the 19th day of September, 2013.

/s/Jonathan Chan  
Notary Public in and for the State of Texas

My commission expires: 06/04/2016

**THIS PAGE WITH ORIGINAL SIGNATURES AND NOTARY STAMP  
IS MAINTAINED IN THE PETITIONER / MOVANT'S LEGAL FILE**