

No. 03-22-00126-CV

IN THE COURT OF APPEALS
FOR THE THIRD DISTRICT OF TEXAS AT AUSTIN

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AUSTIN, TEXAS
9/1/2022 2:07:33 PM
JEFFREY D. KYLE
Clerk

GREG ABBOTT, in his Official Capacity as Governor of the State of
Texas; JAIME MASTERS, in her Official Capacity as Commissioner of
the Texas Department of Family and Protective Services; and the
TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES,
Appellants,

v.

JANE DOE, individually and as parent and next friend of MARY DOE,
a minor; JOHN DOE, individually and as parent and next friend of
MARY DOE, a minor; and DR. MEGAN MOONEY,
Appellees.

On Appeal from the 353rd Judicial District of Travis County, Texas
Cause No. D-1-GN-22-000977, Hon. Amy Clark Meachum

BRIEF OF AMICI CURIAE AN INTERESTED PARENT KNOWN
AS I.V. TO PROTECT HER PRIVACY AND CHILDREN

To the Honorable Judges of said Court:

**REQUEST FOR SPECIAL FILING AS A PRO SE ON SSI AND HOUSING – I HAVE
NO ACCESS TO THE PROGRAMS NEEDED TO PROCESS THIS FILING PER THE
RULES**

The chief attorneys will be given my personal information. I simply wish not to be identified
because of concern for the impact a public airing of this will hurt my children

While it is amazing Equal Rights has taken a stand for LGBTQ+ children and no one should
diminish the importance of this issue, the problem is not limited to LGBTQ+ children. CPS is
also going after parents for accepting their doctors' advice of treatment for preemies.

CERTIFICATE OF CONFERENCE

While I do not believe it was necessary the Honorable Mr. Stone of the Office of the AG indicated he is UNOPPOSED TO THIS AMICI BRIEF, with full knowledge of the essential facts. I thank him for being such a gentleman.

CPS IS ALSO OVERRULING THE MEDICAL DECISIONS OF PRIVATE DOCTORS IN CASES NOT RELATED TO LGBTQ+ CHILDREN

About 14 months ago I had premature triplets. They were in PICU and then NICU for weeks. At a moment notice I was told to get on a plane for a medivac from Brownsville to Corpus to have a tumor removed from my daughter's heart. I broke my heart to leave one in ICU and one with my mother, but the doctors needed me at Driscoll Children's Hospital.

In part CPS is suing me because I delayed giving the preemie triplets their first vaccinations on the recommendation of their doctor. He was concerned that the vaccines may be premature given the developmental problems. CPS knows this and pursues the lawsuit anyway. There is no finding by any court I as a mother have ever done anything wrong.

The Supreme Court in *Troxel v. Granville*, 530 U.S. 57, 120 (2000), and affirmed by the Texas Supreme Court in *In re C.J.C.*, 603 S.W.3d 804 (Tex. 2020). In both cases the Courts were clear the state may not interfere with how I raise my kids unless there is a finding of wrongdoing. If my triplet's doctor tells me to delay the vaccines, I am going to delay the vaccines.

Attached as exhibit A is an email from the Chief Regional Counsel from DFPS refusing to accept I fired my attorney. She was contacted twice and refused to take the calls or return them. We were on a short notice for a zoom hearing. We needed to get out subpoenas for my

doctor's office, the physical therapist office which helped me with the triplets and the school district all of who would testify I am a very good mother. So I fired her.

DFPS has abolished my right to fire counsel. See TRCP 7, Texas Family Law Code 264.203(k) and the constitutional law on the issue.

This entire mess started after my current apartment manager refused to address raw sewage puddles outside my apartment and that of my brother. The CPS affidavit which is all hearsay, a clear violation of Texas Family Code 264.203, has the case worker claiming some 10 neighbors told the manager I neglect my children, There is not one specific claim of neglect. The CPS affidavit date indicates the complaint was filed after I filed a health complaint with the city. Given my preemie problems I could not have raw sewage outside my apartment.

I offered CPS written permission to speak with the school, the physical therapist, and my children's doctor. They refused to offer.

The good news is, I just learned on October 1st I will be moving with my mother, sister and brother to new construction apartments. The Brownsville Housing Authority is finalizing all the paperwork

There is more, but the issue before the court is CPS interfering with parents making private decisions with their family doctors.

I do have an unpaid advocate helping me, but he is very sick and appears to have never properly recovered from brain surgery. I have no attorney, nor money. Until the courts bring CPS under control, poor people like me and my children will suffer.

For the record the triplets are 14 months old and coming along nicely. Now that the kids are back in school and my mother can attend to the triplets, I will return to counselling. The first year with the triplets was hard.

I thank the court for their consideration.

Respectfully Submitted,

/s/ Ivana Montes

Ivana Montes, Pro Se

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Brownsville, Texas 78521

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Phone: 956-579-3653

Signed September 1, 2022

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Will be provided to the court.

EXHIBIT A – EMAIL FROM DFPS COUNSEL

RE: 2022-DLC-03678 DFPS v. Montes

From:

"Smith,Michelle L (DFPS)" <Michelle.Smith3@dfps.texas.gov>

To:

"Ivana Montes" <ivanaMontes@mail.com>

Cc:

"Elizabeth Garza office@valdezgarzalaw.com" <office@valdezgarzalaw.com>, "liz@valdezgarzalaw.com" <liz@valdezgarzalaw.com>

Date:

Aug 31, 2022 11:26:16 AM

Good morning Ms. Montes,

I apologize but I can't speak or communicate with you without your attorney present or without consent from your attorney. At this time, Elizabeth Garza is your attorney.

Thank you,

Michelle Smith

Regional Attorney

Department of Family and Protective Services

300 East Canton

Edinburg, Texas 78539

Phone: 956-802-3335

Email: michelle.smith3@dfps.texas.gov

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Associated Case Party: Ivana Montes

Name	BarNumber	Email	TimestampSubmitted	Status
Ivana Montes		ivanamontes@mail.com	9/1/2022 2:07:33 PM	SENT