

CAUSE NO: _____

IN THE INTEREST OF § IN THE DISTRICT COURT OF
CHILD § _____ COUNTY, TEXAS
§
§
§ _____ JUDICIAL DISTRICT

**AFFIDAVIT IN SUPPORT OF EMERGENCY
REMOVAL OF AN INDIAN CHILD**

STATE OF TEXAS

COUNTY OF _____

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

My name is _____. 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(REN)

Child

Name:

DOB:

Last known address:

Place of birth (city/state/country):

Any other address during past 6 months:

2. INDIAN CHILD STATUS

This child is the subject of a Suit Affecting the Parent Child Relationship filed by DFPS and is believed to be an Indian child.

The child is believed to be affiliated with the following tribe(s) [*list name(s)*]:

To the best of my knowledge, this child [*does/does not*] reside on an Indian reservation.

[*If the child DOES reside on a reservation, INSERT This child resides on the _____ reservation . The following efforts have been made and are currently underway to transfer the case to the Tribe's jurisdiction.*

3. PARENTS/ INDIAN CUSTODIAN/ MEMBERS OF THE HOUSEHOLD

[if either parent or an Indian custodian is unknown, explain efforts made to locate and contact them, including with the BIA Regional Director]

Mother

Name:

DOB:

Current address:

Any other address during past 6 months:

Reported tribal family history:

Father

Name:

DOB:

Current address:

Any other address during past 6 months:

Reported tribal family history:

Indian Custodian

Name

DOB

Current address:

Reported tribal family history:

[IF the address of either parent or an Indian custodian is not known, INSERT:

The efforts made to locate _____(NAME of MISSING PERSON) include: [describe actions taken to find this person, including sending **Notice to the Bureau of Indian Affairs: Parent, Custodian or Tribe of Child Cannot be Located or Determined**)].

Household Member

Name:

Relationship _____ **to** _____ **(identify child/parent)**

DOB:

3. ALLEGATIONS

4. NOTICE *[if ex parte removal-*Due to the urgent circumstances detailed below, notice has not been given to the parents, any Indian custodian or tribe at this time. *If non*

emergency removal - Notice has been provided as follows to: *list each parent, custodian and Tribe given notice*]

5. FACTS NECESSITATING REMOVAL

The child’s removal from the home was necessitated by: [*describe at length the grounds for removal*]. Based on these facts, emergency custody continues to be necessary to prevent imminent physical damage or harm to the child.

The specific, active efforts made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family include: [*list all efforts made to assist family so child may be returned safely resources, services, and referrals offered, highlighting those tailored to Indian culture and family needs*]

The effort to prevent breakup of the Indian family was unsuccessful because: [*explain why active efforts did not succeed*]

5. CPS HISTORY

6. CRIMINAL HISTORY

7. 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.

8. CONCLUSION

[*summary statement of reason for this removal*]

Caseworker’s signature
Name & title

Affiant

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public on this the ___ day of _____ 2015.

NOTARY PUBLIC in and for the
STATE OF TEXAS
Commission Expires:

