

CAUSE NO: 5121

**IN THE MATTER OF
Javier Diaz, CHILD**

**IN THE DISTRICT COURT OF
Hopewood COUNTY, MOCK STATE**

AND CONCERNING

TWENTY-SEVENTH JUDICIAL DISTRICT

Manuel and Lisa Gomez, RESPONDENTS

**AFFIDAVIT IN SUPPORT OF EMERGENCY
REMOVAL AND PETITION FOR PROTECTIVE SERVICES**

I, Kathleen Minor, Social Worker of the Hopewood Department of Child and Family Services (DCFS) with the responsibility for this case, affirm that the facts and allegations stated in this affidavit are within my personal knowledge and are true and correct.

The following facts show necessity for an order of emergency removal, ongoing temporary custody, and provision of protective services until further facts are ascertained.

1. CHILD(REN)

Name: Javier Diaz

DOB: March 1, 1999

2. PARENTS

Name: Lisa Gomez

Relationship: Guardian

DOB: October 27, 1960

Name: Manuel Gomez

Relationship: Guardian

DOB: September 12, 1962

3. ALLEGATIONS

On September 15, 2014, Maria Diaz, 13-year-old sister of above-named child, Javier, who is the object of this affidavit, called 911. Maria reported that her guardian uncle, Manuel Gomez, had just hit her brother Javier, age 15, in the eye with a closed fist and caused an injury. She feared further injuries would occur.

Police responded to the call immediately. They ascertained that the child, Javier, was in danger and alerted CPS. The report was assigned to me, Kathleen Minor, caseworker for investigation, and I was met at the residence by Officer Ridgefield with Hopewood Police. Also present in the home were Lisa

and Manuel Gomez, legal guardians; subject child, Javier; and subject child's sister, Maria. On questioning, Mr. and Ms. Gomez corroborated Maria's report that Mr. Gomez had hit Javier in the face with a closed fist. Mr. Gomez said that he did this in an attempt to control Javier's behavior and because Javier had disobeyed him. Ms. Gomez stated that she did not intervene in the altercation between her husband and Javier as she felt Javier deserved to be struck.

Officer Ridgefield and I, along with Ms. Gomez, took Javier to an urgent care clinic to have medical attention for his injury, which was a black eye and small cut. The injury was examined and medication prescribed. The physician stated that vision was not affected, and no stitches were necessary. He felt the eye would heal satisfactorily with no further treatment unless complications arose. He was concerned that the child be protected from further assaults.

On returning Javier to his home, I spoke with Mr. and Ms. Gomez and suggested a safety plan be put in place to try to prevent Javier's removal from the home. Mr. and Ms. Gomez refused the safety plan and requested Javier be removed right away. Javier was fearful of further injury if left in the home. I completed a risk/safety assessment, which showed the child was unsafe in the home and at high risk of further injury.

Javier wished to stay with a family friend, Juanita Lopez. She agreed to take Javier into her home. Before placement that evening, criminal history and child abuse/neglect checks were done on Ms. Lopez, and an Initial Relative Assessment was completed. Javier was then placed in her home on a provisional basis, where he remains.

Kathleen Minor

Kathleen Minor

Investigation Worker

Hopewood Department of Child and Family Services

Affiant:

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public on this 16th day of September, 2014.

Jennifer Cunningham

NOTARY PUBLIC in and for the

STATE OF MOCK STATE