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REPORTER'S RECORD  
TRIAL COURT CAUSE NO. 2902

IN THE MATTER OF ) IN THE DISTRICT COURT  
TERESA JEFFS ) SCHLEICHER COUNTY, TEXAS  
 ) 51ST JUDICIAL DISTRICT

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EXCERPT

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On the 30th day of May, 2008, the following  
proceedings came on to be heard in the above-entitled  
and numbered cause before the Honorable Barbara Lane  
Walther, Judge presiding, held in San Angelo, Tom Green  
County, Texas;

Proceedings reported by machine shorthand.

**ORIGINAL**

1 (BEGINNING OF EXCERPT.)

2 MS. MALONIS: Your Honor, Natalie Malonis  
3 on behalf of three of the children. Are we -- are we  
4 taking comments on the -- all of the children now or  
5 just the ones out of the mandamus?

6 THE COURT: You know, it seems like it's a  
7 pretty free-flowing discussion.

8 MS. MALONIS: Okay. It does. It does. I  
9 agree, Your Honor.

10 None of my children are out of the  
11 mandamus. I don't see language in here that this --  
12 that this order supplements the prior orders and,  
13 perhaps, I've just missed that.

14 THE COURT: I think that -- it says that  
15 on the very first page.

16 MS. MALONIS: Okay.

17 THE COURT: I mean, that's -- "the Court  
18 finds that, in light of such opinions, the Court should  
19 vacate the portion of the orders." And I think  
20 that's --

21 MS. MALONIS: Okay.

22 MR. DIETZ: Your Honor, I believe it's  
23 also on Page 4, the last sentence.

24 THE COURT: I thought it was.

25 MS. MALONIS: Okay. Scratch that then.

1 THE COURT: No, that's okay. I mean --

2 MS. MALONIS: I have -- I have a concern  
3 about the identity of whether each child has a -- has a  
4 person legally entitled to possession been identified?

5 THE COURT: Okay.

6 MS. MALONIS: And I have a particular  
7 concern with respect to one of my children.

8 THE COURT: Okay.

9 MS. MALONIS: And, perhaps, Mr. Banks can  
10 answer that question. Is there someone identified for  
11 each child?

12 MR. BANKS: As a parent?

13 MS. MALONIS: As legally entitled to  
14 possession.

15 MR. BANKS: I think there is somebody  
16 identified that's either a parent or a caretaker of  
17 these children, someone that was -- with whom the child  
18 was living at the time of the removal.

19 MS. MALONIS: Okay. I do have a  
20 particular concern. I have one client who there is --  
21 there is some suspicion that she has a child and  
22 another -- another person in the State's custody is  
23 caring for that child. And that's -- that's an issue  
24 where the DNA testing would, of course, clarify that.

25 THE COURT: Wow. So you think that you

1 may represent a minor mother that's -- that minor  
2 mother's child is actually being held out to be the  
3 child of another -- of an adult mother?

4 MS. MALONIS: Yes, Your Honor.

5 THE COURT: Is that --

6 MS. MALONIS: Yes, Your Honor.

7 THE COURT: Well, Mr. Banks, what do we  
8 do? We have disputed parentage. I mean, that was one  
9 of the reasons for the Court's request of DNA -- or  
0 order for DNA testing.

1 MR. BANKS: Judge, I -- I think our plan  
2 that is going to exist at this point is to, if we're --  
3 if we have some issue about a particular child's  
4 parentage and we can't resolve it dealing with the  
5 parties, then we may have to come back to the Court to  
6 address those -- that specific child, unless the  
7 paternity testing comes back, which I understand may be  
8 as early as next week, and helps us resolve those  
9 issues.

0 At this point we don't have any specific  
1 information that that situation exists. I know there  
2 have been some suggestions of that on a couple of  
3 instances, but I don't know that we have any hard  
4 evidence that there's any hidden babies in our care, for  
5 lack of a better word.

1 THE COURT: Does it create a problem for  
2 you to identify this -- this infant and tell CPS about  
3 who this infant is and who --

4 MS. MALONIS: I don't know the identity of  
5 the infant.

6 THE COURT: How, then, are we to fashion a  
7 remedy?

8 MS. MALONIS: DNA testing.

9 THE COURT: Would you have to supply -- I  
10 mean, do we have an age range? I mean, how --

11 MS. MALONIS: I have -- yes, I have  
12 options. I -- I don't own want to include --

13 THE COURT: Perhaps we should --

14 MS. MALONIS: -- every infant in that  
15 category.

16 THE COURT: Perhaps we should visit in a  
17 less mass proceeding on that issue.

18 MS. MALONIS: Okay.

19 THE COURT: So if you could remain.

20 MS. MALONIS: Sure.

21 THE COURT: Okay.

22 MS. MALONIS: And I've got another,  
23 probably not a mass proceeding issue as well.

24 THE COURT: Okay. Why don't we take that  
25 up individually then. Thank you.

1 MS. MALONIS: Thank you.

2 THE COURT: Yes, please.

3 (END OF EXCERPT.)  
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