

Filed in The District Court
of Travis County, Texas

JUN 21 2010

at 2:41 p M.
Amalia Rodriguez-Mendoza, Clerk

**UNION COUNTY
JUVENILE COURT**
Barbara Williams, Clerk
901 Main Street
Maynardville, TN 37807
Phone (865) 992-3081
Fax (865) 992-9119

Darryl W. Edmondson
Juvenile Court Judge

Rebecca Hairrell
Youth Services Officer
Deputy Juvenile Court Clerk

June 21, 2010

AMALIA RODRIGUEZ-MENDOZA
Travis County District Clerk
Travis County Courthouse
1000 Guadalupe, PO Box 679003 (78767)
Austin, TX 78701

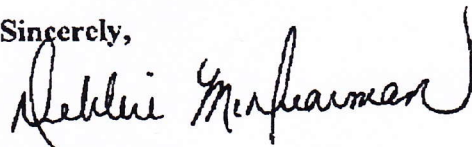
**RE: Kristin Morgan vs. Joshua Morgan
Hannah Elizabeth Morgan, a juvenile
Cause NO. D-1-FM-10-003133**

To Whom It May Concern,

On June 10, 2010, Joshua James Morgan, filed a petition in your court. On June 18, 2010, Kristin Morgan filed a petition in the Union County Juvenile Court regarding the minor child. Court date for the Texas hearing is set for June 23, 2010, the petition filed in Union County is being faxed to your office, please put this in the said file Cause No. D-1-FM-10-003133.

If you have any questions, please call our office at the phone number above

Sincerely,



Debbie McDearman,
Asst. YSO



001557939

FILED 6-18-10
UNION COUNTY JUVENILE CLERK,
Barbara Williams
by *DTM*

IN THE JUVENILE COURT FOR UNION COUNTY, TENNESSEE

IN RE:

HANNAH ELIZABETH MORGAN, a Minor,
Date of Birth: 12-29-09

KRISTIN MORGAN,

Petitioner,

v.

Docket No. 7340
8-10-10

JOSHUA JAMES MORGAN,

Respondent.

VERIFIED EMERGENCY PETITION

Comes the Petitioner, Kristin Morgan, by and through counsel, and moves this Honorable Court for an Order granting the Petitioner temporary custody of her daughter, Hannah Elizabeth Morgan. For grounds, Petitioner would show as follows:

1. That Petitioner and her daughter have been the victims of repeated and continued emotional and/or physical abuse at the hands of her husband, Respondent, Joshua James Morgan, for the first six (6) months of her daughter's life, and before their daughter was born.

2. That Petitioner left Austin, Texas to live with her mother, father, and siblings on June 4, 2010, after Respondent demanded that she and their daughter leave the residence.

3. That after Petitioner left her house in Austin, Texas, and before leaving the State of Texas, Respondent informed her that he had changed the security codes on the house, and that she would have to contact him if she needed anything out of the house for her or their daughter.

4. That Respondent, Joshua James Morgan, has engaged in erratic behavior due to his alcohol and drug abuse, including:

- throwing Petitioner into the wall and onto the floor, causing bruises and cuts on her left outer thigh, left wrist, and forearm;
- Respondent came home stoned and drunk at 3:30 p.m. the following day from being out drinking and doing drugs the entire night before, and could not unlock the doors. He banged on the windows and doors for Petitioner to open the door, but before Petitioner could reach the door to open it, Respondent went around to the back of the house. After Petitioner had told him she had opened the door, he proceeded to break their back window, all the while assaulting and screaming at Petitioner while she held their daughter, and while he was in a drunken fit of rage;
- Respondent consumed .375 ml of Crown Royal within a 45 minute time period, and then proceeded to go outside and argue with a swing because he thought it needed WD-40;
- Respondent constantly screams at both Petitioner and child;
- Respondent has thrown clothes and other items on top of both the Petitioner and child in the middle of the night after kicking Petitioner and child out of their bedroom; and
- Respondent has refused to allow Petitioner and daughter into her own bedrooms while he was at home in the house.

*Hannah
not done
yet*

5. On one occasion, in the middle of the night, after another drinking binge, Respondent awoke Petitioner from bed, grabbing her ankles and dragging her through the entire house, to the outside of the house, while Petitioner was nude, and locking the doors so she could not get back in. Petitioner took a photograph on her telephone of the bruise from her armpit all the way down to her hip on her right side, where he had dragged her across the floor and across the bottom of the front door.

6. That Respondent has been engaging in criminal activity. In addition to driving while intoxicated and acquiring large amounts of marijuana, Petitioner recently discovered, to her surprise, that her husband had been on supervised probation in Travis County, Texas. Petitioner does not know what the exact charges were that caused the Respondent to be on supervised probation. Respondent was apparently able to adequately hide this from

2/19/08

Petitioner, due to the fact that he was frequently out drinking with his friends. Respondent was on eighteen (18) months of supervised probation.

7. The instances of stone-cold inebriation, drinking binges, and drug use, are too numerous to list in this Petition. However, Petitioner asserts that, although she has attempted to make her marriage work, the danger to her and her child, are simply too great to allow her or her child to return to Texas.

8. That Petitioner has always been the primary caregiver for their daughter, Hannah, and that Respondent has never bonded with Hannah, nor has Respondent ever interacted with the child, paying her attention, or providing care for Hannah. In fact, Respondent refused to allow Petitioner to go to her part-time radiology technician work on weekends, because it would have required Respondent to watch the child while Petitioner was at work, which Respondent refused to do.

9. That prior to Petitioner leaving the residence, Respondent had refused to repair a broken air conditioner, when temperatures reached 90 degrees or higher, while in Austin, Texas. Petitioner and her daughter were at home while Respondent was out drinking, while refusing to repair the air conditioner to create a reasonably comfortable living environment for the Petitioner and her child.

10. Although Respondent has admitted to being at risk of being an alcoholic, Petitioner believes that he *is* an alcoholic, which threatens Petitioner and the minor child's ability to associate or live with him safely.

11. Petitioner and her daughter have no family ties or connections with Texas. Her relatives live in Maynardville, Tennessee, and her extended family lives in Tennessee as well.

12. Petitioner is now a Tennessee resident, has obtained employment with a medical services company so that she can provide for her daughter. Petitioner also has the support of her mother and siblings, in a manner that was impossible in Texas.

13. Although Respondent has filed an Original Petition and Suit affecting the parent-child relationship, in Travis County, Texas, this Court must understand that

Respondent:

- ordered Petitioner out of the house;
- ordered Petitioner out of the house, along with the minor child;
- changed the security code on the house after Petitioner left, so that she and the child could not return;
- threatened to abuse if Petitioner returned to the house in Austin, Texas;
- is well aware that Petitioner has no family in Austin, Texas and nowhere to live in Texas; and
- is well aware that Petitioner has no means of taking care of herself or her daughter if returned to Texas.

14. Petitioner would show unto this Honorable Court that she and the minor child now resides at the property located at 224 Lakeshore Drive, Maynardville, Tennessee 37807, with Petitioner's mother and father, which is the only place, and the safest place, for both Petitioner and the minor child to reside.

15. That Petitioner is without sufficient time to place Respondent, or his counsel, on notice, pursuant to the Tennessee Rules of Civil Procedure, due to the emergency situation that the Respondent has created.

16. Petitioner intends to file in Travis County, Texas, a response to the Original Petition, requesting that any decision affecting the parent-child relationship, as described in the Travis County Petition, be held in abeyance pending the outcome of the emergency hearing, pursuant to Tennessee Code Annotated, Section 36-6-219.

17. That pursuant to Tennessee Code Annotated, Section 36-6-219(d), Petitioner is requesting that this Court communicate with the District Court, 345th Judicial District for Travis County, Texas, concerning the issues addressed above. Further, Petitioner respectfully requests that, given the position of the Respondent that Petitioner leave the residence with their daughter, as well as Respondent's dangerous and abusive alcohol and

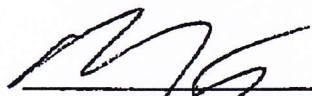
drug abuse behavior towards Petitioner and the child, that Respondent be found to have waived any right to asserting that Texas has jurisdiction over the Mother and child.

PREMISES CONSIDERED, PETITIONER PRAYS:

1. That this Honorable Court allow Petitioner to file this Petition, and that process issue and be served on the Respondent, through his counsel.
2. That this Honorable Court establish an emergency hearing within three (3) days from service of process on the issue of jurisdiction and the Order of Protection previously filed in the General Sessions Court for Union County, Tennessee.
3. That this Honorable Court contact the District Court, 345th Judicial District, Travis County, Texas, which will be hearing the custody matter filed by the Respondent, and listed as Cause No. D-1-FM-10-003133.
4. That this Honorable Court declare that an emergency exists, pursuant to Tennessee Code Annotated, Section 36-6-219 that justifies the exercise of jurisdiction by Tennessee over this matter.
5. That this Honorable Court require the Respondent to pay all attorney fees incurred by Plaintiff, as well as any discretionary costs incurred.

Respectfully submitted this 18 day of June, 2010.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY PROCESS IN THIS CASE.



WILLIAM J. TAYLOR (BPR #026742)
Attorney for Petitioner
244 N. Peters Road, Suite 219
Knoxville, Tennessee 37919
Office: 865-694-6155
Fax: 865-694-6150

OATH

**STATE OF TENNESSEE
COUNTY OF UNION**

I, Kristin Morgan, after first being duly sworn according to law, makes oath that I have read the foregoing Verified Emergency Petition and Order of Protection, and that the facts set forth therein are true to the best of my knowledge, information, and belief, and that this Petition is not made out of levity, but in sincerity and truth for the causes mentioned therein.

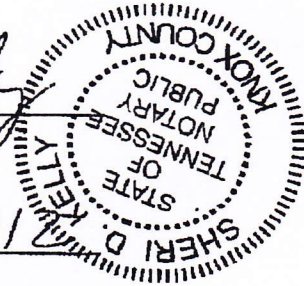
Kristin Morgan

KRISTIN MORGAN, Petitioner

This 18th day of June, 2010.

Sheri D. Kelly

NOTARY PUBLIC



My Commission Expires: 8-12-2012

RUSH

SHOW CAUSE
THE STATE OF TEXAS
CAUSE NO. D-1-FM-10-003133

RUSH

TO: KRISTIN MORGAN
224 LAKESHORE DRIVE
MAYNARDVILLE, TENNESSE 37807

GREETING:

WHEREAS, in that certain cause pending on the docket of the 345TH JUDICIAL DISTRICT COURT of Travis County, Texas, being Cause No. D-1-FM-10-003133 wherein

IN THE INTEREST OF HANNAH ELIZABETH MORGAN, A CHILD
and

Plaintiff,
Defendant;

in said suit application order to show cause has been filed, a copy of which is hereto attached and to which reference is made for the relief sought; upon presentation and consideration of said application, the Honorable MARGARET A. COOPER, Judge of said Court, has entered the following order to-wit: Copy of order attached to writ served. AND WHEREAS, said application has been set for hearing; THESE ARE THEREFORE to notify, and you the said, RESPONDENT KRISTIN MORGAN are hereby notified to be and appear before the Honorable MARGARET A. COOPER, Judge of said Court, at Courthouse, in the City of Austin, Travis County, Texas on JUNE 23, 2010 at 8:30 AM then and there to show cause if any, why said application should not be granted as prayed for.


HEREIN FAIL NOT, TO OBEY THIS WRIT!

Issued and given under my hand and seal of office, at Austin, Texas, this the June 10, 2010.

REQUESTED BY:
CARLY AUTUMN GALLAGHER
P. O. BOX 200293
AUSTIN, TX 78720-0293
BUSINESS PHONE: (512) 633-2204
FAX:

CHECK
BULLETIN BOARD
IN HALL OUTSIDE
DISTRICT CLERK'S
OFFICE, ROOM 302,
FOR ASSIGNMENT
OF THIS CASE.

AMALIA RODRIGUEZ-MENDOZA
Travis County District Clerk
Travis County Courthouse
1300 Guadalupe, P.O. Box 679003 (78767)
Austin, Texas 78701

 COUGRENEY MOREAU, Deputy

RETURN

Came to hand on the ____ day of _____, _____ at _____ o'clock ____ M., and executed at _____ within the County of _____ on the ____ day of _____, _____, at _____ o'clock ____ M., by delivering to the within named

at _____ in _____ County, Texas, in person, a true copy of this Notice and the ORIGINAL PETITION IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP, TRAVIS COUNTY STANDING ORDER, AND ORDER TO APPEAR FOR TEMPORARY ORDERS HEARING accompanying copy attached hereto.

Service Fee: \$ _____

Sworn to and subscribed before me this the ____ day of _____, _____.

Sheriff / Constable / Authorized Person

By: _____

Notary Public, THE STATE OF TEXAS

Printed Name of Server

County, Texas

D-1-FM-10-003133

SERVICE FEE NOT PAID

D21 - 04258

Original Service Copy

Filed in The District Court
of Travis County, Texas

CAUSE NO. D-1-FM-10-003133

JUN 10 2010 CM

At 2:17 P. M.
Anzalia Rodriguez-Mendoza, Clerk

IN THE INTEREST OF

HANNAH ELIZABETH MORGAN,

A CHILD

§
§
§
§
§

IN THE DISTRICT COURT

345 JUDICIAL DISTRICT

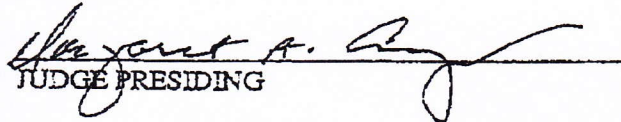
TRAVIS COUNTY, TEXAS

ORDER TO APPEAR FOR TEMPORARY ORDERS HEARING

Respondent, KRISTIN MORGAN, is ORDERED to appear and respond to this Original Petition in Suit Affecting the Parent-Child Relationship in the Travis County District Court on the 23rd day of June, 2010 at 8:30 a.m. The purpose of this hearing is to determine whether the relief requested in the motion for temporary orders should be granted.

It is further ORDERED that any authorized person eighteen years of age or older who is not a party to or interested in the outcome of this suit may serve any citation, notice or process in this case.

SIGNED on this 10th day of June, 2010.


JUDGE PRESIDING

POSTED
FW

Union County Juvenile Court

901 Main Street, Suite 105
Maynardville, TN 37807
Phone: (865) 992-3081
Fax: (865) 992-9119

To: Spawis County District Clerk From: Debbie
Fax: 1-512-854-9549 Pages: 10 w/cover sheet
Phone: _____ Date: 6-21-10
Re: _____ CC: _____

Urgent For Review Please Comment Please Reply

Confidential

The information contained in this fax is confidential and is for the intended recipient only. If you receive this fax in error, please contact the Union County Juvenile Court immediately by calling (865) 992-3081.