

NO. 2922

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
TERESA JEFFS	§	51ST JUDICIAL DISTRICT
	§	
A CHILD	§	SCHLEICHER COUNTY, TEXAS

**MOTION FOR CLARIFICATION AND MOTION FOR RULING
ON OBLIGATIONS OF ATTORNEY AD LITEM**

This Motion for Clarification and Motion for Ruling on Obligations of Attorney Ad Litem is brought by Natalie E. Malonis, Attorney Ad Litem for Teresa Jeffs, pursuant to Section 107.003(3)(A), and would show the Court as follows:

1. Ad Litem was appointed to represent the child on April 17, 2008. Ad Litem's representation has been the subject of much controversy and litigation stemming from various adults in the child's life and in her community, including her mother, Annette Jeffs. Respondent, Annette Jeffs, has attempted to have Ad Litem removed on several occasions and under various theories. The Court has ordered Ad Litem to remain in her role as the child's attorney throughout the case.

3. Throughout this case, there have been concerns that the child has been improperly influenced by the adult members of her religious community. Those concerns have been the subject of several hearings on pleadings filed by Ad Litem seeking to free the child from such influences. On June 24, 2008, Ad Litem was granted a restraining order directed at Annette Jeffs and requiring her to keep Willie Jessop away from the child because of the coercive influence he was having on the child and contrary to her interests. The restraining order was subsequently reviewed and extended for the duration of the case for the protection of the child.

2. On or about February 2, 2009, Petitioner filed a Notice of Nonsuit in this case. The Court signed an order granting nonsuit as to Petitioner's claims. Ad Litem had previously filed a

Counter-Petition seeking affirmative relief in this case.

3. On or about February 6, 2009, the Court held a hearing on several motions and counter-motions filed by various parties and non-parties. Before the motions could be heard, the Court rendered the motions moot by announcing that the case was dismissed, and Ad Litem had no authority to proceed on Ad Litem's Counter-Petition. The Court, however, specifically left open the issue of the parents' ability to defray attorneys' fees and costs. Ad Litem's Motion to Compel and for Sanctions was not before the Court on February 6, and the Court did not rule on whether that action survived dismissal of the case.

4. Despite the Court's oral rendition dismissing the substantive issues in the case on February 6, Respondent joined two non-parties, Merrill Jessop and Willie Jessop, in filing a First Amended Motion for Protective Order on February 26, 2009. Further, on April 13, 2009, Respondent and Merrill Jessop and Willie Jessop filed a Second Amended Motion for Protective Order in the case. Ad Litem received service of said Second Amended Motion on Friday, April 24, 2009.

5. The Court has not issued a final written order dismissing all issues and claims. Ad Litem has not received an order discharging Ad Litem in the case. Ad Litem believes the Court retains jurisdiction over the parties and the case.

6. Over a period of the last several weeks, Ad Litem has received numerous requests that the child's original legal case file be released to various third parties. Ad Litem has received requests that the file be released to Respondent's attorney; Ad Litem has received requests that the file be released to Respondent's attorney's legal assistant; Ad Litem has received requests that the file be released to Attorney Andrea Sloan, who states that she now represents the child; and Ad Litem

has received a request that the file be mailed to an address that Ad Litem has discovered is the address of a business entity owned and controlled by Merrill Jessop.

Annette Jeffs was the Respondent in this case, and the Petitioner found "reason to believe" that Respondent had abused or neglected Teresa Jeffs. Respondent's interests in this litigation are directly adverse to the child's.

Merril Jessop is the father of Raymond Jessop, an adult male who is under indictment for an alleged crime against Teresa Jeffs. A request to mail Teresa's file to Merrill Jessop's address is suspicious, at the very least and warrants further investigation.

Ad Litem believes Andrea Sloan has formerly or is concurrently representing persons with interests potentially adverse to Teresa. Ad Litem does not know who contracted with Andrea Sloan to represent Teresa Jeffs. Ad Litem is wary of releasing information to Andrea Sloan without further investigation into the circumstances surrounding her engagement and involvement in these matters.

Most of the requests to obtain Teresa Jeffs' legal file were made indirectly through Respondent's attorney, Mindy Montford. Until Friday, April 24, 2009, Ad Litem had not received such a request directly from the child in a way that the child's identity could be verified or in a way in which Ad Litem could evaluate the voluntariness of the request. Because of the long-standing concerns of improper influence that have plagued this case, Ad Litem has no assurance that the request for Teresa's file is being made by Teresa and that the request is not the result of undue pressure.

Ad Litem believes the request is being made to aid adults with interests adverse to Teresa Jeffs. To the best of Ad Litem's knowledge, Teresa Jeffs is not involved in any ongoing litigation or suit, and she is not prejudiced or harmed by a delay in obtaining her case file while these issues are

explored.

Ad Litem continually informed the various adult requestors that Ad Litem would not deliver the child's legal case file to anyone unless Ad Litem received a direct request from the child and only after Ad Litem had an opportunity to consult with the child about potential conflicts of interest and waiver of confidentiality upon disclosure of the file to any third person. On April 24, 2009, the child called Ad Litem from Respondent's attorney's office while she was in the presence of her mother, her mother's attorney, and attorney Andrea Sloan. Ad Litem had previously informed Respondent's attorney (Mindy Montford) that Ad Litem would not consult with the child about the release of the file while the child was in the presence of adults who could influence her to act against her own legal interest. To date, Ad Litem has not been able to have a protected, private conversation with the child to determine the child's actual intent or understanding about releasing her legal case file.

Ad Litem has made numerous suggestions and accommodations in order to deliver the file to Teresa, so long as the request was made by Teresa Jeffs herself, rather than her mother or her mother's attorney or another adult with adverse interests or an attorney representing adverse interests.

Despite Ad Litem's attempts, Ad Litem has been accused by Andrea Sloan and Mindy Montford of intentionally withholding the file from the child. Ad Litem has been threatened by Ms. Montford with a complaint to the State Bar for withholding the child's file.

Ad Litem has at all times been willing and ready to deliver the legal file to the child upon a proper request from the child, but Ad Litem has a continuing duty to protect the child's legal interests and would be derelict in her duty by delivering the file to any third party without proper authorization.

RELIEF REQUESTED

Since the Court kept open some issues in the case, and since there are currently live, pending pleadings that were filed by Respondent and non-parties, Ad Litem does not believe that the attorney client relationship between Teresa Jeffs and Ad Litem has terminated. Accordingly, Ad Litem believes that she cannot release the child's file while these matters are still pending. Ad Litem seeks clarification of her ongoing role in this case.

If the Court finds that Ad Litem is discharged for all purposes and the attorney-client relationship has terminated between Teresa Jeffs and Ad Litem, Ad Litem seeks a declaratory ruling on Ad Litem's obligation to deliver a client file under circumstances Ad Litem deems harmful to the child's interests.

Ad Litem prays that the Court set this motion for hearing on an expedited basis.

Ad Litem prays for general relief on behalf of Teresa Jeffs.

Respectfully submitted,

THE REIB FIRM PLLC
1173 Bent Oaks Ct. Suite 200
Denton, TX 76210
Tel: (940) 591-0600
Fax: (866) 543-0053

By: _____
Natalie E. Malonis
State Bar No. 12887450
Attorney Ad Litem for Teresa Jeffs

Certificate of Service

I verify that on April 27, 2009, I served a true and correct copy of the foregoing motion on each party or attorney of record in compliance with the Texas Rules of Civil Procedure.

Natalie E. Malonis
Attorney Ad Litem for Teresa Jeffs

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51ST JUDICIAL DISTRICT

SCHLEICHER COUNTY, TEXAS

ORDER SETTING HEARING

IT IS ORDERED that Attorney Ad Litem's Motion for Clarification and Motion for Ruling on Obligations of Attorney Ad Litem is set for hearing on _____ at ____ __.M. at the Tom Green County Courthouse, 112 W Beauregard, San Angelo, TX 76903.

SIGNED _____, 2009.

JUDGE PRESIDING