

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-10-00802-CV

In re Tasha Key

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator Tasha Key filed a petition for writ of mandamus, seeking to vacate the trial court's visitation ruling in a November 29, 2010 order in a suit for termination of parental rights filed by the Texas Department of Family and Protective Services ("the Department"). Key, the mother of the subject children, argued that the trial court's ruling, which granted overnight visitation to the children's father, was contrary to the best interests of the children and constituted an abuse of discretion. Key did not argue that all visitation between the children and their father was contrary to their best interests, but only the overnight, out-of-town visitation ordered on November 29. After Key's petition was filed, the trial court issued an order vacating the complained-of ruling and reducing the father's visitation to two hours per week, to be supervised by the Department. As a result, this original proceeding is dismissed as moot.

On December 3, 2010, this Court issued an emergency stay of the visitation schedule pending disposition of this original proceeding. The stay is hereby lifted, as it has been rendered moot as well.

Diane M. Henson, Justice

Before Chief Justice Jones, Justices Pemberton and Henson

Filed: January 12, 2011