

**Motion for Rehearing Overruled; Opinion of September 22, 2011, Withdrawn.
Petition for Writ of Mandamus Denied and Substitute Memorandum Opinion filed
December 6, 2011.**



In The

Fourteenth Court of Appeals

NO. 14-11-00792-CV

IN RE FRIEDA WILSON, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
County Court at Law
Waller County, Texas
Trial Court Cause No. 10-06-20425**

SUBSTITUTE MEMORANDUM OPINION

We withdraw the memorandum opinion issued September 22, 2011, and issue this substitute opinion in its place. Relator's motion for rehearing is overruled.

On September 14, 2011, relator filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (Vernon 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable June Jackson, presiding judge of

the County Court at Law of Waller County, to set aside her ruling granting a protective order.

Relator claims the trial court abused her discretion by exercising jurisdiction over the application for protective order and not staying or dismissing the proceeding. “A trial court has temporary emergency jurisdiction if the children are present in this state and the children have been abandoned or it is necessary in an emergency to protect the children because the children are subjected to or threatened with mistreatment or abuse.” Tex. Fam. Code Ann. § 152.204(a); *see also In re Marriage of Lai*, 333 S.W.3d 645, 649-50 (Tex. App. – Dallas 2009, no pet.). Relator does not challenge the trial court’s findings “that the child is present in this state and is threatened with mistreatment or abuse.” Accordingly, relator has not demonstrated that the trial court abused her discretion by exercising jurisdiction over the application for protective order.

Because relator has not established that she is entitled to mandamus relief, the petition is denied.

PER CURIAM

Panel consists of Justices Brown, Boyce, and McCally.