

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-08-463 CV

IN RE DANNA LEE WATSON

Original Proceeding

MEMORANDUM OPINION

Relator Danna Lee Watson filed a petition for writ of mandamus, in which she contends the trial court abused its discretion by entering a temporary order granting possession of relator's minor children to her parents, who are the real parties in interest. In her petition, relator states that she voluntarily placed the children in the temporary custody of the real parties in interest pursuant to a request from the Texas Department of Family and Protective Services.

Mandamus will issue only to correct a clear abuse of discretion or violation of a duty imposed by law when that abuse cannot be remedied by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004); *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex.

1992). Under section 105.001(a) of the Texas Family Code, a trial court has authority to enter temporary orders for the safety and welfare of a child. *See* TEX. FAM. CODE ANN. § 105.001(a) (Vernon Supp. 2008). Grandparents of a child have standing to file suit requesting managing conservatorship if there is satisfactory proof that the requested order “is necessary because the child’s present circumstances would significantly impair the child’s physical health or emotional development. . . .” *Id.* § 102.004(a)(1). In this case, the trial court had before it an affidavit from one of the real parties in interest which averred that relator had failed to protect the children from domestic violence. *See id.* § 105.001(a)(1), (c). It also appears the trial court conducted two hearings, but the relator did not include the transcripts in the mandamus record.

After reviewing the mandamus record and petition, we conclude that the relator has not demonstrated an abuse of discretion by the trial court for which there is no adequate remedy by appeal. Accordingly, we deny the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Opinion Delivered October 30, 2008

Before Gaultney, Kreger, and Horton, JJ.