

CAUSE NO. _____

TEXAS DEPARTMENT OF FAMILY
AND PROTECTIVE SERVICES,

Petitioner,

v.

TEXAS FAMILY INITIATIVE, LLC
D/B/A EMPOWER,

Respondent.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

VERIFIED PETITION AND APPLICATION FOR APPOINTMENT OF RECEIVER

TO THE HONORABLE JUDGE OF SAID COURT:

The Texas Department of Family and Protective Services (*hereinafter*, “DFPS”) files this Verified Petition and Application under Texas Family Code, Chapter 264, Subchapter B-2, sections 264.191—.196 to appoint a receiver for Empower (*hereinafter*, “Empower”), a division of Texas Family Initiative, LLC (*hereinafter*, “TFI”).

**I
BACKGROUND**

1. TFI is a single-source continuum contractor (*hereinafter*, “SSCC”) acting under a contract with DFPS pursuant to Texas Family Code Chapter 264, Subchapter B-1. *See, generally*, Tex. Fam. Code Chp. 264, Subchp. B-1. Empower is a division of TFI that provides foster care case management and related services to children in DFPS conservatorship within the Dallas-Fort Worth area.

2. Since award of the contract in February 2023, Empower has repeatedly failed to perform

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despite DFPS interventions: seventeen Continuous Quality Improvement (*hereinafter*, “CQI”) plans since March 2024 (including, *e.g.*, untimely reporting, unsafe transport, unmet measures, contract breaches); two Corrective Action Plans (*hereinafter*, “CAP”) (in years 2025-26) for caseload failures; late court reports; undocumented visits; and two judicial contempt findings totaling \$1,000.

3. These systemic failures create an imminent danger to the children under conservatorship, including: (1) failure to plan for newborn of abusive parents, resulting in infant death; (2) medical mismanagement from staff turnover causing a lupus flare up and hospitalization; and (3) unassessed reunification leading to re-injury and death of an infant. DFPS has determined that these conditions jeopardize child health, safety, and welfare.

4. DFPS has exhausted lesser remedies to no avail. Therefore, DFPS seeks receivership—an extraordinary but statutorily authorized remedy—for immediate stabilization without service disruption only as to Empower.

II PARTIES

5. Petitioner, DFPS is the state agency that administers the child welfare and foster care system in Texas. *See* Tex. Hum. Res. Code § § 40.001, 002. DFPS is authorized to contract with a SSCC. *Id.* § § 40.040, .058; Tex. Fam. Code § § 264.151—.172. DFPS contracts with SSCCs to provide related services through the Community-Based Care model as described in Family Code Subchapter B-1 of Chapter 264. *Id.* DFPS has express authority to seek receivership for underperforming SSCCs under the Family Code. Tex. Hum. Res. Code § § 40.001—.107; Tex. Fam. Code § § 264.191—.196.

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6. Texas Family Initiative, LLC (*hereinafter*, “TFI”) is a SSCC that has a contract with DFPS to provide Community-Based Care services as described in Family Code Subchapter B-1 of Chapter 264. Empower is the division of TFI responsible for providing Community-Based Care services in the Metroplex East Region (*also known as* Region 3 East) which includes the following counties: Grayson, Fannin, Collin, Hunt, Rockwall, Dallas, Kaufman, Ellis, and Navarro. Empower’s principal office is located at 4441 West Airport Freeway, Suite 340, Irving, Texas, 73062. TFI maintains three corporate offices in Dallas County. TFI’s registered agent, according to filings made with the Secretary of State, is C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

III JURISDICTION & VENUE

7. This Court has jurisdiction to appoint a receiver of a SSCC. Tex. Fam. Code § § 264.191—.196; Tex. Civil Prac. & Rem. Code § 64.001.

8. Venue is proper. TFI maintains several corporate offices within Dallas County. Moreover, Empower’s principal office is in Irving, Dallas County, Texas. Tex. Civil Prac. & Rem. Code § 15.002.

IV EXHIBIT LIST

9. In furtherance of this *Verified Petition and Application for Appointment of Receiver*, DFPS relies on the following exhibits:

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EXHIBIT	DESCRIPTION	BATES NUMBER
A	List of Qualified Persons to be Receiver, <i>per</i> Tex. Fam. Code § 264.1925(b)	DFPS0001
B	Resume of Mr. George Cannata	DFPS0002 - DFPS0003

10. Each of the attached exhibits, *indicated above*, is incorporated by reference to this *Verified Petition and Application for Appointment of Receiver*.

V DISCOVERY

11. Discovery in this case is intended to be conducted under Level 2, subject to the discovery limitations provided by Rule 190.3, unless modified by order pursuant to Rule 190.5, Texas Rules of Civil Procedure.

VI ARGUMENT & AUTHORITY

12. Appointment of a receiver over Empower is necessary under Texas Family Code section 264.1915 for persistent contract failures despite exhaustive remediation efforts that have placed conservatorship children in imminent danger, as evidenced by child fatalities and near-fatalities. These violations, where lesser remedies proved wholly inadequate, present precisely the circumstances the Legislature contemplated when it enacted the receivership statutes authorizing DFPS the remedy to address substandard SSCCs.¹

¹ Introduced in the 89th Legislature by Senate Bill 2034, these provisions authorize receivership for SSCCs that present a threat to child welfare. The bill sponsor’s Statement of Intent recognized that DFPS lacked swift authority to protect conservatorship children when SSCCs failed despite progressive interventions (*i.e.*, CQI plans, CAPs, etc.). Contract remedies had proven inadequate for urgent child safety threats, thus the Legislature sought to authorize DFPS immediate court-appointed receivership to ensure service continuity and child protection—the *precise circumstances presented here*. See Senate Comm. on Health & Hum. Svcs., Bill Analysis, Tex. S.B. 2034, 89th Leg., R.S. (2025).

A. Grounds to Appoint a Receiver for Empower.

13. A court may appoint a receiver for a SSCC upon a DFPS petition if the contractor persistently fails post-remediation, plans to cease operations without transition, endangers children as determined by DFPS, fails to share child information, violates court orders, or faces financial insolvency. Tex. Fam. Code § 264.1915. Such a receiver may be appointed for a SSCC division, such as Empower, in this case. *Id.* § 264.1915 (“A court of competent jurisdiction may *appoint a receiver for a single-source continuum contractor* or any of its parts, *divisions*, components, or companies . . .” emphasis added).

14. DFPS requests a receiver be appointed for Empower based on either one or all the following statutory grounds, pursuant to Family Code section 264.192:

- a. After being subject to a quality improvement plan, corrective action plan, or other remedial statutory or contract measures, Empower continues to fail to satisfactorily perform under the Community-Based Care contract. This is a violation of Texas Family Code section 264.1915(1).
- b. DFPS has determined that Empower presents an imminent danger to the health, safety, or welfare of the children under the conservatorship of DFPS in the care of Empower. This is a violation of Texas Family Code section 264.1915(3).
- c. Empower has failed to provide adequate information to DFPS regarding a child under the conservatorship of DFPS in the contractor’s care. This is a violation of Texas Family Code section 264.1915(4).
- d. Empower has failed to comply with a court order or incurred a sanction against DFPS due to failure to comply with a court order. This is a violation of Texas Family Code section 264.1915(5).

B. Factual Support to Appoint Receiver.

15. TFI was awarded the SSCC contract on February 23, 2023. A SSCC is required to be a non-profit with an organizational mission focused on child welfare and a majority of its board members residing in Texas. Tex. Fam. Code § 264.154(a). Although TFI is the SSCC, it has used

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its division, Empower, to carry out the functions of the SSCC in the Metroplex East Region of Texas.²

16. The SSCC is responsible for providing foster care services and services for relatives and kinship caregivers in its catchment area and assumes DFPS's duties in connection with the delivery of those services for children in the conservatorship of DFPS. Tex. Fam. Code § 264.161. These services include, but are not limited to, finding foster homes or other living arrangements for children in the conservatorship and providing a full array of services to the children and their families, including case management services.

17. Empower has struggled to maintain proper caseloads for its case workers, endured turnover of case workers, has not been able to provide appropriate services to children in the conservatorship of DFPS, and failed to follow DFPS policy.³

18. Since March of 2024, Empower has been on seventeen (17) Continuous Quality Improvement (CQI) Plans. CQI plans are used as a monitoring tool to identify performance issues and areas of potential contract non-compliance so that the SSCC may have the opportunity to correct these issues and areas. If the SSCC cannot make the proper corrections, DFPS can progressively use other remedies.

19. The basis for these CQI Plans has varied. They include failure to report timely and accurate information to DFPS, transporting children inappropriately without proper car seats, failure to meet performance measures, no reasonable efforts findings by the courts, and failing to meet contractual terms. Regardless, Empower continues to have performance issues and fails to meet

² Empower, *About*, <https://3empower.org/about/> (last visited Mar. 15, 2026) (“Through a contract with the State of Texas, EMPOWER is the Community-Based Care (CBC) contractor in Metroplex East, a nine-county area that includes Dallas, Grayson, Fannin, Collin, Hunt, Rockwall, Kaufman, Ellis and Navarro counties.”)

³ DFPS maintains copies of its policy handbooks online. *See* Tex. Dep’t of Fam. & Prot. Svcs., *DFPS Policy Handbooks*, <https://www.dfps.texas.gov/handbooks/> (last visited Mar. 16, 2026)

its SSSC contractual terms.

20. Empower has been on two Corrective Action Plans. One in 2025 and one in 2026. The 2026 was to address case load requirements, negative court rulings, failure to submit timely court reports, failure to timely document fact to fact visits and contact in the DFPS case management system.

21. Empower has been held in contempt by courts. First, in the 196th Judicial District in Hunt County on September 3, 2024, in the amount of \$500. And then also in the 354th Judicial District in Hunt County on February 7, 2025, in the amount of \$500.

22. Empower has persistent service delivery issues, poor social work judgment, failure to adhere to DFPS policy has resulted in the placement of children in imminent danger. The following are a few examples of these cases.

- a. PG was removed from his parents in October of 2023 due to serious physical abuse. At the age of 2 months, PG suffered at least 10 separate fractures to his body which were in different stages of healing (suspected to be potentially 30 fractures with some already healed). The parents could not identify the cause of the injuries, were unable to explain any injuries, and the injuries were severe and due to non-accidental trauma. Throughout the conservatorship case Empower provided case management services, the parents participated in minimal services and documentation reflected they were having supervised contact only. The primary worker documented the mother's pregnancy throughout the late spring and summer of 2024; however, there were no documented staffings regarding a plan for the newborn baby per DFPS policy. The infant was born November 1, 2024, and was pronounced deceased due to non-accidental trauma on November 24, 2024.
- b. Empower had case management responsibilities for CJ. CJ was diagnosed with Depakote/Divalproex Sodium-induced lupus. CJ's medical records noted that CJ should not be treated with or prescribed Depakote/Divalproex Sodium. Empower did not document this critical information in its case record or ensure that the information was shared between primary case workers and supervisors. On November 26, 2024, Empower authorized the hospital to treat CJ with Depakote/Divalproex Sodium. On February 19, 2025, CJ was admitted to the hospital with chest pain and pneumonia, both believed to be caused by lupus. During the time between CJ's initial diagnosis in June 2024 and his subsequent hospitalization in February 2025, CJ had five different caseworkers. The staff

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turnover and failure to document pertinent medical information in the case record or share information between assigned case managers placed CJ at risk of further health issues and hospitalization.

- c. Empower had case management responsibilities for a sibling group, a two-month-old and a two-year-old. In May of 2025, the siblings were removed from their parents due to the determination that the injuries to the two-month-old were non-accidental. Empower failed to maintain critical contact with the children and parents. The parents were seen twice between May and December 2025 and there were no collateral contacts with any service providers. On December 23, 2025, Empower approved a return to the parents' home despite the lack of services, family engagement, and assessment of safety in the parents' care. Upon return to the parents' home, Empower again did not assess the safety of the children in the home nor did they make the critical in person contacts per DFPS policy. The children were not seen weekly and instead were seen at announced visits once per month. On March 3, 2026, the two-month-old suffered additional intentional injuries and passed away a few weeks later from these injuries.

23. Recently, DFPS conducted a sample review of 178 Empower cases, including 83 cases where the children were placed back into the parents' home with court oversight. Empower inadequately addressed or documented safety concerns for these children. Due to a lack of information documented in the case narratives and uploaded into the electronic case record, it was difficult to determine what services and support were needed or provided to the families. This gap in documentation jeopardizes the ability of Empower to monitor the parents' service plan compliance and address significant risks in a timely manner.

24. Most of the cases revealed patterns of Empower's non-compliance with DFPS policy as to the family reunification process—including frequency of face-to-face contacts with the children and parents, case staffings with leadership, and follow-up for on-going needs. The sample case reviews further revealed a lack of planning prior to the return of a child and a lack of services to support a safe transition into the home and monitoring by Empower to ensure the safety of the children.

25. Additionally, the frequent turnover in caseworker assignments was noted throughout the

sample case reviews. These types of transitions impede proper monitoring, follow-up, and relationship-building, all of which are essential to ensuring successful outcomes for families and safeguarding children.

26. Based on this sample review, DFPS identified 13 cases requiring immediate attention where daily updates were ordered. DFPS has reclaimed case management authority over two cases, so far, under Family Code section 264.155(10)—one on March 5, 2026, and a second following the review.

C. Necessity of Receivership.

27. Receivership is an extraordinary remedy under Texas law, reserved for dire circumstances where no adequate alternative exists to protect the public interest. *See* Tex Civ. Prac. & Rem. Code § 64.001, *cf Perry v. Perry*, 512 S.W.3d 523 (Tex. App.—Houston [1st Dist.] 2016, no pet.) (Receivership is proper when interests face serious injury). The Legislature has expressly authorized receivership in circumstances where lesser remedies proved inadequate. *Id.*; Tex. Fam. Code § 264.1915; *see also* Senate Comm. on Health & Hum. Svcs., Bill Analysis, Tex. S.B. 2034, 89th Leg., R.S. (2025).

28. DFPS has exhausted all lesser contractual and regulatory remedies—including CQIs, CAPs, technical assistance, and performance sanctions—yet Empower continues to fail under its Community-Based Care contract, directly jeopardizing the health, safety, and welfare of children in DFPS conservatorship. *See* Tex. Fam. Code § 264.1915(1), .1915(3). This dire situation—where Empower continues endangering conservatorship children despite exhaustive DFPS remediation—is precisely the circumstance the Legislature intended Family Code section 264.1915 to address through court-appointed receivership. *See* Senate Comm. on Health & Hum.

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Svcs., Bill Analysis, Tex. S.B. 2034, 89th Leg., R.S. (2025).

29. Moreover, DFPS has carefully tailored this request to minimize disruption: the proposed receiver Mr. George Cannata brings almost 29 years' child welfare experience; powers are limited to child-safety measures; DFPS will file 60-day assessments; and the initial 90-day term does allow termination upon satisfying remedial conditions, *e.g.*, meeting statutory and policy standards. *See* Tex. Fam. Code § § 264.1925, 264.193, 264.196. Absent receivership, conditions satisfying Family Code section 264.1915 will persist, placing children at continued risk. *See id.* § 264.1925. Contract termination risks service gaps in 9 counties serving Metroplex East's conservatorship children; receivership ensures immediate stabilization without disruption. *Id.* § 264.194(h).

30. Receivership is the only mechanism ensuring immediate operational stabilization. *See id.* § 264.194(h). Receivership is expressly authorized for these precise circumstances to safeguard vital public interests—the welfare of children in DFPS conservatorship. Where imminent harm demands swift court intervention, as here, Family Code section 264.1915 compels immediate judicial action to protect vulnerable lives. *See id.* § 264.1915, .192 (Mandating courts give receivership petitions precedence and conduct an evidentiary hearing within 5 days of filing.).

VII APPOINTMENT OF RECEIVER

31. As a DFPS employee, the receiver is not required to execute a bond. Tex. Fam. Code § 264.1935.

32. DFPS has prepared a list of qualified persons in order of priority that the Court shall appoint as a receiver. Ex. A; *see* Tex. Fam. Code § 264.1925(b) (“A court must appoint a receiver selected from a list of qualified persons developed by the department and filed with the court.”).

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33. DFPS strongly recommends as its choice for receiver Mr. George Cannata. Mr. Cannata is the most qualified to be receiver with almost 29 years of experience. His attached resume describes his education, training, and experience to carry out the duties of receiver of a SSCC. *See Ex. B.* Mr. Cannata is a DFPS employee that has served as regional director over many DFPS regions of the State covering 81 north Texas counties, including Dallas and Tarrant counties. He has also served as the Director of the Texas Office of Community Based Care Transition, thus he is very familiar with the Community-Based Care model and can further facilitate the model during the receivership as required under Family Code section 264.194.

PRAYER

FOR THESE REASONS, Petitioner, the Texas Department of Family and Protective Services, respectfully prays that the Court:

- a. Set a hearing to conduct an evidentiary hearing within 5 days. Tex. Fam. Code § 264.192(b).
- b. Find conditions exist to appoint a receiver under Texas Family Code, Chapter 264, Subchapter B-2, sections 264.191—.196.
- c. Appoint Mr. George Cannata as receiver under Texas Family Code, Chapter 264, Subchapter B-2, sections 264.191—.196.
- d. Order reimbursement by Empower to DFPS under Texas Family Code, Chapter 264, Subchapter B-2, sections 264.191—.196.
- e. Award all other relief to which DFPS may be entitled under law and equity.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

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/s/ Phillip J. Smith

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Family & Protective Services***

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CERTIFICATE FOR EX PARTE RELIEF

Pursuant to Dallas County Local Rule 2.02, *Application for TRO and Other Ex Parte Orders*, the undersigned counsel hereby certifies that attempts were made to notify Respondent, as required by this Local Rule and by Texas Family Code section 264.192(b). The opposing party was provided a copy of this Application and the proposed order at least two hours before the Application and proposed order was presented to the Court for decision.

/s/ Phillip J. Smith
PHILLIP J. SMITH
Assistant Attorney General

REQUEST FOR HEARING

Pursuant to Texas Family Code § 264.192, DFPS requests a hearing on its *Verified Petition and Application for Appointment of Receiver* be scheduled at the soonest time practicable to the Court, but not later than five days from the date this Petition is filed with the Court.

/s/ Phillip J. Smith
PHILLIP J. SMITH
Assistant Attorney General

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VERIFICATION

STATE OF TEXAS §
 §
TRAVIS COUNTY §


Pursuant to section 132.001(f) of the Texas Civil Practice and Remedies Code, I, Lindsey Van Buskirk, declare the following:

“I am over 18 years of age, of sound mind, and fully competent and capable of making this statement.

I am the person whose name is subscribed below. I have fully read the foregoing *Verified Petition and Application for Appointment of Receiver*. The facts contained in this document are within my personal knowledge and are true and correct.

My name is Lindsey Van Buskirk and I am an employee of the following governmental agency: the Texas Department of Family and Protective Services. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.”

EXECUTED in Travis County, State of Texas, on the 16th day of March, 2026.



LINDSEY VAN BUSKIRK
Interim Associate Commissioner of
Child Protective Services
Texas Department of Family and
Protective Services

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Exhibit A

List of Qualified Persons to be Receiver,
per Tex. Fam. Code § 264.1925(b)

MEMORANDUM

TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

TO: Audrey O'Neill
Commissioner
DFPS

FROM: Kaysie Taccetta
Deputy Commissioner
DFPS

SUBJECT: Region 3E Receivership

DATE: March 16, 2026



After much deliberation with leadership and staff, these applicants are to be considered as the receiver for DFPS Region 3E, Metroplex East. They are listed in order of priority:

1. George Cannata
2. Vincent Riles

Exhibit B

Resume of Mr. George Cannata

George J Cannata Jr., LCSW

1200 E Copeland Rd., Arlington, Texas 76011 | (817) 739-3435 |
george.cannata@dfps.texas.gov

Education

- **BACHELOR OF SOCIAL WORK, 1997, UTA SCHOOL OF SOCIAL WORK**
- **MASTER OF SCIENCE IN SOCIAL WORK, 2000, UTA SCHOOL OF SOCIAL WORK**

Experience

CHILD PROTECTIVE SERVICES CASEWORKER, MANAGER, REGIONAL DIRECTOR | TEXAS DEPARTMENT OF FAMILY AND PROTECTIOVE SERVICES | MAY 1997 – CURRENT

Experience includes immediate assessment of safety, and direct delivery of services to children and families along with training, management and leadership roles at the local and state level. Beginning in Spring of 2016, I served as the Regional Director for 19 counties, including Dallas and Tarrant. I was responsible for the oversight of the entire Investigations and CPS service continuum. I was appointed by Texas Governor Greg Abbott as the Director of the Office of Community-Based Care Transition. I served in this role from January 2023 to November 2023. I returned to the role of Child Protective Services Region Director covering 81 North Texas Counties. In my current role, I work closely with our Regions' three Single Source Continuum Contractor (SSCC) Partners.

- Regional Director Nov 2023 - Present
- Director Texas Office of Community Based Care Transition Jan 2023 - Nov 2023
- Regional Director May 2016 - Jan 2023
- Deputy Assistant Commissioner Aug 2014 - May 2016
- Program Administrator May 2013 - Aug 2014
- Program Director Jan 2008 - May 2013
- Training Academy Manager Mar 2005 - Jan 2008
- Recruitment and Retention Specialist Jun 2004 - Mar 2005
- Investigations Supervisor May 2001 - Jun 2004
- Investigator and Family Based Safety Services Specialist May 1997 - Apr 2001

Skills & Abilities

COMMUNICATION/CONTINUOUS QUALITY IMPROVEMENT RESPONSIBILITY

Current professional responsibilities require application of critical thinking and assessment along with timely and effective communication with Child Protective Services staff; all levels of state management and executives; along with members of the state legislature, local judiciary, and key stakeholders. CQI responsibilities include monitoring and oversight of critical tasks and outcomes for both CPS program and our Regions' three SSCC Partners responsible for placement and foster-care services to children and families.

LEADERSHIP

I am currently the Child Protective Services Region Director for Field Operations covering three DFPS Regions (1, 2, 3W). I provide leadership, oversight, and daily management for CPS regional leadership and direct-delivery and support staff. I also work closely with our Community-Based Care Partner Agencies in my three regions to promote Safety, Permanency and Well-Being Outcomes for children and families.

Relevant License

- Texas Licensed Clinical Social Worker #35941