

CAUSE NO. DC-26-04702

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

95TH JUDICIAL DISTRICT

MOTION TO EXTEND RECEIVER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Texas Department of Family and Protective Services (*hereinafter*, “DFPS”) and files this *Motion to Extend Receiver* and would show in support:

BACKGROUND

1. DFPS brought this case on March 16, 2026 against EMPOWER under Texas Family Code, Chapter 264, Subchapter B-2, sections 264.191—.196.
2. On March 18, 2026, the Court entered the *Agreed Order Appointing Receiver* in this case. The Court entered the *Agreed Order Appointing Receiver* under Texas Family Code §§ 264.191–264.196, appointing Mr. George Cannata as receiver (“Receiver”) for EMPOWER for an initial 90-day term, subject to extension upon further petition and Court approval.

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3. The Receiver's initial appointment was set to expire on June 16, 2026, which was 90 days after the Court made its initial appointment on March 18, 2026. *See Agreed Order Appointing Receiver*, March 18, 2026, ¶ 5.

4. On May 19, 2026, the Court signed an *Agreed Order Extending Receiver*, extending the Receiver's appointment another 60 days. *See Agreed Order Extending Receiver*, May 19, 2026, ¶ 5. This term was extendable upon petition to the Court. *Id.*

5. In their May 12, 2026 *Joint Motion to Extend Receiver*, the Parties contemplated the May 19, 2026 Order would take effect immediately following expiration of Receiver's initial appointment. *See Joint Motion to Extend Receiver*, May 12, 2026, ¶¶ 3, 6. The May 19, 2026 *Agreed Order Extending Receiver* would continue the Receiver for an additional 60 days from its expiration date of June 16, 2026. *Id.* Thus, the May 19, 2026 *Agreed Order Extending Receiver* would continue the Receiver to August 17, 2026. *Id.*

6. Since his appointment, the Receiver has undertaken efforts regarding EMPOWER's operations, including but not limited to:

- a. addressing critical staffing and caseload issues;
- b. strengthening safety and quality-assurance practices; improving documentation and information-sharing with DFPS; and
- c. working to maintain placement stability and service continuity for children in DFPS conservatorship served in the Metroplex East Region.

ARGUMENT & AUTHORITY

7. While progress has been made, the conditions that gave rise to the receivership have not been fully resolved. Additional time is necessary to:

- a. implement and sustain corrective measures;
- b. further reduce safety and service-delivery risks; and
- c. complete a safe and orderly transition to either a fully compliant EMPOWER or an alternative long-term arrangement, consistent with Texas Family Code section 264.196.

8. Under Texas Family Code § 264.193(a), the Court may extend the receivership in 60-day increments upon petition by DFPS. DFPS requests that the Court extend the current receivership for an additional 60-day period from its present expiration date, with all terms and conditions of the existing Order Appointing Receiver to remain in full force and effect during the extended term. **The term for this extension would be from August 17, 2026 to October 14, 2026.**

9. DFPS will continue to file the assessment required by section 264.193(b) on or before the 60th day after the prior assessment, and the Receiver will continue to report to the Court as directed, so that the Court may evaluate whether further extension, modification, or termination of the receivership is appropriate. **The next date for filing said 60-day report within this Receivership term will be: September 14, 2026.**

10. This requested extension is narrowly tailored in duration and scope and is necessary to protect the health, safety, and welfare of children in DFPS conservatorship served by EMPOWER, to ensure continuity of services, and to fulfill the purposes of Texas Family Code, Chapter 264, Subchapter B-2.

PRAYER

FOR THESE REASONS, the Petitioner, Texas Department of Family and Protective Services respectfully prays that the Court grant this *Motion to Extend Receiver* and enter the *Order Extending Receiver*, extending the current Receiver in accordance with the provisions of the Texas Family Code for an additional 60 days from its current expiration date of August 17, 2026 with expiration of this renewed term on October 14, 2026, or for such other period as the Court deems appropriate under Family Code section 264.193; and Order that all terms of the existing *Agreed Order Appointing Receiver*, entered by the Court on March 18, 2026, remain in effect during the extended term, together with such other and further relief to which the parties may be justly entitled.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

Counsel for the Petitioner certifies pursuant to Local Rule 2.07 of the *Local Rules of the Civil Courts of Dallas County, Texas*, that Counsel has conferred with opposing counsel in an effort to resolve the issues contained in this Motion without the necessity of Court intervention, and opposing counsel has indicated that he does not oppose this motion.

Counsel for Respondent is not opposed to relief requested.

Counsel for Intervenor has been provided a copy of this Motion to Extend Receiver. Counsel for the Petitioner has delivered to Counsel for Intervenor a copy of the proposed motion. At least one attempt to contact Counsel for Intervenor followed the receipt by Counsel for Intervenor of the proposed motion. Counsel for intervenor has failed to respond.

Certified to on July 17, 2026 by the undersigned.

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

CERTIFICATE OF SERVICE

I certify that on July 17, 2026, I served a copy of Petitioner's *Motion to Extend Receiver* on all Parties listed below by electronic service and that the electronic transmission was reported as complete.

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Brenden Long
Annette Ezzell
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Attorney Ad Litem for C.J., A Child

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

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Karla Gutierrez on behalf of Phillip Smith
Bar No. 24070641
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Envelope ID: 117515539
Filing Code Description: Motion - Extend
Filing Description: RECEIVER
Status as of 7/20/2026 8:25 AM CST

Associated Case Party: NICOLETTE LAROE

Name	BarNumber	Email	TimestampSubmitted	Status
Nicolette Laroe	784522	Nlaroe@laroepe.com	7/17/2026 4:39:02 PM	SENT

Associated Case Party: TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

Name	BarNumber	Email	TimestampSubmitted	Status
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Karla Gutierrez		karla.gutierrez@oag.texas.gov	7/17/2026 4:39:02 PM	SENT

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