

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

In re Amy Hagen

No. 05-21-00528-CV · No. No. 05-21-00528-CV · Decided January 31, 2022

SUMMARY

The Fifth District Court of Appeals at Dallas denied Amy Hagen’s petition for writ of mandamus challenging trial court orders granting the father’s application for a writ of habeas corpus for the return of the child. The court concluded that Hagen failed to establish a clear abuse of discretion or the absence of an adequate appellate remedy.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Justice Ken Molberg; Justice Molberg; Justice Reichel; Justice Smith
JURISDICTION	Texas
DECIDED	January 31, 2022
DOCKET	No. 05-21-00528-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding seeking mandamus relief from trial court orders granting the child's father an application for a writ of habeas corpus under Chapter 157 of the Texas Family Code for return of the child.
STANDARD OF REVIEW	Mandamus relief requires the relator to show that the trial court clearly abused its discretion and that the relator lacks an adequate appellate remedy.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Amy Hagen

TOPICS

- family law procedure
- appellate procedure
- child custody
- remedies
- standard of review

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure
- remedies

QUESTIONS PRESENTED

1. Whether Amy Hagen established that the trial court clearly abused its discretion in granting Father's Chapter 157 habeas corpus application.
2. Whether Amy Hagen lacked an adequate appellate remedy, as required for mandamus relief.

HOLDINGS

1. The relator was not entitled to mandamus relief because she failed to show both a clear abuse of discretion by the trial court and the absence of an adequate appellate remedy.

KEY QUOTATIONS

“Entitlement to mandamus relief requires relator to show that the trial court clearly abused its discretion and that she lacks an adequate appellate remedy.”

“After reviewing the petition for writ of mandamus, real party in interest’s response, relator’s reply, and the record, we conclude that relator has failed to show her entitlement to the relief requested.”

FACTUAL BACKGROUND

The trial court entered orders granting the child's father's application for a writ of habeas corpus under Chapter 157 of the Texas Family Code for the return of the child. Amy Hagen challenged those orders in an original proceeding. The appellate court reviewed the filings and record but found no basis for mandamus relief.

PROCEDURAL HISTORY

Amy Hagen petitioned the Court of Appeals for a writ of mandamus challenging the trial court's orders granting Father's application for a Chapter 157 writ of habeas corpus. After reviewing the petition, response, reply, and record, the court concluded that Hagen failed to establish entitlement to mandamus relief and denied the petition.

DISPOSITION

writ_denied

CASES CITED

- In re Prudential Ins. Co., 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding)

OPINION

PER CURIAM.

Denied and Opinion Filed January 31, 2022 In The Court of Appeals Fifth District of Texas at Dallas No. 05-21-00528-CV IN RE AMY HAGEN, Relator Original Proceeding from the 469th Judicial District Court Collin County, Texas Trial Court Cause No. 469-54042-2016 MEMORANDUM OPINION Before Justices Molberg, Reichek, and Smith Opinion by Justice Molberg In this original proceeding, relator challenges the trial court’s orders granting Father’s

application for a writ of habeas corpus under Chapter 157 of the Texas Family Code for the return of the child.

See TEX. FAM. CODE §§ 157.371-.376. Entitlement to mandamus relief requires relator to show that the trial court clearly abused its discretion and that she lacks an adequate appellate remedy. In re Prudential Ins. Co., 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

After reviewing the petition for writ of mandamus, real party in interest’s response, relator’s reply, and the record, we conclude that relator has failed to show her entitlement to the relief requested. See TEX. R. APP. P. 52.8(a).

Accordingly, we deny the petition. 210528f.p05 /Ken Molberg/ KEN MOLBERG JUSTICE –2–