

CAUSE NO. DF-26-09446

NAUSHEEN GILKAR & OMAR AHMED,	§	IN THE DISTRICT COURT OF
Plaintiffs,	§	
v.	§	DALLAS COUNTY, TEXAS
	§	
MCKENNA WEST,	§	
Defendants.	§	301st JUDICIAL DISTRICT

Emergency
ORDER GRANTING TEMPORARY RELIEF FOR
THE PROTECTION OF THE CHILD

On this day the Court considered the petition in intervention of the State of Texas and the Brief of Intervenor the State of Texas in Support of Its Intervention and Request for Medically Indicated, Life-Saving Treatment for the Child. The Court has considered the pleadings, the brief, the argument of counsel, and the evidence presented.

The Court FINDS as follows:

1. This Court has jurisdiction over this suit and over the parties.
2. The State of Texas filed its petition in intervention before judgment and while this suit was pending. No party has moved to strike the intervention, or any such motion has been considered and denied. The State is a party to this suit.
3. The child who is the subject of this suit is expected to be born imminently in Dallas County, Texas. Upon the child's live birth, this Court's jurisdiction over the child will be complete, and Texas will be the child's home state under section 152.102(7) of the Texas Family Code.
4. The relief ordered below concerns the child's care and protection only from the moment of the child's live birth. Nothing in this Order adjudicates the rights of, or directs medical

care for, an unborn child, and nothing in this Order limits the right of the woman who will give birth to the child to make decisions to safeguard her own health or the health of the pregnancy.

5. The evidence before the Court raises a substantial question whether medically indicated, life-sustaining treatment will be provided to the child upon birth, and whether the child may be removed from this State before that question can be heard.

6. Temporary orders under section 105.001 of the Texas Family Code are necessary for the safety and welfare of the child. The Court enters this Order on the State's request and, independently, on its own motion under section 105.001(a). Except as to any provision requiring a verified pleading or affidavit under section 105.001(c), no affidavit or verified pleading is required, and this Order need not define the injury or state why it is irreparable. Tex. Fam. Code § 105.001(b).

IT IS THEREFORE ORDERED as follows:

1. **The State's Intervention.** The intervention of the State of Texas is recognized. The State shall participate in this suit as a party. ~~In the alternative, and only if the intervention is hereafter stricken, the State is granted leave to appear and be heard as amicus curiae, and the relief ordered below shall remain in full force on the Court's own motion and on the request of any party adopting it.~~

2. **Governing Law.** Texas law governs ~~the child's parentage,~~ the child's protection, **so long as medically necessary.** and medical decision-making for the child. ~~The Alaska choice-of-law provision of the parties' gestational agreement does not apply to those questions.~~

3. **Appointment of ~~Attorney Ad Litem and~~ Guardian Ad Litem.** ~~_____~~
Susan Duesler
~~is appointed attorney ad litem for the child, and _____~~ is appointed guardian ad

Susan Duesler

litem for the child, under Chapter 107 of the Texas Family Code. ~~Each appointee~~ is authorized to receive all pertinent medical information concerning the child, including protected health information, without further order or authorization, and each is authorized to appear before the Court on notice of hours. This appointment is effective as of the child's birth.

4. **Medically Indicated Care Upon Live Birth.** Upon the child's live birth, medically indicated stabilizing and life-sustaining care shall be provided to the child pending further order of this Court. No person shall withhold, direct the withholding of, obstruct, or delay that care. This paragraph does not require any physician to provide care that, in the physician's reasonable medical judgment, is not medically indicated, and it does not displace the authority of a physician to provide emergency treatment without consent under Texas law.

5. **Removal, Discharge, and Transfer Prohibited.** Upon the child's live birth and pending further order of this Court, no person shall:

- a. remove the child from UT Southwestern and/or Children's Health [treating facility];
- b. remove the child from the State of Texas; or
- c. discharge, transfer, or transport the child, or arrange or accept the discharge, transfer, or transport of the child, whether by ground or by air.

This paragraph does not prohibit a transfer that is medically necessary for the child's care, provided that the transferring physician certifies the medical necessity of the transfer to this Court and to the ad litem before the transfer occurs, or as soon as practicable if the emergency does not permit prior certification. Violation of this paragraph is punishable by contempt. Tex. Fam. Code § 105.001(f).

6. **Notice Requirements.** The treating hospital and the child's treating physicians shall give immediate notice to the Court, ~~the attorney ad litem~~, the guardian ad litem, the Texas Department of Family and Protective Services, and all counsel of record of each of the following:

- a. the child's live birth;
- b. the initial medical assessment of the child;
- c. any refusal of consent to medically indicated treatment for the child; and
- d. any request for the child's discharge, transfer, or transport.

Upon any refusal of consent to medically ^{necessary} indicated treatment, the treating hospital shall promptly convene its infant care review process or equivalent committee and shall provide the committee's findings to the Court and to the ad litem.

7. **Expedited Hearing.** Upon notice of any refusal of consent to medically ^{necessary} indicated treatment for the child, the Court or its associate judge will hear the matter on live medical testimony within 2 hours. At that hearing the Court will determine, on the evidence, whether the standards of Texas and federal law for overriding the refusal are met, including whether the treatment is medically ^{necessary} indicated in the reasonable medical judgment of the child's treating physicians and whether any statutory exception applies. The parents or other decision-makers may appear, be represented by counsel, and present contrary medical evidence.

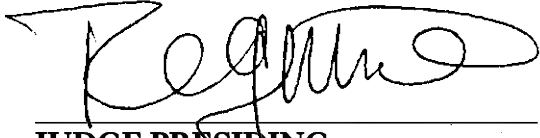
~~8. **Temporary Managing Conservatorship.** If the Court determines at that hearing that the standards for overriding the refusal are met, the Texas Department of Family and Protective Services, or another suitable person designated by the Court, is appointed temporary managing conservator of the child with the authority to consent to the recommended surgery and~~

~~to medically necessary ancillary care. All other parental rights and duties remain undisturbed pending a full adversary hearing under Chapter 262 of the Texas Family Code.~~

9. **Service and Notice of This Order.** A copy of this Order shall be served on all parties and counsel of record and shall be delivered to the treating hospital, its registrar and risk-management office, the child's treating physicians, and any transport provider or air-ambulance service contacted concerning the child. This Order binds the parties, their officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this Order.

10. **Effect and Duration.** This Order takes effect on the child's live birth and remains in effect until further order of this Court. Nothing in this Order limits the authority of the Texas Department of Family and Protective Services under Chapters 261 and 262 of the Texas Family Code, or the authority of any court to enter further orders for the protection of the child. Any party may move to modify or dissolve this Order on notice and hearing.

SIGNED this _____ day of **8/11/2026 12:24:48 PM**, 2026.



JUDGE PRESIDING
Associate Judge

Automated Certificate of eService

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Zeilic Contreras on behalf of Johnathan Stone

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Envelope ID: 118441946

Filing Code Description: Motion - Miscellaneous

Filing Description: TEXAS'S BRIEF IN SUPPORT OF ITS INTERVENTION AND REQUEST FOR MEDICALLY INDICATED LIFE-SAVING TREATMENT FOR THE CHILD

Status as of 8/11/2026 8:18 AM CST

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INTERVENTION AND REQUEST FOR MEDICALLY INDICATED
LIFE-SAVING TREATMENT FOR THE CHILD

Status as of 8/11/2026 8:18 AM CST

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