

NO. 1-98-435

IN THE MATTER OF
THE MARRIAGE OF

EDWARD NEIL DUCKWORTH
AND ROBIN LEE DUCKWORTH

AND IN THE INTEREST OF
MATTHEW NAKAI DUCKWORTH
AND LAURA DANIELLE DUCKWORTH
MINOR CHILDREN,

IN THE DISTRICT COURT

382ND JUDICIAL CIRCUIT

ROCKWALL COUNTY,
TEXAS

FILED FOR RECORD
ROCKWALL CO. TEXAS
02 JUN -3 AM 10:46

KAT MCDANIEL
DISTRICT CLERK
DEPUTY

**MOTION TO MODIFY TERMS AND CONDITIONS OF
JOINT MANAGING CONSERVATORSHIP**

This Motion to Modify Terms and Conditions of Joint Managing Conservatorship is brought by Respondent, Robin Lee Duckworth, and as grounds therefore would state:

1. Respondent, Robin Lee Duckworth, and Petitioner, Edward Neil Duckworth, were appointed Joint Managing Conservators of Matthew Nakai Duckworth and Laura Danielle Duckworth with the Petitioner as the parent with primary possession of the parties' children by Final Decree of Divorce dated June 9, 1999 and entered by the Court on July 30, 1999. However, since the entry of the Final Decree of Divorce, the Respondent would show that the previous order of the court should be modified and Respondent should now be designated the parent with primary possession of the parties' children and Managing Conservator for the following reasons:

- a. The children's present living environment with the Petitioner may endanger the children's physical health or significantly impair the children's emotional development;
 - b. The children's present living environment with the Petitioner is not in the best interest of the children;
 - c. The circumstances of the children and the managing conservators affected by the order have materially and substantially changed since the date of the rendition of the order; and
 - d. The appointment of the Respondent as Managing Conservator would be a positive improvement for the children.
2. A material change has occurred since the rendition of the order in that at that time of the entry of the final decree, the children were being cared for by an in-home daycare provider for twelve hours per day who clothed them, bathed them, and fed them three meals per day. Respondent has recently learned that the daycare has been closed and that the children are staying with the Petitioner's parents. Given the previous concerns of Child Protective Services regarding the ability of the grandparents to care for the children safely, (see attached letter from Ombudsman Office), Respondent has reasonable grounds for concern for the physical safety and emotional well being of the parties' children.

3. Since June, 1999, despite the fact that Respondent is a joint managing conservator by the terms of the Final Decree of Divorce, the Petitioner has denied the Respondent all access to the parties' children for almost 3 years. Respondent has not been allowed a single telephone call despite her attempts, has not been provided a single photograph of her children, has not been kept informed of their activities, has not been kept informed of their medical condition, and has been repeatedly denied visitation of any kind. In fact, Petitioner has on multiple occasions thwarted any and all efforts by the Respondent to contact and/or visit with the parties' children.

a. In August, 2001, Petitioner agreed to allow Respondent to visit with the parties' minor children (see attached correspondence).

However, after Respondent had traveled over 1500 miles in order to be able to see her children, instead of seeing her children she was informed there was a warrant for her arrest (see attached police report). Petitioner refused to even allow a supervised visit at the Heath Police Station and informed Lt. Robert De Los Santos Badge #302 that he would allow no visitation with the children at all.

b. In November, 1999, Petitioner stated to Rockwall Officer Kirk Aldridge Badge #931 that he would not allow Respondent to see the children (see attached police report filed on November 13, 1999).

- c. In March, 2000, Petitioner informed Respondent that she better "get ready for the next 15 years" because he apparently has no intention of ever allowing her to see her children again despite this Court's orders to the contrary. (see attached transcript of audio tape).
 - d. Further during a telephone conversation with the children's daycare provider in July, 2000, the Respondent was informed that the Petitioner would go underground with the children before he would let her have them or see them again. (see copy of transcript of audiotape attached hereto).
4. The public policy of the state to assure that children will have frequent and continuing contact with both parents is clearly being violated by the Petitioner in this case to the detriment of two innocent children. Moreover, the inability of the Petitioner to cooperate and promote a relationship between the children and the Respondent as a managing conservator is grounds for modification as same is an emotional detriment to the parties' children as they have been 3 years without seeing or even hearing from their mother. It is abundantly clear that through the Petitioner's statements and actions that he does not intend to promote the best interests of the children in this matter.

WHEREFORE, Respondent, Robin Lee Duckworth, respectfully prays for modification of the terms and conditions of the managing joint conservators and

any and all such other general relief as she may appear entitled including immediate visitation with her children.

Respectfully Submitted,

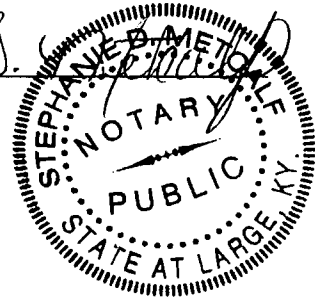
Robin Lee Duckworth

ROBIN LEE DUCKWORTH, pro se
101 Piper Way
Corbin, Kentucky 40701
Telephone (606) 523-3864

STATE OF KENTUCKY
COUNTY OF KNOX

Sworn to and subscribed before me by Robin Lee Duckworth on this 15th day of May, 2002.

Stephanie S. [Signature]
NOTARY PUBLIC



My Commission Expires:

MY COMMISSION EXPIRES 5/30/2005

NOTICE OF HEARING

The above Motion is set for hearing on July 19, 2002
at 9:00 a.m. in the 382nd Judicial District Court, Rockwall County,
Texas.

Signed on June 24, 2002.

Linda Bellard
JUDGE PRESIDING *Court Co-Trustee*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on this 1st day of July, 2002: