



TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES

EXECUTIVE DIRECTOR

James R. Hine

May 26, 1999

The Honorable Jim Stewart
Kentucky General Assembly
State Capitol
Frankfort, Kentucky 40601

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This Information Is Confidential By Law

Dear Representative Stewart:

The Ombudsman Office of the Texas Department of Protective and Regulatory Services (PRS) received your correspondence from Governor George W. Bush relating to your constituent, Ms. Robin Carr, and her concerns relating to her children, Laura and Matthew Duckworth, Child Protective Services (CPS) and the judicial system in Rockwall County Texas. Mr. Mark Boone reviewed the information.

I will address the issues Ms. Carr had relating to Rockwall County CPS; however, since PRS has no jurisdiction over the decisions made by the Rockwall County court, I recommend that Ms. Carr contact the Texas State Commission on Judicial Conduct at (512) 463-5533 to express her concerns relating to the judge.

Ms. Carr is concerned about her children experiencing separation and trauma and having to grow up without her. Ms. Carr says it is not in her children's best interest to be away from her. Regional administrative staff report that they are unaware of any trauma from separation being experienced by the children. CPS has made no recommendations to the court regarding visitation between Ms. Carr and her children. Before the father, Mr. Edward Duckworth, placed the restraining order against Ms. Carr, the children were spending every other week in Kentucky with Ms. Carr.

Ms. Carr indicated that her children are in the care of the abusive paternal grandfather, Mr. Earnest Duckworth, and that she is afraid for their safety. Ms. Carr alleged that Matthew has become aggressive. CPS found that there is no direct correlation between Matthew's behavior and being in the care of the paternal grandfather. CPS acknowledged that there is some concern about the paternal grandfather's ability to safely care for Laura and Matthew. CPS addressed these concerns with Mr. Duckworth, and he agreed to place the children in day care full time to minimize the amount of time he is involved in caring for the children. Staff reports that since Matthew has been in day care, his social skills have improved, and CPS has not received any further reports about his aggressive behavior.

Ombudsman Office Letter
Exhibit A

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Ms. Carr alleged that Mr. Duckworth grew up in a physically and emotionally abusive home. She stated that Mr. Duckworth is an alcoholic and afraid of his father. Ms. Carr also indicated that there are emergency room reports that document that the children were in good condition when they were living with her. Mr. Duckworth denied these allegations to CPS, the court appointed social study provider and therapist who completed the psychological evaluation on him. CPS has numerous emergency room records that were obtained from the Baptist Regional Hospital in Kentucky which has no documentation regarding the children's condition while in Ms. Carr's care.

On February 2, 1999, CPS received a referral that two-year-old Matthew and thirteen-month-old Laura have been physically abused by the paternal grandfather. CPS completed an investigation on March 4, 1999, with a Ruled Out disposition for Physical Abuse of both children. CPS concluded that the bruises observed on each child were play related. Ms. Carr also indicated in her correspondence that the paternal grandfather almost broke Matthew's neck in February 1998 when Matthew was fourteen-months-old. CPS has concerns that the paternal grandfather was physically abusive towards Matthew in February 1998; however, Ms. Carr did not report the incident between Matthew and the paternal grandfather until the custody dispute began in October 1998.

Ms. Carr states that she was not notified about an Ex Parte hearing and she was uncertain if CPS was involved in this hearing. PRS regional administrative staff report that CPS was not involved in the Ex Parte hearing. CPS has never been involved in any legal matters relating to this family.

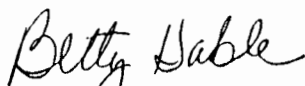
Ms. Carr indicated that she is expected to go to Rockwall, Texas for a mental examination, parenting classes and counseling. Staff report that the recommendations for Ms. Carr to attend parenting classes and have a psychological evaluation were the result of court order. Ms. Carr has complied with the court order by completing the psychological evaluation.

The child custody hearing between Ms. Carr and Mr. Duckworth has been scheduled for June 3, 1999.

Thank you for the opportunity to assist your constituent. Should you^{or} Ms. Carr have additional questions concerning this matter, please contact Mr. Boone at 1-800-720-7777.

The information provided to you is confidential by law and is being provided to you in your official capacity. Redisclosure of this information to any other individuals is prohibited by law.

Sincerely,



Betty B. Hable
Director, Ombudsman Office

cc: Governor George W. Bush
James R. Hine

Cause No. 1-99-82

FILED FOR RECORD
KAY MCDANIEL DISTRICT CLERK
ROCKWALL COUNTY, TEXAS

JUN 14 1999

AM 7:18, 9, 10, 11, 12, 1, 2, 3, 4, 5, 6 PM

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
MATTHEW NAKAI DUCKWORTH	§	382ND JUDICIAL DISTRICT
AND	§	
LAURA DANNIELLE DUCKWORTH	§	
	§	
MINOR CHILDREN	§	ROCKWALL COUNTY, TEXAS

ORDER ON RESPONDENT'S MOTION FOR SANCTIONS

On June 9, 1999, this cause came on for trial.

The Court finds that NEIL and CAROLINE DUCKWORTH have been wronged by the filing of the *Application for a Protective Order* which pleading was filed by ROBIN LEE DUCKWORTH through her counsel of record, DWIGHT E. DENMAN. The Court finds that the *Application for a Protective Order* was frivolous, groundless, harassing and brought in bad faith. The Court finds that ROBIN LEE DUCKWORTH should be sanctioned for her filing of a frivolous, groundless, harassing and bad faith pleading. The Court finds that the sanctions imposed against ROBIN LEE DUCKWORTH should be tempered because of the findings of the Court in its rulings in Cause 1-98-435 concerning the mental health of ROBIN LEE DUCKWORTH. The Court finds that, as a sanction against ROBIN LEE DUCKWORTH, the non-suit granted concerning the *Application for a Protective Order* should be with prejudice against the refiling of that motion or any similar motion. The Court finds that, as a sanction against ROBIN LEE DUCKWORTH, ROBIN LEE DUCKWORTH should be ordered to pay five hundred dollars (\$500.00) to NEIL and CAROLINE DUCKWORTH. The Court finds that the payment of such sum should be probated upon the condition that ROBIN LEE DUCKWORTH

write an unequivocal letter of apology to NEIL and CAROLINE DUCKWORTH for her filing of the *Application for a Protective Order* and the false allegations made by ROBIN LEE DUCKWORTH against NEIL and CAROLINE DUCKWORTH.

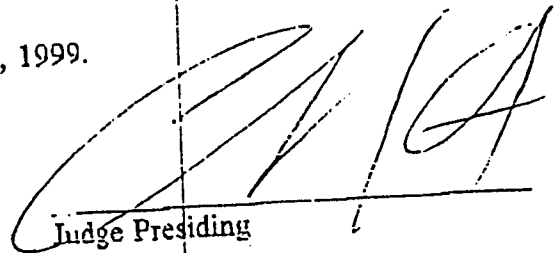
The Court finds that DWIGHT E. DENMAN should have known that the *Application for a Protective Order* was frivolous, groundless, harassing and brought in bad faith. The Court finds that, at the very least, DWIGHT E. DENMAN signed and filed a pleading without reasonable inquiry as to whether the instrument was frivolous, groundless, harassing and brought in bad faith. The Court finds that a sanction should be imposed against DWIGHT E. DENMAN. The Court finds that DWIGHT E. DENMAN should be ordered to pay ten thousand dollars (\$10,000.00) to NEIL and CAROLINE DUCKWORTH on or before July 1, 1999. The Court finds that, as of the date of the trial of this cause, DWIGHT E. DENMAN was co-counsel of record for ROBIN LEE DUCKWORTH. The Court finds that DWIGHT E. DENMAN did not file an answer or response of any kind regarding the motion for sanctions filed by Respondent.

ACCORDINGLY, IT IS ORDERED that ROBIN LEE DUCKWORTH is hereby sanctioned by this Court for ROBIN LEE DUCKWORTH's filing of a frivolous, groundless, harassing and bad faith pleading. IT IS ORDERED that the non-suit granted concerning the *Application for a Protective Order* is hereby granted with prejudice against the refiling of that motion or any similar motion. IT IS ORDERED that ROBIN LEE DUCKWORTH is ordered to pay five hundred dollars (\$500.00) to NEIL and CAROLINE DUCKWORTH through their attorney of record, JACK C. PATE, Burleson, Pate & Gibson, L.L.P., 2414 North Akard, Suite Seven Hundred, Dallas, Texas 75201 on or before July 1, 1999. ADDITIONALLY, IT IS ORDERED that the payment of such sum is hereby probated upon the condition that ROBIN

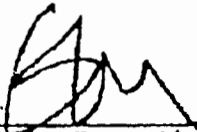
LEE DUCKWORTH write an unequivocal letter of apology to NEIL and CAROLINE DUCKWORTH for her filing of the *Application for a Protective Order* and the false allegations made by ROBIN LEE DUCKWORTH against NEIL and CAROLINE DUCKWORTH. IT IS ORDERED that if such unequivocal letter of apology is received by NEIL DUCKWORTH and CAROLINE DUCKWORTH through their attorney of record, JACK C. PATE, Burleson, Pate & Gibson, L.L.P, 2414 North Akard, Suite Seven Hundred, Dallas, Texas 75201 on or before July 1, 1999, that ROBIN LEE DUCKWORTH shall not be required to pay the five hundred dollar (\$500.00) sanction assessed herein.

IT IS ORDERED that DWIGHT E. DENMAN is hereby sanctioned by this Court for signing and filing a pleading without reasonable inquiry as to whether the instrument was frivolous, groundless, harassing and brought in bad faith. IT IS ORDERED that DWIGHT E. DENMAN shall pay ten thousand dollars (\$10,000.00) to NEIL and CAROLINE DUCKWORTH through their attorney of record, JACK C. PATE, Burleson, Pate & Gibson, L.L.P, 2414 North Akard, Suite Seven Hundred, Dallas, Texas 75201 on or before July 1, 1999.

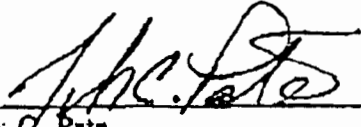
Signed June 14, 1999.


 Judge Presiding

Approved as to form and entry requested:



David E. Rohlf
Co-Counsel for ROBIN LEE DUCKWORTH



Jack C. Pate
Counsel for NEIL and CAROLINE DUCKWORTH