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Child Custody Part Two

Dallas Feb 15 -- A Kentucky mother says a Texas psychologist falsely branded her as having a "below-average" I-Q... and non-existent mental illnesses which cost her custody of her kids.

The woman graduated Magna Cum Laude from college.

News 8 continues its investigation into the growing controversy of using court-appointed psychologists in child custody battles... with the story of a mother who is fighting back.

It was Robin Duckworth's ex-husband who taught her the value of recording everything.

"I mean, I would never have thought about taping if Ed hadn't taped me. And Melody East took the tape to the judge.. and they took my children away from me. I figured, Boy, tapes are valuable. I mean, look at what it did for Ed and his attorney, " says divorced mom, Robin Duckworth.

Robin has collected dozens of audio tapes over the past two years in an effort to show what she considers serious irregularities in the way a judge and a court-appointed psychologist have handled her case.

She says they've gone a long way to proving that she's not crazy.

Robin added, "A lot of people have helped me stay focused and if I had not kept such good documentation of everything, there wouldn't be a hope that anyone would believe me if I had not.. if I had not done all those things. And, if I had not remained in control. Because it's a choice that I make, Valeri, and I learned that when all this started, I make the choice to stay sane. With all that's been done

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to me, I could go off the deep end and nobody would blame me."

There are couple of things you should know about Robin Duckworth before we play key excerpts from this tape secretly recorded by her Ex.

She is a practicing Christian... and she's upset that the judge had ordered her small children be shuttled 1200 miles between Texas and Kentucky every week.

When her ex-husband comes to pick them, both children-- under the age of two-- are sick.

"You're not going to get away with this, Ed. God is not going to let you. I pray God takes your life if you don't turn to Him and stop this nonsense. I'd better not find these children in the shape they were in last month. I'm tired of having to go to the emergency room, that is ridiculous," Robin is heard to say on the tape.

At no time does Robin threaten any physical violence, but she does call Ed's parents "demons".

Rockwall Judge Sue Pirtle refused to comment on camera, but she did tell us in chambers that the "demon" comment and Robin's statement that she "prayed" Ed would die.. caused her to issue a temporary restraining order restricting Robin's access to her kids.

After that, Robin's religious beliefs became a target for Ed Duckworth's attorney and others.

Valeri Williams talked to Ed Duckworth's attorney, Charles Schurenberg.

Valeri: Outside of that tape, what demonstrates that Robin Duckworth is unstable?

Schurenberg: Absolutely her psychological interview with the psychologist. And her testing with the psychologist. And, she's got a thought disorder, she's dillusional, she's got all kinds of problems that scared the psychologist to death.

Carla Herren was court-appointed to psychologically evaluate both Duckworth's in their custody fight.

She declined to talk with News 8--citing patient confidentiality.

But Robin Duckworth says Herren focused the majority of the interview on radical questions about her religious beliefs.

Valeri asks Robin:

Valeri: Do you feel like she was trying to paint you as crazy?

Robin: Oh, without a doubt. There is not a doubt in my mind. I know what we talked about. And her mental evaluation.. the day I got it took my breath away. I said, "She has gotten my results mixed up with someone elses. There is no way this is me.

News 8 contacted three American Psychology Association experts about the tests Dr. Herren gave Robin.

All three stated that she had used an old version of one test that hadn't been updated since World War II.

They also told us that Herren's use of a certain personality test could be easily misconstrued to portray a parent in a custody dispute as mentally unstable.

More disturbing is the discovery of changes to Ed Duckworth's report.

Although Herren was the court appointed psychologist.. another colleague in her office actually performed a lot of the evaluation.

Herren admitted to News 8 that she misread his notes and included a serious error in the report. It was later retracted.

Valeri Williams questioned Charles Schurenberg about the discrepancy.

Valeri: What I am asking is.. this psychologist made a pretty big mistake in your client's report. And you don't think that she could have made a mistake in Mrs. Duckworth's report?

Schurenberg: I don't think she made a mistake in Mrs. Duckworth's report

Valeri: But you don't think it's a possibility?

Schurenberg: I'm not asking.. There is a possibility that anybody could do anything in any report.

Less than a year before Ed Duckworth filed for a divorce in Texas... he filed for divorce in Kentucky.. where he volunteered to give up custody to the kids because-- as he told the court-- Robin was the "fit and proper parent".

But despite flaws pointed out in the psychological exams, Judge Pirtle told News 8 that she still believes Robin is "sick", "manipulative", and "dangerous".

Robin just wants someone to look at the evidence she's collected.

"I have two babies. God gave me those babies. I carried them. I gave birth to them. I love them. There is no way I would ever give up. I'm never going away. I know that Judge Pirtle would like for me to go away. I know that Ed would like for me to go away. I will not go away. I will never go away," states Robin.

Tomorrow night, News 8 Investigates looks at fees of court appointed psychologists.

Reporter: Valeri Williams
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Classifieds

Rockwall Chronicle

Rockwall's only Home-Owned Newspaper

Wednesday, March 3, 1999

50¢

Custody hearing ends with mother in jail

By **Maty Cecil and Rick Moran**
The Rockwall Chronicle

A routine custody hearing in District Court Friday ended with a distraught mother being led from the Government Center in hand cuffs after she became hysterical and refused to leave the building until someone would tell her when

she could see her children. Observers later asked why the emergency medical service was not called to deal with the woman.

Robin Duckworth was in court Friday over custody of her two children. The hearing in Judge Sue Pittle's court ran four hours at which time the judge continued the case to a later date. Mrs.

Duckworth reportedly became hysterical and was directed by a court security officer to leave the building.

Mrs. Duckworth reportedly refused to move, saying that she wanted to know when she could see her children, one and three years of age. During the court proceedings, Duckworth told the

court that she had only seen her children under a court mandated supervised visitation twice in the last four months.

Duckworth, a resident of Barberville, KY has a teenage son in that state, while her two small children live in Rockwall with their father in Heath. A previous arrangement had split custody be-

tween the parents, with the two children shuttling half way across the county on a weekly basis.

Taken into custody Duckworth was booked into the Rockwall County Jail and later released when friends raised \$500 cash bond. According to Duckworth she was jailed with a female drug user who cried when she heard Duckworth's story. "She told me that even with a drug history and arrest record, no one had ever challenged her right to her chil-

Teachers training for marathon in Hawaii

By **Mary Cecil**
The Rockwall Chronicle

Julie Aldridge and Shelley Ladd are both second grade teachers at Amy Parks Elementary School in Heath. As they became friends, they discovered



see Hearings, page 2

No New District

Rotarian Roy Hance presents the Rotary Policeman of the Year to Johnny Solis of the Heath Police Department. Heath Police Chief Dennis Watson is at right.

Hearing, from page 1

dren in Rockwall," Duckworth said. "But she is a resident and I'm from Kentucky!"

Further complicating the issue, Duckworth's request for a supervised visit with her children was denied this week by the court appointed monitor of such visitations, Tish Verde.

"Tish Verde told me that she wanted nothing to do with me. That she would not let me see my babies," Duckworth reported Tuesday.

During Friday's court hearing Ms. Verde, owner of Time Together, a company that supervises court ordered closed visitation, said that she wanted Duckworth's visitation to be limited to the Heath Police Station. fearing, she said, the opportunity for someone to take the children from public places. She told the court she had not yet talked to the Heath Police about the idea. Verde had been directed to make visitation available to Mrs. Duckworth on a regular basis by the court previously.

In an interview Tuesday, Ms. Verde said that she had been contacted by Mrs. Duckworth on Monday and that she refused to participate in any visitation between Duckworth and the children, because she felt uncomfortable and unsafe in Duckworth's presence. She added that she had fears that Mrs. Duckworth would try to take the children back to Kentucky if she had the opportunity.

Over the last four months, Mrs. Duckworth visited with the children only twice and was criticized for her failure to visit more often. Mrs. Duckworth maintained that the infrequency of her visits were due to Ms. Verde's reluctance to oversee the visits.

"I don't know how I got to this point in my life. I've been criticized over my religious convictions and where I live, yet I meet people every day who have less education, who use drugs and alcohol and who never go to church and they have their babies. I don't know what I've done so terribly wrong," Duckworth said.

Where else can you read:

For What It's Worth

by Mary Cecil

Sailing with the Commodore

by Bob Williams

Cooking with Ease

by Nancy Tate

The Rockwall Chronicle

306 E. Washington

Rockwall County

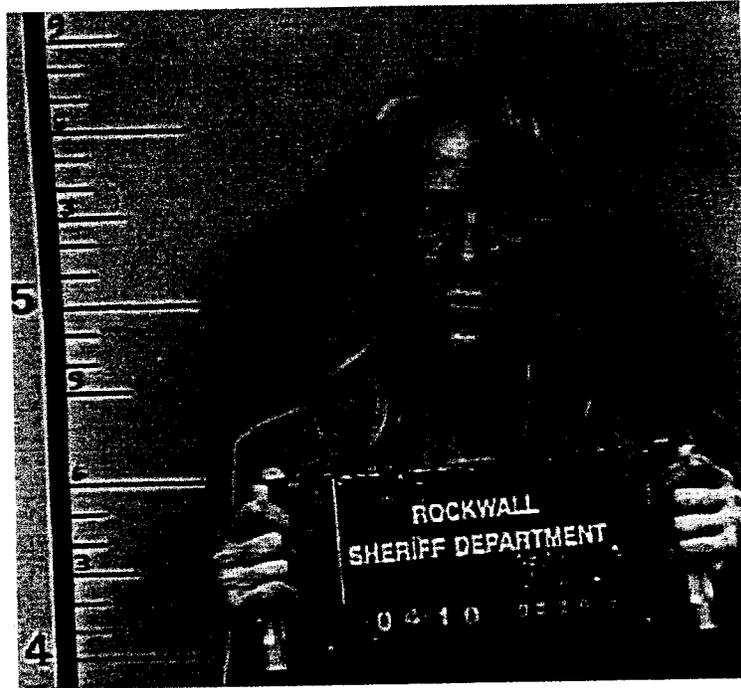


Photo Date : 02/26/1999
SO# : 71288

Photo Time : 06:39pm
PID : 3571

Name : DUCKWORTH, ROBIN KARR

DOB : 06/12/1961

Sex : F
Race : W
Eth :

Hgt : 5'7
Wgt : 125

Hair: BLN
Eyes: BLU

Build: SM (SMALL)
Compl: FAR (FAIR)

SMT :
Desc :

COUNTY COURT OF ROCKWALL COUNTY, TEXAS

CAUSE NO. CR99-0273

THE STATE OF TEXAS VS. Robin Kerr Duckworth

DATE 3-16-99

PUNISHMENT RECOMMENDATION

FILED FOR RECORD
PAULETTE BURKS, COUNTY CLERK
ROCKWALL COUNTY, TEXAS

MAR 16 1999

It is recommended to the Court that:
PUNISHMENT SHOULD BE ASSESSED AS FOLLOWS:

1 day in the ROCKWALL COUNTY JAIL — credit 1 day
\$500 FINE
\$214.25 COURT COSTS

IF PROBATION IS GRANTED, ADDITIONAL CONDITIONS ARE:

- PROBATION is recommended for a period of _____.
- DEFERRED ADJUDICATION OF GUILT is recommended pursuant to 41.12.
- Payment of RESTITUTION in the amount of \$ _____ payable to _____.
- Payment of FINE.
- Payment of COURT COSTS within thirty (30) days of the judgment.
- Payment of PROBATION SUPERVISORY FEE of \$40.00 per month.
- TIME PAYMENT PLAN FEE of \$25.00 within thirty (30) days of judgment.
- Driver's License Suspension for _____.
- Obtain a GED/High School Diploma.
- Pay \$25.00 to Crime Stoppers within 60 days of the judgment.
- _____ hours of Community Base Service at the rate of 10 hours per month.
- D.W.I. Education/Repeat Offender Education.
- Alcohol/Drug Evaluation.
- Serve a term in jail of _____ days as follows:
- Install interlock device on defendant's vehicle or vehicle most regularly driven by defendant.
- Complete Drug Offenders Program.
- Attorney fees of \$ _____ to be paid within _____ days.
- _____

All parties understand that in the event that the Court rejects this agreement, the Defendant will be permitted to withdraw his plea and no statement or other evidence received during the plea may be admitted against the defendant on the issue of guilt or punishment in any subsequent criminal proceedings, in accordance with Art. 26.13 C.C.P. Furthermore, if the Court sets punishment at or below this recommendation, all parties understand that no appeal is possible without the permission of the court unless based on motions previously filed.

I accept the above listed recommendation:

Robin Kerr Duckworth
DEFENDANT

Recommendation made by:

David E. Bell
COUNSEL FOR STATE

HC 84 Box 127-A Barboursville, Ky. 40506
DEFENDANT'S ADDRESS

ATTORNEY FOR DEFENDANT

WRITTEN PLEA ADMONISHMENTS
Without an Attorney
County Court
ROCKWALL COUNTY, TEXAS

CR 99-0273

DATE: 3-16-99

TO: Robin Kerr Duckworth Defendant

Pursuant to Art. 26.13 C.C.P., You are hereby admonished in writing:

FILED FOR RECORD
PAULETTE BURKS, COUNTY CLERK
ROCKWALL COUNTY, TEXAS

MAR 16 1999

1. You are hereby admonished in writing:

2. If adjudged guilty, you face the following range of punishment:

- CLASS A MISDEMEANOR: a fine not to exceed \$4,000; confinement in jail for a term not to exceed one year; or both such fine and jail confinement.
- CLASS B MISDEMEANOR: a fine not to exceed \$2,000; confinement in jail for a term not to exceed 180 days; or both such fine and jail confinement.
- CLASS C MISDEMEANOR (APPEAL): a fine not to exceed \$500.
- DRIVING WHILE INTOXICATED (1st): a fine not to exceed \$2,000 and confinement in jail not less than 72 hours and not more than 180 days. Your drivers license may be suspended up to one year.
- Driving While Intoxicated (2nd): a fine not to exceed \$4,000; and confinement in jail not less than 30 days and not more than one year. Your drivers license may be suspended up to two years.
- For DWI (1st): where an open container is alleged, the minimum jail confinement is 6 days.
- DRIVING MOTOR VEHICLE WHILE LICENSE INVALID/ SUSPENDED: CLASS B MISDEMEANOR, a minimum of \$100 fine, a maximum of \$500 fine and confinement in jail not less than 72 hours and not to exceed 180 days.
- OTHER: _____

3. PLEA BARGAINS: If no plea bargain exists, the recommendation of the prosecuting attorney is not binding on the Court. If a plea bargain does exist the court will inform you whether it will follow the agreement in open court and before any finding on your plea. Should the court reject the agreement, you will be permitted to withdraw your plea if you desire.

4. PERMISSION TO APPEAL: If the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by you, the court must give its permission to you before you can prosecute an appeal on any matter in the case except for matters raised by written motion filed prior to trial.

5. CITIZENSHIP: If you are not a citizen of the United States of America, a plea of Guilty or nolo contendere for this offense may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.

6. DEFERRED ADJUDICATION: If the Court defers adjudication of your guilt and places you on probation, on violation of any imposed condition, you may be arrested and detained as provided by law. You will then be entitled to a hearing limited to the determination by the court of whether to proceed with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation and your right to appeal continue as if adjudication of guilt had not been deferred.

7. DEFENDANT'S RIGHTS: The defendant was admonished, and stated understanding of the following rights. To a speedy public trial by an impartial jury. To demand explanation of the nature and cause of the accusation. To have a copy of the accusation. To not be compelled to give evidence. To be heard in person or by attorney. To have a lawyer appointed for representation if he is unable to hire one. To be confronted with the witnesses for the State. To cross-examine any witnesses. To have witnesses to be called to testify. To make bond and be released from jail until trial time. To have at least 10 days from arrest until the case is brought to trial. To apply for a probated sentence, if eligible. To plead guilty, not guilty, or no contest before the Court or a jury. To object to the introduction of testimony by affidavits, written statements of witnesses, and any other documentary evidence in support of the charges by the state.

Burl Bell
PRESIDING JUDGE

Comes now the defendant and states that I understand the foregoing admonishments from the Court and am aware of the consequences of my plea. I further state that I am mentally competent and that my plea is freely and voluntarily entered. I also waive and give up under Art. 1.14 C.C.P. all rights given to me by law, whether of form, substance or procedure. I waive and give up my rights in this case under Art. 1.13 C.C.P. I waive and give up the right to appearance, confrontation and cross-examination of the witnesses, ten days to prepare for trial and I consent to oral and written stipulations of evidence.

JUDICIAL CONFESSION AND WAIVER OF RIGHTS

I further state that I have read the Indictment or Information filed in this case and that I committed each and every allegation it contains. I am guilty of the offense alleged as well as all lesser included offenses. I swear to all the foregoing and I further swear that all testimony I give in the case will be the truth, the whole truth and nothing but the truth, so help me God. I also state that any enhancement allegations are true. I waive all rights contained in this admonishment. I have been advised by the Rockwall County Court of my right to representation by counsel in the trial of the charge pending against me. I have been further advised that if I am unable to afford counsel, one will be appointed for me free of charge. Understanding my right to have counsel appointed for me free of charge if I am not financially able to employ counsel, I wish to waive that right and request the court to proceed with my case without an attorney being appointed for me. I hereby waive my right to counsel and enter my plea.

Roll Duckworth
DEFENDANT

Sworn to and subscribed to before me on this date: 3-16-99

Glenda Denton
DEPUTY COUNTY CLERK ROCKWALL COUNTY, TEXAS

We join and approve the waiver of jury trial pursuant to Art. 1.13 C.C.P. In addition, the Court finds as a fact that the Defendant is fully competent and that Defendant's plea is freely and voluntarily entered.

Daniel E. Allen
PROSECUTOR

Roll Duckworth
DEFENDANT

Ray Bell
PRESIDING JUDGE

WAIVER OF COURT REPORTER

Now comes the undersigned defendant and hereby waives the requirement for a court reporter in this case.

Roll Duckworth
DEFENDANT

NO. CR99-0273

THE STATE OF TEXAS
VS
DUCKWORTH, ROBIN KARR

IN THE COUNTY COURT
OF
ROCKWALL COUNTY, TEXAS

JUDGMENT

No contest (B)

No contest (B)

On this day, the above numbered and entitled cause was called for trial, and the State appeared by and through Criminal District Attorney, and the Defendant, DUCKWORTH, ROBIN KARR, appeared in person, (and waived the right to representation by counsel, said waiver being accepted by the Court after the Court determined that said Defendant knowingly, intelligently and voluntarily waived said right), thereupon the Criminal District Attorney announced ready for trial, and the Defendant also announced ready for trial, the Defendant in person and in open Court Pleaded "Guilty" to the charge as alleged in the information; thereupon the Defendant was admonished by the Court as to the consequences of said plea, including the minimum and maximum punishment, and the said Defendant persisted in pleading guilty; and it plainly appearing to the Court that the said Defendant is sane and that said Defendant is not influenced in making said plea by any consideration of fear, or by persuasion or delusive hope of pardon prompting him to confess guilt, the said plea is by the Court received and now entered of record in the minutes of the Court as the plea herein of the offense of
CRIMINAL TRESPASS
committed on the 26th day of February, 1999.

IT IS THEREFORE ORDERED by the Court that the Defendant, is guilty of the offense of **CRIMINAL TRESPASS** as charged in the information in this case and as confessed by him in his plea of guilty herein made and the Court having heard evidence on the question of punishment and argument of counsel thereon fixed punishment by payment of a fine in the amount of \$ 500.00, Court Cost in the amount of \$ 214.25 and by confinement in the Rockwall County jail for a term of 1 days and that the State of Texas do have and recover of the said Defendant said fine and all cost in this prosecution expended, for which execution will issue, and that the said Defendant be remanded to the custody of the Sheriff of Rockwall County, Texas to await further orders of the Court herein.

DATED this the 16th day of March, 1999.

Ray Bee

JUDGE OF THE COUNTY COURT ROCKWALL COUNTY, TEXAS

FILED FOR RECORD
PAULETTE BURKS, COUNTY CLERK
ROCKWALL COUNTY, TEXAS

MAR 16 1999

R+ Index



NO. CR99-0273

THE STATE OF TEXAS
VS
DUCKWORTH, ROBIN KARR

IN THE COUNTY COURT
OF
ROCKWALL COUNTY, TEXAS

SENTENCE

On this day, this cause being again called, the State appeared by her Criminal District Attorney, and the Defendant, DUCKWORTH, ROBIN KARR, came in open court in person, for the purpose of having the sentence of the law pronounced in accordance with the judgment herein rendered and entered against the said Defendant. Thereupon, the said Defendant being present in person, in open court, waived the time allowed by law for making the Motion for New Trial and the Motion in Arrest of Judgment, and requested the Court to pronounce sentence herein immediately. And thereupon, the said Defendant was asked by the Court whether said Defendant has anything to say why sentence of the law should not be pronounced against said Defendant, and said Defendant answered nothing in bar thereof. Whereupon, the Court proceeded, in the presence of said Defendant to pronounce sentence against said Defendant as follows:

IT IS THE ORDER OF THE COURT that the said Defendant, who has been adjudged to be Guilty of the offense of
CRIMINAL TRESPASS

be and is hereby sentenced to confinement in the Rockwall County jail for a period of 1 days and a fine of \$ 500.00, Court Cost in the amount of \$ 214.25 and the State of Texas do have and recover of said Defendant all costs of this prosecution, for which execution may issue against the property of said Defendant, and that the Defendant be delivered to the Sheriff of Rockwall County, Texas, to be confined in the County jail in the manner and for the period aforesaid.

The said Defendant is allowed 1 days credit upon this sentence since the time of arrest and confinement herein.

The Court orders restitution in the amount of \$ _____ be made payable to _____

The Defendant waived appeal in open Court.

DATED this the 16th day of March, 1999.

[Signature]
JUDGE OF THE COUNTY COURT, ROCKWALL COUNTY, TEXAS

(X) (Check if applicable) Jail time to be served on a work release program to be served as follows:

CREDIT FOR 1 DAY SERVED.

FILED FOR RECORD
SAULETTE BUEKS, COUNTY CLERK
ROCKWALL COUNTY, TEXAS

MAR 16 1999

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Rt Indey

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News 8 Investigates: Child Custody

DALLAS Feb 14 -- Nearly one-fourth of all divorcing couples go through some sort of battle over who should have custody of the kids.

What many mothers and fathers never suspect is how easy it could be to lose their parental rights.

In a bitter custody fight, court-appointed psychologists are supposed to act as a neutral party to evaluate both parents through a series of interviews and tests.

But there are strong allegations from mothers and fathers alike that some of these psychological evaluations can be biased.

Our investigation begins with a look at what many parents claim is a way to deprive them of their children by making them appear to be crazy.

A divorced mom we'll call "Susan" knows first-hand the power a court-appointed psychologist has to sway a judge and jury.

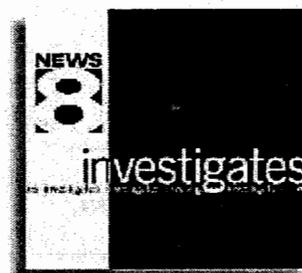
"It seemed like all the decisions were left up to him," Susan explained. "Whatever he said was the way the court did it. But no other testimony or other psychologist or even the truth was allowed to come out."

Susan lost custody of her two sons three years ago after reporting that they made outcries of sexual abuse against her ex-husband -- charges he strongly denied.

In a video submitted as evidence in court, Susan's oldest boy talked with a caseworker:

BOY: ".... it's real bad."

CASEWORKER: "Your dad did something that's real bad?"



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BOY: "Uh-huh"

CASEWORKER: "What did he do, sweetie?"

BOY: "He touched me right here."

One of the state's leading sexual abuse experts wrote a report stating that "Susan's ex-husband did something inappropriate if not abusive" and that the "child began to recant after being threatened" by his father.

Yet, Dr. Jeffrey Siegel, the court-appointed psychologist, testified that after interviewing and testing the family, he believed Susan had coached the boy into lying about the alleged abuse.

Susan said she took and passed a polygraph exam three times in one day to deny she had coached her son. Dr. Siegel refused to put that information in his report.

However, he did omit important negative information about Susan's ex-husband, who Siegel concluded was the better parent.

Nowhere in his evaluation does Siegel mention that the ex-husband beat another woman badly enough to send her to the hospital or that he pleaded guilty to a misdemeanor marijuana charge and received deferred adjudication.

Judges and a jury ultimately granted custody of the boys to Susan's ex-husband, who declined to be interviewed for our story, as did Dr. Siegel, who cited patient confidentiality concerns.

But News 8 has learned that prior to being appointed to Susan's case, Siegel had gone through his own bitter custody battle, and some believe it may have affected his objectivity in other cases as well.

Caroline Walker is a 19-year-old honor student at Southern Methodist University. Siegel was the court-appointed psychologist in her parents' divorce, which has the legacy of being one of the longest, most expensive custody wars in Dallas County history.

Each side spent more than \$1 million in the fight.

"He had us so scared," Caroline Walker said. "I just remember a feeling that I have never felt in my life."

At age 9, Caroline and her sister told Siegel during a counseling session that they wanted to live with their mother, but Siegel was siding with their father.

"He grabbed my sister's hand from across the desk," Walker said. "My sister was about 13 at the time, and he put it up on the desk, and from the other side, he put the knife to her fingers -- the edge, the sharp side -- and told her that he was going to cut off her fingers to see if she could feel pain, because he didn't think that little bitches like us could feel pain."

Again, Siegel denies any wrongdoing.

A guardian ad litem present during the session told a state investigating board that "while (Siegel) had a knife in his hands" she felt the girls were in "no danger".

However, this was not the first time a parent had filed a complaint.

One year earlier, a father reported that Siegel had also scared his son with a knife.

The State Board of Examiners of Psychologists dismissed both complaints.

As for Susan, she believes a home video demonstrates what she was up against. It was shot by her ex-husband after visits she had with the boys. He played it in court trying to prove that she was manipulating them.

One hot summer, Susan gave her son a burr-haircut. In the video, she asks him if he likes it. "Uh-huh," he replied.

Shortly after that, the camera clicks off and then back on again. This time, the interview has different results.

FATHER: "It doesn't feel good, does it?"

BOY: "Uh-uh"

FATHER: "Do you like it? Your mother didn't have to cut your hair like that... I'm sorry. I would never do something like that you."

Siegel said he saw no evidence that the father was manipulating the child, but his accusations of "coaching" against Susan convinced the court to restrict her access to her sons.

Today, Susan can see her children with someone supervising -- at the cost of \$40 an hour.

After years of fighting, Susan is broke. "I'm afraid to ask for too much. I'd just like regular visitation on the weekends with my children," she said, adding she has given up trying to get custody.

It bears noting that in Susan's case, Dr. Siegel cites five other health professionals who concurred with his evaluation.

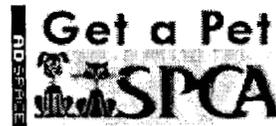
However, in a tape played for News 8, at least one of those professionals -- a Child Protective Services caseworker -- denies making such statements.

Dr. Siegel told us that about 75 percent of his business comes from court referrals.

In our next report, we will profile one woman who is fighting back.

Reporter: Valeri Williams

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Tue Mar 14, 2000



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Questions Raised About Court-Appointed Psychologist

DALLAS Feb 16 -- Some parents involved in bitter child custody cases allege that they have been victims of biased and erroneous reports that make them appear to be unfit -- or even crazy.

The costs of most court-ordered evaluations start at about \$1,500 to \$2,000 for each parent, and can easily escalate from there.

In most custody fights, each side is required to pick up the tab. As our investigation uncovered, it can be quite lucrative for some court-appointed psychologists.

A good portion of Dr. Clifford Kary's psychology practice comes from court-ordered referrals. Most are paying clients, but in 1998, Dr. Kary submitted bills for eight custody cases involving indigent clients, which means Dallas County taxpayers picked up the tab for \$265,000.

"That is an alarming figure for that number of cases," said Family Court Judge Craig Fowler. "It got my attention when I took this bench and saw that that kind of numbers were accumulating."

All eight cases were out of the 255th District Family Court where Judge Fowler presides.

Fowler said his predecessor -- who Fowler beat in an election -- had appointed Kary to those custody cases. "To take him off of those cases on my own motions... and I really didn't have any grounds to do it... would have meant getting someone else involved, going back and re-doing the evaluation, probably additional costs to the taxpayers and probably additional time to the parties, and these cases need to be tried when they need to be tried," Judge Fowler explained.

In a week-long investigation, News 8 discovered that during the same year -- 1998 -- bills from all other psychologists used in all of the other Dallas Family Courts totaled less than \$20,000.

Dr. Kary has refused comment on camera, except to say that his invoices explain everything.

But our investigation of his bills raise more disturbing questions.

If Dr. Kary were to work six days a week, all year long and never take a vacation, it still wouldn't cover all of the hours he billed to the court on just these eight cases.

Kary admitted to News 8 in a telephone interview that he had been involved in other court referrals during the same time period.

Tena Callahan is a Family Court attorney who mostly represents fathers in custody battles. She is concerned about how easily some psychological evaluations can be manipulated into making a parent seem unfit.

Callahan said the biggest factor in any evaluation is who is doing it. "If you don't know who the psychologist is, you don't know what his track record is.

"I think you can make somebody who's on the edge or very emotionally upset or traumatized by the event -- under pressure, both emotional and psychologically and financially -- make them look like a nut," Callahan said.

Our investigation found that according to Dr. Kary's own records, he was spending less than one-third of his billed time with the parents he was ordered to evaluate. There were, however, more than 200 entries of him talking to lawyers and retrieving phone messages.

"The best interest of the child is what the court is looking to," said Callahan, "but oftentimes the child gets lost in the mix. Whenever these two people are at each other's throats all the time, you really need to be concerned if you've got a special case, because you don't know whether or not the court is going to get it."

Reporter: Valeri Williams

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