

	NO.	
IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
AND	§	395TH JUDICIAL DISTRICT
	§	
CHILDREN	§	WILLIAMSON COUNTY, TEXAS

RESPONDENT MOTHER’S SET OF WRITTEN INTERROGATORIES

To: Texas Department of Family and Protective Services, by and through it’s attorney of record, Brent Webster, Assistant County Attorney, 405 Martin Luther King, Georgetown, Texas 78626.

Under rules 190 and 197 of the Texas Rules of Civil Procedure, you are required to answer in complete detail and in writing each of the attached interrogatories; sign your answers to the interrogatories; swear to the truth of your answers before a notary public or other judicial officer as required by rules 191.3(a) and 197.2(d) of the Texas Rules of Civil Procedure; and deliver a complete, signed, and notarized copy of your answers to the undersigned attorney within 30 days following service of this request. If you fail to comply with the requirements above, the Court may order sanctions against you in accordance with the Texas Rules of Civil Procedure.

Definitions

"Identity and location" means the person's name and present or last known address and telephone number. If any of the above information is not available, state any other means of identifying the individual.

"Person" includes and is intended to mean any natural person or the representative of any company, limited liability company, firm, nonpublicly traded corporation, association, trust, business trust, partnership, limited partnership, family limited partnership, limited liability partnership, joint venture, proprietorship, any other form of business entity or any government entity.

"Entity" or "entities" includes and is intended to mean any government agency, company, limited liability company, firm, nonpublicly traded corporation, association, trust, business trust, partnership, limited partnership, family limited partnership, limited liability partnership, joint venture, proprietorship, or any other form of business entity.

Instructions

All information that is not privileged that is in the possession of Respondent, his attorney, investigators, agents, and consulting experts, as defined in the Texas Rules of Civil Procedure, employees, or other representatives of Respondent is to be divulged. Possession, custody, or control of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to that of the person who has physical possession of the item.

If an interrogatory calls for an answer that involves more than one part, each part of the answer must be clearly set out so that it is understandable. You must precede your answer to each separate interrogatory with the question constituting the separate interrogatory.

Option to Produce Records

If the answer to an interrogatory may be derived or ascertained from public records, from your business records, or from a compilation, abstract, or summary of your business records, and the burden of deriving or ascertaining the answer is substantially the same for Petitioner as for you, you may answer the interrogatory by specifying and, if applicable, producing the records or compilation, abstract, or summary of the records. The records from which the answer may be derived or ascertained must be specified in sufficient detail to permit Petitioner to locate and identify them as readily as you can. If you have specified business records, you must state a reasonable time and place for examination of the documents. You must produce the documents at the time and place stated, unless otherwise agreed by the parties or ordered by the court, and must provide Petitioner a reasonable opportunity to inspect them.

Patricia L. Brown & Associates, P.C.
595 Round Rock West Suite 201
Round Rock, Texas 78681
Tel: (512) 246-1149
Fax: (512) 255-3657

By: _____
Chris McHam
State Bar No. 24041447
Attorney for Respondent Mother

Certificate of Service

I 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 _____.

Chris McHam
Attorney for _____

1. Please identify each person who assisted in answering these Interrogatories, and for each such individual, state specifically the Interrogatory he/she assisted in answering.
2. Please identify each and every person who has given a statement to you concerning any matter relevant to this case and provide the date the statement was taken, the identity of the person taking the statement and all person or persons or entities who possess the original statement or a copy of the original.
3. Please state the name, addresses, and telephone numbers of all health care providers who have seen the children the subject of this suit and the parents/parties for examination, evaluation, diagnosis, or treatment of any physical or mental condition and the reasons for each appointment and the date(s) seen.
4. Identify (as the word is defined in the Interrogatories) and indicate the relation to the case of all caseworkers and supervisors, TDFPS, foster or placement unit workers, etc, who have been assigned to this case or have personal knowledge of the case.
5. If you have any knowledge, either directly or indirectly, of any relevant admission against interest, statement, oral or written, made by _____, state:
 - a. The substance of the admission, communication or statement;
 - b. The identity of all persons who heard or read the admission, communication or statement or who might be in a position to testify concerning the admission or statement;
 - c. The date of the admissions, communication, or statement; and
 - d. The circumstances surrounding the giving of the admission, communication or statement.
6. If you allege that _____ has physically, emotionally, sexually, or psychologically abused the children the subject of this suit, state:
 - a. The factual basis for the allegation of abuse;
 - b. The date the alleged abuse occurred; and
 - c. what treatment was sought or received, if any.
 - e. Whether any outcry statement has been recorded or received by you and by whom it was made.
7. Describe in detail (factual circumstances, giving dates and locale) each specific event you believe would constitute “negligent supervision” or “neglect” by _____ of the children the subject of this suit.
8. With respect to your position that adoption or designation of a nonparent managing conservator of the child be pursued in this case, what actions, if any, would you consider or would you want Respondent to take to reconsider your position.

9. Please state the general factual basis for your decision to seek adoption or to designate a nonparent managing conservator of the children subject of this suit.
10. If you will contend at trial that _____ has failed to comply with your requests and/or the Court's orders for attending counseling, classes, treatment, or any other matter related to Eileen Pacheco, please describe each such failure.
11. Please state whether or not you or your agency has had any past adversarial or other type of relationship with _____ regarding the children subject of this suit, or any other child or children not the subject of this suit. If your answer is in the affirmative, please state the following:
 - a. The nature and extent of the relationship;
 - b. The date involved; and
 - c. The disposition, if any.
12. State the number of foster parents or other persons who have or have had custody or possession of the children since their removal by you and the dates of placement in each facility and/or home.
13. State each and every requirement that you have established for _____ to meet in order for her to obtain managing and/or possessory conservatorship of the children. State how these requirements are relevant to _____ obtaining such conservatorship.
14. Regarding visitation between _____ and the children the subject of this suit:
 - a. How often was it offered?
 - b. What visitation has _____ exercised and missed (dates and times)?
 - c. What visitation has been cancelled or postponed as a result of TDFPS or the placement having a conflict?
 - d. Who supervised the visitation and who else besides _____ were present during the visitation?
 - e. If you will allege at trial any inappropriate behavior on the part of _____ during any visitation, please state the nature of the behavior, the date it occurred, and the person(s) who observed the behavior.
15. If you will contend at trial that any action and/or inaction on the part of _____ in any case brought by the Texas Department of Family and Protective Services other than the present one is relevant to the present case:
 - a. What is the cause number and style of the other TDFPS case?
 - b. Who are the subject children of the other TDFPS case?
 - c. What is the particular action and/or inaction on the part of _____?
 - d. How is the particular action and/or inaction on the part of _____ relevant to this case?

16. If you, at any time, had possession or control of a document requested in a request for production, and if the documents has been lost, has been destroyed, or is not presently in your possession, custody or control, describe the document, the date of its loss, destruction, purge, or separation from your possession, custody or control, and the circumstances surrounding its loss, destruction, purge, or separation from your possession, custody or control.