

CAUSE NO. 323 95984 J12

AFFIDAVIT IN ANY FACT

FILED
TARRANT COUNTY
2012 FEB - 1 P 1:58
THOMAS S. RAY, III
DISTRICT CLERK

THE STATE OF TEXAS §

COUNTY OF TARRANT §

BEFORE ME, Notary Public in and for said County, State of Texas, on this day personally appeared TANYA D. BORCHARDT, who after being by me duly sworn, an oath deposes and says:

"My name is TANYA D. BORCHARDT and I am employed by the Texas Department of Protective and Regulatory Services as a Child Protective Services Specialist. My office address is 908 Southland Avenue, Fort Worth, Texas 76104.

Interstate Compact on the Placement of Child

"At the time of the filing of this petition, an interstate placement is not planned, but the Texas Department of Protective and Regulatory Services will comply with all requirements of the Interstate Compact on the Placement of Children as set forth in Chapter 162, Subchapter B, Texas Family Code.

Information to be submitted to the Court Pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act

The present address of the child the subject of this suit is:
[REDACTED], Fort Worth Texas 76108

All known places where the child has lived within the last five years are:
[REDACTED], Fort Worth Texas 76108

The names and present addresses of all the known persons with whom the child has lived within the last five years are:

Chance Wayne Walker and Patricia Denise Walker-[REDACTED], Fort Worth Texas 76108

"To the best of my knowledge, the Department: has not participated in any capacity in any other litigation concerning the custody of the child in this or any other state; does not have information of any proceeding concerning the child pending in a court of this or any other state; "does not know of any person not a party to the proceedings who has physical custody of the child or who claims to have custody or visitation rights with respect to the child."

Information regarding current referral:

- a. HOUSEHOLD COMPOSITION:
 - Chance Wayne Walker, 1 year old child
 - Patricia Denise Walker, mother
 - Chance Wayne Walker, father
 - Dorena Lawson, maternal grandmother

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Michael Parris, maternal uncle (age 18)

b. PARENTS OUT OF HOUSEHOLD:
N/A

c. DETAILS OF REFERRAL: (date, type abuse/neglect alleged, disposition)
On 01/31/2012 Child Protective Services received a report alleging neglectful supervision of Chance Walker (age 1) by his mother Patricia Walker, his father Chance Walker and paternal grandparents Darin and Lena Walker. The report indicates Chance was attacked and mauled by four of the grandparent's dogs after he got out of the home while the parents slept. According to the report Chance has extensive injuries to his face, including a huge chunk of flesh missing from his cheek and near loss of his left ear. According to the report Chance has been observed in the past in a neighbor's yard at 9:00 pm with no adult supervision and on a second occasion Chance was lost and the grandparents were looking for him. The report alleges the father, Chance Walker, is a known drug addict.

Information regarding prior CPS history, if any:

There is one previous investigation on this family dated 09/22/2010. The report alleged Chance is not bathed regularly and not administered prescribed medications by his parents. Allegations of neglectful supervision of Chance Walker by his parents, Chance and Patricia Walker were found unable to determine as both parents tested positive for methamphetamines on 10/07/2010. The methamphetamine use allegations were ruled unable to determine as the worker was not able to determine if the parents were under the influence of drugs while caring for Chance. Allegations of physical abuse of Chance Walker by his parents, Chance and Patricia Walker and paternal grandmother, Lena Walker were found reason to believe due to the adults fighting with each other with 3 month old Chance present. The case was opened for Family Based Safety Services on 10/14/2010 and closed 06/27/2011. During this case Chance was voluntarily placed with his maternal grandmother, Dorena Lawson and the parents moved out of the residence. It was noted the parents did not seem committed to their child or capable of caring for him. Ms. Walker was told she could remain in the home with Chance but chose to move out with Mr. Walker instead. The parents successfully completed an outpatient drug treatment program. They submitted to drug screens on four separate occasions, two of which were negative and two were positive for methamphetamines.

Details of investigation of current referral:

On 01/31/2012 I made contact with Patricia Walker at Cooks Children's Hospital in Fort Worth. Ms. Walker states on 01/30/2012 she was staying with her child and husband at Darin and Lena Walker's home at [REDACTED] Eastland Avenue Fort Worth Texas. She states about 1:00 pm she put Chance in his play pen for a nap. She and Mr. Walker then fell asleep in the living room with Chance. At some point she was awakened by "aggressive barking" outside. She went out the back door and observed four white boxer dogs on top of Chance, attacking his head area. She states she ran to stop the attack and was able to kick one dog and shove another dog away from Chance. She indicates Mr. Walker was right behind her and he called 911. Emergency medical services arrived and transported Chance to the hospital. She believes Chance climbed out of his play pen, climbed over a gate blocking the doorway to the back door and then crawled through the doggy door to go outside. She states Chance has been observed doing these actions in the past and she was aware of his ability. She reports the dogs belong to her in-laws, Darin and Lena Walker. She states the dogs have never been

aggressive with Chance or anyone else in the past. She indicates they love to lick Chance on his face and thinks they must have gotten excited this time and started biting him. When questioned about information provided to medical staff about Chance being given pain medication one week ago due to scratches by the dogs, Ms. Walker advised Lena Walker told her she had given him Tylenol after he was scratched by one of the dogs. She reports knowledge of another incident one year ago in which one of the dogs named Diamond "nipped a little neighbor girl in the face". She states all of the dogs have gotten out of the yard in the past and this has caused problems with neighbors. In regards to the allegations of drug use in the home, Ms. Walker reports she has not used methamphetamines since March 13, 2011. She states she used meth for the first time in August of 2010 when Chance was 6 weeks old. Ms. Walker agreed to submit to an oral drug swab which showed the presence of methamphetamines and amphetamines. Ms. Walker denies any current drug use.

On 01/31/2012 I met with Chance Walker at Cooks Children's Hospital in Fort Worth. He states he was asleep most of the day on 01/30/2012 due to a sinus issue. He remembers seeing Chance asleep then awake playing in his play pen at some point. He indicates he thought Ms. Walker was in the bathroom but in reality she was asleep in a bedroom. He does not know what time Ms. Walker woke him up looking for Chance but he followed her outside and witnessed the attack. Mr. Walker then stated he would not say anything else about what he observed at that time. He indicates Chance has gone outside through the doggy door in the past but it was no big deal because he would just play on the porch or in the water trough. He states he is aware of one previous incident with these dogs taking a 5 year old neighbor child down to the ground and "licking her face". Mr. Walker indicates the neighbors complain about the dogs because they "hate us because my mom tells them like it is". He reports they have been staying at his mother's house for the past week due to a scabies outbreak at their home. He states his mother regularly keeps Chance on weekends and weeknights. He indicates he is the primary caregiver of Chance because his wife works and he is current unemployed. In regards to the allegations of drug use, Mr. Walker states he has not used meth since March 2011. He reports he smoked meth on and off from the age of 12. Mr. Walker was asked to submit to a drug test but refused. He reports he is no longer using methamphetamines and does not need to prove it to anyone. At this time he ended the interview, stating they had not eaten anything all day.

On 01/31/2012 I observed Chance Walker in his hospital room. He was sedated and was sleeping soundly. I took photographs of Chance's injuries at this time.

On 01/31/2012 CPS Investigator Andy Lebensieg met with maternal grandmother, Dorena Lawson at Cooks Children's Hospital in Fort Worth. She revealed that she has concerns with the parent's care of Chance. Ms. Lawson told investigator that Patricia Walker and Chance Walker sleep most of the day. She stated that Chance has been climbing out of his play pen on his own for awhile and will in fact come into her room at night and wake her up. She stated that through the day Chance Walker will not care for the Chance. She stated that Chance Walker will come to her and tell her that she needs to change Chance's diaper or feed him. She stated that she has heard Patricia Walker yelling at Chance because he would not sleep. Regarding the drug abuse of the parents she stated that she has never seen them under the influence. However, Ms. Lawson told investigator that Patricia and Chance Walker have had recent contact with her ex-husband Bobby Gibson. She stated that Mr. Gibson was the person who introduced Patricia and Chance Walker to drugs the first time. She stated that she is also concerned because she has heard that Lena Walker and her husband Darion Walker smoke marijuana. She stated that Darion Walker apparently smokes marijuana around Chance. She

stated that she was this told by her daughter Patricia Walker. She stated that was not the first time that there was an incident with the dogs. She stated that this past Thursday, 01/26/12, she was told by Ms. Walker that Chance had bruising to the face. She stated that she was never told what exactly happened or what the injury looked like. She informed investigator that Patricia Walker, Chance Walker, and Chance normally live with her. She revealed that her 18 year old son had scabies about two weeks ago and the doctor told her that Chance should not stay with her. She stated that caused Patricia Walker, Chance Walker, and Chance to temporarily move in with Lena Walker.

On 01/31/2012 I spoke with Chance's nurse, Rebekah at Cooks Children's Hospital. She advised the parents appeared to be very nonchalant last night and today and have mostly been sleeping. She reports the parents were gone to lunch from 10 am to 1 pm today and no one was left with Chance. She states they are not changing Chance's diapers while in the room.

On 01/31/2012 I spoke with Kim Garrison, CPS' Cooks Liaison. Ms. Garrison reviewed the physician notes with me and several significant concerns were documented. Dr. Ota, ER Physician, noted Ms. Walker said Chance was given Ibuprofen one week ago for dog scratches. Dr. Obaid, Plastic Surgeon, reports Ms. Walker appears more concerned with eating then discussing her child's injuries or the prognosis. He noted Chance will most likely lose his left ear. Ms. Garrison advised Dr. Obaid informed her Chance will be very susceptible to infection upon release and will need a very clean environment to live in.

On 01/31/2012 I spoke with Sergeant Throwald of Tarrant County Sheriff Office. He advised he was one of the officers on scene yesterday after the attack. He reports their department does have previous reports about dangerous dogs at this home, including a neighbor child being bit by one of the dogs in September 2010. At that time the dog was quarantined at their contracted facility. He states the Walker's felt it was the child's fault because they should know not to run from dogs. He advised after Chance was transported to Cook's, Lena Walker came home and he informed her that Chance was attacked and not in good condition. He reports her first response was "Why are my dogs being taken away by animal control?" He felt her only concern at that time was about her dogs and if her husband would be charged. At some point after her arrival, Lena Walker attacked a neighbor and was arrested. Charges are pending in their case.

On 01/31/2012 I made contact with paternal step great-grandfather, Skip Walker, at his residence which is next door to Darin and Lena Walker's home. He advised Chance was brought to his back door by Darin Walker and Patricia Walker after the attack. He states the father was not outside at that time and it is his understanding that he had to be woken up after Chance was at his house. He indicates his son, Darin Walker, supervises Chance like a hawk when he is home but unfortunately that day he had errands to run. Mr. Walker states he is only able to care for Chance for one hour intervals as he is very active and makes him nervous. I requested Mr. Walker to tell his son that I had came by to take pictures of the doggy door and to have him call me. At this time, Mr. Walker said he had access to his son's home and could take me to see the door. I was able to observe a small rectangular sized doggy door at the bottom of the back door. Mr. Walker pointed to large pen area with an approximate 8 foot fence surrounding it and advised this is Chance's area where he is able to play in the mud. I observed several toys inside the pen area.

Findings of investigation, reason for disposition

Chance Walker was able to get out of the house and was attacked by four family dogs while Mr. Chance Walker and Ms. Patricia Walker slept. Family home member reports it is common practice for the parents to sleep through the day and to not supervise Chance. The parents admit to knowledge of past aggressiveness with these dogs but did not put adequate safety measures in place to ensure Chance's welfare. It was apparent by the penned in area where Chance plays in the backyard that the family realized he needed a separate place to play that the dogs could not access. Mr. and Ms. Walker have a history of methamphetamine abuse. Ms. Walker tested positive for methamphetamine and amphetamines. Mr. Walker refused to take a drug test.

Steps taken to prevent removal

I spoke with the extended family members to seek out possible placement options. Although Dorena Lawson was a previous placement option for Chance, she has recently undergone surgery on her arm and does not appear able to provide the extensive medical care Chance will need at this time. In addition, Ms. Lawson resides in Patricia Walker's home and there was a recent outbreak of scabies. Chance's surgeon, Dr. Obaid has advised Chance must be placed in a very clean environment for threat of infection. The paternal grandparents, Darin and Lena Walker, are involved in this investigation and not a placement option at this time. Paternal great-grandfather, Skipper Walker, states he is not able to care for Chance on a long-term basis. It is felt at this time that a home study will need to be completed on interested family members to insure the safety and short and long-term well-being of Chance Walker.

Reason for request that TDPRS be given Temporary Managing Conservatorship:

It is felt that Chance Walker would be at significant risk of further abuse or neglect if left in the care of his mother and father. It is felt that it is in Chance Walker's best interest to be in foster care at this time until a home study is completed and a safe alternative placement is secured.

Request:

I respectfully request that the Court grant Temporary Managing Conservatorship of Chance Walker to the Texas Department of Family and Protective Services.

The above information is true and correct and I have personal knowledge of the said information.

Janyia D Boichard
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME THIS 1st day of February, 2012.

Katrina Griggs
NOTARY PUBLIC, TARRANT CO, TEXAS

Katrina Griggs
Printed Name of Notary Public

3/15/14

