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Psychologist

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August 19, 2008

Honorable G.T. Boswell
402nd Judicial District Court
Wood County Courthouse
Quitman, Texas 75783-1029

JENICE L. HARRIS
DISTRICT CLERK
WOOD COUNTY TEXAS

2008 AUG 19 AM 10:12

FILED

Re: In the Interest of Jackson and Remington Payne; Cause No.: 2007-804.

RISK ASSESSMENT/PARENTING CAPACITY

Jason Thad Payne

Dear Judge Boswell:

Per request I examined Mr. Payne on August 12, 2008. Prior to beginning the evaluation I read/explained the purpose of the examination and limits of confidentiality. The Examinee agreed voluntarily to proceed and signed a document to that effect, which became a part of my file. My evaluation consisted of the following:

- Interview and Mental Status Examination of Mr. Payne
- Administration/results of the Personality Assessment Inventory
- Interview of Mr. Payne's mother, Faye Payne
- Attorney consultation
- Review of records

This evaluation was limited to an assessment of the parenting capacity of Mr. Payne and whether or not he represents a risk to his minor children when returned to his conservatorship.

Background Information

The Examinee is a 38 year-old white male born 12/20/1969 in Shreveport, Louisiana where he lived until age 6. The family then moved to Logansport, Louisiana where the Examinee completed high school in 1988.

Family

The Examinee's mother is Faye Payne and she lives in Logansport. His biological father is Milton Payne who is deceased as of 3 years ago. Mr. Payne did not have much of a relationship with his father, who abandoned the family when Mr. Payne

was age 13. He enjoys positive relationships with his siblings to include a brother by the name of Milton Payne Jr., and a sister by the name of Melissa Thickstun. Mr. Payne indicates his children enjoy positive relationships with "Aunt Melissa" and "Uncle Bill". Milton also lives in Logansport and Melissa lives in Austin.

Medications

Mr. Payne is on no prescription medications. He describes his health as "good". He does report a significant MVA about 3 years ago in which he incurred a cervical injury and underwent what appears to be an anterior cervical fusion with hardware. Outcome was good and he never developed an addiction to pain medications. There was litigation related to the MVA and the surgery was performed in Houston.

Psychiatric History

Mr. Payne indicates no psychiatric history and none is indicated in any record I am aware of.

Military History

Mr. Payne has never been in the Military.

Arrest History

The Examinee indicates no history of arrests and I have no record to indicate any history of arrest.

Substance Use

The Examinee indicates he does not use alcohol or drugs. He denies any problematic history of substance use.

Employment

Mr. Payne indicates he is currently working on a part-time basis for some friends until his children are returned to him. He plans to stay in Logansport and go to work on a full-time basis as he has several job offers waiting until he is ready to go to work. Each of the offers is from persons known to him for many years. Much of his adult life he has worked in the auto glass business, working for companies in Lufkin, Nacogdoches and Shreveport. He is also trained as a welder, has welding experience and may work as a welder again in the future.

Marital History

The Examinee has been married on one occasion, to Nichole Payne on January 20, 2001. She was killed in December 2007 by her son. Mr. Payne is still in the grief process, but appears to be responding well. He and Nichole met through a friend in November 2000 at a "bar & grill" in Shreveport. They began dating about 2 weeks later after "she called me". At the time, she lived in Nacogdoches and he lived in Logansport. He shortly thereafter moved to Nacogdoches to be with her after finding employment about 2 months later. Mr. Payne reports that Nichole had 2 sons. Austin Taylor Wages was age 16 at the time of his suicide, after killing Nichole, and an adopted son by the name of Daniel Wages, now age 18, who recently moved to Chicago to live with his

biological father. Austin Taylor was age 10 and Daniel was age 12 when Mr. Payne married Nichole. Nichole had a prior marriage to Todd Wages.

Mr. Payne and Nichole had 2 children, subjects of this evaluation. His son is General Jackson Payne, age 6, and his daughter is Remington Cole Payne, age 3. Mr. Payne reports that Jackson was born 5/2/2002 while Remington was born 2/2/2004. He indicates both are in good health and have no special medical problems. He last saw the children on Saturday prior to this examination. He enjoys a positive relationship with both his children and is grieving over their absence.

Current Situation

Mr. Payne indicates that Nichole was shot to death by her son, Taylor, on 12/11/2007 and Taylor then committed suicide. His children were removed by CPS that day. On that morning he had taken Jackson to school and as is usual he had Remington with him. Upon return home he discovered the bodies. Remington did not see them. He recalls being at the police station with Remington, while Jackson was still at school; he had called his mother and she was on her way from Logansport. He was told she had arrived and Remington was taken, ostensibly to be placed with his mother. He learned Jackson had already been taken from school by authorities. He recalls signing something per CPS requirements, but he really does not recall what it was. At the time he had no idea he would need an attorney. Larry King was appointed by the court to defend him, about 6 days later. Mr. Payne has never been indicted and there is no evidence connecting him to the murder/suicide. His contact with his children is supervised by the maternal grandparents and he sees the children for 5 hours each Saturday.

Mental Status

The Examinee has no psychiatric history. During my contact there was no indication of hallucinations, or delusions. His thinking was intact, logical, and speech was coherent and rational. Thoughts were goal oriented and he had no difficulty understanding instructions or questions. He showed full range affect, and mood is within normal limits. He is experiencing grief associated with the loss he has experienced to include separation from his children. However, he is progressing in a healthy fashion and is near resolution of the grief associated with the death of his wife and step-son, and the pain of separation from his children will resolve with re-unification. Attention and concentration are intact and I detected no memory impairment. There were no clinical signs of personality disorder. He has no history of being on welfare or abusing the disability system. He has no history of taking advantage of relatives. He demonstrates the capacity for loving, committed relationships. There is no indication of any history of family violence. He indicates neither he nor Nichole abused alcohol and he has no history of illicit drug use. The Examinee's Mental Status is within normal limits.

Psychological Testing

Mr. Payne provided a valid PAI profile. He was mildly defensive, but certainly not at a level that invalidated the clinical utility of the PAI. The profile is within normal limits. It does not suggest any psychiatric disorder, personality disorder or impulse control problem that would impair Parenting Capacity or constitute a risk to the physical

safety or long-term emotional development of his minor children.

Parenting

Mr. Payne indicates he has always been involved in parenting both of his children. As there was never any violence in the marriage so too there was never any violence toward the children of within the family. He indicates vivid memories of parenting to include changing infant diapers, feeding the children, cooking for them, dressing them, bathing them, cleaning house and doing occasional laundry. He fondly recalls teaching things to the children, tucking them into bed, reading to them and staying up with them if he needed to. He indicates he was probably more involved with Remington, but based on what he describes there appears no doubt the can function in the primary parent role. He indicates the children are well behaved and require little discipline. He and Nichole did spank them, rarely, but relied mostly on time-out.

Mr. Payne, when asked, reports his mother was more involved with the children than were the maternal grandparents, Richard and Sherri Hawthorne. The children were placed with the Hawthornes. He was not happy with that placement since the children had never been around them much and the Hawthornes were foster parents and often kept problematic children, which he did not want his children exposed to.

Mr. Payne currently resides with his mother in a 3 bedroom, 2 bath home in a small neighborhood in Logansport, population about 2,000. Upon their return he plans to reside there until he is stable in his new job. He describes the residence as being safe. He indicates the elementary school is about 1 mile away and he has arrangements for day-car for Remington which will include his mother, but she will not provided exclusive day-care. He has an Aunt and a cousin that are elementary school teachers in Logansport.

Mr. Payne indicates the children were caught up with their vaccinations at the time they were removed, but he believes Jackson will require a "second shot", but can start school without it. He also indicates that all 3 jobs he has been offered include insurance plans he can sign his children on to.

Collateral Interview- Faye Payne

Ms. Payne is the paternal grandmother to Jackson and Remington Payne. She had 3 children of her own, see above, and they are doing well. She has been retired for 2 years, having worked at an International Truck dealership for 20 years. She has had much contact with Jackson and Remington since their births. She kept there children just about every weekend since Jackson was age one, and lived briefly with Nichole and Jason Payne in October 2007, after which she returned to Logansport. Ms. Payne indicates Jason "worshipped Nichole". She described Nichole as "sweet" and is aware of no family violence. She never saw any violence directed at the children and never saw Jason or Nichole use objects for corporal punishment. She reports the children loved their mother and both are "daddy's kids". She recalls Mr. Payne's involvement as a parent in vivid terms. She recalls him feeding the children, changing diapers, tucking them into bed, and cooking for them. She indicates Jason is a good cook. She is aware

that he often did the night feedings and Jason is described as very nurturing, and playful with the children when appropriate. She recalls Remington often would not go to sleep until Jason layed in bed with her. She states Jason always kept up with teacher notes and was a "real hands on dad". Ms. Payne states there is plenty of room at her place for Jason and the children. They have attended Sunday school at her church and have been to worship services with her on many occasions. Her 3 children were raised in that church. She too has seen the children on weekends, and reports it can be painful because the children "want to know when they can come home". She is aware of no special health problems for either child.

Ms. Payne indicates Nichole and Jason were both good parents and she has no doubts the children will be safe with their father. She states Jason was never a behavior problem, never got into trouble at school and is not violent. Ms. Payne has no chronic medical problems that impair her capacity to provide care to her grandchildren.

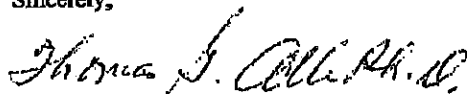
Conclusions

I find no indication that Jason Thad Payne represents a risk to the physical safety or long-term emotional development of his children, Jackson and Remington Payne. The violence occurring in Mr. Payne's home was not at his hands and occurred during his absence and for reasons outside his control. He has no history of violence, no history of violence toward children, and no history of violence toward his own children. He suffers from no impulse control disorder or personality disorder that has or would predispose him to same. I see no reason why his children should not be returned to his sole conservatorship. This Examinee demonstrates adequate parenting capacity, leads a stable, non-criminal lifestyle and his children will be provided for under his care. He has been a very involved dad in all aspects of their lives and suffers from no disorder that places the children at risk.

I do not anticipate that Mr. Payne will require counseling for his grief as he is progressing nicely. Frankly, he can determine whether or not the children will need counseling when they are returned to him. I anticipate it will be highly therapeutic for the children to eat some chocolate chip cookies over a red and white vinyl covered table with dad and "gram".

If I may be of further service, please do not hesitate to contact me.

Sincerely,



Thomas G. Allen, Ph.D.
Psychologist
License # 2-2955