

Case Disposition Worksheet**Respondent:** Keilin, JenniferDate Presented: 4/27/2017

Profession: _____

Case Number: 2016-4218SW

Section: _____

Presented by: _____

Staff Attorney: _____

Staff present at B/C Disposition: _____

Staff/Panel present:

Pre-Assigned or Requested (circle one)¹

- | | | | |
|---|--|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Slater | <input checked="" type="checkbox"/> Kellington | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Hulteen | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Chaney | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SEXUAL MISCONDUCT CASES

For Board and Commission cases, panel should refer sexual misconduct cases to the Secretary when there are no clinical issues involved. (It is recommended to make this referral only after investigation; however, any pre-investigation referral should include a panel authorization for investigation.)

- Panel finds there are clinical issues, do not refer.
 No clinical issues, refer case to Secretary

Complete Below Only If Case Is Referred to Secretary

Print Name of Panel Chair: _____
 per Program Staff (initials) _____ Reviewing Commission Member _____
 (if applicable) (if applicable)

Date referral authorized: _____

A. REQUEST FOR LEGAL ACTION:

- Notice of Agency Action (NOA) - Non UDA
 Summary Action:

Suspension Practice Restrictions _____

- | | | |
|---|---|--|
| <input type="checkbox"/> Statement of Charges | <input type="checkbox"/> Withdrawal of NOD: | <input type="checkbox"/> Compliance: Release from STID/Order |
| <input type="checkbox"/> Statement of Allegations: | <input type="checkbox"/> Withdrawal of SOA: | <input type="checkbox"/> Compliance: Authorization for Fast Track |
| <input type="checkbox"/> Notice of Correction: | <input type="checkbox"/> SOC/if STID not accepted | <input type="checkbox"/> Compliance: Referral to Collection Agency |
| <input type="checkbox"/> Notice of Determination: | <input type="checkbox"/> BAP (CHIE/HCA .400 DSHS) | <input type="checkbox"/> Cease and Desist |
| <input type="checkbox"/> Notice of Required Evaluation: | | |

Alleged Violations—RCW 18.130.180:

- | | | |
|---|--|--|
| <input type="checkbox"/> (1) Moral turpitude | <input type="checkbox"/> (10) Aiding and abetting | <input type="checkbox"/> (19) Treating by secret methods |
| <input type="checkbox"/> (2) Misrepresentation of facts | <input type="checkbox"/> (11) Violation of rules | <input type="checkbox"/> (20) Betrayal of patient privilege |
| <input type="checkbox"/> (3) False advertising | <input type="checkbox"/> (12) Practice beyond scope | <input type="checkbox"/> (21) Rebating |
| <input type="checkbox"/> (4) Incompetence | <input type="checkbox"/> (13) Misrepresentation or fraud | <input type="checkbox"/> (22) Interference w/ investigation |
| <input type="checkbox"/> (5) Out of state action | <input type="checkbox"/> (14) Failure to supervise | <input type="checkbox"/> (23) Current drug/alcohol misuse |
| <input type="checkbox"/> (6) Illegal use of drugs | <input type="checkbox"/> (15) Public health risk | <input type="checkbox"/> (24) Sexual contact/patient abuse |
| <input type="checkbox"/> (7) Violated state or fed law | <input type="checkbox"/> (16) Unnecessary or inefficacious drugs | <input type="checkbox"/> (25) Acceptance of more than nominal gratuity |
| <input type="checkbox"/> (8) Failure to cooperate | <input type="checkbox"/> (17) Criminal conviction | |
| <input type="checkbox"/> (9) Failure to comply | <input type="checkbox"/> (18) Criminal abortion | |

Other Violations of Relevant State or Federal Law: _____

Or

RCW 18.130 .170: Mental Impairment Physical Impairment**B. FILE CLOSED:**

<input type="checkbox"/> No Jurisdiction	<input type="checkbox"/> No violation at the time the event occurred	<input type="checkbox"/> Conduct was within standard of practice	<input type="checkbox"/> No violation determined
<input checked="" type="checkbox"/> Evidence does not support a violation	<input type="checkbox"/> Risk minimal, not likely to reoccur	<input type="checkbox"/> Mistaken identity	<input type="checkbox"/> Care rendered was within standard of care
<input type="checkbox"/> No Whistleblower	<input type="checkbox"/> Complaint Unique	<input type="checkbox"/> Issues which have been otherwise resolved	<input type="checkbox"/> Credential Issued in Error
<input type="checkbox"/> Application Investigation Only- No Action to Deny			

Further explanation (if any): _____

¹ Program may request a specific staff attorney who has prior experience with the file or the Respondent.

Case Disposition Worksheet

Respondent:

Jennifer Kellin

Date Presented: 2-16-2016

Case Number:

2016-4218
LW

Profession:

Presented by: Tammy Kelley

Staff Attorney:

Pre-Assigned or Requested (circle one)¹

Staff Present: Tammy Kelley Bill Kellington James Chaney Bobbie Brown Kim-Boi Shadduck Patrick Hager Brad Bumham Kathy Schmitt

SEXUAL MISCONDUCT CASES

For Board and Commission cases, panel should refer sexual misconduct cases to the Secretary when there are no clinical issues involved. (It is recommended to make this referral only after investigation; however, any pre-investigation referral should include a panel authorization for investigation.)

- Panel finds there are clinical issues, do not refer.
- No clinical issues, refer case to Secretary

Complete Below Only If Case Is Referred to Secretary

Print Name of Panel Chair:

per Program Staff (initials) _____ Reviewing Commission Member _____
(if applicable) (if applicable)

Date referral authorized: _____

A. REQUEST FOR LEGAL ACTION: Notice of Agency Action (NOA) - Non UDA Summary Action: Suspension Practice Restrictions _____ Statement of Charges Withdrawal of SOC Compliance: Release from STID/Order Statement of Allegations Withdrawal of SOA Compliance: Authorization for Fast Track Notice of Decision SOC/if STID not accepted Compliance: Referral to Collection Agency Notice of Determination Credential Issued In Error Cease and Desist Notice of Required Evaluation Notice of Correction**Alleged Violations—RCW 18.130.180:**

- (1) Moral turpitude
- (2) Misrepresentation of facts
- (3) False advertising
- (4) Incompetence
- (5) Out of state action
- (6) Illegal use of drugs
- (7) Violated state or fed law
- (8) Failure to cooperate
- (9) Failure to comply

- (10) Aiding and abetting
- (11) Violation of rules
- (12) Practice beyond scope
- (13) Misrepresentation or fraud
- (14) Failure to supervise
- (15) Public health risk
- (16) Unnecessary or inefficacious drugs
- (17) Criminal conviction
- (18) Criminal abortion

- (19) Treating by secret methods
- (20) Betrayal of patient privilege
- (21) Rebating
- (22) Interference w/ investigation
- (23) Current drug/alcohol misuse
- (24) Sexual contact/patient abuse
- (25) Acceptance of more than nominal gratuity

Other Violations of Relevant State or Federal Law: _____

Or

RCW 18.130 .170:

 Mental Impairment Physical Impairment**B. FILE CLOSED:**

<input type="checkbox"/> No Jurisdiction	<input type="checkbox"/> No violation at the time the event occurred	<input type="checkbox"/> Conduct was within standard of practice	<input type="checkbox"/> No violation determined
<input type="checkbox"/> Evidence does not support a violation	<input type="checkbox"/> Risk minimal, not likely to reoccur	<input type="checkbox"/> Mistaken identity	<input type="checkbox"/> Care rendered was within standard of care
<input type="checkbox"/> No Whistleblower	<input type="checkbox"/> Complaint Unique	<input type="checkbox"/> Issues which have been otherwise resolved	<input type="checkbox"/> Credential Issued in Error
<input type="checkbox"/> Application Investigation Only- No Action to Deny			

Further explanation (if any): _____

C. **OTHER, EXPLAIN (Legal Review, Return to Investigation, etc.):** _____¹ Program may request a specific staff attorney who has prior experience with the file or the Respondent.

CASE REVIEW FORM-SECRETARY PROFESSIONS

DATE: 2/16/2017 CASE: 2016-4218 LW

ALLEGATIONS (from the original complaint):

C alleges that R made false claims in court, lost patient records and solicited money from parents inappropriately.

SUMMARY OF CASE (ex. *Criminal Conviction Dates, Classification of Crime, Pleadings, etc*):

C states that R claimed in court that she was competent to read CD evaluations and then changed the definitions of what CDP's are qualified to do but then R wasn't able to read a drug test result that was given to her.

R states that she completed her coursework and internship in CD in the early 1990's and obtained certification with the credentialing bodies that regulated the profession in Washington at that time. She worked in the field for a few years and then went into private practice as a counselor. She denies giving a different definition to what CDP's are qualified to do and states that when she was questioned in court about specific substances showing up on drug screens, her mind went blank. She denies losing patient records and states that she viewed information on a website that was later made private and she could no longer access the information. She states that she appropriately asked certain parties for reimbursement.

CREDENTIAL INFORMATION:

ISSUANCE: 2010 EXPIRATION: 2018 STATUS: active

COMPLAINT HISTORY:

PREVIOUS COMPLAINTS: YES

BRIEF EXPLANATION (# of complaints, types, results): See ILRS

INITIAL RECOMMENDATION (To CMT) :

AGGRAVATING FACTOR:

MITIGATING FACTOR:

CHARGING/CLOSURE RECOMMENDATION: Legal review

DISCUSSION (at CMT) :

FINAL CHARGING/CLOSURE RECOMMENDATION (By CMT) :

See case disposition worksheet in file

Respondent: Jennifer L. Keilin
2016-4218LW

Complainant: 2 - Name - Whistleblower Regarding...

Contents: CD with email attachments

May 12, 2016:

1. 2015.11.30 Keilin pdf (517KB) (Corrupted/Damaged)
2. 2015.12.02a Keilin pdf (418KB)
3. 2015.12.02b Keilin pdf (418KB)
4. 2015.12.14 Rybicki pdf (227KB)
5. 11.pdf (359KB)
6. 12 pdf (2KB)
7. 13 pdf (1MB)
8. 13.FEmail.091114.Rehab for Cake (150KB)
9. IMPORTANT (82KB)
10. Jen Update ((33KB)
11. (IMPORTANT) Crisis, what crisis (73KB)
12. 05a Exhibit 1 (1MB)
13. F.Photos (416KB)

May 13, 2016:

1. 2015.11.30 Keilin pdf (517KB) (Corrupted/Damaged)

May 13, 2016:

1. 2015.11.30 Keilin pdf (155KB) (Printed)
2. 2015.12.01 Keilin Testimony pdf (321KB)
3. 2015.12.02a Keilin pdf (418KB)
4. 2015.12.02b Keilin pdf (418KB)

EVIDENCE #: 1140

Respondent: KEILIN, Jennifer Lee

Case(s) #: 2016-4218LW

Complainant:

2 - Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW ...

Contents: Thumb Drive containing
Respondent case files

Evidence Page: 1151

**DEPARTMENT OF HEALTH
HEALTH SYSTEMS QUALITY ASSURANCE**

**CONFIDENTIAL INVESTIGATION REPORT
PREPARED FOR THE
SECRETARY, DEPARTMENT OF HEALTH**

Case # 2016-4218LW

RESPONDENT: KEILIN, Jennifer Lee

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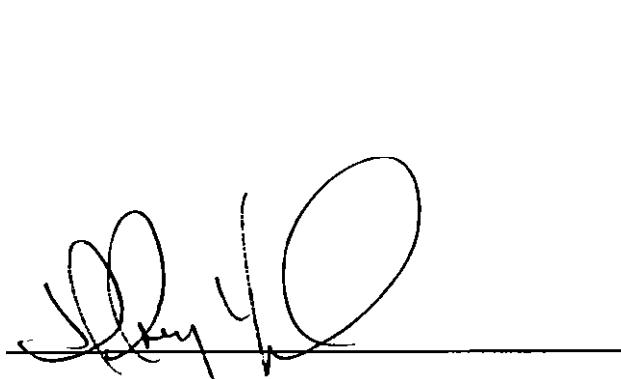
APPENDIX C - GENERAL SUMMARY

APPENDIX D - EVIDENCE/EXHIBITS

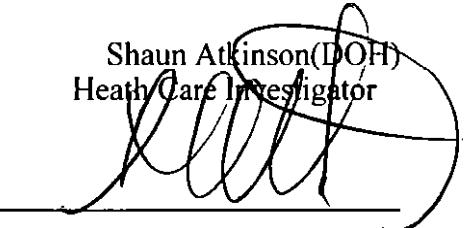
APPENDIX E - CONTACT LIST

APPENDIX F - ACTIVITY REPORT

APPROVED BY



Shaun Atkinson(DOH)
Health Care Investigator



DATE 10/14/2017

APPENDIX A

RESPONDENT INFORMATION

NAME: KEILIN, Jennifer Lee

BUSINESS ADDRESS: 1715 114th Ave SE Ste 210
Bellevue, WA 98004-6906

BUSINESS TELEPHONE #: (425) 526-6556

RESIDENCE ADDRESS: Not Provided

RESIDENCE TELEPHONE #: Not Provided

LICENSE NUMBER: SWI.LW.60064966

DATE ISSUED: 01/28/2010

EXPIRATION DATE: 02/06/2018

BIRTH DATE: 02/06/1968

SPECIALIZATION: Not Provided

PREVIOUS COMPLAINT HISTORY: Yes

ATTORNEY IDENTIFICATION: Not Provided

APPENDIX B

COMPLAINANT INFORMATION

NAME:

BUSINESS ADDRESS:

BUSINESS TELEPHONE # :

2 - Name - Whistleblower Regarding Health Care Pr...

RESIDENCE ADDRESS: Not Provided

RESIDENCE TELEPHONE # : Not Provided

ATTORNEY: Not Provided

ATTORNEY ADDRESS: Not Provided

ATTORNEY TELEPHONE # : Not Provided

APPENDIX C

GENERAL SUMMARY

Allegation

Respondent is alleged to have claimed in court that she was competent to read "chemical dependency evaluations" and changed her definitions of what CDP and CCDP are qualified to do. The Respondent was unable to read a drug test that was provided to her. The Respondent acknowledged she lost hundreds of pages of documents which showed how the other party in the case went about hiding drug related issues from the parenting evaluator. The Respondent has demanded money directly from clients and she claims attorneys are her clients and she solicits money directly from parents participating in the evaluation. The Respondent is not consistent in her evaluation procedures.

The Complainant had provided numerous documents with his complaint, which were later printed and saved onto a Compact Disc (CD).

Complainant

Mr. [REDACTED] 2 - Name - ... was contacted and affirmed his original complaint.

Respondent

On 05/05/2016, the Respondent was advised of the complaint by letter.

On 12/14/2016, a 21 Day Letter of Cooperation was drafted and mailed to the Respondent. (Evidence pages 1143-1145)

On 02/02/2017, A statement was received from the Respondent, along with a Thumb Drive containing, the Respondents records. Most of these documents were not printed, but documents relevant to the Respondents statement where she referred to specific records were.

On review of the Respondent statement the following salient point are summarized:

- a. **Competency and qualifications related to chemical dependency matters:**
In 1993 she completed my required addiction studies coursework and a 2000 hour internship as a Qualified Chemical Dependency Counselor Intern at Shared Health Services. By the end of 1993 she was qualified as a Qualified Chemical Dependency Counselor (QCDC). In 1994, she passed an exam and became a Certified Chemical Dependency Counselor 1 (CCDC1), through a private board in the state, the Chemical Dependency Counselor Certification Board, which was the highest credentialing body in the state at the time. She worked in outpatient and inpatient chemical dependency settings for a few years, and continually utilized her education and experience in chemical dependency matters in every position held since then. In 2003 she entered private practice. While she continued to conduct some individual chemical dependency evaluations, she primarily conducted parenting plan evaluations and guardian ad litem investigations, often involving concerns about substance abuse. She maintained

my CCDC1 credential until she learned, in 2008, that the board was no longer operational. She continues to take trainings, and give trainings, related to chemical dependency. She used her expertise in this area on a regular basis in her private practice and based on education and experience she is known in her professional community as one who has expertise in this area. In 2008 when she discovered the board was no longer operational she stopped using the CCDC1 credential. Her CV, business cards, and stationery were amended. She does not advertise herself as having a credential she does not possess. There are some in her professional community who continue to note her old credential, despite many years of her current credentials listed on her business card, letterhead, emails and CV;

- b. **Definition of CDP and CCDP:** She did not change the definition of what a CDP and CCDP are qualified to do (Evidence pages 1152-1163). Regarding the ability to read a drug test, in deposition she was asked very specific questions about less mainstream substances and whether they would show on a particular test. In that moment, her mind went blank. She stated she could not recall at that moment but she clearly stated she needed to see the drug test results, review reference material, or talk to the lab;
- c. **"Lost" Documents:** During her evaluation, she accessed a public Google group that was used by Ms. Ralph and her roommates. The data was reviewed online and not downloaded. In her 09/24/2014 report, she summarized the information gathered from her review of emails between group members. Following the release of her report, the Google group was subsequently made private and she was unable to retrieve or download copies of the messages that she had reviewed. She was, however, able to save her browsing history that showed the subject line of each of the emails reviewed. On 11/03/2014 she notified counsel immediately upon her discovery that she could not download the data. (Evidence pages 1164-1165) Counsel had the opportunity to seek this information directly from the source, which was Ms. Ralph;
- d. **Demanded Money Directly from Parents:** A review of her emails reflects all requests for payment were made to counsel. As is typical in parent evaluations, once the request is made to counsel, the parties (i.e. parents) contact her directly to make all payment arrangements;
- e. **Inconsistent Procedures:** She requested both parents provide materials to her via counsel, to ensure that both sides received copies of all materials. There appears to have been a brief inconsistency, as on 08/07/2014 she told Ms. Ralph (Evidence pages 1166-1169 she could bring her materials to the meeting, and on 08/11/2014, she confirmed to the Complainant her request that the parties provide their materials through counsel. (Evidence page 1170) To ensure both sides had the opportunity for review and rebuttal prior to issuing her report, she provided copies of all materials to the parties and counsel, as per her email to counsel on 09/18/2014. (Evidence page 1171);

- f. **Met with One Counsel to Develop Trial Strategy:** Her Fee Statement signed by the Complainant's counsel (Evidence pages 1172-1174), when a matter is heading to trial, states, "I will make myself available to both attorneys separately for the purpose of trial preparation." During such meetings she will answer questions as if she were testifying. She does not participate in developing trial strategy.

APPENDIX D

EVIDENCE/EXHIBITS

<u>Page #'s</u>	<u>Description</u>
-----------------	--------------------

Folder 1 of 8

001	RCW 43.70.075
002-009	Complaint
010-011	Complainant referral letter and WRF
012	Respondent Notification Letter
013-129	Deposition of Respondent Case 14-3-03797-3 SEA

Folder 2 of 8

130-132	Email of Complainant to Complaint Intake, dated 04/27/16
133-158	Transcript of Respondent testimony, non-official

Folder 3 of 8

291-297	Email chain between the Complainant and the Department, dated 05/12/16
298-436	Excerpted Testimony of Respondent Case 14-3-03797-3 SEA

Folder 4 of 8

437-575	Excerpted Testimony of Respondent Case 14-3-03797-3 SEA continued
576-640	Testimony of Dr Daniel RYBICKI Case 14-3-03797-3 SEA

Folder 5 of 8

641-646	CV of Respondent
647-695	Sealed Parent Plan Evaluation, by Respondent, dated 09/24/14 Case 14-3-03797-3 SEA
696-702	Group discussion from Yahoo Groups, dated 07/05/13
703	Email from Ellery BARNES, dated 02/05/13

Case # 2016-4218LW / KEILIN, Jennifer Lee

- 704-706 Email from Barry BRUMITT, dated 02/08/13
- 707-712 Exhibit 1
- 713 Photograph depicting several people (Appears that one woman is self-injecting)
- 714 Photograph depicting a woman and small child
- 715 Photograph of a male, wearing sunglasses and white cap
- 716 Hand written note regarding Jason LINSON
- 717 Email from Complainant to the Department, dated 05/11/16
- 718-756 Trial Excerpt Testimony of Respondent Case 14-3-03797-3 SEA

Folder 6 of 8

- 757-852 Testimony of Respondent Case 14-3-03797-3 SEA
- 853-991 Excerpted Testimony of Respondent Case 14-3-03797-3 SEA

Folder 7 of 8

- 992-1130 Excerpted Testimony of Respondent Case 14-3-03797-3 SEA continued

Folder 8 of 8

- 1131-1139 Email communication between Investigator Supervisor and Complainant
- 1140 CD containing documents supporting complaint (Evidence pages 013-1130)
- 1141 Signed WRF, denial dated 05/10/16
- 1142 Signed WRF, waiving confidentiality, dated 05/31/16
- 1143-1145 21 Day Letter of Cooperation to Respondent
- 1146-1150 Respondent's statement
- 1151 Thumb drive containing
- 1152-1163 Partial transcript of Respondent's testimony specifically related to complaint
- 1164-1165 Exhibit J, email referring to lost documents

- 1166-1170 Exhibit M, emails regarding Inconsistent Procedure
- 1171 Exhibit O, email regarding providing materials
- 1172-1174 Respondent's Fee Statement, signed by Complainant's attorney, dated 07/15/16

APPENDIX E

CONTACT LIST

Respondent

Complainant

ATKINSON, Shaun
Investigator
DOH – OII
20425 72nd Ave South, Suite 310
Kent, WA 98032
(253) 395-6788

APPENDIX F

ACTIVITY REPORT

05/25/2016	Atkinson, Shaun T	Investigative - Initiate Investigation	Review file. Received denied WRF. Call Complainant, does not listen to VM. draft email.
05/26/2016	Atkinson, Shaun T	Investigative - Case Activity	VM from Complainant. Emailed. Further review of file. Extensive information. 6 folders. With WRF denied, it will be difficult to conduct investigation. Discuss with Jeff.
05/31/2016	Atkinson, Shaun T	Investigative - Case Activity	VM and email from Complainant. Stated he will resign the WRF and has a declaration of the Respondent. Scan and email WRF to Complainant. CB with Respondent. Received signed WRF. Long discussion.
06/17/2016	Atkinson, Shaun T	Investigative - Case Activity	Email from Complainant on status. Reviewed and responded.
06/21/2016	Atkinson, Shaun T	Investigative - Case Activity	Reviewing complaint with transcripts and declarations.

Case # 2016-4218LW / KEILIN, Jennifer Lee

07/11/2016	Atkinson, Shaun T	Investigative - Case Activity	PDR request from CI. Reviewed file. Responded by email. Package files and sent by Campus Mail.
12/14/2016	Atkinson, Shaun T	Investigative - Case Activity	Review file. Draft and mail LOC
12/14/2016	Atkinson, Shaun T	Investigative Letter of Cooperation	Request extension, granted until 01/27/16 01/25/17 Second extension granted until 03/02/17
12/19/2016	Atkinson, Shaun T	Investigative - Case Activity	Call from Respondent. Answered questions.
12/21/2016	Atkinson, Shaun T	Investigative - Case Activity	Request for extension. Granted until 01/27/16
01/25/2017	Atkinson, Shaun T	Investigative - Case Activity	Email from Respondent requesting an additional extension. Replied back, advised of law regarding further extensions. Email from Respondent, Original LOC had a due date of 01/05/17. Her extension requested to the 01/27. Base on 21 plus 30 the due date her due date would be 02/02/17. Granted until 02/02/17, email sent
02/01/2017	Atkinson, Shaun T	Investigative - Case Activity	Email from the Respondent, stating she placed her response in the mail yesterday 01/31/17
02/02/2017	Atkinson, Shaun T	Investigative - Case Activity	Rcvd package from Respondent was letter and Thumb drive. Review of Thumb drive contains 1.2 GB of data.
02/03/2017	Atkinson, Shaun T	Investigative Report	Prep, organize, stamp and begin drafting report.
02/07/2017	Atkinson, Shaun T	Investigative Report	Over 1100 evidence (Initial Complaint) pages, sorting and stamping.
02/08/2017	Atkinson, Shaun T	Investigative Report	Work on report. Organizing documents.
02/09/2017	Atkinson, Shaun T	Investigative - Case Activity	Restamp docs, reorganize.
02/10/2017	Atkinson, Shaun T	Investigative Report	Work on report, double check bate stamping.
02/13/2017	Atkinson, Shaun T	Investigative Report	Finalize, draft and submit.

Case # 2016-4218LW / KEILIN, Jennifer Lee

RESPONDENT INFORMATION

Name & Address	JENNIFER LEE KEILIN 1715 114TH AVE SE STE 210 BELLEVUE, WA 98004-6906					Case #	2016-4218 LW	
						Allegation	• Pending	
						License #	SWI.LW.60064966	
						Issued	1/28/10	
						Expires	2/6/17	
Phone #						Status	Active	
Legal Action	Yes	No	Compliance	Yes	No	Cases	Open:	Closed:
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		0	3

COMPLAINANT INFORMATION

Name & Address	2 - Name - Whistleblower Regarding Health Care Provider or ...	
Phone #	E-Mail	2 - Name - Whistleblower Regarding He...
	2 - Name - Whistleblower Regarding Health Care Pro...	

SUMMARY OF COMPLAINT

Respondent is alleged to have claimed in court that they were competent to read "chemical dependency evaluations" and changed her definitions of what CDP and CCDP are qualified to do. The respondent was unable to read a drug test that was provided to her. The respondent acknowledged that she lost hundreds of pages of documents which showed how the other party in the case went about hiding drug related issues from the parenting evaluator. The respondent has demanded money directly from clients and she claims attorneys are her clients and she solicits money directly from parents participating in the evaluation. The respondent is not consistent in her evaluation procedures.

Investigator:



Priority: A B D E Date: 04/28/16



Respondent Notification Letter
Complainant Notification Letter
Whistleblower

*Jennifer
Keilin*Assessment Worksheet

Respondent:

Date: 4/28/2016

Case Number: 2016- 4218

Board/Commission/Profession: *LW* Facility Type: _____

Presented by: TLK

- Conference Call Board/Commission/CMT meeting Panel members:
- | | | | |
|---|---|--|--------------------------|
| <input checked="" type="checkbox"/> Tammy Kelley | <input type="checkbox"/> Kim-Boi Shaddock | <input type="checkbox"/> Ron Rupke | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Nancy Tyson | <input type="checkbox"/> Deb Mendoza | <input checked="" type="checkbox"/> Bobbie Brown | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Bill Kettington | <input type="checkbox"/> Brad Burnham | <input type="checkbox"/> | <input type="checkbox"/> |

*Marie O'Neill***A. FILE CLOSED:**

<input type="checkbox"/> BT- No Jurisdiction	<input type="checkbox"/> BT- No violation at the time the event occurred	<input type="checkbox"/> BT- Advertising that is a technical violation	<input type="checkbox"/> BT- Communication and personality issues
<input type="checkbox"/> BT- Aged or outdated complaints	<input type="checkbox"/> BT- Risk minimal, not likely to reoccur	<input type="checkbox"/> BT- Lack of complaint credibility	<input type="checkbox"/> BT- Complainant withdrew
<input type="checkbox"/> BT- No complainant's or client/patient's name and no allegations of significant harm or potential harm	<input type="checkbox"/> BT- Billing and fee disputes except as designated by disciplining authority	<input type="checkbox"/> BT- Practice on an expired credential for a period of time accepted by the disciplining authority	<input type="checkbox"/> BT - Insufficient information
<input type="checkbox"/> BT- Profession-specific threshold. Explain: _____ a) Violating confidentiality b) Inappropriate delegation c) Failure to supervise d) Isolated incidents	<input type="checkbox"/> BT- Issues which have been otherwise resolved. Explain resolution: _____ (detail corrective action: practitioner is already revoked; ongoing monitoring, etc.)	<input type="checkbox"/> BT- If allegations are true, no violation of law occurred	<input type="checkbox"/> BT- Referral to another program or agency. <input type="checkbox"/> BT- Incident reported by facility

B. Investigation of the complaint is authorized.

Additional Instructions to investigator: _____

Initiate investigation and obtain relevant records, including patient records and any required subpoenaed docs.

Authorized by Panel Chair/CMgr:

Print Name of Panel Chair/CMgr:

Per Program Staff (initials)

(if applicable)

Reviewing Commission Member _____

(if applicable)

Date investigation authorized:

4-28-16

Recommended priority:

Professions

- A (risk of immediate danger)
 B (serious risk)
 C (moderate risk)
 D (minor risk)
 E (technical violations)

Facilities

- (____ # of days)
(____ # of days)
(____ # of days)
(____ # of days)
(____ # of days)

C. SEXUAL MISCONDUCT CASES

For Board and Commission cases, panel should refer sexual misconduct cases to the Secretary when the case does not involve clinical expertise or standard of care issues. (Note: any pre-investigation referral should still include a panel authorization for investigation.)

- Panel finds there are clinical issues, do not refer.
 No clinical issues, refer case to Secretary

**COMPLAINT INTAKE
SUMMARY WORKSHEET**

RESPONDENT INFORMATION

Name & Address	JENNIFER LEE KEILIN 1715 114TH AVE SE STE 210 BELLEVUE, WA 98004-6906					Case #	2016-4218 LW	
						Allegation	• Pending	
						License #	SWI.LW.60064966	
						Issued	1/28/10	
						Expires	2/6/17	
Phone #						Status	Active	
Legal Action	Yes	No	Compliance	Yes	No	Cases	Open:	Closed:
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		0	3

COMPLAINANT INFORMATION

Name & Address	2 - Name - Whistleblower Regarding Health Care Provider or He...	
Phone #	E-Mail	2 - Name - Whistleblower Regarding Health ...
		2 - Name - Whistleblower Regarding Health ...

SUMMARY OF COMPLAINT

Respondent is alleged to have claimed in court that they were competent to read "chemical dependency evaluations" and changed her definitions of what CDP and CCDP are qualified to do. The respondent was unable to read a drug test that was provided to her. The respondent acknowledged that she lost hundreds of pages of documents which showed how the other party in the case went about hiding drug related issues from the parenting evaluator. The respondent has demanded money directly from clients and she claims attorneys are her clients and she solicits money directly from parents participating in the evaluation. The respondent is not consistent in her evaluation procedures.

Case View Screen update

Case	2016-4218	Date Created	04/15/2016	
Status	OPENED	Date Received	,04/12/2016	Audit
Respondent ID	653258	How Received	Email	Entry Items
Respondent	Jennifer Lee Keilin 	Receiving Board	SECRETARY	Documents
Credential	SWI.LW.60064966 Jennifer Lee Keilin	Receiving Profession	Social Worker Independent Clinical License	Notes
Address	<input type="radio"/> Public <input checked="" type="radio"/> Mail	Receiving Department	Case Intake	Master Cases
	Jennifer Lee Keilin 1715 114th Ave SE Ste 210 Bellevue, WA 98004-6906	Received By	Kristi Cholski	Participants
Complainant ID	1240967	Alleged Issues	Pending	Add Master Case
Complainant	2 - Name - Whis... 	Case Nature	Pending	Timeline History

Comments:

- Action Items
- Resolution
- Participants
- Priority History
- HIPDB Reports

Action Items add add group

Type	Assigned To	Activity	Track Time	Due	Effective	Completed	Order Signed	Created ▼
No action items found								

Credential View Screen update entity tree **Jennifer Lee Keilin**

Address:

 Public Mail

change mail address
 Jennifer Lee Keilin
 1715 114th Ave SE Ste 210
 Bellevue, WA 98004-6906

ID	653258
Warnings	1 - DOH Licensee So...
SSN/FEIN	
Contact Standing	Living
Contact Type	INDIVIDUAL
Birth Date	02/06/1968
Public File	YES
Mailing List	
US Citizen	
E-mail	jkeilin@comcast.net

Comments:

[Contact](#)
[Audit](#)
[Enforcement](#)
[Cont. Edu](#)
[Documents](#)
[Owned By](#)
[Exams](#)
[Experience](#)
[Notes](#)
[Schools](#)
[Librarian](#)
[Application](#)
[Other State](#)
[Online Info](#)
[Reports](#)

Social Worker Independent Clinical License update form letter

Credential #	SWI.LW.60064966
Application Date	11/17/2008
Effective Date	02/02/2016
Expiration Date	02/06/2017
First Issuance Date	01/28/2010
Last Date Of Contact	01/25/2010
CE Due Date	02/06/2017

Credential Status	ACTIVE (02/03/2016)
Status Reason	ACTIVE
Amount Due	\$0.00
Date Last Activity	2/3/2016 1:45:31 PM
Last Updated by	Stewart, Kevin
Certificate Sent Date	02/03/2016

Comments:

[Audit](#)
[Documents](#)
[Verification](#)
[Workflow](#)
[Key Mgmt](#)
[Fees](#)
[Notes](#)
[Print Docs](#)
[Comp. Aud](#)
[Renewal](#)
[License St](#)
[Online Info](#)

Background Check Processed

- Supervises
- User Defined License Data
- Workflow

APR 29 2016

Supervises update Show All

No active Supervises Data.

NPDB/HIPDB
 Department of Health
 Office of Investigation and Inspection

User Definable License Data

Field	Value	update	Field	Value
			Method of Licensure	EXAMINATION
			HEAL WA Fee Not Included	No
			Cash Receipt Sequence Number	02012
			Cash Receipt Date	20091116
			Cash Receipt Batch Number	0602

Workflow

Contact View Screen		update	entity tree	
Jennifer Lee Keilin Address: <input checked="" type="radio"/> Public <input type="radio"/> Mail <div style="border: 1px solid black; padding: 5px;"> Jennifer Lee Keilin 1715 114th Ave SE Ste 210 Bellevue, WA 98004-6906 </div>		ID: 653258 Warnings SSN/FEIN: 1 - DOH Licensee S... Contact Standing: Living Contact Type: INDIVIDUAL Criminal History: NO Public File: YES Mailing List US Citizen Email: jkeilin@comcast.net		
Preferred Communication Method:				
Comments:				

Audit
 Enforcement
 Cont. Edu
 Documents
 Owned By/
 Exams
 Experience
 Notes
Schools
 Librarian
 Application
 Other State
 Online Info
 Reports

- Addresses
- Individual Information
- Credential List
- Legacy

Contact Addresses add

Address Information	Contact Information	Update Addresses
Jennifer Lee Keilin 1715 114th Ave SE Ste 210 Bellevue, WA 98004-6906 County: King Country: United States Joined on: 03/21/2014	Phone: (425) 526-6556 Fax: (425) 270-1436 Cell: Email: jkeilin@comcast.net	update MAIN ADDRESS Contact Public Address Contact Mail Address Form Letter Public Address for: - RC.RC.00021187 - SWI.LW.60064966 Mail Address for: - RC.RC.00021187 - SWI.LW.60064966

<
Individual Information update

Field	Value	Field	Value
Birth Place	Santa Clara CA	Gender	F
Birth Date	02/06/1968	Online User ID	KEIL653258
Drivers License State	WA		

<
Credentials add

Credential	License Type	Effective Date	Expiration Date	Status	Reason
SWI.LW.60064966 Jennifer Lee Keilin 1715 114th Ave SE Ste 210 Bellevue, WA 98004-6906	Social Worker Independent Clinical License	02/02/2016	02/06/2017	ACTIVE	ACTIVE
RC.RC.00021187 Jennifer Lee Keilin 1715 114th Ave SE Ste 210 Bellevue, WA 98004-6906	Counselor Registration	02/10/2009	02/06/2010	EXPIRED	PROFESSIONAL DISCONT

<
Legacy Contact Information

Legacy Credential History

CASE HISTORY

Enforcement View for Keilin, Jennifer Lee**Public Case(s)**

Case	Case Status	Credential Number	Resolution	Date Created	Date Closed
2009-137218	CLOSED	RC.RC.00021187	- Evidence does not support a violation	06/23/2009	01/25/2010
2009-137219	CLOSED	SWI.LW.60064966	- Evidence does not support a violation	06/23/2009	01/25/2010
2015-2	CLOSED	SWI.LW.60064966	- Evidence does not support a violation	01/02/2015	07/23/2015

Public Master Case(s)

No Public master case(s) associated with this contact.

Public Examinations(s)

No Public examinations(s) associated with this contact.

[Close](#)

**COMPLAINT INTAKE
SUMMARY WORKSHEET**

RESPONDENT INFORMATION

Name & Address	JENNIFER LEE KEILIN 1715 114TH AVE SE STE 210 BELLEVUE, WA 98004-6906					Case #	2015-2LW	
						Allegation	<ul style="list-style-type: none"> • Practicing Beyond the Scope of Practice • Substandard or Inadequate Skill Level 	
						License #	SWI.LW.60064966	
						Issued	1/28/10	
						Expires	2/6/15	
Phone #						Status	Active in Renewal	
Legal Action	Yes	No	Compliance	Yes	No	Cases	Open:	Closed:
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		0	2

COMPLAINANT INFORMATION

Name & Address	2 - Name - Whistleblower Regarding Health Care Provider or Health Care Facility ...		
Phone #		E-Mail	

SUMMARY OF COMPLAINT

Respondent is alleged to have practiced outside her scope of practice and was out of her skill level.

The complainant went to the respondent to conduct a parenting evaluation in April 2014. The process was not begun until June 2014 and produced the report in August 2014. The complainant's daughter has a rare genetic condition and is deaf and would need a sign language interpreter when interviewed by the respondent. The respondent stated that she had never worked with a deaf child before and didn't know how to find an interpreter. The respondent didn't mention the child's health concerns or that the interview was done without appropriate interpreting services. The respondent did not interview any of the child's health care providers, only a hospital social worker who had not met the child or the complainant. The respondent also told the complainant that she would be able to review the final report before it was submitted to the court. The report contained two options for parenting but no recommendations nor description of how she came to the conclusion.

The complainant is concerned that the report may have created a unreasonable risk and harm for the child.



CUSTOMER SERVICE COMPLAINT INTAKE SUMMARY WORKSHEET

RESPONDENT INFORMATION

NAME & ADDRESS	JENNIFER LEE KEILIN 216 1ST AVE S STE 333 SEATTLE, WA 98104-2534					CASE #	2009-137219LW	
						ALLEGATION	UNPROFESSIONAL CONDUCT	
						LICENSE #	SWI.LW.60064966	
						ISSUED		
						EXPIRES		
PHONE #						STATUS	PENDING	
Legal Action:	YES	NO	Compliance	YES	NO	Cases	Open:	Closed:
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		0	0

COMPLAINANT INFORMATION

NAME & ADDRESS	2 - Name - Whistleblower Regarding Health Care Pr...		
PHONE #	2 - Name - Whistleblower Regar...	E-Mail	

SUMMARY OF COMPLAINT

Respondent was retained to do a parenting evaluation as part of a legal proceeding. Respondent is alleged of lying to both clients and interviewees, misappropriation of client money, failure execute her job fully and professional misconduct.

COMPANION CASE:

KEILIN, JENNIFER L: 2009-137218RC



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

May 08, 2017

Jennifer Lee Keilin
1715 114th Ave SE Ste 210
Bellevue, WA 98004-6906

Subject: Case No: 2016-4218 Social Worker Independent Clinical License

Dear Jennifer Keilin:

The department has completed our investigation of this case. We closed this case without disciplinary action because the evidence does not support a violation.

We may reconsider this decision if we receive new information or identify a pattern of similar concerns.

We have notified the person who filed the complaint of this decision. Because of state law RCW 43.70.075, we may not be able to release information about the person who filed the complaint. We cannot release details of the report via telephone or email.

You have the right to request any publicly disclosable information contained in the file. To do so, submit a written request to the Department of Health, Public Disclosure and Records Center, P.O. Box 47865, Olympia, WA 98504-7865; fax 360-586-2171; email pdrc@doh.wa.gov. Please include the case number listed above.

If you have questions, please contact Kitty Einhart-Slater at (360) 236-4730 or email Kitty.Slater@doh.wa.gov.

Sincerely,

Health Systems Quality Assurance
Complaint Intake Unit



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

May 08, 2017

2 - Name - Whistleblower Regarding Health Care...

Subject: Case No. 2016-4218

Dear Mr. 2 - Name -...

The department investigated your complaint about Jennifer Keilin in accordance with the disciplinary process under Washington's Uniform Act (chapter 18.130 RCW). We closed this case because the evidence does not support a violation.

We realize this may not be the outcome you wanted. The law allows you one opportunity to ask that we reconsider our decision. To do so, you must provide new information about your original complaint within 30 days of receiving this letter. After 30 days, we will treat any new information as a new complaint. You may send any new information to the Department of Health, Office of Investigation and Inspection, Case Management, P.O. Box 47874, Olympia, WA 98504-7874. Please include the case number listed above.

You have the right to request any publicly disclosable information contained in the file. To do so, submit a written request to the Department of Health, Public Disclosure and Records Center, P.O. Box 47865, Olympia, WA 98504-7865; fax 360-586-2171; email pdrc@doh.wa.gov. Please include the case number listed above.

If you have questions, please contact Kitty Einhart-Slater at (360) 236-4730 or email Kitty.Slater@doh.wa.gov.

Sincerely,

Health Systems Quality Assurance
Complaint Intake Unit

Notice

The identity of a whistleblower who complains in good faith to the Department of Health about the improper quality of care by a health care provider or in a health care facility shall remain confidential.

RCW 43.70.075

Department of Health staff need to:

- Place this notice in the file with the complaint.
- Keep this notice in the file with the complaint when the case is closed.

WAC 246-15-030

Notice

000001

McKay, Jamie (DOH)

From: 2 - Name - Whistleblower Regarding Health Care Provider ...
Sent: Monday, April 11, 2016 9:09 PM
To: DOH HSQA Complaint Intake
Subject: Provider Complaint
Attachments: Health Care Provider Compliant.docx

RECEIVED

APR 12 2016

OFFICE OF LEGAL SERVICES
COMPLAINT INTAKE

000002



Health Care Providers and Facilities Complaint Form

RECEIVED

APR 12 2016

Date: 4/11/16

OFFICE OF LEGAL SERVICES
COMPLAINT INTAKE

Your Information:

Name: 2 - Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW ...

(First Name)

(Middle Name)

(Last Name)

Physical Address: 2 - Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1)

(Street Address)

(City)

(State)

(Zip Code)

Mailing Address: 2 - Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1)

(Street Address)

(City)

(State)

(Zip Code)

Phone: 2 - Name - Whistleblower Re...

Home: Cell: Work:

Alt. Phone: 2 - Name - Whistleblower...

Home: Cell: Work:

Fax: ()

Email: 2 - Name - Whistleblower Regarding ...

Are you filing this report on behalf of a Business or Facility? Yes No

If yes, Company / Facility Name:

The identity of a whistleblower who complains in good faith to the Department of Health about the improper quality of care by a health care provider or in a health care facility as defined in WAC 246-15-020 shall remain confidential under provisions of RCW 43.70.075 unless confidentiality is waived. Whistleblower means a consumer, employee or health care professional.

000003

Page 1 of 4

Information about Health Care Providers and/or the Facility

Please provide as much information as possible regarding the provider(s) and/or the facility where you received care.

Type of Profession / Title: Licensed Independent Clinical Social Worker, MSW, LICSW

Full Name of the Individual Provider: Jennifer Keilin

Address: 1715 114th Avenue SE, Suite 210
98004

(Street Address)

(City)

Bellevue

WA

(State)

(Zip Code)

Phone: (425) 526-6556

Type of Facility:

Name of Facility:

Address:

(Street Address)

(City)

(State)

(Zip Code)

Phone: ()

Room Number (If applicable): Department (If applicable):

Date(s) of Service or Stay:

What is your employment status with the facility? (*This information is used for internal administrative purposes only*)

Never an Employee Former Employee Current Employee

Patient/Guest/Client Information:

Name: 2 - Name - Whistleblower Regarding Health Care Provider or Health Care Facility - R...

(First Name)

(Middle Name)

(Last Name)

Date of Birth: 2 - Name - Whistl...

Date of Incident: 7/10/14 - 1/21/16

What is your relationship to the patient/guest/client? Father

Have you filed a complaint with anyone at the facility? If so, with whom, when and have you received a response?

Yes No

If yes, with whom:

When:

000004

Page 2 of 4

Comments:

Have you reported this to or filed a complaint or action with any other agency or organization? For example law enforcement, Adult Protective Services, Professional licensing boards. If so, which agencies, when and what were the actions or findings?

Yes No

Comments:

Please describe your complaint in the space below. Include the name, title and phone number of other patients, witnesses or staff involved in the incident. (Attach additional complaint information if necessary)

The issue is about a licensed councillor who under deposition, and later testimony in court, claimed that they were competent to do, and are doing, "chemical dependency evaluations" for the local superior court in Washington state. They have been using a credential of "CCDP". They did acknowledge that a "CDP" exists, but they said that since they, the CCDP, don't work in a facility, they don't qualify to call themselves a "CDP". Over the course of the deposition and into her testimony in trial she continued to change her definition of what CCDP meant.

The CCDP was unable to read a drug test that the other party obtained themselves from a local testing company.

On her current LinkedIn page (<https://www.linkedin.com/in/jennifer-keilin-95018187>) she still to this date indicates that she conducts chemical dependency evaluations and lists under her skills "Substance Use Evaluations". Provided in evidence in court is an example of where others use her credentials then validate their own credentials in Washington State.

Audio from Jennifer Keilin speaking at trial and her deposition are both publically available. An unofficial transcript can also be provided (an official one is being prepared).

Ms Keilin failed to meet "WAC 246-445 Parenting Evaluations – Standards". At issue (12a) Keilin acknowledged losing hundreds of pages of documents which showed how the other party in the case, and the many parents she lived with, some of who have medical licenses, went about hiding drug related issues from the parentings evaluator. In trial we learned of Ketamine, Nitrous, 2CB, 2CE, MDMA, Mushrooms, LSD, GHB, and the manufacture of nitrous purification for intoxication). This is not a complete list.

Only in trial did we discover that she had violated part (8) of WAV 246-445; she had met with opposing council to develop "develop trial strategy" before trial. She gave a billing rate in testimony for this service. No notice was given to us, this was only discovered under oath.

For her profession, guideline 4.4 of the AFCC standards says, "Child custody evaluators shall not make substantive ex parte communications about a case with the court or with the attorney's representing the parties."

Despite her billing policy, which claims that the attorneys are her clients, she solicits money directly from parents participating in the evaluation. Demanding money directly, with letters of consequence if the do not fail

000005

Page 3 of 4

to pay immediately. Checks deposited by her directly can be provided. Additionally, three of the sessions were recorded and in one session she discusses how she directly bills parents.

Her practice in general was haphazard. She gave different instructions to each party concerning materials to be used in her evaluation. She had one party initially give information directly to her, while she told the other party that they must submit all material through their attorney to both her and opposing council.

Under 134 Wn.2d 131, DEATHERAGE v. BOARD OF PSYCHOLOGY, absolute immunity does not exist for Professionals performing Parenting Evaluations and the reports and testimony they give, and that they can be used by state licensing board proceedings.

Additionally, the deposition, report, and testimony of Dr. Dannie Rybicki can be provided. He provided the court with an overview of Jennifer Keinlin's work. He touches on Jennifer Keinlin's lack of chemical dependency knowledge to the best of interest of child.

Return this completed form to the Washington State Department of Health via Mail, Email or Fax.

Health Systems Quality Assurance
Complaint Intake Unit
PO Box 47857
Olympia, WA 98504-7857
HSQAComplaintIntake@doh.wa.gov
Fax: 360-236-2626

Feel free to call us at 360-236-2620 with any questions. Additional information regarding the complaint and disciplinary process is available on our website at www.doh.wa.gov.

Brown, Angel (DOH)

From: 2 - Name - Whistleblower Regarding Health Care Provider or He...
Sent: Tuesday, April 19, 2016 5:07 PM
To: DOH HSQA Complaint Intake
Subject: Additional Material -- 14-3-03797-3 SEA

Follow Up Flag: Follow up
Flag Status: Flagged

Attached is the deposition for Jennifer Keilin that I mentioned in my original form.

Beginning on page 5 you can see how she admits to not have credentials; credentials that were on her original appointment by the King County Court. She shows that she knows what the correct credentials are to have, but then goes into explaining about how her experience/etc... are good enough to continue to do court requested assessments/evaluations for chemical dependency issues during parent evaluations, as well as "separate evaluation ordered through family court".

After that you can see where she tries, and fails, to be able to answer a number of question concerning issues related to illegal substances. She also fails to be able to read a 12-panel drug screen, or even know if it was inclusive of substances that were reported, and substantiated, by individuals living in the home of the parent she was evaluating.

Around page 109, you will also discover she lost hundreds of documents that she read during her report. Including critical documents which describe "pope mode", which was a code word/lighted doll, which the parents used to tell the children and other residents that people were in the home, and discussions around public sex, drugs, and other topics, should not be discussed.

— 2 - Name - Whist...

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RECEIVED
APR 20 2016
DOH/HSQA/OCS
COMPLAINT INTAKE UNIT

000007



Jennifer Keilin

Licensed Clinical Social Worker
Bellevue Washington | Mental Health Care

Current	Jennifer Keilin, MSW, LICSW
Previous	Stuart Greenberg, Ph.D., DSHS/DCFS
Education	University of Washington

143
connections

Search by name

Over 400 million professionals are already on LinkedIn. Find who you know.

Example: Jeff Weiner

People Also Viewed



Kirstin Larson
Attorney at Perkins Coie LLP



Jill Bender
Human Resources Coordinator at Harmon, Inc.



Jude McNeil
Training Manager at The Utah Pride Center



David Hodges
Co-Owner at Family Evaluation, GAL & Mediation



Libby Hirshberg
Occupational Therapist at Swedish Hospital



Naomi Oderberg



Kathleen Kennelly M.S.W.
Social Worker & Court-Appointed Guardian ad Litem

Jody Nathan

Lynn Tuttle
Family law mediator and parenting plan evaluator at Lynn C. Tuttle, LLC

Desiree McSmith
Owner, Peaceful Pet Care and Hospice

Join LinkedIn and access Jennifer's full profile. It's free!

As a LinkedIn member, you'll join 400 million other professionals who are sharing connections, ideas, and opportunities.

- See who you know in common
- Get introduced
- Contact Jennifer directly

[View Jennifer's Full Profile](#)

Summary

I conduct child custody evaluations and chemical dependency evaluations, and provide expert consultation and witness services, for individuals and families involved in family law matters. I strive to provide a work product that is thorough, fair and balanced, and respects the individuals involved. I frequently attend conferences and trainings to maintain best practices, keep up on current research, and improve service delivery to individuals and their attorneys.

Experience

Owner

Jennifer Keilin, MSW, LICSW

April 2003 – Present (13 years 1 month)

I conduct child custody evaluations and chemical dependency evaluations, and provide expert consultation and witness services in family law matters.

Clinical Social Worker

Stuart Greenberg, Ph.D.

March 2001 – March 2003 (2 years 1 month)

Provided case management services for psychologist conducting forensic evaluations in civil matters

This pag

Social Worker III

DSHS/DCFS

April 1998 – March 2001 (3 years)

Conducted investigations and provided case management services to families involved in Child Protective Services (CPS)

- Make sure the web a
- Look for the page wil
- Refresh the page in a

000008

[What is LinkedIn?](#) [Join Today](#) [Sign In](#)

Skills

Child Custody Evaluations and Consultation Substance Use Evaluations

Post-Decree Case Services Family Law

Education

University of Washington

Master of Arts (MA), Social Work
1996 – 1998

Pacific Lutheran University

Bachelor of Arts (BA), Social Work
1989 – 1991

View Jennifer's full profile to...

- See who you know in common
- Get introduced
- Contact Jennifer directly

[View Jennifer's Full Profile](#)

LinkedIn member directory: [a](#) [b](#) [c](#) [d](#) [e](#) [f](#) [g](#) [h](#) [i](#) [j](#) [k](#) [l](#) [m](#) [n](#) [o](#) [p](#) [q](#) [r](#) [s](#) [t](#) [u](#) [v](#) [w](#) [x](#) [y](#) [z](#) [more](#) [Browse members by country](#)

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000009



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

May 5, 2016

2 - Name - Whistleblower Regarding Health Care Provid...

RE: **Jennifer Lee Keilln**
Case No: 2016-4218LW

Dear 2 - Name - Whistleblowe...

Your complaint about **Jennifer Lee Keilln**, has been referred to our Investigation and Inspection Office for investigation. We have assigned your complaint to:

Shaun Atkinson, Health Care Investigator
Investigation & Inspection Office
20425 72nd Avenue South, Suite 310
Kent, WA 98032
Phone: (253) 395-6788 FAX: (253) 395-6365
Email: Shaun.Atkinson@doh.wa.gov

In order to effectively proceed with your complaint, we ask that you sign and return the enclosed "Whistleblower Form" within 14 days. I have enclosed a self-addressed envelope for your convenience.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina Crawford".
Tina Crawford
Health Services Consultant

Enc: Whistleblower Form
SASE

000010

© 1B



State of Washington
Department of Health

WHISTLEBLOWER FORM

A whistleblower is "a consumer, employee, or health care professional who reports quality of care concerns to the department of health." RCW 43.70.075(1); WAC 246-15-010(9). An individual's identity as the complainant is kept confidential except for release "to appropriate department staff or disciplining authority members, in response to a court order, or if the complaint is not made in good faith." WAC 246-15-020, and 246-15-030. However, if a whistleblower plays some other role in the complaint---as a witness for example---his or her identity as to that role may be disclosed.

WAIVER OF WHISTLEBLOWER CONFIDENTIALITY

By signing below, I waive my right to confidentiality as a complainant, and authorize the Department of Health to release my identity as the person who made this complaint to the Respondent, and for use in any resulting administrative hearing regarding my complaint.

Signature: X _____ Date: _____

Name (printed): _____ Phone: _____

DENIAL OF WAIVER OF WHISTLEBLOWER CONFIDENTIALITY

By signing below, I decline to waive my confidentiality as the whistleblower. I understand that this decision may impair the department's ability to pursue my complaint, and/or take adverse action against the Respondent(s). I also understand that if I played some other role in the complaint, my identity as to that role may be disclosed.

Signature: X _____ Date: _____

Name (printed): _____ Phone: _____

RESPONDENT: Jennifer Lee Keilin
CASE #: 2016-4218LW

000011



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

May 5, 2016

JENNIFER LEE KEILIN
1715 114TH AVE SE STE 210
BELLEVUE, WA 98004-6906

RE: Case # 2016-4218LW

Dear Jennifer Lee Keilin:

The Counselor Programs within the Department of Health, has received a complaint alleging unprofessional conduct on your part, as defined in RCW 18.130.180. The complaint alleges incompetence, negligence, or malpractice. This notice is required by RCW 18.130.095.

The Uniform Disciplinary Act (UDA) provides that the Counselor Programs has the authority to investigate complaints against health care providers. RCW 18.130.050 The Counselor Programs has reviewed the complaint. The issues fall within its jurisdiction, and the Board/Program authorized an investigation to gather the facts in this matter.

We are bound by two different laws, which may seem to conflict. The first requires that we immediately notify you that a complaint has been filed. The second, the whistleblower law (RCW 43.70.075), prohibits us from releasing the name of the complainant or any specific details about the report which could identify the complainant until we have received a signed waiver allowing us to do so. We understand that it can be challenging to learn that a complaint has been filed against you, but not know any details about it. As a result, once we receive the signed waiver, an investigator will contact you as soon as practical. At that time, all issues will be discussed as fully as allowed by law. Your case is being assigned to:

*Shaun Atkinson, Health Care Investigator
Investigation & Inspection Office
20425 72nd Avenue South, Suite 310
Kent, WA 98032
Phone: (253) 395-6788 FAX: (253) 395-6385
Email: Shaun.Atkinson@doh.wa.gov*

You may submit a written statement about the complaint at any time to the investigator listed above. However, you may choose to wait until you are contacted by the investigator and you have had the chance to discuss the complaint. As noted earlier, the investigator will contact you after a confidentiality release has been received, if one is required. You may consult with and engage an attorney, at your expense, to represent you in this matter prior to making a written statement. If you wish to have an attorney represent you, please have the attorney send us a Letter of Representation at the address above. The Letter of Representation will allow us to speak with him or her, if necessary, about the complaint against you and ensure they are copied on any correspondence to you.

Thank you for your anticipated cooperation.

Respectfully,

Tina Crawford
Health Services Consultant

000012
© 2016 DOH



SUPERIOR COURT OF WASHINGTON

COUNTY OF KING COUNTY

In re the Parenting and Support)
of:)
)
PEPPER TUESDAY SULTANA AKER,)
)
)
)
Child,)
)
)
and) No. 14-3-03797-3 SEA
)
)
HEATHER ANNE RALPH,)
)
)
Petitioner,)
)
)
)
)
)
)
Respondent.)

DEPOSITION UPON ORAL EXAMINATION OF

JENNIFER KEILIN

9:30 a.m.
Tuesday, October 13, 2015
1200 Fifth Avenue, Suite 2020
Seattle, Washington

BRANDICE L. PIVAR, CCR
NORTHWEST COURT REPORTERS
1415 Second Avenue, Suite 1107
Seattle, Washington 98101
(206) 623-6136
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19 2 - Name - Whistleblowe...

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1 (Deposition commenced at 9:34 a.m.)

2 JENNIFER KEILIN,
3 having been duly sworn under
oath by a Washington State
Certified Court Reporter,
testified as follows:

EXAMINATION

6 BY MS. WHITAKER:

7 Q Would you state your name and business address, please.

8 A Yes. Jennifer Keilin, K E I L I N, 1715-114th Avenue
9 Southeast, Suite 210, Bellevue, Washington 98004.

10 Q Okay. You conducted a parenting plan evaluation in the
11 2 - Na...-Ralph case; is that right?

12 A Correct.

13 | (Exhibit No. 1 marked for identification.)

14 Q And is Exhibit 1 the first report that you did in this
15 case?

16 A Yes, it is.

17 | (Exhibit No. 2 marked for identification.)

18 Q And is Exhibit 2 the second and final report you did in
19 this case?

20 A Yes, it is.

21 | (Exhibit No. 3 marked for identification.)

22 Q And is Exhibit 3 your billings in this case?

23 A Yes, they are. It is.

24 Q Okay. And so on these billings, Exhibit 3, basically
25 you zeroed out for the first report and then started another

1 bill; is that correct?

2 A Yeah, yes.

3 Q Okay. And do your billings reflect all the time you
4 spent on -- and the time you spent on each task?

5 A They're a reasonably accurate reflection; sometimes I
6 round up or round down. But I try to mark, you know, where
7 I've reduced billings, for example.

8 Q Okay. So then is it accurate to say that each task you
9 did is reflected on the bill, but the time spent may be
10 rounded up or down?

11 A To the best of my recollection. There are times when I
12 review materials or -- yeah, that don't necessarily make it
13 on, but specifically I can't recall anything for this.

14 Q Okay. Do the billings reflect every contact you had
15 with collaterals and witnesses?

16 A Yes.

17 Q Okay. And, for instance, you say on Exhibit 3 on
18 9/11/2014: Interview with [2- Name - Whistleblo...], 1.5. And then on
19 9/15, you say, "Phone: Molly Nixon .4."

20 So does an interview mean an in-person interview?

21 A Yes, it does.

22 Q And phone, obviously, means you talked on the phone
23 with the person.

24 A Correct.

25 Q Do you currently have chemical dependency credentials?

1 A I don't have a specific credential at this time. I
2 just have the acquired knowledge and expertise.

3 Q Okay. But at one time you had initials -- you had
4 literal chemical dependency --

5 A Right, CCDC, yeah. And that board was a -- it was a
6 private board and went out of business.

7 Q So does that mean there aren't such things as chemical
8 dependency credentials or specialty indicators?

9 A There are, and there are not. So there are national
10 organizations that do credentialing; there is a state-level
11 credential called the "CDP." The state-level credential
12 requires that you work in a DOSA, a state-approved facility.
13 And I don't, so I'm not eligible for that criteria.

14 Q So the credentials you used to have, this CCDC, don't
15 exist anymore; is that correct?

16 A Right.

17 Q And when did they stop being -- existing?

18 A I believe in '96 -- no. '96? No, that can't be
19 possible because I got the credential in '94. I think it
20 was 2006. They actually went out of business before I was
21 aware, and so I was unable to re-qualify under another
22 organization because the lapse had -- that I wasn't aware of
23 had impacted my ability to just get reciprocity with another
24 organization, like a national one. So it was a missed
25 opportunity.

1 Q Okay. So why haven't you gotten chemical dependency
2 credentials since 2006?

3 A Right. Because the requirements to do so have changed.
4 And so, basically, I would have to go through all of the
5 training, all of the, you know -- not the volunteer but the
6 internship hours, et cetera, in order to get a new
7 qualification because of that, you know, unfortunately,
8 because I wasn't able to take the opportunity to transfer
9 the credential at the time that that happened.

10 (Mr. [2 - Name - Whistleblow...] enters room.)

11 MS. WHITAKER: And this is [2 - Name - Whistleblow...], who has
12 just arrived. Have you met Carl before?

13 MR. [2 - Na...]: No.

14 MS. WHITAKER: [2 - Name...], this is Carl Edwards.

15 MR. EDWARDS: Pleased to meet you.

16 Q So do you consider yourself an expert in chemical
17 dependency issues?

18 A I do.

19 Q Okay. Based on what?

20 A Based on having met criteria for certification, based
21 on continuing my ongoing education in chemical dependency
22 issues and continuing to assess chemical dependency matters,
23 as well as read literature, et cetera.

24 Q When you say you continue "to assess chemical
25 dependency matters," what do you mean?

1 A I continue to conduct chemical dependency assessments
2 at times; sometimes as part of a parenting evaluation, and
3 at other times as a separate evaluation ordered through
4 family court.

5 Q Even though you don't have the credentials anymore?

6 A Correct.

7 Q Okay. So do you know all about current illegal and
8 recreational drugs?

9 A I try to.

10 Q What's the level of your knowledge about nitrous?

11 A It's a party drug or a club drug. It's used at parties
12 they call "raves." Generally consumed through balloons.

13 Q And is it illegal?

14 A Yes. It's illegal to use it that way.

15 Q You mean by balloons?

16 A Through -- outside of a medical setting or other
17 controlled environment like that.

18 Q Okay. Ms. Ralph took a drug screen at the beginning of
19 this case; isn't that right?

20 A Yes.

21 Q Does nitrous show up on the drug screen that she took?

22 A I'm not sure. I'd have to look at the -- at the drug
23 screen.

24 Q So you don't remember?

25 A I don't recall.

1 Q Does nitrous show up on a regular drug screen, or do
2 you have to screen for it specifically or what?

3 A I'd have to -- I don't know.

4 Q You don't know?

5 A I would have to ask the lab.

6 Q Okay. So what do you remember about the drug screen of
7 Ms. Ralph at the beginning of this action?

8 A It was a 12-panel drug screen with an EtG component, is
9 my recollection.

10 Q And so does nitrous show up on those?

11 A I don't recall. I don't recall the drugs that are on
12 it. I'd have to look at that.

13 Q Okay. So are there typical drug screens? I mean, is
14 there sort of a standard one?

15 A Well, there's -- yeah, there's a variety of drug
16 screens. So there's some that include, like, a five-panel,
17 which takes your five biggest drugs of abuse -- marijuana,
18 opiates, amphetamines, for example -- and then other -- as
19 the panels increase, they add in more specific drugs. So,
20 yeah.

21 Q So are you saying that the 12-panel drug screen she
22 took, you can pick what drugs you want to be screened for?

23 A I don't know about that particular lab. Generally --
24 yeah, I don't know about that lab.

25 Q Okay. So to your knowledge and experience, is nitrous

1 normally on a drug screen?

2 A The drug screens that are routinely done are the ones
3 that are five-panel, and it's not -- I would not expect to
4 see it on a five-panel.

5 Q So on a five-panel, there is pot, opiates,
6 amphetamines, and what else?

7 A I'd have to look.

8 Q Okay. You can't remember what the other two are?

9 A Hmm-um.

10 Q So it's not normally on a five-panel?

11 A I wouldn't expect it to be, no.

12 Q And is it normally on a 12-panel?

13 A I don't know.

14 Q Okay. How much do you know about MDMA?

15 A MDMA is generally called "ecstasy." That's also a club
16 drug. It's a hallucinogenic. It has hallucinogenic
17 properties.

18 MS. WHITAKER: Now, I can't spell
19 hallucinogenic. I hope you can.

20 Q Is it also called "Molly"?

21 A It can be, yes.

22 Q Okay. And does that show up on regular drug screens?

23 A I don't believe it's part of a five-panel. I would
24 expect it to be part of a more extensive drug screen.

25 Q So do you know if it was part of the 12-panel screen

1 that Ms. Ralph took?

2 A I don't recall offhand. I'd have to refresh my memory.

3 Q And what do you have to look at to refresh your memory?

4 A The UA test -- or the drug test that she took.

5 Q Did you bring your records, like I asked, I hope?

6 A Um-hmm.

7 Q Okay. So can you find --

8 A Sure.

9 Q -- and look at that?

10 MS. WHITAKER: How are you doing?

11 MR. [2-Na...]: Pretty good.

12 MS. WHITAKER: Good.

13 MR. [2-Na...]: Last time Pepper made Heather late;
14 today Pepper made me late. It's great to blame her.

15 A The test was a 15-drug panel. That's EtG. So I
16 apologize. I should've refreshed my memory right from the
17 start.

18 Q That's fine.

19 A The tests taken are with amphetamines, barbituates,
20 benzodiazepine, cocaine, ketamine, methadone, meperidine,
21 opiates, PCP, oxycodone, propoxyphene, cannabinoid,
22 tramadol, fentanyl, ethyl glucuronide, sufentanil.

23 Q Okay. So would nitrous show up on that?

24 A Nitrous is a sedative-based drug. And I'm not sure.
25 I'd have to confirm.

1 Q Okay. So you don't know?

2 A I don't know.

3 Q Do you know how long nitrous stays in the system?

4 A No, not offhand.

5 Q Okay. Would MDMA show up on that drug screen?

6 A I'm not sure.

7 Q Do you know how long MDMA stays in the system?

8 A I believe its window detection is three to five days.

9 Q For MDMA?

10 A Correct.

11 Q Do you know if this screen that Ms. [2-Name ...] took was
12 court-ordered or whether she took it voluntarily?

13 MR. [2-Name - ...] Ms. Ralph.

14 MS. WHITAKER: I'm sorry. Is it okay if I just
15 call her Heather?

16 MR. EDWARDS: That's okay with me.

17 MS. WHITAKER: Okay. I'll call her Heather,
18 then, hopefully not Pepper.

19 A My recollection was this is part of the court order.

20 Q If it weren't court-ordered, would it make a difference
21 to you?

22 A No.

23 Q Okay. So it doesn't make a difference to you -- well,
24 let me rephrase that.

25 Would it make a difference to you if Heather picked the

1 time that she took the screen?

2 A You know what? I need to correct my answer, actually.

3 I was thinking urine screens, when you asked about window
4 detection.

5 So I would have to ask the lab about window detection
6 for MDMA in a hair test. So I apologize for that.

7 Q That's fine.

8 A Does it bother me that Heather would pick the window of
9 detection or the timing of the test?

10 Q Well, that isn't what I asked.

11 I asked would it make a difference --

12 A Would it make a difference?

13 Q -- to you if Heather picked the time that she took the
14 test?

15 A It might.

16 Q Okay. Did you ask about that?

17 A I didn't ask about that. The window -- or the timing
18 of this test was within six weeks, I believe, of the Court's
19 order, which seemed a reasonable amount of time.

20 Q Okay. I'm guessing that methamphetamine would show up
21 on the screen that she took; is that correct?

22 A Yes.

23 Q And do you know the window for methamphetamine?

24 A Well, in general, with hair tests, the wisdom is that
25 the window detection is around 90 days, 90 to 120 days. It

1 varies depending on the lab.

2 Q That's for any drug?

3 A Again, that's my understanding.

4 Q Okay. And so what she took was a hair test?

5 A Correct.

6 Q So methamphetamine would show up on the hair test she
7 took?

8 A Yes, it would.

9 Q Okay. Do you know what GHB is?

10 A Yeah. It's gamma-something.

11 Q Gamma-something?

12 A I don't know the chemical word for it. I believe it's
13 what's referred to as "roofies" at times. It's a sedative,
14 like a roofie, which is a drug you hear sometimes in the
15 press where somebody was given a drug, you know, in a drink
16 or something that knocked them out at a gathering, something
17 like that, a party.

18 Q Okay. Roofie, like roof on a house?

19 A I think you can spell it any way you want.

20 Q Okay. So would gamma whatever it is show up on this
21 hair screen that she did?

22 A I don't know. I'd have to verify that.

23 Q Okay. And do you know what the window of exposure is
24 for gamma whatever it is in a hair test?

25 A Well, I understand that the test goes back 90 days.

1 Q For any drug?

2 A That's my understanding.

3 Q Okay. And ketamine. Do you was know what ketamine is?

4 A Yeah, ketamine is a sedative, as well.

5 Q Is ketamine illegal?

6 A It's a controlled substance, yes.

7 Q Is gamma whatever a controlled substance?

8 A Yes.

9 Q And would ketamine show up on the hair test she took?

10 A Yes.

11 Q Why do people take ketamine recreationally?

12 A To get high. It's a drug that alters consciousness.

13 Q Would you take it in a pill or what?

14 A I don't actually know.

15 Q I'm sorry?

16 A I don't know how you take ketamine.

17 Q All right. How do you take gamma whatever?

18 A I believe it's -- well, you take it orally.

19 Q Is it a pill, or do you know?

20 A I don't know.

21 Q Okay. You spoke to several of the residents in
Heather's group house; is that correct?

22 A In Heather's home, yes, I did.

23 Q And did you ask each of the residents whether they took
each of these drugs?

1 A No, I did not.

2 Q Why not?

3 A I asked about -- let's see. Why not? I don't recall.

4 Q You don't remember why you didn't?

5 A Hmm-um, no.

6 Q Okay. Wasn't the issue of drug use in Heather's group
7 home a major issue in the case?

8 A Yes.

9 Q Okay. Now, you completed your first report in 60 days;
10 is that right?

11 A It was a little more than that.

12 Q How long?

13 A About like 75, about.

14 Q Okay. 75. Is that how long it normally takes to do a
15 parenting plan evaluation?

16 A No, usually it's longer.

17 Q How long does it normally take to do one?

18 A Well, it depends on schedule demands. I mean, they can
19 range from 60 days to six months or longer.

20 Q Okay. Why was this one done in -- so quickly?

21 A This one was ordered to be done by -- within 60 days of
22 the order of appointment.

23 Q Was that a problem, to get it done that quickly, or --

24 A It was a challenge. I needed a bit more time than the
25 60 days.

1 Q Okay. Did you feel rushed while you were doing it?

2 A I don't -- I wouldn't say I felt rushed. I was aware
3 of the time pressures. And when the time that I was
4 provided was not enough, I asked for more time.

5 Q Okay. You didn't ask for psychological testing in the
6 first report or the second report, did you?

7 A No, I didn't.

8 Q Why was that?

9 A In the first report, it was related to the time
10 pressures, in part, as well as the relative value of what
11 would be expected to be gained from psychological testing.
12 Sometimes it's useful in terms of -- what psychological
13 testing can do is raise hypotheses about each of the parents
14 and their functioning or personality.

15 In this case, there seemed to be a lot of data. It
16 didn't seem that like psychological testing would be
17 required.

18 Q So when do you want psychological testing?

19 A Psychological testing is used in a lot of -- in cases
20 for when there's more issues of mental health is when it can
21 be more helpful, or personality disorders.

22 Q Is drug use or drug abuse an issue of mental health?

23 A It can be.

24 Q Okay. And I'm sorry. When you have issues of mental
25 health or personality disorders, is that the other one?

1 A Correct.

2 Q Okay. What percentage of time would you say you asked
3 for psychological testing in the parenting evals?

4 A The majority of the time, probably 90.

5 Q Okay. And so you don't see that as -- you don't see
6 that -- your opinion is that psychological testing wouldn't
7 have added any significant information to this; is that
8 correct?

9 A Correct.

10 Q And this is one of the 10 percent of the cases where it
11 wouldn't have helped you?

12 A I didn't believe that it would be that helpful, no.

13 Q Okay. You don't conduct the psychological testing
14 yourself, do you?

15 A I do not.

16 Q Who do you refer to for the psych testing?

17 A I refer right now to Dr. Marnee Milner.

18 Q Do you ever consult with Milner or whoever else you
19 refer to for testing as to whether testing should be done in
20 a case?

21 A Yes.

22 Q Did you consult with anybody as to whether testing
23 should be done in this case?

24 A No.

25 Q Okay. Why not?

1 A It didn't seem -- I didn't feel that was necessary.

2 Q Okay. After the first report -- you did not have an
3 observation of Pepper after the first report again, did you?

4 A I did not.

5 Q Okay. And you didn't do a home visit after the first
6 report; is that correct?

7 A Correct.

8 Q And you didn't check in with the nanny, Sarah Houghton,
9 after the first report, did you?

10 A I did not.

11 Q Or any collateral other than Wendy Hutchins-Cook; is
12 that right?

13 A Correct.

14 Q Now, at one point, the group home consulted counselors
15 or facilitators about issues within the house, didn't they?

16 A Yes, they did.

17 Q And we had asked you to interview the house counselors,
18 as they were called, didn't we?

19 A Yes.

20 Q But you didn't do that, did you?

21 A No.

22 Q How come?

23 A It didn't seem likely to yield relevant information.

24 Q Can you tell me why not?

25 A Yeah. There was a lot of data already provided about

20

1 the home or the allegations about the home. There was no
2 new significant information that called the data into
3 question. The information likely to be gained by the
4 counselors was of -- likely to be of little new value.

5 Q So --

6 A Their work, it seemed like a fishing expedition, as
7 opposed to likely to yield information relevant to this
8 evaluation.

9 Q Okay. Do you know how many times the counselors met
10 with the residents?

11 A I don't recall offhand.

12 Q So would the number of times have made any difference
13 to you, if they met 20 times? Would the number of times
14 that the counselors met with the residents make any
15 difference to you as to whether you would've pursued that
16 information?

17 A I'm not sure.

18 Q Did you make an inquiry about how many times the
19 counselors went to the house?

20 A I don't recall.

21 Q Did you talk to Heather about the counselors at all?

22 A There was -- to some extent. I know that we discussed
23 the counselors.

24 Q What did she tell you about the counselors?

25 A That there were some meetings with the counselors that

1 was related to when Barry was in the home and after he had
2 left, and that the focus of counseling was just assisting
3 the, the members of the home in their communication.

4 Q Did you ask her for permission to speak to the
5 counselors?

6 A Not specifically.

7 Q So was it Heather's information that made you decide
8 that talking to the counselors or the request to talk to the
9 counselors was just a fishing expedition?

10 A No. It was related to the amount of data, the volume
11 of data that had already been gathered; the evaluation, and
12 my assessment of that data. And then considering the
13 relative benefit of the information from these counselors,
14 at that point in time, it didn't seem likely to be helpful.

15 Q What's your understanding of the last time that any
16 counselors spoke with members of the group home?

17 A I don't have an -- I don't know.

18 Q Did you ask Heather?

19 A I don't recall asking that.

20 Q So would that make any difference to you, when the last
21 meeting was?

22 A I don't know.

23 Q Okay. Did you talk with Heather's counselor about the
24 anger management issue raised -- of Heather raised by Brian?

25 A I did not.

1 Q Why not?

2 A As I stated in my report, the focus of the final report
3 was based on the request of the parties, in large part,
4 which was to reexamine the information that had previously
5 been provided along with new data, and the -- it seemed to
6 relate to those prior concerns, or that past information.

7 So the new concern that 2 - Name ... brought up of anger
8 issues, which was not brought up previously, was not
9 addressed.

10 Q So did you decline to go into that area because he
11 didn't raise it previously?

12 A I declined to go into that area because it wasn't
13 raised previously as a significant concern. The data
14 gathered originally did not suggest a concern in that area.
15 And the -- and again, the decision was to examine the
16 concerns that the -- examine the information that related to
17 the initial evaluation and those concerns.

18 Q So should we look on your evaluation as, essentially,
19 being effective as of September 24, 2014?

20 A I would hope not. Again, there was additional
21 information that was provided by the parties in May that was
22 examined. I did get an update from the parties about
23 Heather -- I mean, sorry. There I go. About Pepper and the
24 parties' present functioning.

25 So I wouldn't say that the current -- you know, that

1 this final report is outdated.

2 Q Well, I wasn't implying it was outdated. I'm just
3 trying to -- you keep talking about looking at the initial
4 information, so I'm just trying to figure out what the
5 effective date of this should be in your mind.

6 A The current date of the report is -- of this most
7 recent report has current information regarding the parties.

8 Q So your recommendations are made as of September 21,
9 2015?

10 A Yes.

11 Q Did you record certain things during your evaluation?

12 A I did record -- in the spring, I started recording all
13 my parent interviews that are in my office. So I recorded,
14 I believe, two interviews with Heather and one with 2 - Name - ...

15 Q Okay. So this is a new policy that you've started?

16 A Yes.

17 Q Okay. Why did you start that policy?

18 A Just for accuracy. I think that it's -- provides a
19 measure of protection for both the parties, as well as
20 myself, in terms of being able to verify information that
21 was provided in sessions or questions that were asked.

22 Q Okay. Do you get transcripts of the recordings?

23 A I do not.

24 Q Is this a recommendation of some professional
25 organization?

1 A Well, it's, it's a trend, I would say, in the
2 evaluation community. There's always tensions about trying
3 to provide better or more accurate records, and so this is
4 that effort.

5 Q But you don't record collateral interviews?

6 A Not yet.

7 Q Do you --

8 A I'm a work in progress.

9 Q I think I saw that you sent Wendy Hutchins-Cook a draft
10 of your section on her prior to finalizing your report; is
11 that correct?

12 A Yes, I did.

13 Q Did you do that with every collateral?

14 A No.

15 Q Which ones did you do it with?

16 A With Wendy.

17 Q Okay. How come not the other collaterals?

18 A It's a courtesy that's provided to professional
19 collaterals upon request.

20 Q Okay. Did Dr. Hutchins-Cook request it?

21 A I don't remember.

22 Q You just do it?

23 A I don't recall how it came about, but I provided it to
24 her.

25 Q Okay. Did you lose some data or documentation or

1 material during your evaluation?

2 A Um-hmm, I did.

3 Q What was it, and what happened?

4 A So it was a fundamental misunderstanding that I had as
5 to how computers retain information. And so I don't
6 remember the exact chain of events, but in reviewing
7 materials that were provided to me, I became aware of a
8 Google group called "Plus House" that related to Heather's
9 home. And so I followed that tread -- that thread. And
10 when I -- I was able to review a number of threads between
11 household members through this Google -- or Plus House site.

12 My mistake was thinking that when I went to the link
13 and the page, that that -- that when I went back in my
14 history, that my -- my mistake was thinking that that was
15 somehow downloaded onto my computer so that it would've been
16 maintained.

17 So I believe the sequence is that I issued my report.
18 I had noted in my material section that I had reviewed this
19 site and these emails, and then when my file was requested
20 and I went back into my computer to put all that stuff
21 together, I realized that I couldn't access those -- I
22 couldn't access that site anymore, and it was not, in fact,
23 downloaded on my computer. Does that make sense? It's very
24 confusing.

25 So what I was able to do was snapshot -- I could take

1 photos of my history, and so that's essentially what I have,
2 are photos of the history of the threads. I do not have
3 access to the conversations.

4 Q So you could see, like, the people, the --

5 A The subject.

6 Q The subject and the people that it went to, but not the
7 substance; is that what you're saying?

8 A I could not see the substance, correct.

9 Q Okay. And how did you come to look at that stuff in
10 the first place?

11 A Yeah. My recollection is that it was -- you know, in
12 communications that I had been provided by either side, that
13 Plus House was in a header or a thread. You know what I
14 mean? Somehow it was an address that I could see through
15 communication that I had been provided, and so I followed
16 that.

17 Q Are you saying that one or both of the parties told you
18 to look at that stuff?

19 A No. One or -- I had been provided, like, an email
20 thread by the parties. And so as part of that email thread,
21 my recollection is that this -- it was clear that this was
22 the source, or this was, you know, where this communication
23 was taking place, and so I followed up on that.

24 Q So you followed up and went to this place and looked at
25 certain threads that you wanted to; is that what happened?

1 A I went to the site and followed up on -- my
2 recollection is it was pretty much all the threads for a
3 period of time. Again, the snapshots that I have would
4 showcase that.

5 Q Can you warrant that the history, then, is complete, as
6 you --

7 A To my search or to what I -- that's a good question. I
8 can't answer that.

9 Q So you can't say with certainty the history is
10 complete?

11 A What I can -- right. I mean, what I can say is that
12 I -- you know, frankly, from an evaluator's perspective, it
13 was an open-communication chain that had -- that gave me the
14 ability to see lots of communications, and so I checked out
15 as many communications as I could. But I don't -- I don't
16 have an adequate recall right now as to how that looked.

17 Q Okay. So did you just pick an email and follow the
18 thread, or how did you do this?

19 A Well, they were all -- my recollection is that they
20 were sort of like your email would order things in, you
21 know, by dates. And so that -- I just went through the -- I
22 just looked at as many communications as I could.

23 Q Why did you do that?

24 A The reason that I did that was because there were
25 allegations that there was hidden discussions or behaviors

1 that [redacted] had made regarding Heather's home; that, you
2 know, there were more than meets the eye there. And
3 frankly, to be able to review this communication that was
4 not meant for my eyes -- it wasn't staged for my eyes; it
5 was this community's household communication -- for me, it
6 was an opportunity to really see what was below the surface.

7 Q Didn't you, in the course of your investigation, see
8 communications between house members indicating a concern
9 about having certain topics be in emails?

10 A Well, not that I recall on the Plus House. There was a
11 communication on -- I think, on the burner kids that raised
12 a question about -- yeah, my recall isn't clear enough.

13 Q Well, let me see if I can make a better -- a more
14 direct question.

15 Weren't there some emails where members of the
16 household said, "I don't want" -- "We shouldn't put this in
17 emails anymore because it'll be a public document. We
18 shouldn't talk about this topic anymore"?

19 A I don't recall.

20 (Exhibit No. 4 marked for identification.)

21 Q Do you recognize Exhibit 4 as an email you received in
22 the course of this evaluation?

23 A Yes.

24 Q And this is from Heather, who also calls herself
25 Heater?

1 A Yes.

2 Q Do you know why she calls herself Heater?

3 A I do not recall.

4 Q Okay. And she says here at the top: "I'd rather this
5 not become a public document as discloses some questionable
6 behavior on the part of my housemates."

7 Do you see that?

8 A Yes, I do.

9 Q So did you really expect to find anything of substance
10 in these emails about Plus House?

11 A Yes.

12 Q And did you?

13 A Yes. I thought it was relevant information.

14 Q What did you take away from the material that you
15 looked at that, I guess, I can't look at?

16 A I know.

17 Q Were you told that Heather deleted the material when
18 [2 - Name - Whis... lawyer asked for it?]

19 A Not that I recall. I know that the -- when I went back
20 to access it, the group was private. When I first accessed
21 it, it was open to the public.

22 Q So now I can't look at it, or the Court can't. So what
23 did you take away from your look at it?

24 A Well, if I could refer to my evaluation where I
25 summarized that.

1 Q Okay. Fine. You can look at whatever you need to.

2 A So on page 6 of my 2014 report, under No. 33, you know,
3 reviewing, as I said here, the messages from September 2012
4 to the present date, September 2014, these were sort of the
5 categories of things that were discussed and that I thought
6 were noteworthy to the evaluation; that there were a fair
7 amount of emails that had to do with visits from other
8 folks; that there were -- there's a concept called "Pope
9 mode," which is -- has been brought up as, you know, a code
10 word and -- for cleaning up the house or something. And so
11 there were references to Pope mode in the communications;
12 although there wasn't anything specific about that.

13 There were communications about what to say to me for
14 my benefit; although it wasn't clear what was not to be
15 said, if that makes sense. Communications related to Jen
16 Wagner, which was a concern that [2-Name ...] had brought up.

17 The majority of posts related to household things --
18 like meals, maintenance, just household issues. And then
19 posts related to children -- safety communication,
20 et cetera. So --

21 Q How long did you look at messages, these messages? How
22 long did it take you?

23 A I don't recall.

24 Q Well, can you just give me some idea?

25 A I think it was a couple of hours, would be a guess.

1 Q Did you do it all at once, at one time?

2 A Yes, is my recollection.

3 Q Okay. When you say that -- in 33A on page 6 of
4 Exhibit 1, there were a "fair amount of frequent visits,
5 short periods and with adequate forewarning of
6 housemates/arrangements made," do you mean that a lot of
7 these messages related to people who were going to stay at
8 Heather's house for short periods of time?

9 A Yes. Some of them did.

10 Q Well, what else is meant by this first --

11 A Well, no, that is what -- I mean, if you take A through
12 F as a group, some of A through F was A, which is yes,
13 there's a percentage of --

14 Q Okay. So when you say there were a fair amount of
15 communications relating to frequent visitors at the group
16 home, what is "a fair amount"? I mean, what did you mean by
17 that?

18 A That it was a regular topic.

19 Q Did you ever see anybody saying, "No; I don't want that
20 person to stay overnight at the house"?

21 A Not that I recall.

22 Q So every request for a visitor was granted by the
23 housemates; is that correct?

24 A I didn't recall seeing any objections.

25 Q Okay. Do you have any idea how many transient visitors

1 there are in this group home?

2 A What's a "transient visitor"?

3 Q Somebody who stays for the night or someone who's not a
4 permanent resident.

5 A I don't know.

6 Q You don't have any idea?

7 A No.

8 Q So you have no idea if there's 20 occasions of
9 transient visitors a month or 50?

10 A No.

11 Q Do you think that's important?

12 A I think that -- as I brought up in my final report,
13 that I think that it can -- it could have impact on Pepper
14 in terms of schedule and routine, as well as how well known
15 visitors are. There's a potential for a safety risk.

16 Q So you see this -- I call them transient visitors. If
17 you have a better name for it, I'm happy to use it. Do you
18 have a better name?

19 A Visitor.

20 Q Overnight visitors --

21 A Um-hmm.

22 Q You need to say "yes" or "no."

23 A Sorry. Overnight visitors.

24 Q Thank you.

25 A Okay.

1 Q Some of them stay as long as 30 days, don't they?

2 A I'm not sure.

3 Q So you don't know the length of time or the number of
4 occasions?

5 A Correct.

6 Q Okay. And so when you say this might present a risk
7 for Pepper, could you tell me what risk this issue presents?

8 A The potential risk is that it's disruptive to Pepper's
9 schedule or routine, or that there's potentially -- not
10 chaos, that's too strong of a word, but just more
11 unpredictability. There, that's the right word.

12 There's some potential that a visitor to the home could
13 be afforded more trust by Heather than -- you know, based on
14 their relationship with people that she trusts as opposed to
15 based on her own relationship with them, and so there's a
16 potential that there could be some increased risk.

17 Q Risk of?

18 A Pepper either being harmed -- I would just say Pepper
19 being harmed by a visitor.

20 Q Okay. And why should we put Pepper to that risk?

21 A Well, first of all, it's a possibility, not a
22 probability. So it could exist. There's opportunities to
23 limit that or to control for that. And, you know, the
24 biggest safety measure for Pepper is in parental
25 supervision. So it's controllable, is what I would say.

1 And there's no data supporting impact to Pepper -- or
2 negative impact to Pepper by this, and there's -- and it
3 appears to be controllable, and the percentage of risk that
4 it presents is -- it's potential and it's hard to quantify.

5 Q So it's controllable by parental supervisor; is that
6 right?

7 A Correct.

8 Q Okay. So you're saying that if Heather's there to
9 supervise Pepper, things will be okay?

10 A Well, Heather or her designee. It's not necessarily
11 Heather, but if she designates someone who's entrusted with
12 Pepper's care, then what's not -- what will increase risk,
13 potentially, would be to leave Pepper in the care of someone
14 who's not well known, who's not -- doesn't have an adequate
15 basis for a relationship to trust on Heather's part or
16 *2 - Name - Whi...* part in his home. But it is controllable through
17 supervision.

18 Q Now, there was a housemate that was in the home when
19 Heather moved back in that had what the housemates
20 considered to be a serious drug problem and presented a risk
21 to the residents; is that correct?

22 A There was an individual there, Barry, that had drug
23 problems, yes.

24 Q And didn't the residents feel he was a threat to them?

25 A My recollection is that the residents felt that his

1 behavior was not predictable, that he needed -- he just was
2 a difficult roommate, housemate.

3 Q So your recollection is that none of the housemates
4 thought Barry was a threat to them?

5 A I don't recall specifically if the word "threat" was
6 used.

7 Q Okay. On page 6 of Exhibit 1 Paragraph 33, Item B that
8 you looked at, you saw a reference to Pope mode. What's
9 your understanding of what Pope mode is?

10 A My understanding of Pope mode is that it's designated
11 for visitors or guests that are, I guess, more conservative
12 in nature, such that you -- the house is cleaned up for
13 those folks and made presentable. I don't know exactly what
14 that means.

15 Q Well, did you ask anybody?

16 A It was discussed with both 2 - Name - ... and Heather, but I
17 don't recall specifically.

18 Q Does Pope mode mean -- refer to drugs in any way?

19 A Yes.

20 Q What --

21 A I don't know if it was drugs or any paraphernalia.

22 Q Drugs or drug paraphernalia?

23 A Correct.

24 Q In what way does it refer to drugs or drugs
25 paraphernalia?

1 A Just that anything in the home that would not be -- the
2 idea that anything is put away, anything, such as a pipe or
3 et cetera, is put away from public view.

4 Q So when a resident of the house referred to a visitor
5 and said "no need for Pope mode," what does that mean to
6 you?

7 A It would mean that the home just -- no need to do any
8 special cleanup.

9 Q Of drugs or drugs paraphernalia?

10 A Potentially.

11 Q Do you think the house went into Pope mode for your
12 visit?

13 A Sure. I do.

14 Q Okay. You said communications referred to what to say
15 and shared rules for your benefit.

16 A Correct.

17 Q What do you mean by that?

18 A There was some communications about -- that I would be
19 talking to members of the house, and basically a party line
20 was -- talking points, maybe, were reinforced.

21 Q And what were the talking points?

22 A I don't recall, specifically.

23 Q So is it your understanding that Heather coached her
24 housemates and any other collaterals on what to say to you?

25 A I think that there was a reinforcement of this, is what

1 I'm saying.

2 Q Is that a "yes" or a "no"?

3 A I think there was some coaching, yes.

4 Q Okay. And is that relevant -- is that relevant to you,
5 in any way, in how to take what the housemates told you?

6 A Yes.

7 Q In what way?

8 A I think that it obscures a little bit how to -- or it,
9 you know, just changes how to weigh their, their statements.
10 That I know that there's some potential -- I mean, they
11 might -- the challenge here is that they may very well be
12 saying what's actually true. But I also know there is
13 potential that they may be shading what they say.

14 Q And how did you weigh that in the end?

15 A I weighed that in the end with the overall data that I
16 had. I still don't have contradictory data. There was data
17 that supported some of things that they said, again, that
18 you know, I didn't -- like the big picture; these are
19 professional people; their background checks are clear;
20 their -- you know, I saw the home environment and them
21 interacting with the children.

22 So there was other data to weigh it with, as well as a
23 lack of other solid data to contradict them.

24 Q Now, the issues here -- the big issues in this case or
25 some of the big issues in this case were drug use in the

1 house, correct?

2 A Yes.

3 Q And also adult sexual behavior that Pepper might be
4 exposed to, correct?

5 A Correct.

6 Q And so when you talk about the data that you have, the
7 only data you can have on those issues are what people tell
8 you; isn't that right?

9 A Generally speaking, yes.

10 Q And these people all told you pretty much the same
11 thing, the people that lived in the house, that it was no
12 problem, correct?

13 A Correct.

14 Q And you believe them?

15 A I don't have data that contradicts.

16 Q What --

17 A And I have -- you know, it's a balance of the data. So
18 the data is that Pepper is thriving, that there's no
19 information supporting risk -- or harm to Pepper or
20 substantial risk. I can't know for sure whether they're
21 being completely honest.

22 Q Well, everybody's in Pope mode, aren't they?

23 A Sure.

24 Q Now, Sarah Houghton is the nanny that the parents have
25 used, essentially, since Pepper's birth, correct?

1 A Since she was real young, yes.

2 Q And Sarah Houghton told you that: "Heather has kind of
3 coached me on what I am to tell you"; isn't that right?

4 A Correct, she made that statement.

5 Q Okay. I didn't see that statement in your report on
6 your report of Sarah. Can you find that for me?

7 A It's not in the collateral that I summarized for her.

8 Q It's not in your report, is it?

9 A No, it's not.

10 Q Okay. Could you find your notes on Sarah Houghton?

11 A Sure.

12 Q I admire your organization of your records on the
13 computer.

14 A You do?

15 Q Thank you very much. Yes.

16 A Oh, thank you. It's a bear. I always want to
17 interview people's paralegal staff and figure out: "How do
18 you guys keep your stuff together?"

19 Q I wouldn't mind interviewing you, either.

20 A Okay.

21 Q So Sarah Houghton in the -- your notes of Sarah
22 Houghton's interview, in the one, two, three -- fourth
23 paragraph from the bottom. Do you see that?

24 A Fourth paragraph from the bottom.

25 Q Bottom, yeah.

1 MR. EDWARDS: Hang on just a second. If you've
2 got it in front of you, I've got it here.

3 Q Did you find that?

4 A Sure. It says, "My directive," is that what you're
5 referring to? Fourth -- wait, one -- sorry, two, three. "I
6 have been with Pepper since she was three months"; is that
7 what you're referencing? Can you tell me what it starts
8 with?

9 Q It says, "Heather has kind of coached me on what I am
10 to tell you. With pills, the first one they found" --

11 A Oh, the second page. I'm so sorry.

12 Q I said from the bottom. I meant literally from the
13 bottom.

14 A You mean literally from the bottom. Okay.

15 "Heather kind of coached me on what I am to tell you,"
16 right?

17 Q Let me help you.

18 "Heather has kind of coached me on what I am to tell
19 you. With pills, the first one they found, she asked me not
20 to mention anything about it to you or 2-Name...."

21 That's what she told you, correct?

22 A Correct.

23 Q But you didn't put that in your report?

24 A I didn't.

25 Q Okay. So is it pretty clear to you, Ms. Keilin, that

1 Heather has coached her collaterals not to tell you about
2 any drugs?

3 A It was -- I wouldn't say that it was that explicit, no.

4 Q Despite what Sarah Houghton said?

5 A Right.

6 Q Okay. There have been changes in Heather's living
7 arrangements since your first report; is that right?

8 A Yes.

9 Q Some of the housemates have left; is that right?

10 A Yes.

11 Q Do you know which ones left?

12 A Ola and Joe Pemberton left.

13 Q Anybody else?

14 A No.

15 Q And did you ask why they left?

16 A Well, they had planned to leave. They informed me in
17 the original evaluation they were pregnant and there wasn't
18 room for them and they were moving.

19 Q Okay. So you knew they would leave?

20 A Yes.

21 Q Okay. Anybody else left that you know of?

22 A Not that I recall.

23 Q Are there any new housemates since your first report?

24 A I was told that there's an au pair.

25 Q Okay. Anybody else?

1 A A baby was born.

2 Q Okay. Anybody else?

3 A No.

4 Q So the only new residents are a baby and an au pair?

5 A Correct.

6 Q And the only two residents that left, to your
7 understanding, are Ola and Joe?

8 A Correct.

9 Q Okay. Do you think it's reasonable to request
10 background -- you did background checks on the permanent
11 residents; isn't that right?

12 A I did background checks on everybody in the home at the
13 time.

14 Q And do you think it's reasonable to do background
15 checks on any new housemates in Heather's home?

16 A Do I think it's reasonable for me to do that or for --
17 I'm not of sure the question.

18 Q Well, you're going to be out of this case, I guess,
19 aren't you?

20 A Yes.

21 Q So do you think it's reasonable to request -- to have
22 background checks done on any new housemates?

23 A I don't know.

24 Q What do you mean you don't know?

25 A I'm not sure that it is. It's not -- I would not

1 recommend it.

2 Q When I was asking you about Pope mode and investigating
3 the allegations of drug abuse, you said that these are
4 professional people. Do you recall that?

5 A Yes.

6 Q Okay. Is it your opinion that professional people
7 don't take drugs?

8 A No.

9 Q Is it your opinion that professional people don't have
10 substance-abuse issues?

11 A No.

12 Q And is it your opinion that unless something shows up
13 on a background check that there's no problem?

14 A Not necessarily.

15 Q Okay. So you don't think it's reasonable for Mr. [2-Nam...]
16 to be provided a background check on any new permanent
17 resident; is that right?

18 A The background checks, there's no -- the background
19 checks that were already done didn't support -- they didn't
20 bear out anything, and so there's no -- that doesn't suggest
21 that future background checks would be, would be helpful,
22 either. I don't find that that -- I didn't recommend it,
23 and I think it's invasive, based on the data that we have.

24 Q Now, Heather moved to a new part of the house since
25 your home visit; is that right?

1 A Yes.

2 Q Did you see that new part, where she lives?

3 A I've seen it. I had seen it in the past. I didn't see
4 it again, no.

5 Q Who was living in it when you looked at it?

6 A I believe -- well, I'm -- it was one of the couples
7 with children. I believe it was Meagan and Leo, but I would
8 have to confirm that.

9 Q Is there a separate bedroom for Pepper in that place?

10 A There's a big open room, and then there's a separate
11 room, yes. And that's where I was told Pepper sleeps.

12 Q A separate room with a door?

13 A Yes.

14 Q Okay. Have you ever done a parenting evaluation
15 involving a group-living situation before?

16 A Well, I've done evaluations where people have shared
17 their home with other people. I've not done an evaluation
18 where this structure of home was set up, no.

19 Q I don't know what you mean by "shared their home with
20 other people." What do you mean?

21 A I've done home visits where folks shared their
22 residence; they have a roommate or they have -- they share
23 their home. But not with -- not in this structure, where
24 it's a long-term, structured arrangement with multiple
25 couples.

1 Q So is there any kind of protocol for evaluating a
2 situation, where there's a long-term, structured arrangement
3 with multiple couples?

4 A No.

5 Q Okay. Apparently, you did some research on group
6 living; is that right?

7 A Correct.

8 Q And what did you learn from that research?

9 A That it's not that uncommon; people do it for different
10 reasons. It's a thing.

11 Q A thing?

12 A It's a thing.

13 Q Okay. So what did you take away from that -- those
14 articles that you read?

15 A Yeah. Well, what I took away was that it's -- I would
16 describe it as atypical but not, not as atypical to the
17 extent of fringe.

18 Q Okay.

19 (Exhibit No. 5 marked for identification.)

20 Q Is Exhibit 5 one of the articles you read?

21 A Yes, I believe so. Let's see.

22 (Exhibit No. 6 marked for identification.)

23 Q Is Exhibit 5 one of the articles you read? I'm sorry.
24 I shouldn't have started on the next one.

25 A That's okay.

1 Q And is Exhibit 6 the other one, is the question.

2 A Got it.

3 I don't see that I've put them in my list here,
4 which --

5 Q I think it was in a footnote.

6 A Yeah, I see the one. Right.

7 Q So are those --

8 A Okay.

9 Q -- Exhibits 5 and 6, the articles that you read?

10 A Correct.

11 Q Okay. So Exhibit 6 looks to be talking about college
12 roommate situations; is that right? Well, let me ask you
13 this: Do either one of these deal with kids in a group
14 home?

15 A No.

16 Q And neither one of them deal with owning the home in a
17 group, do they?

18 A No.

19 Q Have you done a parenting evaluation where one of the
20 parents is remarried or is living with a new partner?

21 A Yes.

22 Q And do you usually interview the new partner or the
23 spouse?

24 A Yes.

25 Q And you've interviewed Christine Aker in person, didn't

1 you?

2 A Yes.

3 Q But you didn't review any of the housemates in person,
4 did you?

5 A No. I met the majority of the housemates, and then I
6 spoke to them on the phone.

7 Q Okay. My question is whether you interviewed any of
8 the housemates in person.

9 A No.

10 Q Okay. But you interviewed Christine Aker in person?

11 A Correct.

12 Q For an hour; is that right?

13 A Yes.

14 Q Okay. And when do you do testing of a -- well, let me
15 ask you this: When do you do a full evaluation of a new
16 spouse or partner?

17 A I don't -- I mean, generally, the new spouse or partner
18 is included as a person in the home, but they're not
19 generally -- you know, they're not one of the parties, so
20 they don't get the full --

21 Q Okay. Well, let me ask you this: If there were
22 allegations about a new partner or a spouse of a parent
23 having drug issues, what steps would you take?

24 A I would interview that -- I would ask for data about
25 that abuse, and then I would interview about that concern

1 with that parent, for sure.

2 Q Okay. And would you ever order testing of the spouse
3 or for them to have a chemical dependency screening or
4 anything like that?

5 A I don't know. I don't recall having done that or
6 having that situation.

7 Q Okay. All right. How much time did you actually spend
8 in the -- well, let me see.

9 Your Exhibit 3, your billings, indicate that you spent
10 1.2, the hours on August 14, at Heather's home; is that
11 correct?

12 A Yes.

13 Q Did you visit the home at any other time?

14 A No, I did not.

15 Q So the total time you spent in this group home was
16 1.2 hours; is that right?

17 A Yes.

18 Q And how much time of that was the mother-child
19 observation?

20 A The whole time.

21 Q The whole time?

22 A Correct.

23 Q Okay. Did you go into every room in the house?

24 A I believe so.

25 Q But you're not sure?

1 A I believe that I did.

2 Q Okay. So you looked at other residents' -- you looked
3 inside their rooms?

4 A Yes.

5 Q Okay. Who else was there?

6 A At the home visit?

7 Q Yes.

8 A Let's see. I noted this in my report. Ola and Joe
9 Pemberton.

10 Q Okay. The ones that left?

11 A The ones that left.

12 Meagan and -- Meagan, Leo, and Petra Dirac; Mike and
13 Zephyr Tyka. Not present were Molly Nixon, Alissa Tyka and
14 Joel Ellery -- or Ellery Baines. Sorry.

15 Q So where were the Diracs during your visit?

16 A In the home.

17 Q Where?

18 A The kitchen area, outside for part of the time.

19 Q So how much time did you spend talking to the Diracs?

20 A At the home visit, there was, there was no real focused
21 time. I met everyone there. I introduced myself; I talked
22 about my role with the family, asked -- or the home, asked
23 to talk to everyone. And so that was a few minutes that
24 way.

25 There were some of the -- parents were outside. I

1 believe Meagan was outside during part of the time that I
2 was observing Heather and Pepper. So there was incidental
3 observation but no focused contact.

4 Q So no focused contact in this home visit with the other
5 residents; is that right?

6 A Correct, other than the introductory piece and asking
7 folks if I could contact them later.

8 Q So when you say you asked to talk to them, you asked
9 them to speak with you on the phone at some later time?

10 A Correct.

11 Q Okay. So where did the -- I'm not clear on where your
12 observation of mother and child took place.

13 A Well, it took place throughout the home. So when I
14 arrived, they were outside. And then I followed -- I
15 followed them where they go. And so they went inside,
16 through the kitchen, the playroom.

17 Heather showed me around; Pepper was with her. And so
18 I followed her on a tour through the home and observed her,
19 you know, with Pepper in each of those environments.

20 Q You mean each room in the house?

21 A Yeah. As she was in rooms, I was observing them.

22 Q So, basically, you got a tour of the home with Pepper
23 and Heather.

24 A Um-hmm.

25 Q And then you left?

1 A Well, I spent time observing them just as they were in
2 their environment, so playing outside, some time in the
3 house. The tour was a part of it.

4 Q Okay. So how long did the tour take?

5 A I don't recall.

6 Q So you went upstairs and downstairs into each room?

7 A Yes.

8 Q Okay. Did you see the BED?

9 A I saw the -- that room, yes.

10 Q What is the BED?

11 A Well, it's been described as a triple-sized bed that
12 was used for sexual encounters.

13 Q And so did you see it or not?

14 A Well, I don't -- I saw the room that it is in. I don't
15 recall that -- I don't recall that being pointed out to me
16 as: "Here's the BED." So it doesn't stand out in my
17 memory.

18 Q Do you think that's something Heather would've done:
19 "Here's the place where it's used for sexual encounters"?

20 A I don't know.

21 Q These are, like, public sexual encounters, isn't that
22 right, with multiple parties?

23 A Well, I -- what has been alleged is that there are
24 group sexual behaviors; that there was an invitation that I
25 was provided a copy of, for a group sexual encounter, yes.

1 Q Did Heather acknowledge that that had gone on in the
2 past?

3 A Yes.

4 Q Okay. But it doesn't go on anymore? Now they're in
5 Pope mode; is that right?

6 A She said this was a past, yes.

7 Q Okay. And isn't this BED right where Heather and
8 Pepper are now living?

9 A I don't know if it's part of the room that they're in
10 now. But that's what was said, that this is where this bed
11 was.

12 Q The place where Pepper and Heather live now is where
13 this BED was; is that correct?

14 A That's correct. That's what I was told.

15 Q Do you know what AND stands for?

16 A Well, I've been told different things, and I don't
17 recall right -- I mean, I don't know what it stands for, no.

18 Q What have you been told it stands for?

19 A Boy, I'd have to look at my notes. I was -- one
20 explanation that I was given was Another Nest of Deviants,
21 that was -- I think that's what [2 - Name...] had shared with me.

22 Q Did Heather acknowledge that was one name for AND?

23 A My recollection is that she said that is not what it
24 stands for.

25 Q What did she say it stood for?

1 A I don't recall, but it wasn't as catchy as Another Nest
2 of Deviants, which is probably why that stuck with me.

3 Q Maybe it's Pope mode in some foreign language.

4 A (Shrugging shoulders.)

5 Q Do you have any concerns about the fact there's no
6 written agreement about ownership of this group?

7 A No.

8 Q No concerns?

9 A No.

10 Q What would've happened if Barry hadn't decided to leave
11 voluntarily?

12 A I don't know.

13 Q But you don't think that's important?

14 A No.

15 Q So if there were a resident that presents a risk to
16 Heather, to Pepper, and there was no method of getting rid
17 of that person as an owner or out of the house, you don't
18 have any concerns about that?

19 A Well, I have -- the fundamental concern is that it's up
20 to a parent to protect a child, and so if there was a
21 resident in the home that is presenting a danger, then if
22 that resident will not move, then I would expect that the
23 child would be removed by the parent from that environment.

24 Q Did Wendy Hutchins-Cook tell you that she thought
25 Heather was a bit naive and possibly overly trusting of

1 others?

2 A Yes.

3 Q And did you come to that conclusion yourself?

4 A To some degree. I mean, my opinion is that Heather is
5 nonjudgmental and more accepting.

6 Q Well, that's --

7 A Possibly naive.

8 Q But you put a more positive turn on it than
9 Dr. Hutchins-Cook?

10 A I don't know. I don't know if it's a more positive
11 turn.

12 Q Okay. Would you agree that if Heather were a bit naive
13 and possibly overtrusting of others, that that would be more
14 of a problem within a situation like hers?

15 A It could.

16 Q Is that a "yes" or a "no"?

17 A It's a maybe. Can I have a maybe?

18 MS. WHITAKER: Can we take a quick break, like
19 ten minutes?

20 THE WITNESS: I was just thinking --

21 MS. WHITAKER: Okay. There we go.

22 (Break was taken.)

23 Q (By Ms. Whitaker) So I wanted to ask you a couple more
24 questions about this Listserve, I guess it was --

25 A Okay.

1 Q -- on the house.

2 A Okay.

3 Q Now, this -- the one you looked at was just one group
4 mailing, right? It was one -- I don't know what they call
5 those things.

6 MS. WHITAKER: What do you call them?

7 MR. [2 - Name...] Google group.

8 MS. WHITAKER: Google group.

9 A Yes.

10 Q -- one Google group?

11 A Yes.

12 Q Did you know the house had at least two others?

13 A No.

14 Q Did you ask either [2 - Name...] or Heather about that?

15 A No.

16 Q Or any of the house residents?

17 A No.

18 Q And so what led you to this particular Google group?

19 Was it one email?

20 A You know, I wish I could recall. I don't know. I'm
21 sorry.

22 Q Okay. And back on this list of drugs I asked you
23 about, are there any aftereffects of nitrous?

24 A Well, any drug that you take, there's corresponding
25 symptoms of withdrawal for -- I would have to -- I always

1 have to reference the drugs that are, you know, the not main
2 ones that are used. So I'd have to refer to materials to be
3 specific about what these are.

4 Q Okay. So there are aftereffects of nitrous, but right
5 now you can't tell me what they are?

6 A Yes.

7 Q Are there aftereffects of MDMA, or ecstasy?

8 A Correct, yes, similarly.

9 Q And do you know what they are?

10 A I'd have look at the reference material.

11 Q Okay. And methamphetamine, are there aftereffects?

12 A Yes, there are.

13 Q Do you know what those are?

14 A Yes. That's a more commonly abused drug. So
15 methamphetamine is a long-acting stimulant. So when you
16 come off of the methamphetamine, it can cause emotional
17 volatility, and it can cause depression as the main effect.

18 Q Okay. And how about GHB?

19 A There are effects. I'd have to look at the reference
20 materials.

21 Q Gamma whatever you call it, you can't tell me what
22 those are?

23 A I don't recall it.

24 Q What about ketamine?

25 A Same. Yes, there could be effects of withdrawal. And

1 I'd have to look at the reference materials.

2 Q And when you talk about withdrawals, are you talking
3 about a one-time -- what I'm asking about is a one-time use,
4 there's aftereffects.

5 A Yes.

6 Q That's what your answers are about, correct?

7 A That's what I'm talking about, yes.

8 Q Did you look up the aftereffects at any time during
9 your evaluation in this case?

10 A I don't recall that, no.

11 Q Okay. If you had, you would've noted it in your
12 evaluation; is that right?

13 A I might've.

14 Q Okay. Regarding Sarah Houghton, the nanny.

15 A Yes.

16 Q Didn't she tell you that Heather had told her that her
17 responses to you, to Jennifer Keilin, may affect how often
18 or how much longer she's needed as a nanny?

19 A I don't recall that. I'd have to look at the notes of
20 our contact.

21 Q You don't remember her saying that?

22 A I don't.

23 Q Okay. If she did say that to you, would that have made
24 any difference in your analysis of this case?

25 A It could have.

1 Q What difference?

2 A Well, it depends. I would've explored that. I
3 would've wanted to explore that with her and get a better
4 understanding of what she was referencing.

5 Q And if it turned out that she believed, that Sarah
6 Houghton believed, that Heather was threatening her, what
7 would you have done with that information?

8 A I'm not sure. I mean, that wasn't -- the sense that I
9 got is that Sarah did tell me about the Tylenol pills; that
10 she said Heather had asked her not to. So I didn't have the
11 sense that Sarah was holding back information.

12 Q Well, Heather also told Sarah not to tell [2-Name-W...] about
13 the pills; isn't that correct?

14 A That's what Sarah stated.

15 Q Do you have reason to disbelieve that?

16 A No.

17 Q Okay. And the fact that they were Tylenol -- I mean,
18 the point is, they could've been anything; isn't that right?

19 A Well, that's [2-Name-Wh...] point, yes.

20 Q Well, don't you think that's true?

21 A Hypothetically, yeah, that is true. It could've been
22 anything.

23 Q Well, wasn't there also a case of the community leaving
24 out chocolates laced with some kind of drug?

25 A There was an event -- not, not this -- not Heather's

1 home community. There was an email thread that related to
2 an event, I believe at Goodness, where that was discussed by
3 those attendees.

4 Q So you're saying it didn't happen in her home?

5 A Correct.

6 Q But it was members of her community at that event,
7 wasn't it?

8 A Yes.

9 Q And chocolates laced with what kind of drug were left
10 out in the reach of children?

11 A I believe a hallucinogenic.

12 Q What kind of drug?

13 A I don't recall.

14 Q And do you think that is reason to be concerned?

15 A It's a concern, yes.

16 Q Did you also talk to Amber Straub?

17 A Straub.

18 Q Straub?

19 A I'm not sure how to say it, but yes, I did.

20 Q Did she also tell you that Heather had threatened her?

21 A I don't recall that.

22 Q Okay. And if she had, would that have made a
23 difference to you?

24 A I would've asked more about that.

25 Q Well, don't you see a pattern here, if these things are

60

1 the case, Heather threatens collateral witnesses during your
2 investigation?

3 A No.

4 Q You don't see that as an issue?

5 A I don't see that as a pattern, no.

6 Q Okay. I understand that Heather threw a
7 placenta-eating party; is that right?

8 A Yes.

9 Q She saved her placenta from Pepper's birth; is that
10 right?

11 A Yes.

12 Q And then sent out an email to their community asking if
13 they were feeling cannibalistic?

14 A Yes.

15 Q And then threw a party where she served the cooked
16 placenta for people to eat?

17 A Yes.

18 Q Is that right?

19 A Yes.

20 Q Do you see any problem with that event or her wanting
21 to do it?

22 A No.

23 Q Why not?

24 A I think that it's an unusual practice, but it is
25 something that some people do. I don't see how it relates

1 to parenting.

2 Q What do you mean it's what "some people do"?

3 A There are -- there's a subsection of folks that are
4 interested in this behavior. And the placenta is supposed
5 to be nutrient-rich and supported the baby during their
6 journey into birth. And so it's not common, but it's, it's
7 done.

8 Q So you don't have any problems with Heather's judgment
9 on that?

10 A I don't see that as a parenting issue, no.

11 Q Okay.

12 (Exhibit No. 7 marked for identification.)

13 Q Is Exhibit 7 the email she sent out?

14 A Yes. Yes. This was what was provided to me.

15 Q Okay. And isn't it true that [2-Name-...] was concerned about
16 Heather's failure to clean up after that event?

17 A Yes. He was concerned about how thorough the cleaning
18 would be.

19 Q Is it your understanding that human tissue -- well, are
20 there any laws about human tissue?

21 A Well, there's, there's stuff. There are some laws
22 around it. There are some hospitals that don't allow you to
23 take your tissue out of the environment; there are, I
24 believe, some that do.

25 Q Well, did you look to see what laws apply to this, what

1 Heather did?

2 A No.

3 Q Okay. And at the bottom of Exhibit 7 in this email,
4 Heather said in this invitation: "Due to the questionable
5 legality of serving human flesh, I'd ask that you omit my
6 name when inviting people or talking about this event."

7 Do you see that?

8 A Yes, I do.

9 Q Do you think this is another indicator that Heather
10 doesn't hesitate to censor information when she thinks it
11 would be to her detriment?

12 A You know, that's difficult to respond to. I mean, on
13 one hand, Heather is communicating fairly openly. On the
14 other hand, she's, at times, introducing an element of
15 caution. So I think that both exist.

16 Q Don't you think, Ms. Keilin, that this is another
17 indicator that Heather went to some lengths to control
18 information that got to you in this evaluation?

19 A I don't, I don't see Heather going to lengths with this
20 to control information that may otherwise come to me. This
21 isn't related to the evaluation with me.

22 Q I'm talking about this as a trait of hers.

23 A I just couldn't draw that conclusion.

24 Q So human tissue is a health risk; is that correct?

25 A Human tissue is a health risk, correct.

1 Q And did 2-Name ... tell you that it was his understanding
2 that Heather didn't clean up properly after cooking the
3 placenta in the kitchen until he insisted that she do so?

4 A I don't recall that. I don't recall 2-Name - expressing
5 concerns about her level of cleaning up afterwards.

6 Q And what did Heather say about it?

7 A I don't recall the specifics right now.

8 Q Did you talk to her about it?

9 A I know that we discussed it. I don't recall the
10 details beyond that.

11 Q So that would be in your recordings, your discussing
12 it, the cleanup that she did or didn't do?

13 A I don't think so because this was brought up during the
14 original -- or the earlier evaluation, and those were not
15 recordings. Those were not recorded.

16 Q If it were the case, that Heather didn't clean up
17 properly, would you consider that a parenting issue?

18 A I would consider that there were possible health risks
19 related to her behavior that could impact Pepper, yes. That
20 would overlap parenting.

21 Q So I want to ask you about your discussions with the
22 housemates that you did.

23 Well, first let me ask you about the background checks.
24 What jurisdictions did you check in the background checks?
25 A I'd have to look at the background checks. It was not

1 beyond this state.

2 Q Okay. So you think it was Washington State?

3 A Yes.

4 Q Or just King County?

5 A No. I'd have to look, but I don't --

6 Q Why don't you look for me, because you can find it so
7 quickly.

8 A All right. So I used a service called "E-Verify" that
9 looked for records in the state of Washington.

10 Q Okay. So Washington State only?

11 A Correct.

12 Q Was anyone else present in any of these interviews
13 with -- well, I guess phone calls, with the house members?

14 A Not that I recall or that I was aware of.

15 Q Okay. And there were no recordings, correct?

16 A Correct.

17 Q And you didn't have the house -- the housemate
18 interview the summary before you put it in your report,
19 correct?

20 A No, I did not.

21 Q Okay. Did Mr. [2-Na...] have any particular concerns about
22 certain of the residents?

23 A Yes. He expressed concern about Ellery and Mike Tyka.

24 Q And --

25 A That's what I recall right now.

1 Q And what were his concerns about Mr. Baines?

2 A He was concerned about Ellery, feeling, in general,
3 that he was a more unusual character that smoked pot and had
4 some, I want to say, unusual behaviors. But, you know, an
5 example that comes to mind is, you know, Ellery coming
6 downstairs in a public space of the home with his shirt off,
7 possibly in his underwear. So just -- but more of a
8 character that was unsavory.

9 Q Is he an owner of the home?

10 A No.

11 Q He's just a renter?

12 A Correct.

13 Q Okay. Now, Mr. Baines told -- you spoke to Mr. Baines
14 for .5 hours; is that correct? So 30 minutes?

15 A Correct. If that's what it says.

16 Q Okay. And Mr. Baines told you that he used to drink,
17 but he doesn't drink anymore; isn't that right?

18 A Can I look at my notes?

19 Q Oh, absolutely. Yes.

20 A Correct. He said he used to drink alcohol in the past.

21 Q And he told you that he had a medical card for cannabis
22 but he didn't have any; is that right?

23 A Correct.

24 Q So he, essentially, told you that he used to drink but
25 he didn't anymore, and he used to smoke cannabis but he

1 doesn't anymore; is that right?

2 A At the time, correct.

3 Q At the time that he spoke to you.

4 A Right. He said, at the time, that he wasn't using
5 marijuana because of -- just not wanting that to be a factor
6 in the family-law matter.

7 Q So he told you he quit smoking cannabis because of this
8 evaluation?

9 A He quit using it, yes.

10 Q Did you ask him if he was going to start up again once
11 Pope mode's over?

12 A No.

13 Q You didn't ask him what his future intentions were
14 about drugs?

15 A No.

16 Q Did you ask him if he took -- if he used nitrous?

17 A I did not.

18 Q Why not?

19 A I don't recall. I don't -- it didn't -- it hadn't been
20 brought up as a concern about Ellery, use of nitrous.
21 Specifically what was brought up about Ellery was marijuana
22 use.

23 Q Wasn't drug use, in general, an issue for Mr. 2-Na...
24 about this house and its residents?

25 A Yes.

1 Q Okay. Did you ask Mr. Baines, Ellery, if he took MDMA?

2 A No.

3 Q Did you ask him if he took methamphetamine?

4 A No.

5 Q Did you ask him if he took GHB?

6 A No.

7 Q Or ketamine?

8 A No.

9 Q And the reason is because nobody told you they thought
10 he might?

11 A They were not brought up as issues of concern.

12 Q Just the general concern about drug use?

13 A About marijuana use.

14 Q Didn't Mr. [2-Na...] have a general concern about drug use
15 in the house?

16 A Yes.

17 Q And did he tell you he was only concerned about pot?

18 A No.

19 Q He had a general concern about drug use?

20 A Correct.

21 Q Okay. So then, I take it, you didn't ask any of the
22 residents whether they used nitrous or MDMA or
23 methamphetamine or GHB or ketamine?

24 A No. I didn't ask about specific drug use like that.

25 Q Okay. And Ellery told you that when he was taking

1 cannabis, he used edibles primarily; isn't that right?

2 A Correct.

3 Q Do you consider that edibles are more of a risk to
4 children than vaping or smoking?

5 A No.

6 Q You don't think edibles are any more of a risk?

7 A No. Edibles would be preferred, in my opinion.

8 Q Why are they preferred?

9 A Well, edibles, in terms of having any other effect on
10 any other person, it minimizes the risk. There's no
11 secondhand smoke, there's no -- you know, anything getting
12 into the environment that way.

13 Q Okay. What about leaving them around? If you left
14 around a bong and cannabis versus leaving around edibles in
15 the house, do you think edibles are more of a risk to
16 children?

17 A They could be.

18 Q Is that a "yes" or a "no"?

19 A I don't -- I wouldn't want either left around children,
20 to be honest.

21 Q Well, we can agree on that.

22 Would you agree that if a bong with marijuana in it is
23 next to a lollipop laced with cannabis, that a child would
24 be more likely to pick up the lollipop --

25 A Yes, I would agree.

1 Q -- laced with cannabis, or a brownie?

2 A Sure.

3 Q Okay. Now, Mr. -- or Ellery Baines was pretty negative
4 about [2-Name...], wasn't he?

5 A Yes. He talked about controlling and intimidating
6 behavior by [2-Name...].

7 Q And what efforts did you make to find out what
8 foundation Ellery had for making those conclusions?

9 A I didn't. I don't recall making any.

10 Q So you don't know how much time he's actually spent in
11 Mr. [2-Name-Wh...] presence, do you?

12 A No.

13 Q Okay. And Ellery told you that [2-Name...] was abusive to
14 Heather; is that right?

15 A That was his opinion, yes.

16 Q Okay. Is that your opinion?

17 A I did not make that -- I did not state that opinion,
18 no.

19 Q So you don't think [2-Name-...] was abusive to Heather; is the
20 correct?

21 A Correct.

22 Q Okay. And Ellery told you that he fears repercussions
23 from [2-Name...], didn't he? I'm looking at your notes.

24 A Are you? Okay.

25 Q Maybe not all of it made it into the summary in your

1 report.

2 A Right. The summary. Let's see.

3 Q And it's in the last paragraph of your notes.

4 A Right. He talked about fear. He fears repercussions
5 that --

6 Q Ellery told you: "I'm terrified telling you this, fear
7 of repercussions from [2 - Name ...]"?

8 A Correct.

9 Q Okay. And he told you: "I'm really afraid of [2 - Name ...]
10 and scared for Pepper"; is that right?

11 A Yes.

12 Q So would you agree, Ms. Keilin, that Ellery is not a
13 person who should be used to transition Pepper from --
14 between the parents?

15 A I would say on a routine basis, no.

16 Q He's not appropriate to use as a transition person?

17 A Well, I guess what I would say is that the person --
18 whoever does transitions, that we would want that to be --
19 we would want to set that up for as smooth a transition as
20 possible. So preferably, I would not want to use -- I would
21 not recommend using someone that has, you know, issues
22 with -- significant issues with the transferring parent. So
23 that's why I would say I wouldn't recommend Ellery being the
24 transfer person on a routine basis.

25 Q Okay. So I think you told me that Ellery told you that

1 he had quit using cannabis since the evaluation started.

2 Did I get that right?

3 A That's what he reported, yes.

4 Q But actually, what he said is: "Ever since ET with
5 2 - Name - ... and Pepper" -- oh, everything, I guess. This is in
6 your first paragraph. "Ever since" -- "ET" means
7 everything; is that right?

8 A Yes.

9 Q "Ever since everything with 2 - Name ... and Pepper and Heater
10 started, I've wanted to err on the side of caution, so I
11 haven't ordered or gone to my dispensary," referring to
12 cannabis, correct?

13 A Correct.

14 Q So he didn't actually tell you he quit using, did he?
15 He just told you that he hadn't ordered or gone to the
16 dispensary.

17 A Well, "I have a medical card for cannabis, but I don't
18 have any." Possibly. That's what I understood him to say,
19 but it's possible that he wasn't being that specific.

20 Q Okay. What did 2 - Name - ... tell you about Ellery?

21 A I'd have to reference my notes.

22 Q Well, can you just tell me what you recall, in general?

23 A Well, I did. I described that 2 - Name ... told me that
24 Ellery was what I would describe as an unsavory character,
25 that he used substances.

1 Q Okay. Well, didn't he tell you that Ellery was a sweet
2 kid until he met the crowd at AND?

3 A I don't recall. I'd have to check my notes.

4 Q Okay. And you understood Ellery to say that he didn't
5 use cannabis during the evaluation. But isn't it true that
6 Heather told you in her September interview that it's her
7 understanding that Ellery smoked cannabis?

8 A She may have. I'd have to look at those notes.

9 Q Okay.

10 A It was September?

11 Q Yeah, September 17, 2015.

12 A You said 2015?

13 Q Yes.

14 A Yes. She said, "My understanding is that two members
15 occasionally use marijuana; Ellery's one."

16 Q Didn't she say Ellery smokes cannabis?

17 A She said she understands that Ellery occasionally uses
18 marijuana. "I've never seen them smoke," referring to Leo
19 and Ellery.

20 Q So Heather told you --

21 A She said, "I've never seen them smoke, like, inside the
22 house in the public space. People may smoke outside."

23 Q Okay. So in September 2015, Heather told you that Leo
24 and Ellery both used cannabis?

25 A That she understands that they both do, yes.

1 Q But she said they never smoked in the house; is that
2 right?

3 A Correct.

4 Q So if Sarah Houghton testifies that she's seen drug
5 paraphernalia -- bongs, et cetera -- inside the house, would
6 that have any significance to you?

7 A Well, I know that there was an email exchange about
8 that between Heather and [2-Name-...] because there was
9 disagreement between the two as to something that Sarah had
10 reported. Heather did report that there was some
11 paraphernalia.

12 So the question to me was what again? Would it concern
13 me?

14 Q Doesn't that indicate to you that maybe Heather again
15 isn't telling you the truth about what goes on in the house,
16 that people do smoke in the house?

17 A It's possible.

18 Q Now, Alissa Morton (phonetic) -- Morton? -- Mortenson,
19 told you: "Substance use within the house, off limits. We
20 don't do drugs in the house. No active drug users in the
21 house"; isn't that right?

22 A You said that's Alissa?

23 Q Yeah. So that wasn't in your report, but it is in your
24 notes from the conversation with Alissa.

25 A Substance use is -- okay.

1 Q So she's telling you there's no active drug users in
2 the house, but that's not correct, is it? Because Leo and
3 Ellery acknowledged using cannabis.

4 A Yeah. I mean, I can't -- I just can't -- where I'm
5 struggling here is, I can't rule out that she said no active
6 drug use in the house and I said "drug users." But it could
7 be either way. "At some point, some recreational
8 psychedelic use happened in our circle. We had to make a
9 rule when Meagan got pregnant." So --

10 Q So are you telling me your notes may be wrong; that
11 instead of her telling you there's no active drug users in
12 the house, you meant something else or she said something
13 else?

14 A It's possible that I -- that she said no drug use, no
15 active drug use in the house, because that's what the topic
16 was. So I don't know. It could've been either.

17 Q In your notes on Alissa Mortenson you say at the top
18 there: "No history of substance use or alcohol use." See
19 that?

20 MR. EDWARDS: Where are you reading that?

21 MS. WHITAKER: In Alissa Mortenson's note, the
22 first paragraph.

23 A That's what she reported about herself, yes.

24 Q So how did you ask these people this question?

25 A "Tell me about your history of substance use or alcohol

1 use or your relationship with alcohol or other drugs."

2 Those are the types of questions.

3 Q "Tell me about your use of" --

4 A "Tell me about your history of use of alcohol or other
5 substances."

6 Q And so her answer to you was: "I've never used drugs
7 or alcohol"?

8 A She said, "I've no history of substance use or alcohol
9 use."

10 Q And is that what that means, that she's never taken
11 drugs or never drunk alcohol?

12 A That's how I understand that.

13 Q Okay. When she referred to recreational and
14 psychedelic use of drugs happening in their circle, did you
15 ask her what drugs she referred to?

16 A Not that I recall.

17 Q Do you know what she meant by "recreational drugs"?

18 A I do not.

19 Q Do you know what she meant by "psychedelic drugs"?

20 A Not specifically.

21 Q Well, do you know -- what else can you tell me about
22 her use of that word, what she meant?

23 A I understood that she meant psychedelic drugs, which
24 would be hallucinogenics.

25 Q Which are what?

1 A Well, there's several. There could be like the MDMA or
2 an LSD or, I don't know, acid kind of based substance.

3 Q Now, Mr. Dirac acknowledged that he smokes cannabis,
4 correct, Leo Dirac?

5 A Yes.

6 Q Did you ask him about any other drugs?

7 A Well, I asked about alcohol and other substances, and
8 he talk about alcohol and marijuana.

9 Q So what question did you ask him to elicit this
10 response?

11 A I didn't note the question specifically, but in
12 general, I ask questions: "Tell me about your history with
13 alcohol use and other substances."

14 Q Okay. So he said, "I smoke pot once a month these
15 days. A pretty effective antidepressant for me"?

16 A Correct.

17 Q That's what he told you? And he told you he smokes on
18 the balcony?

19 A Correct.

20 Q But you didn't go on to ask him about the use of any
21 other drugs?

22 A No.

23 Q Okay. And he told you, didn't he, that he considered
24 himself bipolar? That's in the notes. I don't see it in
25 your summary and your report.

1 A Um-hmm. I don't see the reference right here.

2 Q I'm sorry?

3 A I'm looking for the reference. Oh, he's -- yeah, he
4 said, "In my late 20s or 30s, I considered myself bipolar,
5 but feel dramatically more stable."

6 He described it as a self-diagnosis, that was a
7 characterization he gave himself.

8 Q Okay. And then he went on to say, "The occasional
9 MJ" -- referring to cannabis, correct?

10 A Yes.

11 Q -- "snaps me out of a funk when I get listless"?

12 A That's what he reported.

13 Q Now, I didn't see that in your summary, in the report;
14 is that right?

15 A Correct.

16 Q Why didn't you put that in?

17 A Why didn't I put in that he thought --

18 Q Why didn't you put in that detail, that he thought he
19 was bipolar and that he smoked cannabis to snap himself out
20 of a funk?

21 MR. EDWARDS: I would object to the question.
22 He didn't say he considered himself bipolar at the time of
23 the interview and used the marijuana for that purpose.

24 THE WITNESS: I understand I get to answer.

25 A I included the specific detail about how much he drank

1 and about him smoking marijuana. I thought that was the
2 relevant detail.

3 Q How much he said he drank and smoked?

4 A Yes.

5 Q So do you consider being bipolar a mental health issue?

6 A Correct, yes.

7 Q Did you do any further investigation on that?

8 A No.

9 Q Okay. And he said in this same part, "I consider
10 myself bipolar, but I feel dramatically more stable."

11 Did you go on to ask him whether he felt -- actually,
12 I'll strike that.

13 Referring to Exhibit 2, which is your second report, on
14 page 5, in the third paragraph, at the end of the paragraph,
15 you say, "A potential concern about Ms. Ralph's home is that
16 there are a number of adults who may have different
17 perspectives on this matter," referring to substance abuse
18 and adult sexuality, correct?

19 A Correct.

20 Q -- "potentially making it more difficult to shield
21 Pepper. This is conjecture, however, as no data supported
22 current open adult sexuality in Ms. Ralph's home."

23 And you started out in the paragraph saying, "It is
24 reasonable for both parents to be concerned about Pepper's
25 exposure to substance abuse and adult sexuality."

1 A Correct.

2 Q Can you explain to me what you meant -- what concern
3 you have about -- there's a number of adults who may have
4 different perspectives? Can you explain to me what you
5 meant there as that being a concern?

6 A Yeah. There are other adults in the home that may have
7 their own perspective, whose perspectives on children's
8 exposure to substance use or paraphernalia or to varying
9 degrees of adult sexuality may differ from Ms. Ralph's
10 perspective. And so when you have more people in the home,
11 you -- and have those differences of opinions, you may have
12 some tension or clashes there, so that could make it more
13 difficult to shield Pepper.

14 Q And so what steps do you think should be taken to
15 address that concern?

16 A Yeah. Well, I think that -- I think that that's -- the
17 specifics of that is what I've addressed in the
18 recommendations, that I think that for both parents and
19 homes, both parents report sharing similar values. I think
20 that what was -- what could be helpful is to just explicate
21 those -- Here's what those values look like. We don't
22 expose our child to, you know, adult sexuality or drug use,
23 et cetera -- and then making a requirement that, you know,
24 the parents will not do that. And if there is a potential
25 for exposure, that Pepper would be -- it'd be anticipated

1 that that parent would remove Pepper from the environment.

2 Q So when you talk about exposing Pepper to drug use, you
3 aren't just talking about exposing her to somebody smoking
4 cannabis or taking MDMA, are you? Or are you also talking
5 about, essentially, the aftereffects of that? I mean, if
6 somebody comes outside and smokes cannabis; comes into the
7 house. And then is it okay for that person to take care of
8 Pepper?

9 A No. Not someone that's under the impact of
10 intoxicants, no.

11 Q Okay. So the risk to Pepper is not only seeing
12 somebody take cannabis or some other drug, but also being
13 around somebody who's under the influence; isn't that right?

14 A I would, I would -- yes. I would want Pepper shielded
15 from folks that are in altered states of consciousness from
16 substances.

17 Q Is it your recommendation that Heather's home be
18 entirely drug free?

19 A You know, I didn't make that recommendation. Alcohol
20 is a legal drug; marijuana is a legal drug. Certainly, the
21 recommendation is that Pepper not be exposed to substance
22 abuse.

23 Q Well, just because marijuana is legal, I understood you
24 to say that it's not in Pepper's best interest to be around
25 somebody who's under the influence --

1 A Correct.

2 Q -- is that correct?

3 Okay. So wouldn't it be better for Pepper to be in a
4 home that's drug free?

5 A The data didn't warrant that recommendation. I don't
6 have a basis to say that Pepper has been exposed or that
7 that limitation needs to be expressly recommended by me. I
8 think that -- I don't have a basis to recommend that no one
9 consume alcohol, you know, in the home or that no one in the
10 home smoke marijuana. I don't think marijuana should be
11 used in the house, for example. But it is a legal
12 substance, and so I just don't have enough data to support a
13 limitation.

14 Q Well, I'm certainly not, you know, disputing the fact
15 that marijuana is legal in the city of Seattle or whatever,
16 although not elsewhere, or in the state.

17 My question is, what's best for Pepper? Wouldn't it be
18 best for Pepper if nobody smoked cannabis and then was
19 around Pepper?

20 A Sure.

21 Q Okay. So you agree that it's problematic for Pepper or
22 a child to be in the care of someone who's high on cannabis?

23 A Correct.

24 Q Why?

25 A Well, substance use impacts judgment and

1 decision-making; it alters thinking, and it can introduce
2 risk to a child. There's always -- there's lots of debate
3 about how much is too much, even for marijuana, just like
4 there is with alcohol -- you know, how many drinks are too
5 many drinks to have a child in your care? Dr. Hutchins-Cook
6 did recommend a limitation on alcohol, such as four ounces.

7 I don't think it's unreasonable to recommend that
8 Pepper not be in the care of someone who's under the
9 influence of intoxicants, so use of marijuana.

10 Q So your recommendation is that Pepper not be in the
11 care of or around people who are high on cannabis?

12 MR. EDWARDS: Objection. Compound question.

13 Q If you need it broken down, I'm fine with your breaking
14 it down.

15 MR. EDWARDS: Carl needs to wake himself up
16 there.

17 A I'm trying to remember what I already said. I'm so
18 confused now.

19 Pepper should not be exposed to -- Pepper should not be
20 placed in the care of somebody under the influence of
21 intoxicants; Pepper should not be exposed to substance use.
22 The more difficult question to answer is, should Pepper have
23 any contact with somebody who's under the influence of
24 marijuana? Not that they're caring for her, but they're in
25 the home, I think, is the question. And that's where I'm

1 struggling to answer.

2 I don't think that Pepper should be around people that
3 are, you know, visibly intoxicated or impaired. That would
4 be probably the strongest I could say in that regard towards
5 marijuana.

6 Q And wouldn't you agree that the risk of that happening
7 in Heather's household is high?

8 A There's more risk. I don't know how high it is. I
9 don't know -- there's not specifics on people being
10 routinely intoxicated or -- from marijuana -- or altered
11 from marijuana use.

12 Q Well, you have two members of the household
13 acknowledging.

14 A They've acknowledged some use, yes.

15 Q Now, one of the -- I'm going to ask you about Barry,
16 who was the housemate, who, I guess, everyone said had a
17 substance abuse problem; is that correct?

18 A Yes. There seems to be consensus there.

19 Q And Barry was a methamphetamine user, wasn't he?

20 A That's what was reported.

21 Q And he was an owner of the house, wasn't he?

22 A Yes.

23 Q And Heather moved in -- back in with Pepper into the
24 household when Barry was still living there, didn't she?

25 A That is correct.

1 Q Do you see any problem with that?

2 A It's a concern.

3 Q What concern do you have?

4 A Well, I don't have -- it's a concern that -- were that
5 to have continued for any significant length of time, that's
6 potentially concerning.

7 Q Well, I don't -- I'm having a little trouble with this,
8 Ms. Keilin, because Heather moved into -- back into this
9 home with Pepper with a known methamphetamine user, who was
10 already a problem to her housemates and who was an owner of
11 the house.

12 And so I'm having trouble seeing how that is not a
13 basic, could be fatal, error in judgment on Heather's part.

14 A And I would say that depending on how long that
15 situation had existed and what the -- you know, what
16 happened as a result of it would've been information to
17 evaluate. But the information that was known is that Barry
18 moved out within a few weeks, and there was no information
19 supporting problem interactions or concerns related to
20 Pepper. Had he stayed, or that situation not resolved
21 itself, there would be more to talk about.

22 Q Okay. So are you saying that when Heather moved in,
23 she knew that Barry was going to move out?

24 A I don't know that.

25 (Exhibit No. 8 marked for identification.)

1 Q Exhibit 8 is an email from Heather's mother. Do you
2 recall seeing this?

3 A Yes.

4 Q And isn't it true that even Heather's mother had
5 concerns about her moving back into AND? I direct your
6 attention to the third paragraph from the bottom.

7 A Yes. She says --

8 Q And she said, "Based on information each of you has
9 given me and my minimal observations over the last few
10 years, AND seems a relatively safe place for Heather and
11 Pepper to move this month. However, after hearing that
12 several people have significant drug use either currently or
13 in the recent past, I have reservations about AND with its
14 current residents as a long-term place to live. Barry
15 appears to be the biggest problem, but I also heard about
16 drug use by Mezz. I am unaware whether any other residents
17 or families currently abuse any drugs."

18 So even Pepper's -- Heather's mother had a concern
19 about her moving into AND; isn't that right?

20 A Heather's mother expressed a concern about AND being a
21 long-term place to live, with the concern about drug use.

22 (Discussion was held off the record.)

23 (Break was taken from 12:15 p.m. to 1:03 p.m.)

24 Q (By Ms. Whitaker) So directing your attention to
25 Exhibit 4, do you recall reviewing this email?

1 A Yes.

2 Q Now, this is an email that Heather wrote preparing the
3 house rules, is that right, for AND?

4 A Correct, in 2009.

5 (Discussion was held off the record.)

6 Q So these are the house rules when they purchased AND;
7 is that correct?

8 A That's my understanding, when it was formed.

9 Q And she starts out by saying that this "discloses some
10 questionable behavior on the part of my housemates," and so
11 she doesn't want it to become a public document; is that
12 right?

13 A Yes.

14 Q And it's clear from this document that the owners
15 contemplated having loud and big parties; is that right?

16 A Yes. It says, "We expect to have a few big parties a
17 year."

18 Q "We need to be careful not to piss off the neighbors
19 when we do. Noise and cars are the big concern there. We
20 don't expect there to be big parties every weekend. The
21 frequency may decrease as kids appear."

22 A Correct.

23 Q Okay. It's also clear they anticipated a constant
24 stream of guests, isn't that right? "Guests are welcome at
25 all times."

1 A Correct.

2 Q "People who don't live with us are welcome to stop by
3 uninvited and hang out."

4 A Correct.

5 Q It's clear that the occupants involved anticipated an
6 alternative lifestyle; would you agree with that?

7 A I would.

8 Q And it's also clear that they contemplated drug use;
9 isn't that right?

10 A Yes.

11 Q And it's clear they contemplated nudity in the house?

12 A Correct.

13 Q And they contemplated sex parties?

14 A Correct.

15 Q And on page 3 of this document, when Heather is talking
16 about substances, she said, "We agreed that all volatile
17 substances would be isolated to someplace other than the
18 main floor. If you have guests who would like to partake,
19 please usher them upstairs. Parties are possibly an
20 exception to this guideline. Alissa is sensitive to some
21 casual substance use and reserves the right to comment on
22 it."

23 What is your understanding of what volatile substances
24 would be isolated to someplace other than the main floor?

25 A I don't know.

1 Q You didn't ask her about that?

2 A I didn't ask specifically about that, no.

3 Q Why not?

4 A I don't recall.

5 Q Did you talk with her at all about this document?

6 A I believe it was discussed. I don't recall going
7 through line by line.

8 Q Is nitrous a volatile substance?

9 A I would say so, yes. It's kept under pressure.

10 Q The house has an electronic lock on the door; is that
11 correct?

12 A Yes.

13 Q And isn't it true that many people who are not
14 permanent residents have the passcode to the lock?

15 A That's what 2 - Name ... has stated.

16 Q Are you saying that you don't think that's correct?

17 A My recollection is that it's during -- I recall Heather
18 talking about having changed the code.

19 Q When?

20 A She shared that information with me during the
21 evaluation, but I'm not clear -- I don't recall the time
22 frame that that occurred.

23 Q So did you ask her how many people who are not
24 permanent residents have the passcode?

25 A No.

1 Q Why not?

2 A I don't know.

3 Q So this doesn't cause you any concern?

4 A It's difficult to know how to consider this. There
5 haven't been -- it's raised as a potential concern that
6 something bad could happen, but there's no history of
7 something bad happening. And so, so it's a -- it's a
8 question mark.

9 Q So are you saying that because nothing bad has happened
10 yet that you know about, there's no risk to Pepper?

11 A I'm saying that it's hard to evaluate the risk when
12 there have not been any concerns reported about this issue,
13 that somebody has accessed the home or damaged the home or,
14 you know, caused a problem in the home by virtue of other
15 people knowing the home's code, other than permanent
16 residents.

17 (Exhibit No. 9 marked for identification.)

18 MR. EDWARDS: Is this No. 9?

19 THE REPORTER: Yes.

20 Q Can you identify Exhibit 9 as an email that you
21 reviewed?

22 A I don't recall.

23 Q So this email, if you start at the bottom -- first of
24 all, it's from Mike Tyka, who's a permanent resident, right?

25 A Correct.

1 Q And he says (As read): We just witnessed Gregor walk
2 nonchalantly over into your backyard and onto the back
3 porch. We checked an hour later, 1:30 a.m., and sure
4 enough, he's curled up in between the boxes sleeping. This
5 is apparently the second time he's been caught there.
6 Needless to say, this makes me feel, quote, incredibly
7 uncomfortable. I'm not okay with guys sleeping on our
8 porch.

9 And then Alissa writes back and said that this person,
10 Gregor, lied to Mike and Heater -- meaning Heather; is that
11 correct?

12 A Correct.

13 Q And she says that Ellery found Gregor on the porch last
14 weekend. And she goes on to say that (As read): Given the
15 hot tub and all our naked selves and friends' selves hang
16 out back there too, and Gregor has caused a lot of
17 discomfort to my homies already, I'm not okay with not
18 knowing when the crazy dude is lurking on my porch at night.

19 Do you see that?

20 A Yes.

21 Q And then she goes on to say that: "Mike's looking up
22 how to change the door code now."

23 And then she says, "Anyway, Barry, can you ask him not
24 to come over again?"

25 "Too many warning lights going off on this guy."

1 And then another resident responds and says (As read):
2 I'm no longer interested in getting to know Gregor better.
3 He has demonstrated too well that he doesn't understand
4 traditional social boundaries. He might have a lot of great
5 qualities, but I can't trust him to behave reasonably around
6 my house or daughter. Please don't invite him over again.

7 Do you see that?

8 A I do.

9 Q So is this information that you had or not?

10 A I don't think so.

11 Q So does this cause you any concern that apparently
12 somebody was welcome at some point and is now a concern to
13 the residents and it appears that he had the door code
14 access?

15 A I'm not -- well, so I guess I see a few things in here.

16 I'm not clear about the porch being accessed through
17 the house. So I'm not -- I don't understand -- it's not
18 clear to me that the house code and the back porch are
19 necessarily intertwined. So I don't know that.

20 Q Well, I think they're talking about the front door
21 code, aren't they?

22 A Well, they are talking about the front door code, but
23 the behavior that they're talking about is taking place on
24 the back porch. I'm just saying that it's not clear to me
25 that he's accessed the house.

1 Q Is it clear to you that they are changing the door code
2 because Gregor knows it?

3 A It's clear -- yeah, it does seem to be the case, yeah.

4 Q Is it clear to you that the residents are now concerned
5 about this person that they originally wanted to welcome in
6 their home?

7 A Right. It looks like they're setting some boundaries,
8 which is positive.

9 Q Okay. So you find this an encouraging scenario?

10 A Again, I said there's multiple things in here. So I
11 don't know that he accessed the house. He does seem to have
12 the house code, which they're not comfortable with anymore
13 and are looking to change, and are not inviting him over
14 anymore, which seems a good thing, that they're putting
15 limits on that particular guest.

16 Q Okay. And that he's apparently slept on the back porch
17 for a number of nights without people noticing or doing
18 anything about it?

19 MR. EDWARDS: Objection. That's just not what
20 this says. It mentions two times, and it doesn't say
21 without anybody noticing or doing anything about it.

22 A Yeah, he was found there.

23 Q Okay. And what about the part that acknowledges that
24 people hang out -- both residents and friends hang out naked
25 back there? Does that cause you any concern?

1 A Depends.

2 Q On what?

3 A Just depends on the environment, who's around. Is it
4 nighttime and kids are asleep and people are hot tubing and
5 they do that in the nude? Is it just a nudist colony and
6 everybody is naked and the kids are around and Pepper's
7 around and there's a disagreement between the parents about
8 if that's okay?

9 So I would say it depends.

10 Q Okay. So it depends on whether Pepper was there or
11 not? Is that what it depends on?

12 A It could. I mean, I'm looking at the date; it's 2012.
13 So at this present time, at Heather's -- or I'm sorry. At
14 Pepper's current age and the differences of opinions between
15 the parents on this, then yes, I would say that Pepper being
16 present with a number of naked tenants would not be good.

17 Q Were you given information about one of the community's
18 children named Cake and her drug treatment?

19 A Yeah. Well, I was provided information about a child
20 nicknamed Cake, who went to drug treatment, who was part of
21 the, I think, burner kids community or thread.

22 Q Part of the community that Heather's in?

23 A A greater community, yes.

24 Q And Cake developed a serious drug problem as she got
25 older, correct?

1 A Seems that's what the information reported.

2 Q And do you think that that might've been a result of
3 the drugs that she was around as she grew up?

4 A I really can't say what happened to Cake.

5 Q Do you think that growing up around drugs increases the
6 probability of a child developing a drug problem later?

7 A Yes. As stated in my report, that's -- growing up with
8 an acceptance of drugs is a concern and a risk factor.

9 Q What did you conclude about why Heather chooses to be
10 in this group home and community environment rather than
11 live in the condominium she owns?

12 A I concluded that Heather wants to live with a group of
13 people.

14 Q And why does she?

15 A That's an environment that she prefers.

16 Q Do you know why?

17 A I don't know why, specifically, other than some folks
18 have that preference. Some folks like to live alone; some
19 folks like to live with a lot of people. She talked about a
20 community of -- almost a community of her own, basically.

21 Q How old is Heather?

22 A Late 30s, I believe, or early 40s.

23 Q And you don't think this indicates any juvenile
24 attitude on Heather's part?

25 A No.

1 Q Did you tell Heather that the level of supervision
2 required in her home may be a higher burden than she
3 otherwise might have?

4 A I might've.

5 Q Do you think that's true?

6 A Yeah.

7 Q Don't you think it would be better just to have a safer
8 environment for a child where you didn't have to have a
9 higher burden of supervision?

10 A Well, I just think there's questions about safety.

11 It's being stated that it's not safe. There's not specific
12 information that concludes -- that I can conclude that it's
13 not safe. And so reasonably, that because of [2 - Name - Wh...]
14 concerns, that -- and differences of opinions, that Heather
15 may be held to greater scrutiny or a higher level
16 supervision for Pepper.

17 Q Did Heather view [2 - Name - Wh...] concerns as limited on herself
18 rather than as protections for Heather?

19 A For Pepper?

20 Q Pepper. Thank you.

21 A It's okay.

22 I think that she tended to view [2 - Name ...] as having a
23 higher level of concern than was warranted and wanting to
24 place limits on her. I don't believe that she saw it as a
25 necessary -- you know, needed for Pepper's safety or

1 benefit.

2 Q But her response to 2 - Name - Wh... concerns were that he was
3 trying to put limits on her behavior; isn't that right?

4 A Correct.

5 Q Rather than put protections for Pepper in place.

6 A Right.

7 Q And what did you think?

8 A I thought that -- I thought it was a mixture, that
9 2 - Name... had concerns related to Pepper's care and well-being,
10 and clearly wanted remedies to protect those. The question
11 was about how warranted those concerns were. And at times,
12 the level of concern seemed out of proportion to the
13 information provided.

14 Q His concerns were out of proportion to the information
15 that you were provided?

16 A Correct.

17 Q Okay. And the information you were provided was from
18 the housemates, who said they quit smoking cannabis during
19 the evaluation period.

20 A Well, that was some of the information.

21 Q Okay. All right. I asked you just a minute ago about
22 the incident with Gregor, who apparently was a welcome guest
23 at some point and then became unwelcome.

24 Do you have any understanding of how much thought is
25 given to whether a guest will be allowed to crash or stay at

1 the group home?

2 A Do I have any --

3 Q What's your understanding of how much thought is given
4 to whether somebody's allowed to stay there?

5 A I know that there's some guidelines around, you know,
6 letting people in the house know when someone's going to be
7 there and that a night or two is okay; anything beyond three
8 nights is -- I believe requires more consensus.

9 Q Okay. But what about who the person is and what his
10 background is?

11 A I don't know about that.

12 Q So there's nothing in place to have the residents be
13 given sufficient information to say, Okay. That person can
14 stay or not; isn't that correct?

15 A I haven't seen anything explicated like that.

16 Q Okay. So if a resident said, "You know, my brother was
17 wrongfully convicted of child molestation and is released
18 from prison. Can he stay here?" that would be okay?

19 A I don't know.

20 Q Okay. And isn't it true that, you know, not -- there
21 isn't oftentimes enough notice given of when a guest is
22 going to stay or not, so that if somebody wanted to check
23 somebody out, they really wouldn't have adequate time; isn't
24 that correct?

25 A It could be.

1 (Exhibit No. 10 marked for identification.)

2 Q Exhibit 10 is an email dated December 11, 2013, from
3 Elle. Do you understand that to be Ellery, who lives in the
4 home?

5 | A Yes, I do.

6 Q And he says, "My friend Drew needs a place to crash
7 tonight" -- and this is an email sent 3:36 p.m. -- "so I
8 offered him the guest bedroom. Just thought I would give a
9 heads up." Not asking permission, just telling people.
10 "He's a burner. No reason for pope [sic] mode in the
11 slightest."

12 What do you understand that sentence to mean?

13 A Well, I understand that -- in terms of burner versus
14 Pope mode is that there's folks that are, again, more
15 conservative, like parents or other family members, and
16 there's other folks that are more -- I don't know what to
17 say -- less conservative or more like-minded. So I
18 understand "burner" to be the Burning Man group or folks
19 that are part of that crowd.

20 Q Does burner mean that he takes drugs?

21 A I don't know.

22 Q You don't know what that means?

23 A I actually don't know.

24 Q You don't know if burner means that he takes drugs?

25 A My understanding is that it was -- I didn't understand

1 it to mean that specifically.

2 Q Okay.

3 (Exhibit No. 11 marked for identification.)

4 Q Can you identify Exhibit 11 as an email you were given,
5 which is a string about chocolate laced with drugs left out
6 at an event where children were present?

7 A Correct.

8 Q And this was at Goodness?

9 A Correct.

10 Q And this is an event that Heather wanted to take Pepper
11 to; isn't that right?

12 A Yes.

13 Q And 2 - Name - ... objected?

14 A I believe so.

15 Q Okay. And people on the string are house -- are
16 residents of AND, housemates of Heather's; isn't that right?

17 A Some of them, yes.

18 Q Okay. And this email starts out -- well, or ends,
19 depending on which way you read it -- with somebody saying,
20 Stefan Schaefer, saying, "I'd like to second Lars' request
21 to take/keep this thread offline please."

22 Do you see that?

23 A I do.

24 Q And so again, we see these people wanting to keep
25 things confidential and not published; isn't that right?

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1 A Correct.

2 (Exhibit No. 12 marked for identification.)

3 Q Exhibit 12, can you identify Exhibit 12 as some of the
4 photos that you were provided?

5 A Yes.

6 Q And the first photo is of Heather, isn't it?

7 A I believe so.

8 Q At Burning Man?

9 A Yes. That's what I was told.

10 Q Do you think this display has anything to do with her
11 parenting abilities?

12 A No.

13 Q What do you think of her -- if Pepper saw this photo?
14 What do you think?

15 A I don't know.

16 Q Or what if she saw her mom like that?

17 A I think that what I stated in my recommendations or
18 opinion is that I think that Pepper should be shielded from
19 nudity or sort of silly behavior by folks at -- adults. And
20 so, I mean --

21 Q So is the --

22 A -- as a one-off, it's -- I don't think -- as a one-off,
23 I don't think it's concerning. But I would say that to, you
24 know, surround a child with, you know, lots of naked people
25 or images or things like that would cause that child to have

1 questions. And when there's a difference of opinion between
2 the parents on whether children should be exposed to this,
3 then I think that limits are warranted. And believe I've
4 recommended those.

5 Q Now, the next picture was from the Goodness event that
6 Heather wanted to take Pepper to; isn't that right?

7 A That's what I was told.

8 Q And so is the next photo, from the Goodness event?

9 A Yes.

10 Q And so is the next photo, from the Goodness event? It
11 shows some kids in the picture here.

12 A Yes.

13 Q And the next photo is also from the Goodness event?

14 A Yes.

15 Q Do you think a kid Pepper's age would be frightened of
16 seeing something like that?

17 A It just depends.

18 Q Okay. Do you know what the next photo is?

19 A I know I've seen it, but I don't recall.

20 Q Isn't this a party where people are taking nitrous?

21 A I think that was shared with me, yeah.

22 Q So nitrous is not taken in a balloon, is it? It's
23 really take in this cartridge.

24 A Yes.

25 Q And the next photo is, I guess, Heather and Pepper; is

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1 that right?

2 A It's Christine and Pepper.

3 Q Oh, Christine and Pepper. Sorry. I'm not the only one
4 mixing up names. Okay. Thank you.

5 A No, you're not.

6 Q Okay.

7 MR. [2-Name...] She's very good at sharing.

8 MR. EDWARDS: I occasionally suppress my sense
9 of humor.

10 MS. WHITAKER: What?

11 MR. EDWARDS: I occasionally suppress my sense
12 of humor.

13 Q Did you receive information that Heather lied to [2-Name...]
14 about the nature of the Goodness event, about what went on
15 there and --

16 A No. I think there was a dispute over a later -- no.
17 I'm remembering something from, I believe, 2014 when Heather
18 wanted to take Pepper to camping -- maybe -- I'm not sure.
19 Actually, maybe let's go back. I'm not sure.

20 Q Did Heather tell you that the age of the child makes
21 some difference as to whether it was okay for a child to be
22 around adults who use drugs?

23 A I'd have to refer to my notes. I'm not sure.

24 Q So you don't remember?

25 A I don't recall.

1 Q Do you think that's true?

2 A If the age of child matters?

3 Q As to whether it's okay for them to be around adults
4 who use drugs.

5 A I think that there's a distinction between, you know,
6 what a child is conscious of or what they are aware of. I
7 think that there's -- you know, an older child will be aware
8 of people's behavior that's unpredictable or, you know,
9 silly or bizarre, even.

10 I think that the safety concern -- you know, I guess it
11 would just depend on what kind of an event you're talking
12 about or what type of exposure you're talking about here.
13 If a child is very young, they're still in a parent's arms,
14 so they're very restricted. Is it an uncomfortable thought,
15 though? Yeah. Kids being around drug abuse, yes.

16 Q Well, I was more interested in Heather having that
17 view --

18 A Got it.

19 Q -- than if a child's older or the child's age made some
20 difference about whether it was okay for them to be in the
21 environment.

22 A Got it.

23 Q Do you have any concern if that's her view?

24 A My concern really had to do with -- what I expressed in
25 my report is Heather seeing things in lots of shades of

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1 gray. I think for Heather everything was it depends on
2 specific -- not everything, but many things depended on the
3 specific scenario or context. So I understood Heather to
4 say things with that in mind. It didn't necessarily
5 translate that she thought there were no boundaries or
6 limits.

7 So that was -- that's the difficulty, and that's why I
8 recommended a real specific -- real specific language in the
9 parenting plan.

10 Q Did you receive information that Heather has more
11 trouble than ^{2-Name...} getting Pepper to eat?

12 A Not in any significant way.

13 Q Did you receive information that Heather has to
14 restrain Pepper on occasion in order to brush her teeth?

15 A Something along those lines, that Pepper was squirmy or
16 could be difficult.

17 Q Don't you think it's a little extreme to restrain a
18 child to brush their teeth?

19 A Not necessarily.

20 Q So you don't see any problem with that?

21 A I don't, no, not with holding a child to brush their
22 teeth, no.

23 Q Restraining?

24 A Well, that's what holding is, is restraining. I don't
25 necessarily read restraining as a problem.

1 Q And if it's the case that Heather has more trouble than
2 [2 - Name...] getting Pepper to eat, would you see any issue with
3 that?

4 A If it were a significant concern, like Pepper was not
5 eating in one house versus eating in the other house, you
6 know, that was having an impact on Pepper's health and
7 well-being, yes, I would say that. But it didn't -- wasn't
8 characterized that way.

9 Q So if that were the case, what would -- would that have
10 anything to do with the household environment at Heather's,
11 if the child didn't want to eat there?

12 A I don't know.

13 Q You didn't look into that at all?

14 A No. I didn't have information that suggested that
15 Pepper's eating was a significant concern.

16 Q Okay. Heather cut Pepper's hair and sent it, the hair
17 clippings, to [2 - Name ...], didn't she?

18 A You sent a letter to Mr. Edwards to that effect, yes.

19 Q Well, did that happen or not?

20 A I don't know.

21 Q So you didn't talk to her about it?

22 A I didn't.

23 Q If that happened, do you have any concern about that?

24 A Well, I understand that from your letter that it was
25 received as bizarre. I'm not sure what other explanation

1 there was for that. So it's -- I just don't know. I don't
2 have any concerns specifically about that, no.

3 Q So you don't think it's bizarre to do that?

4 A I don't know enough about it. It's not necessarily
5 bizarre.

6 Q Were you given information that Heather threatened to
7 give Pepper a Mohawk haircut?

8 A Well, *2-Name...* shared that that was why he included
9 language in the parenting plan that he proposed that, you
10 know, because Heather had made some comment like that at one
11 point in time.

12 Q Okay. So what issues does that signify between the
13 parties, do you think?

14 A It's hard to say. I mean, it doesn't -- I don't know.
15 It could be -- you know, people -- it could be a statement
16 that was made seriously or jokingly or not at all. It
17 might've been taken out of context, right? There's a number
18 of things. But there's not anything that supports a pattern
19 of vindictive or hurtful behavior like that between the
20 parents.

21 Q Okay. Didn't Heather tell you in your September
22 meeting of this year that Pepper doesn't like large groups
23 of people she doesn't know?

24 A Yes.

25 Q Does that give you any pause about situations that the

1 child is likely to encounter at Mother's place?

2 A Well, it could be viewed a couple of different ways. I
3 think the emphasis there is on people that she doesn't --
4 well, I mean, the things to consider there is people she
5 doesn't know, and as well as a parent's sensitivity to that
6 information.

7 So it's possible that Pepper may encounter -- you know,
8 there may be gatherings at the home or something like that
9 where Pepper doesn't feel comfortable, and it seems that
10 Heather was aware of that and responsive to it.

11 Q How was she responsive to it?

12 A Well, by knowing it and by being able to then be
13 sensitive to Pepper's needs.

14 Q And yet she wanted to take her to Goodness, which is a
15 large group of people she doesn't know; isn't that right?

16 A It could be, yeah.

17 Q You noted in your report a tendency of Mr. [2-Name...] to,
18 quote, seek control of Ms. Ralph's actions related to
19 Pepper.

20 Do you recall that?

21 A Was in that my 2014 report?

22 Q I think so, yes.

23 A Yes. I expressed concern about that.

24 Q What are you referring to when you say that?

25 A Let's see where I said that.

1 Q Well, on page 26 of your first report, you say in the
2 end of the first paragraph: "Overall, but there is
3 insufficient data to support a pattern of coercion" --

4 A Yes.

5 Q -- "by Mr. [2-Na...] to Ms. Ralph."

6 A Yes, I did.

7 Q Okay. I guess I'll just ask you this: I mean, the
8 bottom line is that Mr. [2-Name-...] concerns about Pepper in
9 Ms. Ralph's care are reasonable, don't you think?

10 A I did not find data to support the level of concern
11 that Mr. -- that [2-Name...] presented. I can appreciate that,
12 given -- I can appreciate that he could be concerned, but
13 that's different than having data that supports concerns.

14 And so there's certainly differences of opinion between
15 the parents as to parenting styles, and there's differences
16 about trust levels. And so -- and [2-Name-...] is not trusting,
17 and so -- yeah, [2-Name-Wh...] not trusting of Heather.

18 Q And when you say the data didn't support his level of
19 concern, you mean nothing's happened to Pepper yet?

20 A That's one thing, yeah.

21 Q Well, what else do you mean?

22 A Well, the emails -- the materials that [2-Name-...] referenced
23 were generally about, you know -- some things were from
24 times predating children in the home. There's no objective
25 data about the -- what I would sort of describe as the

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1 Bacchanalia sort of environment in the mother's home. And
2 so I would agree that that data might be hard to get.

3 Q Especially if everybody's been coached on what to say
4 to you, right?

5 A It's possible. Again, which is why for me that -- the
6 Plus House, I thought, was a good resource for me, was to be
7 able to read those communications. It seemed like it was
8 unguarded.

9 Q You mean, this is the email string that was lost?

10 A Right.

11 Q So you're saying you relied on that pretty
12 significantly?

13 A I'm saying that it was, it was -- it supported other
14 data.

15 Q You talked with Heather in your May 2015 meeting about
16 how she wanted her housemates to be able to monitor Pepper
17 while Pepper was asleep, right? Do you recall that?

18 A I'd have to look.

19 Q Do you have written notes of your --

20 A Sure. Yes, I do.

21 Q Oh, you do?

22 A Yeah.

23 Q I don't know where they are in that note, so...

24 MR. EDWARDS: Was this conversations with --

25 MS. WHITAKER: -- Heather --

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1 MR. EDWARDS: -- Heather?

2 MS. WHITAKER: -- in May of 2015.

3 Q That she wanted' to go and visit friends one or
4 two blocks away while Heather [sic] was asleep. Or she
5 wanted to go to a party for four hours while Heather was
6 asleep so she wanted to be able to leave Pepper in their
7 care. Do you recall that?

8 A I don't see a reference to that.

9 Q You're looking in May --

10 A In May.

11 Q -- of 2015?

12 A Yeah.

13 Q And these are your written notes from the conversation?

14 A From the interview, yes.

15 Q So did you review the tapes, the tape recordings?

16 A Parts. Not in full.

17 Q Okay. So are your notes -- are you saying your notes
18 are a full representation of what's on the tapes?

19 A Probably -- I mean, I wouldn't expect that they would
20 be. I take notes at the same time that the tape is running.
I want the notes to be as comprehensive as possible. So I
don't -- I just don't know that I see a reference in here.

23 Q So you're looking at May of 2015, and you don't see
24 anything about a discussion about her leaving Pepper at
25 night when she's asleep and wanting to go to a party?

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1 So let me just --

2 A I don't see it in here.

3 Q That's fine. If it were the case, that Heather wanted
4 to leave the home when Pepper was asleep, say, at 10 p.m.,
5 she wanted to leave her -- leave Pepper to be monitored,
6 quote/unquote, by one of her housemates in order go to a
7 party for four hours, would you have any concern about the
8 condition that she came home in from a party 10 to 2 a.m.
9 and about her ability to take care of Pepper after that?

10 A I don't have any data that supports that as a concern.
11 Heather was not reported to be a significant user of alcohol
12 or other substances.

13 Q By herself?

14 A At all.

15 Q Or any of her housemates?

16 A I don't recall *2-Name ...* expressing significant concerns
17 about Heather's use of alcohol or other drugs.

18 Q Okay. How long after a parent has been on drugs is it
19 okay for the child to be in their care?

20 A It depends.

21 Q On?

22 A On what they took and how much.

23 Q So can you give me some example or any parameters?

24 A It's hard -- I mean, most drugs, the window of -- you
25 know, as the drug dissipates from your body, is up to 12 or

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1 24 hours. Acute intoxication is the bigger concern or
2 with -- you know, getting back to a baseline of nonaltered
3 state. So that's hard to answer.

4 Q Okay. You discussed a case manager with Heather in
5 your last meeting, didn't you?

6 A I did.

7 Q Did you discuss it with 2-Name ... ?

8 A I don't recall that.

9 Q Why did you discuss it with one and not the other?

10 A I think -- well, I discussed it with Heather because I
11 was wanting to know if, from her perspective, she thought it
12 would be more helpful in reducing conflict or efforts to
13 control. I was, I guess, more concerned with her
14 perspective on that.

15 Q And what was her perspective?

16 A She thought there were pros and cons. And then -- but
17 ultimately, she thought that it was too -- it might invite
18 too much -- it might invite too much of a forum, almost, for
19 2-Name... to take small issues to.

20 Q Okay. And is that why you didn't recommend it?

21 A In general, I didn't recommend it in favor of having --
22 it was a combination of that idea, of inviting conflict or
23 possible -- just inviting the stress of keeping things
24 going, and chose in favor of a very detailed parenting plan.

25 Q Okay. And what was the reason you didn't discuss a

1 case manager with [2 - Name...] or get his ideas on it?

2 A I don't recall.

3 Q And what benefit could be it to the parties, the case
4 manager?

5 A Well, a case manager or parent coordinator can --
6 there's -- it can benefit the parents, in that there is a
7 what I would call a low-level -- a low threshold for someone
8 to weigh in or make decisions about concerns that are
9 raised.

10 Q So it could be a benefit because it's a way to get
11 issues addressed without going to court; is that right?

12 A Yeah, or more significant -- or arbitration. Yes, it
13 could be.

14 Q Okay. How will we know if there's a problem with drugs
15 or sex parties or the things about which [2 - Name - Wh...] concerned
16 in Heather's home? How are we going to know that?

17 A How are we going to know about that? Well, I think
18 that when those things are problems, things break down in
19 the community. So if you look at -- you know, just there
20 tend to be more problems. There's problems with neighbors;
21 there's problems within the tenants. [2 - Name...] seems to have a
22 fair amount of communication with folks on the perimeter,
23 and the homes are nearby each other. I mean, there's daily
24 overlap or contact. I mean, when there are problems, things
25 fall apart.

1 Q So you're saying you think it will be obvious because
2 problems will have started?

3 A Yes.

4 Q Okay. Do you think Heather will be honest with 2 - Name...
5 about what's going on in her home and what situations
6 Pepper's exposed to?

7 A I think that Heather has, at times, shown remarkable --
8 what I think is remarkable openness to 2 - Nam... having access
9 to information or agreeing to lists of approved caregivers,
10 et cetera. I mean, I do think that Heather has worked to
11 reach agreements.

12 I also find it hard to predict. I mean, I certainly
13 couldn't say that somebody would be completely honest when
14 they thought that it might be used against them or be
15 taken -- be possibly used to limit their time with their
16 child, so...

17 Q Well, we've seen that Heather has taken steps to limit
18 information that gets out about her and her community.

19 A At times.

20 Q You say that neither parent should expose Pepper to
21 drug use/abuse by another person or allow anyone else to do
22 the same; further, neither parent should take Pepper to
23 festivals that are known for drug usage, nudity, unusual
24 adult behavior.

25 How are we going to enforce a provision like that?

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1 A Right. That's always a difficult question in parenting
2 plans.

3 Step one is to be really clear about what the
4 parameters are. And there's been efforts to try and be
5 clear about the language as to what's okay -- Seahawks game
6 okay; Burning Man not okay, for example -- and try and set
7 up some language. There's always going to be some question
8 of interpretation or -- yeah, a question of interpretation.

9 I don't, I don't see a pattern of dishonesty for
10 Heather to [2-Name...] regarding Pepper. And so while not --
11 probably not perfect, having as clear a language as possible
12 gives limits and boundaries that I would expect both parents
13 to be able to stick to.

14 Q So you think at least the best we can do is to define
15 the parameters as much as possible versus leaving it open
16 for the parties to dispute about it?

17 A Yes.

18 Q So in other words, to give a clear definition rather
19 than just say appropriate for children or inappropriate for
20 children.

21 A That is my effort. I mean, I think it's like the
22 language of, you know, corporal punishment. You have to be
23 clear so that people would reasonably have the same
24 understanding.

25 Q Okay. And you agree that if the -- your

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1 recommendations aren't enforced, that Pepper may be at risk.

2 A If Pepper is exposed to those environments, yes.

3 Q Okay. Did you, in recommending the residential
4 schedule, take -- give any consideration to which nights
5 Pepper -- which nights Heather might be more likely to have
6 parties or go out to parties?

7 A No.

8 MS. WHITAKER: Okay. It's two o'clock. Just
9 give me a few minutes, and I'll be right back.

10 (Break was taken.)

11 (Deposition concluded at 2:00 p.m.)

12 (Signature reserved.)

13 (Exhibit Nos. 1 - 12 attached.)

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1 CERTIFICATE

2 STATE OF WASHINGTON)
3) ss.

4 COUNTY OF KING)

5 I, Brandice L. Pivar, a certified court reporter in
and for the State of Washington, do hereby certify:

6 That the foregoing deposition was taken before me at
7 the time and place therein set forth;

8 That the witness was by me first duly sworn or affirmed
9 to testify to the truth, the whole truth and nothing but the
10 truth; and that the testimony of the witness and all
11 objections made at the time of the examination were recorded
12 stenographically by me and thereafter transcribed under my
13 direction;

14 That the foregoing transcript is a true record of the
15 testimony given by the witness and of all objections made at
16 the time of the examination, to the best of my ability.

17 I further certify that I am in no way related to any
18 party to this matter nor to any counsel, nor do I have any
19 interest in this matter.

20 Witness my hand this 16th day of October 2015.

21
22 _____
23 BRANDICE L. PIVAR
24 License No. 3089
Certified Court Reporter in and for the
State of Washington, residing at
Seattle.
25

Kelley, Tammy (DOH)

From: DOH HSQA Complaint Intake
Sent: Friday, April 29, 2016 8:17 AM
To: Kelley, Tammy (DOH)
Subject: FW: Provider Complaint
Attachments: Jennifer Keilin Testimony and cross examination.pdf

Good Morning Tammy,

Attached is additional information for case number 2016-4218LW Keilin, Jennifer.

Have a Great Day!

Joe Johnston
Complaint Intake Unit
Washington State Department of Health
360-236-2620 Complaint Intake Main Line
360-236-2626 Fax
360-236-4949
www.doh.wa.gov/hsqa
Public Health ~ Always working for a Safer and Healthier Washington

We moved to Town Center 2 on May 29, 2012! Driving directions
Questions - (360)236-4700

From: 2 - Name - Whistleblower Regarding Health Care Provider or Health Car...

Sent: Wednesday, April 27, 2016 10:48 PM
To: DOH HSQA Complaint Intake
Subject: Re: Provider Complaint

Hi,

Sorry it is taking a while to get you all the information you need. I had hoped to have an official transcript by now, but that is taking a bit of time. Now that you have the deposition, let me give you the testimony from trial.

I've attached a transcript made of Jennifer Keilin's testimony and cross-examination. I've highlighted a few areas of concern. Comments in green represents drugs, and in red you will see where she was caught under oath doing "trial strategy" sessions with opposing council (and had been given the report completed by Dr Rybicki for the court).

Ms Keilin will talk some about pot usage in the home, but her lack of knowledge about the usage of Ketamine, Nitrous, and meth are the larger issue.

- It shows Jennifer Keilin under oath discussing performing chemical dependency assessments and counseling for the family court.
- She admits she never had state credentials, and later claims to have once been able to have met criteria as a justification.

- Ms. Keilin provides a list of classes she says proves her ongoing commitment to continuing education credits in this area (I don't believe she comes close to meeting the statutory requirements for CE for a chemical dependency professional).
- She admits that others are piggy backing on her credentials in order to meet their own credentialing for substance training (via an application for Guardian Ad Litem by Margo Waldrop).
- She admits that she could not identify individuals who were doing drugs in one provided picture (she assumed nitrous addicts used only balloons, and didn't recognize the "crackers" that were openly displayed in the photo).
- She shows she cannot read a drug test.
- A letter supplied by a minor identified as "Cake" is presented which she had been given access to. The young girl is looking for a safe place to be from the environments that Ms. Keilin had no issue with, despite the rampant drug usage (One Dr. Maegan Dirac of Swedish Hospitals is also identified in the letters; her husband testified to the multiple parties himself, his wife, and others hosted that had open drug usage with children present). Ms. Keilin lacked background and knowledge to the extent that she could not identify entirely if these environments were harmful to children.
- Ms. Keilin testimony shows that even after her deposition, she made no effort to understand the usage of any of the drugs she had seen.
 - In trial it was shown that one Ketamine addict had been leaving needles around the home and had been found passed out. Ms Keilin lack of fundamental knowledge about different forms of substance abuse, means she was incapable of understanding how bad of a situation she was looking at. The ongoing poly-substance abuse problems were lost upon her.
- Ms. Keilin references Alissa Mortenson-Tyka as a credible source. Alissa, who also happens to be a counsellor in the State of Washington, later in trial admitted to Ketamine, LSD, MDMA and other assorted drug usage. She also attended the event where drug laced chocolates were repeatedly left out around children. She was also host to the the parties where underage individuals partied with older adults who were high on an assortment of drugs (this was encouraged by her, the Dirac's, and Ms Ralph).
- Leo Dirac, husband of Dr. Dirac, later testified about the the drug manufacturing equipment found in their home. Jennifer Keilin, as she admits, failed to ask any follow up questions to the individuals in the home.
- Under oath Keilin could not explain why she failed to put in her report that the mother she was evaluating first lied to her with regards to reporting her own drug usage (in testimony the mother, Ms. Ralph, later admitted to more drug usage than what she admitted to when she "came clean" to Keilin).

So here you are presented with a home that has individuals holding an MD, a Councilor credential, and another medical professional not yet named! Ms. Keilin failed to consider the drug abuse potential found in a home where individuals with DEA licenses co-existed with individuals who abused drugs (or the fact that individuals with DEA licenses participated in the usage of drugs). One of the Ketamine addicts was later shown to be abusing his wife. It was stated very clearly that the residents supported the abuser who was a fellow owner in the home. The one MD's letter shows a very flippant concern for drug abuse.

Ms Keilin had no issue with the facts that an individual who overdosed on Xanax, reports to be 80mg, was kept in the home for 24 hours as advised by an MD after the woman had taken the drugs (the woman was later admitted to a hospital). It could be inferred from the emails that this was done so that no other substances would be found in the woman when she arrived at the hospital.

One would hope that someone with credible credentials in substance abuse issues, might have had some concerns about the environment in general, but in particular might have thought that three children, all aged under 5, would be at risk in the home.

There is more to come. The audio records for trial can be provided immediately if you need to check this transcript against the trial audio. An official transcript will be provided when it becomes available. Leo Dirac and Alissa Mortenson-Tyka testimony can be provided if useful (they made admissions to usage in trial under oath).

I would hope that an individual who was doing dependency work for the courts would not make themselves available for giving "trial strategy" to either party, let alone the party who had created this environment.

- 2 - Name - Wh...

*) There is the issue of "pope mode" as well which I am not addressing. Teaching children to lie on demand is abusive, but I am unsure if this issue is relevant for your department.

Judge Berns: Okay, Mr. Edwards.

Carl Edwards: Your Honor, the Petitioner calls as his first witness Jennifer Keilin, the Parenting Evaluator.

Judge Berns: Thank you ... Good afternoon.

Jennifer Keilin: Good afternoon.

Judge Berns: Watch your step please.

Jennifer Keilin: Thank you.

Judge Berns: You can go both up and down the wrong way ... Do you swear or affirm the testimony you are about to provide to this court will be true and correct?

Jennifer Keilin: Yes I do.

Judge Berns: Thank you, have a seat. There's water in that carafe if you need some.

Jennifer Keilin: Thank you, Your Honor.

Carl Edwards: Your Honor, before I get started, permission to approach the witness to deliver a couple of the notebooks to her.

Judge Berns: Certainly, granted.

Carl Edwards: Good afternoon.

Jennifer Keilin: Good afternoon.

Carl Edwards: Please state and spell your first and last name.

Jennifer Keilin: Jennifer Keilin. K-E-I-L-I-N.

Carl Edwards: How do you spell Jennifer?

Jennifer Keilin: J-E-N-N-I-F-E-R.

Carl Edwards: Could you please state your mailing address for your professional office?

Jennifer Keilin: My mailing address is 1715 114th Avenue Southeast Suite 210, Bellevue, Washington 98004.

- Carl Edwards: You're here today because you have done a Parenting Evaluation by court order in this case, correct?
- Jennifer Keilin: Correct.
- Carl Edwards: Could you please look at exhibit notebook 1 of 2 at exhibit 5 please? I'm sorry exhibit 11.
- This exhibit which has been admitted as a copy of your curriculum e-tape. Do you recognize this exhibit?
- Jennifer Keilin: Yes I do.
- Carl Edwards: If we look at the first heading bolding and it says "Areas of Practice" you list "Parenting Plan Evaluations/Writing and Litem Investigations." Approximately how many Parenting Plan Evaluations have you conducted in King County?
- Jennifer Keilin: About 200.
- Carl Edwards: Down below under the "Area of Practice" it says "Chemical Dependency Assessment and Counseling". Is that currently part of your practice area?
- Jennifer Keilin: Sometimes I do assessments in terms of family law matters.
- Carl Edwards: You don't do any counseling on dependency issues at this time?
- Jennifer Keilin: Nothing beyond grief counseling.
- Carl Edwards: Do you have credentials for a Chemical Dependency Counselor?
- Jennifer Keilin: I was credentialed as a certified Chemical Dependency Counselor in 1994. The credentials evaporated in 2008 so I don't carry credentials anymore as a result of that but I still maintain the training and expertise required for that area.
- Carl Edwards: What do you mean by the training and expertise required?
- Jennifer Keilin: The original training that was required to achieve the certification in the first place including the hours working in a treatment facility so that I could achieve the state recognized credentials as a qualified Chemical Dependency Counselor. Following completion there are bi-annual requirements for ongoing training.
- Carl Edwards: Do you believe that having Chemical Dependency Counseling credentials are necessary for you job as a parenting evaluator?
- Jennifer Keilin: No.

- Carl Edwards: Do you believe that you have the qualifications and experience to assess chemical dependency issues?
- Jennifer Keilin: Yes I do.
- Carl Edwards: In particular, do you have experience and expertise in assessing those issues as they intersect with parenting?
- Jennifer Keilin: Yes I do.
- Carl Edwards: Underneath the next title "Education", it shows a "Masters of Social Work" from the University of Washington and then underneath that it says "Addiction Studies Pierce College." Could you elaborate on that just a bit please?
- Jennifer Keilin: Sure. The "Addiction Studies" were the courses that I took that were required at that time in the State of Washington to achieve the qualified Chemical Dependency Counseling education which then also required an internship component.
- Cynthia Whitaker: I'm sorry, I didn't hear the last Your Honor ... an internship ...
- Jennifer Keilin: It also required an internship component.
- Carl Edwards: That's supposed to have been where your internships at the bottom, "Chemical Dependency Counselor intern?"
- Jennifer Keilin: Yes.
- Carl Edwards: In your employment experience, it goes in reverse chronological order so your first job was as a Chemical Dependency Counselor?
- Jennifer Keilin: Yes, after college.
- Carl Edwards: Did you do any type of chemical dependency assessments as a Juvenile Rehabilitation Counselor at Echo Glen?
- Jennifer Keilin: Yes I did.
- Carl Edwards: What percent of your work there was based on chemical dependency issues?
- Jennifer Keilin: I would say about 1/3 of the time that I worked at Echo Glen was specifically in chemical dependency.
- Carl Edwards: Your next job after that from April 1998 to November 2000 was Social Worker Free Child Protective Services?
- Jennifer Keilin: Yes.

- Carl Edwards: You say you performed investigations and assessments and provided case management services to children and families. Did any of those cases involve chemical dependency issues?
- Jennifer Keilin: Yes, a significant percentage.
- Carl Edwards: If you could turn the page. Under post-graduate training on the list on page 2, 1-2-3-4-5, it says Parent Evaluation Training Program, Andrew Benjamin, University of Washington School of Psychology. Could you explain that training please?
- Jennifer Keilin: Yes, that is a training that I think still exists in some form, the PETP program that is generally offered to psychology grad students and other folks that are recommended. It provides basic training for conducting Parenting Evaluations as well as oversight of completing three Parenting Evaluation cases during the program.
- Carl Edwards: On the next page, page 3, at the top it says, "Title 26 Registry Family Law Guardian Ad litem Training."
- Jennifer Keilin: Yes.
- Carl Edwards: This means then that you completed the training for the Guardian Ad litem Registry?
- Jennifer Keilin: Yes I did.
- Carl Edwards: Have you ever been on the Guardian Ad litem Registry?
- Jennifer Keilin: Yes I have.
- Carl Edwards: Are you currently there now?
- Jennifer Keilin: No I'm not.
- Carl Edwards: If you could turn to exhibit 5 please. This exhibit has also been admitted. It's the order appointing parenting evaluator on behalf of minor child. If you could turn to page 2. This is the order that appoints you to conduct the evaluation in this case, correct?
- Jennifer Keilin: Correct.
- Carl Edwards: Paragraph 3.2, Duties of Parenting Evaluator, of the third one sentence paragraph of that section says "Issues ordered to investigate and report all issues relating to development of a Parenting Plan". That's somewhat modified by paragraph 3.9 if you could turn to that please. In here the term risk assessment was crossed out before it was provided to you, correct?

- Jennifer Keilin: Yes.
- Carl Edwards: It was an interim report, correct?
- Jennifer Keilin: Correct.
- Carl Edwards: Was there any thought in your mind that you had been ordered to do what would be strictly referred to as a risk assessment?
- Jennifer Keilin: No.
- Carl Edwards: Could you read this so that The Court can understand what this paragraph says?
- Jennifer Keilin: "The Parenting Evaluator shall provide an interim report. Ms Keilin's interim report shall address whether and to what extent there should be any changes to the initial residential schedule and make recommendations about any services that appear warranted. The report should specifically include home visits and a determination by the evaluator as to whether either parties home is appropriate for children and the number and identity of all occupants. The report shall be due 60 days from the entry of this temporary order."
- Carl Edwards: This order was entered July 10, 2014, correct?
- Jennifer Keilin: Correct.
- Carl Edwards: When did your first report come out?
- Jennifer Keilin: I'd have to look at the date, in mid to late September.
- Carl Edwards: If we could look at exhibit number 12.
- Jennifer Keilin: This was issued September 24, 2014.
- Carl Edwards: You were within about 14 days of the 60 day request?
- Jennifer Keilin: Correct.
- Carl Edwards: Could you provide for The Court a brief overview of the evaluation process when a case like this comes to you? What is the process that you typically apply?
- Jennifer Keilin: Sure. My process is to receive the order from the party for the counsel so that I understand what is being requested of me as well as some initial forms, the parties fill out questionnaires. I schedule multiple interviews with the parties that include along with the questionnaire the background information, relationship information, parenting concerns, information about parenting in general and their proposal, what they think will resolve the issues. I conduct

home visits that include a tour of the residence and make efforts to meet the folks that reside in each home. I conduct collateral interviews that include both personal collaterals for each parent as well as relevant professional collaterals. I review materials that are provided by both counsel and each of the parties that help me understand the issues under examination. Then my process is to review all of that information and to reach opinions and make recommendations which I then include in my report.

Carl Edwards: Do you make you recommendations in the light of Washington law?

Jennifer Keilin: Yes.

Carl Edwards: If you could look at your ... Just a couple questions before we move on to the reports. To what extent do you rely on the parties or their attorneys to identify the issues that you should be looking at?

Jennifer Keilin: I rely significantly on the parties and the parents to help narrow the field of issues.

Carl Edwards: To what extent do you rely on the parties or their attorneys to provide you with evidence as part of your evaluation?

Jennifer Keilin: It's a significant component.

Carl Edwards: Do you evaluate issues that haven't been raised by either party?

Jennifer Keilin: I do at times. If there's an issue that comes up that appears to me to be significant to the best interest of the child, yes.

Carl Edwards: Would you describe your job as following up on the evidence and concerns that are presented to you and trying to find out if the evidence supports the concerns?

Jennifer Keilin: I see my job as assisting The Court through answering the legally related questions with multiple data points, hoping to provide The Court with a neutral opinion.

Carl Edwards: We looked briefly at exhibit number 12 which was your September 24, 2014 report. Could you turn to exhibit 13? This is your September 21, 2015 report.

Jennifer Keilin: Yes.

Carl Edwards: Could you briefly describe the relationship between these two reports?

Jennifer Keilin: Sure. The September 24 report was issued as per the initial order of appointment and temporary order. The parties ... I was recontacted by counsel I believe around March of 2015 that The Court had granted an order that I had

the authority to request the parties participate in psychological testing or to examine any other issues if I thought that it was warranted. At that time I contacted the parties and offered them the opportunity to provide me any updated information in part to determine if there was any need for further examination. At that time the parties were in agreement as to a 50/50 schedule.

What was requested of me was to reexamine the data that I had previously gathered and to ... reconfirm that I got it right, was there some information that I didn't interpret accurately, maybe some of my recommendations should maybe be amended. That's how this report started with that as the focus.

There was a bit of a delay in the evaluation. Their new counselor came on board. There was a request to give new counsel an opportunity to come up to speed and see if there were issues. Then I got some more information from counsel. I met with the parties again, to clarify, I met with Ms. Ralph again. I had an extensive telephone interview with Mr. [2 - Na...]. Then I issued this report which focused again on a review of the data that I had previously gathered as well as the updated information from the parents regarding the child and her current functioning.

Carl Edwards: Would it be fair to say that the first report from 2014 provides most of the information about the evaluation process that you followed in this case?

Jennifer Keilin: Yes.

Carl Edwards: I'd like to start then with the evaluation that led to your first report. What's your recollection as you sit here of the issues that were presented to you in this evaluation?

Jennifer Keilin: The issues that were presented were generally that Mr. [2 - N...] had significant concerns about Ms. Ralph's lifestyle and home environment and concerns regarding Ms. Ralph's judgement and ability to make good judgments about keeping Pepper safe. Ms. Ralph had concerns about Mr. [2 - Na...]. what she perceived as his control, or efforts to control her or her time with Pepper and not parenting concerns per say but more about his interference with her time with Pepper and relationship.

Carl Edwards: Could you turn to page 2 of exhibit 12, the 9/24/14 report?

Jennifer Keilin: Sure.

Carl Edwards: As we look at the bold headings here, we have interviews and home visits, collateral contacts, materials. Do those headings summarize the sources of information that you look at?

Jennifer Keilin: Yes..

Carl Edwards: If The Court rereads this, the materials section in particular, could you describe what the entries are under there in terms of whether it's ... are you reciting the documents or are you also making comments on them?

Jennifer Keilin: Sure. The materials section in this report includes a snap shot of what the important points that I pulled out of that particular material. I think it helps The Court and the parties understand what the information in those particular materials was as well as providing a refresher to me.

Sometimes there are comments ...

Carl Edwards: For example, the first document that you looked at is the July 10, 2014 correspondence for Mr. Starks to Ms. Keilin and then "C" under that includes the father's responsive declaration that was submitted at court?

Jennifer Keilin: Correct.

Carl Edwards: When you say, "Heather's time with Pepper should be further restricted by The Court," are you making a comment or are you quoting the father?

Jennifer Keilin: I'm quoting the father.

Carl Edwards: When it says, "except drug use develop nudity sexual activity and hard partying throughout the house," are you basically just reporting what the father was stating in his declaration?

Jennifer Keilin: Yes, I'm reporting his statements.

Carl Edwards: Could you turn to page 26 please?

Jennifer Keilin: Page what?

Carl Edwards: Page 26.

Jennifer Keilin: Sure.

Carl Edwards: Above the first bold line that starts with small roman numeral "i" is the phrase, "the following factors of RCW 26.09.187.3A were considered." Why were you considering these factors?

Jennifer Keilin: They're the statutory factors for The Court to consider in residential schedules.

Carl Edwards: In analyzing these factors do you look at the parenting skills of the parents?

Jennifer Keilin: Yes.

Carl Edwards: What were your direct observations of the parties as parents?

- Jennifer Keilin: I had the opportunity to see both parents at the home visits which were arranged between 1.2 hours and 1.4 hours during which time the parent was with Pepper in that entirety. My recall is that I conducted Ms. Ralph's home observation first and so ... The question is parenting skills?
- Carl Edwards: Right. What did you observe about the parties as parents?
- Jennifer Keilin: Okay. What I observed for Ms. Ralph with Pepper is that she was attentive and engaged. There was reciprocal eye contact and emotion like giggling and laughter. Ms. Ralph was attentive and able to interpret Pepper's communication either through gestures, sign language and some limited verbalization. Ms. Ralph was very communicative with Pepper throughout the visit, sometimes instructing or giving information or labeling an item. She nursed Pepper at times during the home visit and was responsive to Pepper's requests in that demand. There were no obvious safety issues or dangers in the home. It appeared to be a positive atmosphere for children. There were child appropriate toys and items around as well as other children and parents. No concerns were noted.
- Carl Edwards: Did you inspect the entire house?
- Jennifer Keilin: Yes.
- Carl Edwards: How big is the house?
- Jennifer Keilin: It is large. My recollection is that it's three stories and a basement.
- Carl Edwards: Did you investigate or examine the entire house?
- Jennifer Keilin: I toured every room.
- Carl Edwards: Who else was there while you were visiting the home?
- Jennifer Keilin: Most of the co-tenants were there. I believe three were absent. Two children and a number of adults, I think nine.
- Carl Edwards: Did you make an attempt to determine during that visit whether the activities, the atmosphere that you were observing was typical of what goes on in the home?
- Jennifer Keilin: I don't recall.
- Carl Edwards: Did you have any reason to believe that what you were observing was the typical goings on in the home?
- Jennifer Keilin: Yes. I didn't have a reason to think one way or the other.
- Carl Edwards: Was that true in both homes?

- Jennifer Keilin: Yes, with the exception that it was different times of day so ... Let me just say that again. The exception was that Mr. [2 - Na...] co-tenants were not present when I was there observing Mr. [2 - Na...] and Pepper.
- Carl Edwards: What did Mr. [2 - N...] tell you with regard to his opinion or concerns about Heather's direct performance as a parent?
- Jennifer Keilin: Before I answer that question I just want to be clear and I don't know if you're going to circle back to it but I didn't talk about Mr. [2 - Na...] parenting with Pepper.
- Carl Edwards: I'm sorry. Let's go back and complete that question.
- Jennifer Keilin: Okay, sorry. Back to the question of direct parenting of Pepper that I observed during my home observations?
- Carl Edwards: Correct.
- Jennifer Keilin: Mr. [2 - Na...] was ... shared many similar qualities. He was also very attentive to Pepper. He answered the door with Pepper and was communicating with her. He talked a lot about her different interests and there were different areas of the house that were set up for play like a pillow area in the living room. There were age appropriate books and toys. I also toured the whole house and observed Pepper's sleeping environment and Mr. [2 - Na...] was explanatory throughout describing Pepper's interests as well as various items. Again, noted reciprocal attention between the two and shared enjoyment. Both parents read to Pepper for a little bit during their home visits and had a good knowledge of what her interests were, the book that she had memorized and et cetera. No concerns were noted during Mr. [2 - Nam...] home visit.
- Carl Edwards: In your observations of the parties as parents, what were your conclusions about whether or not each parent was bonded with Pepper?
- Jennifer Keilin: In my observations of both parents with Pepper, Pepper engaged in a lot of seeking out of each parent. She was responsive to them. There appeared to be a warm and positive relationship between Pepper and both parents.
- Carl Edwards: What did Mr. [2 - N...] tell you about Heather's performance of parenting functions?
- Jennifer Keilin: Mr. [2 - N...] reported some specific concerns about Ms. Ralph's parenting. In general I understood that the day-to-day parenting was not a significant concern but that he felt that there were risk issues that were present and he did have concerns about Ms. Ralph's degree of carefulness or supervision and judgement for Pepper.
- Carl Edwards: Was there an allegation from Mr. [2 - Na...] that Heather had failed to feed Pepper properly?

Jennifer Keilin: Yes. Mr. [2-N...] in one interview talked about Ms. Ralph not feeding Pepper breakfast in the morning before she transitioned to his home, which was about a 9:30 transition. He felt that the child should have had breakfast by then.

Carl Edwards: Did you find data to support that allegation?

Jennifer Keilin: I did not. The nanny reported that Pepper was fed or at least feeding was attempted. There is some discussion about a difference in appetite that Pepper has at each home but the nanny did not support that Pepper was not fed.

Carl Edwards: Do you have any concerns about Pepper's well-being in the hands of either parent? Setting aside the judgement issues that are swirling around, just in the terms of the way the parents handle their child. Do you have concerns about either party as a parent?

Jennifer Keilin: I do not.

Carl Edwards: Do you have an opinion as to whether or not these parties can work together well enough to manage an equal claim residential schedule in light of the allegations that have been made?

Jennifer Keilin: I do have an opinion. At the end of the day my opinion is that a shared residential schedule is appropriate for Pepper. There are certainly some contrary indications. There has been an ongoing inability to resolve these agreements such that we're here today. There have been requests by Mr. [2-N...] to restrict Ms. Ralph's residential contact with Pepper or require supervision.

Those are the contrary indications but on the flip side of that the positive indicators are that despite those things these parents are able to continue to communicate for Pepper's welfare. They're able to have face-to-face exchanges of Pepper without any significant conflict or tension. They are able to collaborate in a number of areas regarding Pepper. They respond to Pepper's requests. One of the things that Mr. [2-Na...] commented on was the parties live about three blocks apart and when Ms. Ralph brings Pepper to Mr. [2-Nam...] home that Pepper wants Mr. [2-N...] to walk back with them part of the way. These parties are able to function and make that happen for Pepper's benefit.

The parents have sometimes attended functions together. Mr. [2-Na...] commented on Ms. Ralph sending him updates regarding Pepper and the ongoing sharing of information. It's those factors that weighed more heavily in favor of shared parenting. They were able to contain their conflict such that it did not impact Pepper.

Carl Edwards: Could you turn to page 10 of exhibit 12 Please? I'm looking that the very bottom of the last three words one the next to the last line and going over onto the next page it says, "She was not significantly emotionally reactive or vindictive in that she did not fight fire with fire. She expressed a desire to [inaudible 00:30:33]

Mr. [2-Nam...] fears and hoped to persuade him that his concerns were very disproportionate rather than perceiving him as intentionally distorting information in a coercive effort to gain control of Pepper's care." Does this observation on your part relate to your opinion as to whether or not the parents would be able to work together in the future?

Jennifer Keilin: Yes it does.

Carl Edwards: The term "naive" has sometimes been raised or "trusting" with regard to Heather. Is this observation that I just read from your report also related to what you would consider to be her naivety or trusting nature?

Jennifer Keilin: Yes it very well could be an expression of ... It could certainly be considered naive to think that Mr. [2-N...] is willing to be persuaded rather than rigidly focused on one perspective.

Carl Edwards: In light of the allegations that were made, did you find that Ms. Ralph had responded differently than other litigants that you've evaluated?

Jennifer Keilin: Can you ask me that again?

Carl Edwards: In light of the allegations that were made against Ms. Ralph, did you find that her response in the evaluation was different in tone than what you're used to seeing when you do these types of evaluation?

Cynthia Whitaker: I'll object to the form Your Honor, vague as to what allegations were made.

Judge Berns: I'd ask you to be more specific for The Court's sake as well, Mr. Edwards.

Carl Edwards: There were allegations that she had bad judgement and couldn't provide a home for her child, right?

Jennifer Keilin: Yes.

Carl Edwards: Also allegations that there was drug use and nudity permitted at her house?

Jennifer Keilin: Yes.

Carl Edwards: Plus a number of allegations of that nature that Ms. Ralph denied.

Jennifer Keilin: Correct.

Carl Edwards: Do you have experience with the manner in which people in Ms. Ralph's position typically respond to those types of allegations?

Cynthia Whitaker: Objection, relevance Your Honor.

- Judge Berns: I'm going to overrule the objection. I just ask that you lay a little bit of foundation before you ask that question.
- Carl Edwards: How many evaluations have you done in King County?
- Jennifer Keilin: About 200.
- Carl Edwards: How many of them involved allegations of misconduct or wrong doing by one parent against the other?
- Jennifer Keilin: 200.
- Carl Edwards: Do you often find that the parents reactions to those allegations follow a more or less typical format?
- Jennifer Keilin: Yes.
- Carl Edwards: What is the typical response to those types of allegations?
- Jennifer Keilin: Folks tend to respond rather reactively to allegations made by the other party. It's very common that a parent responds in a very defensive manner and will return fire in terms of making strong allegations.
- Carl Edwards: Would you refer that or use the term that the parents tend to demonize each other?
- Jennifer Keilin: I think that's a reasonable description.
- Carl Edwards: Did you see any evidence that Heather was going to demonize Mr. [2-N...]?
- Jennifer Keilin: No, to the contrary.
- Carl Edwards: If you could turn to page 8 please. At the very bottom the next to the last line says, "Mr. [2-N...] reported the following concerns." Then there's a series of bold headings that continues onto the next page.
- Jennifer Keilin: Yes.
- Carl Edwards: This is your summary of Mr. [2-Nam...] concerns or allegations about Heather, correct?
- Jennifer Keilin: I believe this is drawn directly from Mr. [2-Na...] questionnaire. These were the items that he identified from his questionnaire and declaration. It's less my summary and more his statements.
- Carl Edwards: Was there anything notable about Mr. [2-Na...] presentation of his concerns?

- Jennifer Keilin: I would say a couple of things come to mind. Mr. [2 - Nam...] presentation varied in terms of the level of his concern. For example in our first or second meeting he told me that his requests to have Ms. Ralph's time supervised was an overreaction on his part. Later on towards the end of the evaluation ... In May he was in agreement with the 50/50 parenting plan and then this past August he was back to requesting supervised visitation for Ms. Ralph. There was some ...
- Carl Edwards: I'd like to put some time markers on that.
- Cynthia Whitaker: Objection, interrupting the witness, Your Honor.
- Carl Edwards: I will allow the witness to complete her answer. I thought it might be helpful to provide some time markers for the three incidents that she just mentioned.
- Judge Berns: Okay, let's let her finish and then you can follow up with a question that will ... your next question.
- Jennifer Keilin: "Ms. Ralph" was the end of my sentence. I was finished.
- Carl Edwards: Okay, so I just cut off your last word.
- Jennifer Keilin: Yes. Thank you.
- Carl Edwards: When he said it was an overreaction to request supervision, that was in roughly August September time frame of 2014?
- Jennifer Keilin: Yes.
- Carl Edwards: When he presented you with a proposed plan that was 50/50 with no restrictions, that was in April May of 2015?
- Jennifer Keilin: Yes.
- Carl Edwards: Then it was back in the July August time frame of 2015 when he reverted to asking for supervision?
- Jennifer Keilin: Yes.
- Carl Edwards: Could you turn to page 12 of your report case? The third full paragraph starting at the third line down, talking about Mr. [2 - N...], you say, "He was very critical of Ms. Ralph. He expressed knowledge of various events for which he was not present of Ms. Ralph's behavior which he did not witness and of the goings on and activities in Ms. Ralph's home which he stated he rarely visited for any length of time. He intended to interpret information consistent with his negative views, seemed to reach negative conclusions based on little information and was not open to Ms. Ralph being an adequate parent or having an adequate home environment." Can you elaborate on that passage just a bit?

Jennifer Keilin: This is based on my review of the interviews with Mr. [2-N...] during this time. He tended to see in a very negative light the behavior by Ms. Ralph and assumed that there were risks or dangers with no seeming knowledge ... it wasn't clear to me how he could've known that.

For an example, I don't know if this is the best example but it's what comes to mind, there was concern that Ms. Ralph had hosted a placenta eating party and Mr. [2-N...] was specifically concerned that Ms. Ralph had not adequately cleaned the kitchen area after that. This was not information that Mr. [2-Na...] was present for or it's not clear how he would have known that information. He was very judgmental about the environment which includes Ms. Ralph's housemates and assumed that some behavior by them meant that they were ... reached a negative conclusion.

One example would be one night Ms. Ralph went to the store and left Pepper who was sleeping in the care of some roommates and they were in their hot tub using the baby monitor as a way to supervise and Mr. [2-N...] had a very negative view of that and that there was just no way that that would've been okay in his mind. As a result that roommate was no longer approved to supervise Pepper. Those are just a couple of examples.

Carl Edwards: Did you have an opinion on whether or not that was an appropriate use of a baby monitor?

Cynthia Whitaker: Foundation Your Honor.

Judge Berns: Sustained.

Carl Edwards: You just described a situation where one of the other residents was using a baby monitor while Pepper was asleep.

Jennifer Keilin: Yes.

Carl Edwards: Do you have any experience in your background that would allow you to evaluate whether or not that's an appropriate parenting method?

Jennifer Keilin: I think that it can be. It's not automatically problematic. A baby monitor is designed so that you can attend to the baby while you're not in the room. There's certainly widespread use of that. I'm not going to say that there can't be extenuating circumstances but there's these seemingly automatic judgments and decisions made that do impact Ms. Ralph.

Carl Edwards: In your conversations and in the materials you received from Mr. [2-N...], how much personal knowledge did he have about what happens at Ms. Ralph's residence?

Cynthia Whitaker: I object to the form Your Honor and also foundation.

- Judge Berns: I'll sustain.
- Carl Edwards: You reviewed numerous written submissions from Mr. [2 - Na...] correct?
- Jennifer Keilin: Yes.
- Carl Edwards: You interviewed him three or four times?
- Jennifer Keilin: Five total.
- Carl Edwards: How much if any of the information he relayed to you about activities at Ms. Ralph's house was based on his personal first hand knowledge?
- Cynthia Whitaker: Same objection Your Honor, form and foundation.
- Judge Berns: I am following at this point so I'm going to overrule the objection and allow the witness to answer the question.
- Jennifer Keilin: Mr. [2 - Na...] reported that he had not spent the night at Ms. Ralph's home since 2011 and that he did not spend much time at the home at all so his direct observation of behaviors in the home was very limited.
- Carl Edwards: Did you ever find times where you concluded that Mr. [2 - Na...] had skewed or misrepresented evidence that was presented to you?
- Cynthia Whitaker: Objection Your Honor, foundation and also form.
- Judge Berns: Overruled.
- Jennifer Keilin: It was not my opinion that Mr. [2 - N...] misrepresented information. It did seem that Mr. [2 - Na...] took his perspective or interpretation of ... various pieces of information were stronger, elevated and I didn't reach the same opinion. I can't say whether that was intentional or not. He had a different perspective and interpreted things very strongly.
- Carl Edwards: Let's look at exhibit 14. The first quite a few pages are numbered. If you could turn to page 19 please. As you're turning to that this exhibit is the questionnaire that Mr. [2 - Na...] completed and returned to you for purposes of the evaluation, correct?
- Jennifer Keilin: Correct.
- Carl Edwards: At the bottom of page 19 there's a statement in the second paragraph, "Wendy," talking about Dr. Hutchins-cook, "had a number of concerns and Heather provided her with details that caused Wendy enough concern that she contacted my lawyer at that time." Did you investigate that statement?

- Jennifer Keilin: I did.
- Carl Edwards: Did Dr. Hutchins-cook have concerns sufficient that she contacted his lawyer about them?
- Jennifer Keilin: She said that did not happen.
- Carl Edwards: He said that, "Heather is unwilling to make any lifestyle changes." Do you have enough data in your report to opine on whether or not Heather has made lifestyle changes since the parties first met?
- Jennifer Keilin: Yes I do.
- Carl Edwards: What's your opinion on that?
- Jennifer Keilin: The data from a number of collaterals consistently reports Ms. Ralph seeking to reach agreements with Mr. [2 - Na...], that she was willing to accommodate a number of restrictions in an effort to agree. She also wanted to maintain a certain amount of independence.
- Carl Edwards: The next sentence says, "She also isn't concerned about the abnormal levels of drug usage and odd behaviors she surrounds herself with." Looking just at the drug usage, did you find data that Ms. Ralph surrounds herself with abnormal levels of drug usage?
- Jennifer Keilin: No. The concerns about drug usage were a little unusual in their presentation in that Mr. [2 - N...] stated that he didn't have concerns ... that Ms. Ralph was not using drugs. When asked about residents of her home he reported one tenant as using drugs. However, there was definitely concern about a former tenant ... I think friends or associations that came into the home or that there were also some larger group settings where there was drug usage. It wasn't as simple as whether or not Ms. Ralph was abusing drugs which he reported was not his concern.
- Carl Edwards: Did he provide any data to support the idea that there were abnormal levels of drug usage at Ms. Ralph's home after she moved back there in July 2013, after Pepper was born?
- Jennifer Keilin: He provided at least one email exchange between himself and Ms. Ralph regarding ... I believe this was in the fall of 2013 ... He was expressing his opinion that Ms. Ralph had broken an agreement that they had because there was drug use or smoking pot in front of the child. There was a discussion between the two of them about that. Ms. Ralph clarified that that was not the case. They had different perspectives on what was the case.
- Carl Edwards: Had Mr. [2 - Na...] observed people smoking pot in front of the child at her house?

- Jennifer Keilin: No.
- Carl Edwards: When you said that Ms. Ralph denied that that was the fact, are you referring to she was denying that anyone had smoked pot in front of Pepper?
- Jennifer Keilin: Yes.
- Carl Edwards: We probably won't get through it but I'd like to start talking about the collateral witnesses. What is a collateral witness, if you could just define that term for us?
- Jennifer Keilin: A collateral witness is an individual that has relevant contact with the family. It could be a professional like someone that the parents had a professional relationship with, or the child. It could be a personal collateral, someone that knows the parents with the child.
- Carl Edwards: How do you determine who to contact as collateral witnesses?
- Jennifer Keilin: In this case I contacted all of the respective household members. I contacted all of Ms. Ralph's household members as well as Mr. [2 - Nam...] household members. It was a pretty good set.
- Carl Edwards: How do you gather data from collateral witnesses?
- Jennifer Keilin: I generally use a semi-structured process. I have a list of ... I explain the context to anyone that I'm speaking to, what my role is, level of confidentiality, et cetera. Then I ask questions about their relationship to the parties. In this case the residents of each home were also asked questions about their personal background, mental health history, legal history, substance abuse history, education and employment. They were asked questions about each parent and Pepper and the other parent and Pepper. If they've had any observations of concern or if they have any concerns, if there's any information that they want to share with me. It's a pretty set list with variation for different collaterals. Those are the personal collaterals.
- Carl Edwards: Are you aware of the distinction between open questions and leading questions?
- Jennifer Keilin: Yes.
- Carl Edwards: How does that concept play into how you interview collaterals?
- Jennifer Keilin: How that plays into the way that I interview collaterals is I try to ask questions openly. Do you have any concerns about either parents' home or have you observed any interactions of concern by either parent with Pepper? That way it's not biased toward collecting information in one direction or the other. It gives an opportunity to answer that question. I try and get whatever parent they start ... whatever parent they do tend to share about, I also try and ask

about the other parent so that I can collect relevant information. Some collaterals have less access to the other parent or more access to one parent so the information is weighted.

Carl Edwards: Have you considered using written questionnaires to gather information from collaterals?

Jennifer Keilin: Sure. I have used written questionnaires at times in the past.

Carl Edwards: Was there a particular reason why you didn't use written questionnaires here?

Jennifer Keilin: It's just not part of my process right now. I just use a semi-structured format. I find that when I use written questionnaires it's harder to track the information because I have it now in two different places. I have it on a piece of paper and then I also have my type written notes of that conversation. For my purposes I opted away from that.

Carl Edwards: You said it was semi-structured when you interview a collateral who's not living with one of the parties. Is there a certain set of questions that you typically ask?

Jennifer Keilin: Yes. The difference is that a collateral that doesn't live with a parent, as in Mr. [2 - Na...] collaterals, he had two former residents, I didn't ask them about their personal background, mental health, drug and alcohol history, legal history, employment history. Those types of background questions are not typically asked a collateral. It's more about what's your relationship with the parents. How often do you see them? How well do you know them?

Carl Edwards: How did you conceptualize your approach then to dealing with the people who were listed as collaterals who are also Ms. Ralph's housemates?

Jennifer Keilin: My approach to any collateral identified by a parent is that I anticipate that the collateral is going to speak favorably about that parent to a certain degree. Why would you have them on your list if they're not going to talk well about you? I do have an expectation that there's going to be a certain amount of positive information. When possible I try to draw out specifics so if someone is sharing, "They're a great parent," I'll want to know what they are referencing specifically that is a great parent. I try and listen for the things that would surprise me or are less expected such as when a collateral says something positive about the other parent or isn't polarized by the legal situation between the parents.

Carl Edwards: Did you talk to any collaterals from either party that provided you with information about Ms. Ralph's household that caused you to be concerned about the environment at her household?

Jennifer Keilin: No.

Carl Edwards: Your Honor I think there's about 30 seconds left. This might be a good stopping point for today.

Judge Berns: Okay. We'll do that. We'll recess and be back in session tomorrow morning at 9 o' clock. All right, thank you very much.

Jennifer Keilin: Thank you Your Honor

Carl Edwards: We would like to continue with the testimony of Jennifer Keilin.

Judge Berns: Good Morning.

Jennifer Keilin: Good Morning your Honor.

Judge Berns: Watch you step. Do you swear or affirm the testimony your about to provide to this court will be true and correct.

Jennifer Keilin: I do.

Judge Berns: Thank you. Please be seated. There's fresh water in that craft for you.

Jennifer Keilin: Thank you.

Carl Edwards: Now your Honor I request permission to take the witness [inaudible 00:10:56].

Judge Berns: Certainly [inaudible 00:10:57].

Carl Edwards: Good Morning Ms. Keilin.

Judge Berns: Good Morning Mr. Edwards.

Carl Edwards: When we finished up yesterday we were starting to look at the, at your approach to the collateral witnesses and what you had learned from them. I'd like to start this morning with the discussion of the information you received from the [collateral 00:11:52] witnesses starting with the professional witnesses.

If you could turn to exhibit 12, page 13 please. The first collateral witness you list is Sarah [Hooten 00:12:17] the name.

Jennifer Keilin: Correct.

Carl Edwards: What were the most salient points of the information you gathered from Ms. Hooten?

Jennifer Keilin: Well the relevant information included ... is that how we pronounce her last name? I actually don't know, is it Hooten?

Carl Edwards: Hooten.

Jennifer Keilin: Hooten? Okay, the information that was relevant from Ms. Hooten had to do with her tasks with Pepper, how activities that they engaged in during the day. Her description of Pepper and Pepper's personality and interests as well as her descriptions of contacts with each parent in each of the homes.

So I asked Ms. Hooten about the differences about each home. She described positives in each. I asked her about concerns in each home and observations of each parent. No significant concerns were noted about either home. Ms. Hooten did recall a time where there'd been a pill, a Tylenol pill that was lying on the floor in Ms. Ralph's home. It was a concern that a child could access that and then also there are not always baby gates set up on each of the stairs.

Cynthia Whitaker: I'm sorry your Honor, I'm having trouble hearing the witness.

Judge Berns: Okay, can you speak up? We have fan that's blowing through and I know that impacts the acoustics just a little bit.

Jennifer Keilin: Okay.

Judge Berns: Thank you.

Jennifer Keilin: Can you tell me where you left me? So that I don't have to start all the way at the beginning.

Cynthia Whitaker: The Tylenol pill on the floor that a child could access.

Jennifer Keilin: Okay, thank you. And that baby gates consistently set up at the entry of every stairway. Although she said she wasn't terribly concerned about that. When asked if she had observed any problematic behavior by any parent or resident regarding Pepper, she said no.

Carl Edwards: In your report, I'm sorry where you done with your summary of the [inaudible 00:14:43] points? I don't want to cut you off.

Jennifer Keilin: I am.

Carl Edwards: In your report, you mentioned that Ms. Hooten expressed some concerns about the environment and referred to the Tylenol pills. In your interview notes with her, didn't you report that Heather asked her not to tell 2 - Na... about the pills?

Jennifer Keilin: Yes she did.

Carl Edwards: Do you view that as evidence of coaching?

Jennifer Keilin: I view that as, to some degree I would say that it is. I thought that what was notable in addition to that way that Ms. Hooten was able to express herself regardless.

Carl Edwards: Did Ms. Hooten report any other type of coaching by Ms. Ralph as to what she should tell you?

Jennifer Keilin: No.

- Carl Edwards: One thing that's not clear in your report but in your interview notes it, she reported that she observed no behavior by any occupants of And or Aloha related to Pepper that concerned her?
- Jennifer Keilin: Right.
- Cynthia Whitaker: I object to the form your Honor and Councils referring to a document that's not in evidence and I think it should be put in evidence.
- Judge Berns: I'll sustain the objection.
- Carl Edwards: Could you please turn to exhibit 139 it one of the borrowed notebooks from you.
- Jennifer Keilin: 139? Oh, sorry.
- Carl Edwards: I'm sorry, 138 actually.
- Jennifer Keilin: 138?
- Carl Edwards: Right. No, 139 I'm sorry.
- Jennifer Keilin: 139 my [inaudible 00:16:44] notes.
- Carl Edwards: If you could turn to the second page of that. First of all do you recognize this as your interview notes?
- Jennifer Keilin: Yes these are my notes that I took during my contact with Ms. Hooten.
- Carl Edwards: You brought your notes today but in digital form right?
- Jennifer Keilin: Yes I did.
- Carl Edwards: Your Honor I would just like to use this for illustrative purposes because we have no other way of getting her file here but I don't believe it has to be entered for these purposes as much as to show what she was relying on. If opposing Council believes it should be admitted I don't have a strong objection to it.
- Cynthia Whitaker: Yes I do believe it should be admitted.
- Judge Berns: Okay so your requesting that it be admitted and your asking that it be admitted for illustrative purposes only?
- Carl Edwards: Right.
- Judge Berns: Any objection to the illustrative purposes only?

Cynthia Whitaker: Well I must confess, I'm not quite sure what he means by that. These are notes made by Ms. Keilin that, as she testified represent her ... the notes she took during the contact with Ms. Hooten so ... I must confess I don't know what illustrative means in this circumstance.

Judge Berns: So Mr. Edwards are you asking that the Court admit them for illustrative purposes to show that she takes notes or are you asking to admit them for their contents?

Carl Edwards: It's a unique situation that I'm trying to deal with because I'm use to the evaluator bring their file in writing and I can ask them to pull out things and look at them. If it seems more appropriate here and it may be correct to just admit it as an exhibit. It's her notes, the Court is fully aware of that, there's hearsay issues but she's here to testify that this is her notes. Everything coming through there, there's a concern about hearsay but I think the Courts aware of that.

Judge Berns: Right and are you, and again without sort of knowing what comes next appropriately so, are you using the notes so she can in someway refresh her recollection or is it going to contents in the notes that aren't otherwise not in her report.

Carl Edwards: Correct to the latter.

Judge Berns: Okay the latter.

Carl Edwards: So maybe it should just be admit. I'll move to admit. I'm just trying to cut to the chase.

Cynthia Whitaker: Yeah, no objection.

Judge Berns: Okay all right so, this is exhibit 139 and Ms. Keilin these are your notes correct?

Jennifer Keilin: Correct.

Judge Berns: All right and there's going request to admit. There's no objection, the Court will admit exhibit 139.

Carl Edwards: So this report said, have observed no behavior and the top, is that BX stand for behavior?

Jennifer Keilin: Yes it does.

Carl Edwards: So your notes indicate, have observed no behavior by any occupants of and or Aloha related to Pepper that concerns me.

Cynthia Whitaker: I'm sorry, I've lost to where Councils referring to.

- Carl Edwards: Top of page two, the top line. What is the Aloha referred to?
- Jennifer Keilin: Aloha is what Mr. 2 - Na... home is called. Aloha House.
- Carl Edwards: Then the part down below, [inaudible 00:19:55] sentences as paragraphs where necessary. One, two, three, four, five, six it said Heather has kind of coached me on what I am to tell you. With pills the first one they found she asked me not to mention anything to you. I want to see Pepper happy but anyway, that's the note of coaching. Did she tell you anything more about that other than Heather had ask you not to mention the pill that was found?
- Jennifer Keilin: She didn't tell me anything more about that. She made the statement that Heather had kind of coached her and I said, "Tell me more about that" and what she brought up was the specific element of the pills.
- Carl Edwards: So it would be correct to conclude, looking at your notes and your summary that Ms. Hooten did not report evidence of on going drug use at the And residence.
- Jennifer Keilin: She did not.
- Carl Edwards: The next significant collateral is Doctor Wendy Hutchens-Cook. What were the most important points you gained with your contact with Doctor Hutchens-Cook?
- Jennifer Keilin: The relevant information from Doctor Hutchens-Cook related to the issues that the parents were discussing and working to resolve, so the areas of disagreement and as well as her observations of the party's, of the party's themselves and her interpretation of how concerning were the issues that the party's were discussing to her.
- Carl Edwards: Did you ask Doctor Hutchens-Cook to review your summary of her that you provided in your report?
- Jennifer Keilin: Yes, after I asked ... I provided Doctor Hutchens-Cook with the summary that I had written in my initial report that I issued and asked her if she would review it and correct anything that she thought warranted correction.
- Carl Edwards: Did you receive feedback from her?
- Jennifer Keilin: I did.
- Carl Edwards: Before or after you issued your report?
- Jennifer Keilin: I believe it was after.
- Carl Edwards: Why didn't you wait to get her feedback before you issued your report?

Jennifer Keilin: My recollection is that it was after my report was issued, that Mr. [2-N...] contacted Doctor Hutchens-Cook with concerns about the way that I had portrayed the information that I gathered from Doctor Hutchens-Cook. I believe that Doctor Hutchens-Cook contacted me about that Mr. [2-N...] had brought up this concern to her. Consequently I provided her with a summary and ask her for feedback, if she thought there was something that I needed to correct, that I would.

Carl Edwards: Could you look at exhibit 134 please? Do you recognize this document?

Jennifer Keilin: Yes, this is Doctor Hutchens-Cook response to my sending her my summary.

Carl Edwards: Your Honor I move to submit exhibit 134.

Cynthia Whitaker: No objection.

Judge Berns: Exhibit 134 is admitted.

Carl Edwards: I found it difficult to read what she said. Could read for the Court the [interlengations 00:24:14] that Doctor Cook has made?

Jennifer Keilin: Yes. Doctor Cook didn't cross out anything in the summary but she added to it. I'm just going to read anything that had changes so starting from the middle of the third line under Doctor Hutchens-Cook. So she reported the main issue and she [inaudible 00:24:50] issues effecting the party's co-parenting was Mr. [2-N...] more conservative used for it's child rearing and as a result, his concerns and mistrust of Ms. Ralph's ability to care safely and properly for Pepper. Mr. Ralph's ... some of this is off the page.

Carl Edwards: Do you have a cleaner copy in your digital files?

Jennifer Keilin: I do.

Carl Edwards: Can you refer to your file then, to read the cleaner copy?

Jennifer Keilin: I'd be happy to. Mistrust of Ms. Ralph's ability to care safely and properly for Pepper and Mr. Ralph's less conservative approach to parenting ... Ms. Ralph's conservative approach to parenting. Ms. Ralph did not believe she could parent in a way that was satisfactory to Mr. [2-N...]. Not that she was incapable but that Mr. [2-N...] could not be satisfied. There was agreement about the reasonableness of concerns about past events in which Pepper was present and she should not have been, while in her mothers care. That was all that Doctor Hutchens-Cook added in that section.

Her other addition, should I just skip to her addition?

Carl Edwards: Yes.

- Jennifer Keilin: So my statement is regarding Doctor Hutchens-Cook, also reported no significant concerns regarding either parents report during sessions. She added, that is there was agreement that the parents would try to find solutions to the concerns being presented but ultimately there were no significant areas of solution or order. Not sure what that is, significant something of solution.
- Carl Edwards: It was your understanding that she made these corrections after having had further contact with Mr. 2 - Na... right?
- Jennifer Keilin: Correct.
- Carl Edwards: Do you believe that her - do her corrections in the additional information that was provided here in anyway change your analysis or recommendations in this case?
- Jennifer Keilin: No.
- Carl Edwards: Do you believe that her corrections are inconsistent with your initial summary of what she said?
- Jennifer Keilin: No, I thought that she brought more detail to the summary but not a substantive change.
- Carl Edwards: Do you recall her using the term 'overbearing'?
- Jennifer Keilin: Yes.
- Carl Edwards: How do you take your notes during these interviews?
- Jennifer Keilin: Simultaneously, I wear a headset when I speak to collaterals and I type when I talk.'
- Carl Edwards: Is that why there's a lot of typos?
- Jennifer Keilin: Yes.
- Carl Edwards: Your initial report indicated that neither party reported anything of concern. She didn't cross that out did she? What do you interpret it to mean that is, 'there was agreement the parents would try to find solutions to the concerns being presented but ultimately there were no significant areas of resolution'? How does that modify she also reported no significant concerns regarding any parents reports during the sessions? Or is that a separate statement?
- Cynthia Whitaker: I think that calls for speculation by the witness, your Honor.
- Judge Berns: I would sustain that objection.

- Carl Edwards: All right but it is clear that she didn't cross out ... she also reported no significant concerns regarding either parents reports during these sessions.
- Cynthia Whitaker: I'll object to the form, your Honor. Has been answers and also the exhibit speaks for itself.
- Judge Berns: Sustained.
- Carl Edwards: The next witness. The next collateral witness, professional collateral witness was Kenneth Feldman. This is a very brief summary. What if anything of significance did you gain from Doctor Feldman's input? We're back on exhibit 12, page 14 now.
- Jennifer Keilin: My effort to acquired information from Doctor Feldman. I wanted to know regarding the appropriateness of Peppers health care, if there were any medical concerns. He reported no concerns regarding Peppers health history or from his interaction with either party. He had seen both parents at appointments and when he saw them, they seemed to be a team.
- Carl Edwards: The last professional input was Sharron Royal, former Couples Counselor. What was the significance of the input you gained from her?
- Jennifer Keilin: Sure! Talking to a Counselor that has seen both party's is very helpful information to me, or can be. Even though Pepper was not present or born or conceived at this time, it was an opportunity for me to get a better understanding of the party's styles of interactions and work with the issues that had presented themselves back in, earlier in their relationship.
- Of relevance that Ms. Royal reported had to do with the interpersonal dynamic between the party's that Ms. Ralph seemed more open and conciliatory and willing to be flexible and to make for the benefit their relationship. Whereas Mr. [2-N...] seemed more focused on Ms. Ralph being the problem or being the source of problems in their relationship and not looking, not interested in any change himself. She described a dominate dynamic between the party's where Mr. [2-N...] was more dominant and Ms. Ralph working to appease.
- Carl Edwards: What weight do you give that in your evaluation?
- Jennifer Keilin: The weight that I give it goes to understanding each party's personality characteristics and their inter-relationship traits. It talks about it's a data point regarding ability to resolve conflict and it's also a data point regarding their personalities styles which is something that can be compared with other data.
- Carl Edwards: Was this data about their personalities styles consistent with other data you've developed in your investigation?
- Jennifer Keilin: Yes it was.

- Carl Edwards: Let's move on to the personal collateral contacts. As we go through here that you talk to many more collaterals for ... well a few more collaterals for Heather than for Mr. [2 - N...]. What was the reason for that?
- Jennifer Keilin: Sure, there was a tension between balance of collaterals vs. the benefit or need to talk to the residence of each home. In that regard, people were selected because they were residence of each home and there were more residence at Ms. Ralph's home.
- Carl Edwards: The first collateral that you list on page 15 is Molly Nixon, House maid of Heather Ralph. What were the most salient points that you gained from your information from Ms. Nixon?
- Jennifer Keilin: I gathered information from Ms. Nixon about her personal background and history of legal or mental health issues. She described the home in positive terms and talked about some of the problems that had been present in the home when Barry lived there and was having some issues with drugs. She described personal or her observations of Ms. Ralph with Pepper as well as with asked about Ms. Ralph's use of substances and the attitude of the home, you know, what is the home about? It's a home for families and children.
- She also, she was asked about Mr. [2 - Na...] and described him. She had seen less about his parenting or she spoke less about that and just more about her observations of him as controlling and opinionated regarding Ms. Ralph.
- Carl Edwards: Did Ms. Nixon acknowledge that there had been party's at an earlier point in time at the house that didn't involve drug use?
- Jennifer Keilin: Yes, well.
- Cynthia Whitaker: I'm sorry your Honor, could I have the question repeated?
- Carl Edwards: Let me repeat it more in line with the language used in the report. She reported that Mr. [2 - Na...] had attended wild parties with the residence of the house according to the report. Was it your understanding that those parties took place at the And residence?
- Jennifer Keilin: That wasn't clear.
- Carl Edwards: Okay, it was possible though?
- Jennifer Keilin: Yes.
- Carl Edwards: Did you get any information from her that lead you to be concerned that there were still wild parties going on at the And residence?
- Jennifer Keilin: No.

- Carl Edwards: The next collateral that you spoke with was Amber Straub. Hopefully I'm pronouncing that correctly. This is a former House Maid of Mr. [2 - Na...]?
- Jennifer Keilin: Correct. Ms. Straub was living in Mr. [2 - Na...] home during most of the period of the initial evaluation and had moved out towards the end so I opted to contact her.
- Carl Edwards: What did you learn from Ms. Straub?
- Jennifer Keilin: Ms. Straub had lived in Mr. [2 - Na...] home for a limited period of time, about a year but she moved in with her long term partner who had been a long term resident of Mr. [2 - Na...] home. [2 - Na...] I believe, no his name's Mark. She was primarily asked about her observations of the parents and she said she knew Ms. Ralph more in passing. She described positive things about Ms. Ralph's parenting of Pepper as well as Mr. [2 - Na...] parenting. Her terms were pretty general.
- She, when asked about substance or alcohol use at either home she reported that there was no substance use at Ms. Ralph's home. All though some consumption of alcohol. She didn't report drug use at Mr. [2 - Na...] home and said Mr. [2 - Na...] and his wife did not drink at all. She didn't report any significant concerns about Ms. Ralph's home and she had a daughter and stated that she felt comfortable letting her teen-aged daughter spend time at Ms. Ralph's home in the past.
- Carl Edwards: The next collateral is Christine Aker. Mr. [2 - Na...] wife who's here today.
- Jennifer Keilin: Correct. Yes.
- Carl Edwards: What were the more important points that you garnered from your contacts with Mrs. Aker?
- Jennifer Keilin: Sure, Mrs. Aker was interviewed a little bit more in debt about her personal background, as she is a permanent resident and a parent in the home. In Mr. [2 - Na...] home. She talked about her role as a co-parent to Mr. [2 - Na...] all though Mr. [2 - Na...] definitely in charge of Pepper primarily. She described Mr. [2 - Na...] and his parenting and relationship with Pepper and also her relationship with ... Mrs. Aker's own relationship with Ms. Ralph and her observations of Ms. Ralph's parenting of Pepper. Describing positive interactions.
- Carl Edwards: If we could look on the, your summary of her contacts continues on page 17. There's a paragraph second from the bottom paragraph. It says, "Christine and Mr. [2 - Na...] are under the impression that the policy at Ms. Ralph's household is that adult activity is permitted when the children are asleep. Such as loud noises, spanking and sex parties. Did she provide evidence that those were happening? Had she observed them?

- Jennifer Keilin: No. Mrs. Aker described that as her concern. That this was something that she thought was approved of or allowed at Ms. Ralph's home but that she was not, she did have any, she did not know this information factually.
- Carl Edwards: Did you have data on whether or not that type of activity was happening at the And house? From other sources?
- Jennifer Keilin: There were no reports of this type of behavior happening at the other house.
- Carl Edwards: And you talking about in recent years?
- Jennifer Keilin: Correct. Since Pepper's birth.
- Carl Edwards: The final paragraph Mrs. Aker reported significant concerns about Ellery because he held a marijuana card and it said that she speculated that he may procure and provide marijuana to other house mates. Did you see any evidence or data to support the idea that Ellery was buying marijuana at the dispensary and providing it to other residence?
- Jennifer Keilin: No.
- Carl Edwards: She said Ellery will smoke marijuana on the back porch and then join others in the common area, even when children were present. Did she report that she'd seen that happen?
- Jennifer Keilin: No.
- Carl Edwards: How did she know that, that was happening?
- Jennifer Keilin: She reported her understanding.
- Carl Edwards: Well, we'll talk about what you have from Ellery later. The next collateral is Mark Atwood, former House Maid of Mr. [2-N...]. What were the salient points that you received from him?
- Jennifer Keilin: Mr. Atwood is a long term friend of Mr. [2-N...] and has resided with him for a significant period. He just recently moved out of the home with Amber and Amber's daughter Sakura. He described a limited interaction with Ms. Ralph. He hadn't seen anything concerning or that concerned him between Ms. Ralph and Pepper. That he thought their interactions seemed good when he did see them. He described Mr. [2-N...] as a doting parent that took time from him work day to spend time with Pepper. He reported ...
- Carl Edwards: Did he have any ...
- Jennifer Keilin: Oh, sorry. Final statement is that he was not aware of any concerns about either party's parenting.

- Carl Edwards: Did he have any information that he could provide about the environment and the And residence?
- Jennifer Keilin: He did not.
- Carl Edwards: The next collateral on page 18 is Megan Durack, [Doctor 00:42:54] Durack.
- Jennifer Keilin: Correct.
- Carl Edwards: What would be the salient points that you got from your contacts with her?
- Jennifer Keilin: Megan Durack is a long term resident in Ms. Ralph's home since 2009. She has a child, Petra who's one half years older or so than Pepper. In terms of her background, she's ... I asked her about her background. She reported no history of substance use or legal history. Was currently earning MD PhD.
- Cynthia Whitaker: I'm sorry your Honor, I'm having trouble hearing the witness again.
- Jennifer Keilin: Sure, Ms. Durack reported no history of legal problems or substance use. She was currently completing her MD PhD at the time. She reported the atmosphere of the home is positive. Talked about her own child's care situation. She described Ms. Ralph and Ms. Pepper's relationship and her observations of their interactions together. When asked, she reported that she had no concerns regarding substance use or Ms. Ralph's parenting of Pepper. Ms. Durack reported limited interactions with Mr. 2-N... and said that most of her observation were indirect in that they were based on her seeing Ms. Ralph respond to Mr. 2-N...
- She said she had seen Mr. 2-N... playing with Pepper a few times and described their interactions as appropriate and loving. Her concern about Mr. 2-N... was the way that he was using, in her opinion, using information against Ms. Ralph to try and portray her in a negative light in the custody issue.
- Carl Edwards: The next collateral is Alissa Mortenson-Tyka, also a House Maid of Ms. Ralph's. What were the salient points of the information you gathered from her?
- Jennifer Keilin: Ms. Mortenson-Tyka is also a co-tenant at Ms. Ralph's home and has resided there as well since 2009. She reported no history of legal issues, substance use issues or mental health issues. She described the atmosphere of the home and characterized it as maturing of the years to being now very family oriented, with a group of supportive residence. She said that in the past that there had be some recreational drug use, but it's now, it's no longer permitted and there's no excessive alcohol use in the home or around the children. She stated that one of residence did use marijuana but had a prescription.
- Ms. Mortenson-Tyka described Ms. Ralph's parenting of Pepper and described them as bonded and attached. She reported no concerns regarding Ms. Ralph's

judgement regarding Pepper. She acknowledged when asked about Mr. [2 - Na...] she acknowledged some what negative bias towards him describing him as controlling and paranoid. She also reported that Mr. [2 - N...] had a tendency to say negative things to Ms. Ralph when he was angry with her. She did not report any observations of parenting by Mr. [2 - N...] with the exception that, in general terms, she said Mr. [2 - N...] generally seem perfectly competent and loving. Her limited interactions, she was not denoting concerns.

She talked a little bit about a festival that was in dispute between the parents called 'Goodness' and that she thought Mr. [2 - Nam...] concerns were exaggerated and that similarly regarding another house, that the party's have differences of opinions about called 'Heden'. That it has a reputation as a party house based on activities from years ago but that it doesn't have that same atmosphere anymore. She would feel comfortable and safe with her child there.

Carl Edwards: Up above where you talk about in the past. I'm talking the very first line of page 19, says what information did she tell you as to when drug use became prohibited in the house? Recreational drug use.

Jennifer Keilin: She stated that this rule came about when the first house-mate became pregnant, which would have been Megan.

Carl Edwards: And Megan's child is a year and a half older than Pepper?

Jennifer Keilin: At least yes.

Carl Edwards: Okay. The next contact is Joe Pemberton.

Jennifer Keilin: Yes, Joe Pemberton is also a co-tenant, at the time was a co-tenant of Ms. Ralph's home. He was, he and his wife were residing there for a period of time all though they were expecting a child and were planning to move in the near future. He reported no history of alcohol or substance use issues or legal troubles or mental health problems. He stated that he had considered both parents friends of his. The parents had both visited, together had visited he and his wife internationally on two occasions.

He described Ms. Ralph's parenting and spoke very positively about her interactions with Pepper. He reported no observations of concern regarding Ms. Ralph with Pepper, nor had he seen, said he had not seen Ms. Ralph consume drugs or consume alcohol to access. He said that all the residence of the home act in way that are compatible with children. He reported having limited observations of Mr. [2 - Na...] with Pepper. He expressed concern about Mr. [2 - N...], what he described as willingness to play dirty.

Carl Edwards: I'm sorry I didn't understand that last word you just said.

- Jennifer Keilin: Willingness to play dirty. Let me say that differently or more fully. He voiced reservations about saying anything negative about Mr. [2-N... because he expressed concerns that it would come back on him. He described Mr. [2-Nam...] showing a willingness to play dirty.
- Carl Edwards: The next contact is Ellery Bains, another house-mate of Ms. Ralph's.
- Jennifer Keilin: Yes. Mr. Bains reported residing in the home for a few years. Three and a half years, he stated. He was interviewed again regarding his background. He reported no legal history, no substance abuse issues. He reported some mental health symptoms including, what he described as depression, anxiety, weight loss and sleep and that he was prescribed medical marijuana to help with those difficulties. The, he said he had not, in purchasing at the dispensary recently because he was concerned about how that could impact Ms. Ralph's custody situation.
- He described the home as a, there had been change's in the home or the past few years and that there's a child focused mind-set. He described Ms. Ralph as a great mom and a loving parent. He reported no concerns about Ms. Ralph's judgement of parenting. He, when asked about Mr. [2-Na...] he said that he had seen Mr. [2-N... and Pepper less often together. He had seen her more with Mrs. [2-N... , Christine [2-N... He noted that Pepper had a tendency to cry when Mr. [2-Na...] picked her up but he, from the home I believe but he also opined that, that could go both ways. That Pepper could cry at transitions with either parent. He expressed concern about Mr. [2-Na...] what he described as controlling behaviors.
- He also observed, his observation was that Pepper's behavior had changed some what since the parenting schedule had changed to less time with Pepper and Ms. Ralph. That she was a little bit more subdued, more introverted in her interactions.
- Carl Edwards: You mentioned that he said he hadn't purchased anything at a dispensary since the current custody matter began, to avoid putting Ms. Ralph in a difficult position. Did you get the impression or was it expressly stated that he was asked not to buy marijuana while this custody evaluation was going on?
- Jennifer Keilin: No.
- Carl Edwards: Did you get a sense or were you overly concerned, not overly concerned about him having been coached in his report to you.
- Jennifer Keilin: Hmm. I don't have concerns about folks being coached.
- Carl Edwards: In general?
- Jennifer Keilin: In general. As I stated yesterday, I think that in general one expects collaterals to make positive statements about the person of whom they are residing with

or that's referred them to be a collateral. I don't know that, that requires coaching to ... I don't know that, yeah, it doesn't. I don't tend to think of coaching as the issue but more people possibly shading their reports for either home or parent.

Carl Edwards: Are you open to the possibility that witnesses might have been coached in an inappropriate manner?

Jennifer Keilin: Yeah, I'm open to the possibility that people could have been told very explicitly what to say or what not to say. I, yes I think that in any parent evaluation that's a practical consideration.

Carl Edwards: And one example was Ms. Hooten's report that Ms. Ralph had actually asked her not to tell you about the Tylenol's?

Jennifer Keilin: Yes.

Carl Edwards: Did you see any other data here that indicated that there had been coaching by Ms. Ralph in term's of what to tell you?

Jennifer Keilin: The ...

Carl Edwards: And I don't mean just with Ms. Hooten, I mean with any of them.

Jennifer Keilin: Yeah, so in reviewing the e-mail messages between the party's on a Google site that I was able to access. There were communications from Ms. Ralph to other house-mates about the information that she was sharing or what she was telling me. There were no statements like, only say this or don't say that. It's difficult to know if that was ... I mean it could be interpreted as coaching folks on what to say but it can also be interpreted as giving folks permission on here's what I'm talking about, you can feel free to talk, you know, go a head. It's difficult to say.

What I think is most notable about the collaterals is that collaterals in Mr. [2 - Nam...]
home did not speak in any significantly negative way about Ms. Ralph. Similarly
collaterals in Ms. Ralph's home, did not speak in any significantly negative way
about Mr. [2 - Na...] They were maybe generalized in their positive statements or
[inaudible 00:57:01] praise sometimes but in many more cases in my
experience, collaterals very polarized. They are less likely to say positives about
the other parent. They're much more likely to highlight, strongly highlight
negative concerns. Sorry, that doesn't answer ... that answered more than your
question. Apologize.

Carl Edwards: The e-mail chain that you found in the Google groups at the, that you just
described where Heather was talking about what she had been discussing, is
that something that Heather specifically asked you to review?

Jennifer Keilin: No, that was not information that either party provided to me.

- Carl Edwards: How did you find that information?
- Jennifer Keilin: So both parties had provided to me and number of e-mail that came from various sources. There were other group e-mail that were part of headings on some of the e-mails that were provided and I just did a little searching on the internet to try and see. I was just trying to get more information on people that lived in the homes and it might have been related to Ellery Baines, I'm not sure but I stumbled upon Plus House, which was a Google groups set up for the members of the And house. So I was able to candidly review, two years, I believe it was two years of messages between the residence of And.
- Carl Edwards: Let's move on to the next collateral, who's Mike Tyka on page 21 of your report.
- Jennifer Keilin: Sure, Mr. Tyka is married to Alissa and they have a son Zephyr, who is within days of Pepper's age. He was interviewed regarding his educational background as well as legal history. He reported moderate substance use in his 20's and reported no significant current alcohol abuse and no mental health history. He was also a long time resident of the home, five plus years and described the changes in the home as that, as folks in the home started having children and moved away from their carefree days to family focused. He stated the house rules prohibit the use of drugs and drink to access or what he characterized as inappropriate alteration.
- He described Ms. Ralph as a wonderful parent and described her parenting with Pepper, that she struck a balance between freedom, Pepper's freedom and but also being attentive to her. The home was child-proofed. He reported no concerns about her parenting or judgement regarding Pepper. He also stated that he did not have much observation of Mr. [2 - Na...] and Pepper's interactions. He thought, he described his own opinion of Mr. [2 - Na...] is paranoid and controlling and saw that Ms. Ralph was trying to be reasonable, conciliatory but that Mr. [2 - Na...] was not.
- He was asked about a concern that Mr. [2 - Na...] had about short term guests at Ms. Ralph's home and he said that he disputed Mr. [2 - Name ...] concern. Said that most of the house guests are family and that the rules require guest, their request be made to the household for guests that are staying longer than a few days. He also spoke about an individual of concern to Mr. [2 - Na...]. A Jen Wagner is Zephyr's nanny. He stated that he didn't have concerns about her ability to care for children or her substance use history. He had a different perspective of whether or not Ms. Wagner overdosed and the house-mates took her to the hospital and they were concerned. That was the significant elements.
- Carl Edwards: The next collateral is Ola Pemberton. What were the salient points of your contact with her?
- Jennifer Keilin: Correct, again Ola is married to Joe. They were, had been residence in the home for a few months and were moving out soon as she was pregnant. She reported

no history of substance use, no legal history and no mental health issues. He described the home, established for the home is family oriented. That substance use was prohibited, folks did not drink wine or alcohol to access.

She described Ms. Ralph's parenting of Pepper and Pepper's interactions with Ms. Ralph as being very happy and content. She reported no concerns regarding Ms. Ralph's judgement of parenting. She reported no significant observations of Mr. 2 - Na... or Pepper. She was concerned about what she described as his controlling personality. She also noted a change in Pepper's behavior since Ms. Ralph's time with Pepper had been reduced. Describing her as more clingy and wanting to breast-feed more.

Carl Edwards: And the last collateral is, I'm concluding from the way you stopped that you were done there.

Jennifer Keilin: Correct.

Carl Edwards: And the last collateral is Leo Dirac.

Jennifer Keilin: Yes.

Carl Edwards: Another house-mate of Ms. Ralph's.

Jennifer Keilin: Correct, so Leo has lived in the home with Ms. 2 - Na... since 2009. He was interviewed regarding his personal background. Reported no legal issues or significant mental health issues. He reported a wilder youth during Colleges in his 20's stating that he probably drank too much at the time but never got in trouble. He stated he drinks no more than two glasses of wine in an evening presently and smoke marijuana about once a month.

Leo described the atmosphere in the home as positive. That it was a natural progression in the home from when they were child free to having children and the rules in the home adapted accordingly. He described Ms. Ralph as a great mother and gave specific examples. He reported no concerns regarding Ms. Ralph's judgement or parenting. He stated he could not recall the last time Ms. Ralph drank alcohol. Has not observed her using other substances. He also reported very little interaction with Mr. 2 - Na.. and Pepper and voiced concerns though about Mr. 2 - Name... controlling personality.

Carl Edwards: And that was all of your collateral contact in this case correct?

Jennifer Keilin: Correct.

Carl Edwards: Were there any collateral contacts that you were asked to make that you did not make or were unable to make?

- Jennifer Keilin: In this initial report there was a personal collateral that Ms. Ralph or personal therapist that Ms. Ralph had seen and I attempted to reach her but did not hear back from her. I don't recall other collaterals.
- Carl Edwards: Are you concerned about the lack of response from the personal counselor for Heather?
- Jennifer Keilin: No.
- Carl Edwards: Why not?
- Jennifer Keilin: Individual therapists in general have a strong antipathy towards sharing information about their client. It's a struggle because it's a violation or it's an ethical bind in many situations. They feel about taking private therapeutic sessions and making them public and particularly in a legal environment.
- Carl Edwards: So as Mr. [2 - Na...] has providing information to you, what points of access does he have to information about what happens in Ms. Ralph's household?
- Jennifer Keilin: Well Mr. [2 - N...] seemed to have a number of access points. Again the party's live very close together so the home is nearby. He also had, the exchanges have the opportunity for parent to parent exchanges. He had the nanny who was, had access to Ms. [2 - Name...]. home, I'm sorry Ms. Ralph's home as well as his wife Christine has access to Ms. Ralph's home. Mr. [2 - N...] has been invited to Ms. Ralph's home as well but he has refused those invitations. He was able to view a house calendar for a significant period of time for Ms. Ralph's home so that he had the opportunity to see who was present in the home. He also reported Ms. Ralph giving him frequent updates and there was information exchanged as well as periodically there were events that Ms. Ralph and Mr. [2 - Na...] were at together.
- Carl Edwards: Would you turn to page 6 of your report please? Down on item 33D, you said pope mode is a thing although no clear reference as to what is to be removed from who. Do you have an understanding of what pope mode is?
- Jennifer Keilin: Yeah so pope-mode was a short hand communication in Ms. Ralph's home that the residents used and it was a way to communicate the attitudes of or relationship with people that were coming into the house. So there were some guest who were more conservative parents, etc. and there were some guests who were less conservative and so pope-mode was a term to describe cleaning up the house and making the atmosphere suitable for the Pope.
- Carl Edwards: Did you see data as to whether or not this was a term created for purposes of your evaluation?
- Jennifer Keilin: No there was data that supported this term existed in the home well before my appointment.

Carl Edwards: To what extent are you concerned that this household just went into Pope mode for your home visit and collateral [contacts 01:10:22] and deceived you about the atmosphere in the house?

Jennifer Keilin: You know, it's a tricky question in every evaluation, there's impression management by the party's that are participating. Every house goes into Pope mode for the evaluator in one way or another. I think that, you know the question is to what degree does a house go into Pope mode to the point that there's a difference between presenting yourself in your best light, I vacuumed, I cleaned the dished out of the sink vs. erratically make over and an attempt to shield the truth.

I can't entirely rule out that the latter isn't the case, that there was a giant effort or concerted effort made to shield truth from me for the purposes of my home visit but I would say that there's some information that doesn't weigh in favor of that. That would be the consistent access that the nanny and particularly Ms. Aker have. There's, you know these are folks who are in the home on a near daily basis and so even if a parent goes into this Pope mode for my benefit, there's a reasonable expectation that you can't maintain that 24/7, when you have, and then I would have expected there to be other data that supported that, that was a sham.

Carl Edwards: How long, lapsed between your first report and your second report?

Jennifer Keilin: Roughly one year.

Carl Edwards: Do you believe that, that length of time and the ability to provide additional information shed's any light or gives you any data as to whether or not you need to be concerned, significantly concerned about the Pope mode issue?

Jennifer Keilin: Mm-hmm (affirmative)-Well ...

Cynthia Whitaker: Excuse me your Honor, I'm going to object. There's no foundation for this as Ms. Keilin did not return to the home, had no home visits or observations, parent child, no interviews with others except for party's. So there's no foundation for her to testify about this.

Judge Berns: Mr. Edwards?

Carl Edwards: That's grounds for cross-examination that I think is fair to ask her where Mr. [REDACTED] had the ability to observe, gather information and provide additional information to the evaluator, one year later when he was asked to do so and could have provided any information that was available to him. That's the basis for asking, 'does the length of your evaluation and the [live 01:13:16] between the times when the party's had ability to provide information, had any effect on the weight she puts on the Pope mode issue.'

- Judge Berns: So with that explanation I'll allow the question.
- Jennifer Keilin: Can you ask the question again?
- Carl Edwards: Does the length of your evaluation and the fact that the party's had a second opportunity to present information have bearing on the significance that you apply to the Pope mode concerns?
- Jennifer Keilin: Yes, I considered it a positive statement when both party's expressed no new significant concerns. Mr. [2-N...] he didn't indicate having had any further access to the home or spending any more time in Ms. Ralph's home than he did previously but he also didn't report any statements from, that he could have gained or information he could have gained from the nanny or from Mrs. Christine Aker regarding any change in the home or any new concerns.

In fact he reported that Pepper was doing well, he had a very strong understanding of her developmental progress and described her as thriving and that he still has some parent to parent interactions with Ms. Ralph. He did not report anything that would be considered new information that Pope mode or that my observation initially was a sham.
- Carl Edwards: As between Ms. Ralph and Mr. [2-N...] did you reach any opinions as to which of them was more accurate or reliable reporter?
- Cynthia Whitaker: I'm going to object your Honor. The issue of credibility is the offense of the Court.
- Judge Berns: I'm going to over-rule the objection and have you answer the question.
- Jennifer Keilin: I think that, the answer would be it depends. At times there were, when the parents' reports converged I thought they were both reporting accurately. When they're both reporting positive growth and development in the parents' ability to be neutral or cordial at interactions in Peppers presence, then I thought that, that gave good credibility to both of them.

There were some statements that each made that I could not know factually as to whether they were truthful or not. There were more statements by Mr. [2-N...] that seemed overstated or that he took things in a much more negative light than they appeared to be. They didn't seem consistent with other data and he had a tendency to describe things at sort of elevated language at times.
- An example would be, a small thing was the 10 o'clock exchanges that they party's have in their order. Mr. [2-N...] described that as the worst thing in the world. You know, it's not great but it's not the worst thing in the world. He also described some significant challenges at exchanges. That when asked what those were, what he was describing was that when Heather, when Ms. Ralph would come and pick up Pepper she would begin breast-feeding, Pepper

wanted to breast-feed right away and then that interfered with Mr. [2-Na...] ability to have a proper goodbye with Pepper. So that was an example for him of a significant problem at transitions.

The difference in language compared with the information that was shared was more evident, more often in Mr. [2-Na...] language.

Carl Edwards: Heather in her initial interview and in her initial grievance submissions denied any use of recreational drugs in the past didn't she?

Jennifer Keilin: Yes she did.

Carl Edwards: When did she tell you that she had used illegal drugs for recreational purposes in the past?

Jennifer Keilin: Ms. Ralph told me in her third interview I believe, that she had not been forth coming, or not been honest I guess, I would accurately characterize that. She stated that she was afraid of her, any past history being used against her. She stated that she and Mr. [2-N...] had reached an agreement that they would not share about their prior drug use. Ms. Ralph then went on to share that she had used some illicit substances in the past but reported not having used any since July of 2011. She also reported some one going history of substance use by Mr. [2-N...]

Carl Edwards: How did that effect your, how did that effect to the credibility of her reporting in your eyes?

Jennifer Keilin: Well, I appreciate what a parent is willing to correct their own statements before they are caught out in a mistruth. So I give her credibility for that. I'm not able to verify the degree of her past substance use but it's, it was more, it just was more in line I think, what she shared with me, it would understanding that I had of her history as share by Mr. [2-N...]. It's always a question as to, if you weren't honest there, where else are you not being honest but I can't, I don't know.

Carl Edwards: I'd like to talk just briefly about a couple of general issues that were brought up. I'd like to ask first on the issue of drug use. How does use of illegal drugs intersect with parenting?

Jennifer Keilin: Yeah so use of illegal drugs may, there's potential for it to intersect with parenting. It happens in a few ways and I would just see it on kind of a degree of severity. A person can parent, they can have some use of illicit substances or over use of licit substances and keep those things separate and have no impact between the use and the parenting. Then they could have, then there's different way that they could possibly intersect either through overuse of substances and now you have a hangover, some sort of sequel la of use but your parenting and so your child's not getting the best from you.

All the way up to parenting my child when I'm intoxicated, I'm with my child in an altered state in an environment where there are other people in an altered state and it's just generally unsafe for children. To the highest level of, I live in a Meth house and we're cooking volatile chemicals and there's great physical danger to children who are also living in the home. So there's this range of potential intersections but it's not an automatic that drug use impacts parenting. It's a risk. It creates a risk to an individual to have used substances and there can come a certain point at which that can impact parenting.

Carl Edwards: Did you see evidence of ongoing drug use at AND that would affect parenting?

Jennifer Keilin: No.

Carl Edwards: To what extent does past drug use play by people coming into play in your evaluation?

Jennifer Keilin: Well it's, I like to know that, I always evaluate the historical aspects so I want to understand a parents history of use. History of use prior to the child and prior to becoming a parent is less relevant to me than substance as a parent. Sometimes past substance use can suggest a potential vulnerability if you have an addiction issue prior to your child being born then I still am going to consider that a potential vulnerability that you could return to using, but simply because you had used substances in the past prior to having a child is not necessarily a relevant parenting concern.

Carl Edwards: Did you see evidence that Ms. Ralph or any of her house-mates had addiction problems with drug use?

Jennifer Keilin: None that were recorded and no data that supported such no.

Carl Edwards: Did you see evidence that Ms. Ralph or her house-mates had issues with substance abuse of any kind, whether alcohol, marijuana or illegal drugs that would impact Pepper?

Jennifer Keilin: There, so overall no. There were two residents who used marijuana at times. There was some concern by Mr. 2-Na.. that Pepper would be exposed to marijuana smoke either by walking into a room where folks were smoking or that someone who had smoked marijuana would then be in charge of Pepper's care but there was no data that, that occurred.

Judge Berns: Mr. Edwards before you transition, I think it would be a good time to take our morning recess.

Carl Edwards: All right.

Judge Berns: About 15 minutes.

Carl Edwards: I'll try and wrap up by, as close to 11 as I can to allow time for [inaudible 01:25:13].

Judge Berns: All right, so we'll take a short recess and then be back in session. Thank you.

Jennifer Keilin: Thank you your Honor.

Carl Edwards: ... the drug use is, the resident who had a drug problem when Heather moved back in. Do you recall that incident?

Jennifer Keilin: Barry? [inaudible 00:00:10]. Barry?

Carl Edwards: Yes.

Jennifer Keilin: Yes.

Carl Edwards: What's your understanding of that incident?

Jennifer Keilin: Well, my understanding is that there was a permanent, or a co-owner in the home, Barry, who had a life crisis and that his wife dissolved their relationship in less than a year and so he responded poorly to that and as a part of that began using drugs excessively or during that period began using drugs excessively. This was during the period of time when Ms Ralph was residing with Mr. [2-N... in his home with Pepper. The incident I think that I understand is that Ms Ralph chose to move back to that home, her [AND 00:01:07] with Pepper who was under a year old at the time, knowing that Barry had drug problems. What was the rest of the question? I'm sorry.

Carl Edwards: What did Pepper do after she moved back in and discovered, I don't know about discovered, but in light of Mr. [Brummit's 00:01:32] drug problems, what did Heather do?

Jennifer Keilin: What Ms Ralph reported to me was that shortly after moving back in it was pretty clear that Barry had significant issues and was not compatible with the household. Within two weeks of her return, Barry decided that he was leaving. Whether the residents told him he had to leave, or he decided to do so of his own will is a little bit in dispute between the parties, but Barry left within a couple of months.

Carl Edwards: Do you believe that Ms Ralph's decision to move back to the house at that time reflects poorly on her judgement?

Jennifer Keilin: It's difficult to say. I mean, there's potential. What's noteworthy though is that there were clearly discussions between the parties about Ms Ralph moving back, and there was a letter from Ms Ralph's mother about ... Who was, you know, brought in by the parties I think to help them talk about this issue and her own position was that she thought that it seemed reasonable for Heather, or Ms Ralph to move back to AND although she did state that given that there were concerns about some parties, some residents' drug use, that it might not be a long term solution. It's difficult to today say whether or not it was a poor decision. It might have been, but it was clearly not black and white and I think that there were no issues, no evidence provided or reported that Pepper was ever put in harm's way.

The fact that the situation was resolved in a fairly short amount of time also suggests positive. That was a good thing and so, had it gone on a long time, had there been more information of concern, it could have been ... I could have determined that it was a poor decision. I think that what's perplexing is that it seems to me that if it were an outright poor decision by Ms Ralph at that time, it was so clear cut, that it's not clear to me why Mr. [2-N...] wouldn't have taken action at that time. The fact that he chose not to do that suggests that while there may have been concerns that seemed reasonable, they weren't so elevated that it warranted him taking action.

Carl Edwards: What's the relationship between a parent's ability to parent their child, and their sexual conduct?

Jennifer Keilin: Well, that's similar to ... So what's the relationship? Potentially none. A parent can have a private sexual life that is not in any way impactful of their parenting. Or, they can have a boundary free sexual life which absolutely impacts their parenting. Generally, and culturally we keep our sexual behavior ... We shield children from our sexual behavior. While I know there are concerns about degrees of permissiveness in Ms. Ralph's home regarding sexual behavior, there was no information provided that Pepper had been exposed to any adult sexuality, or that there was a significant risk of that.

Carl Edwards: How would you compare the environment at Mr. [2-Nam...] house to the environment at AND?

Jennifer Keilin: Well, at the time that I concluded my evaluations and knowing that there had been very little, there had been some but modest household changes between the two homes. Meaning that I understood that at Mr. [2-Na...] home, it was himself, his wife, and Pepper that resided there, and that at Ms. Ralph's home that one couple had moved out but an au pair had moved in so a little bit of transition but other than that nothing substantial. I would compare, Mr. [2-Na...] home would be more likely to be a quieter home with less activity because there's fewer people in it. I would compare Ms. Ralph's home as being a more active home that has more people and activity. One home is probably more

stimulating, there's more children and more people, but one house is potentially more available for quiet time or for solo play or less stimulating environments.

Carl Edwards: What do you see as the advantages and/or disadvantages to Mrs. Ralph parenting Pepper in a multi-family residence?

Jennifer Keilin: In American culture, we don't typically have multi-family homes but we do have many other cultures that do have multi-family homes that reside in America which are more traditionally Japanese or Indian. It's not an uncommon phenomenon to have certainly multi-generational homes or multi-family homes. The positives of a multi-family home is that there's more available adults. There's more support for the parent who is parenting the child. Everything from able hands or other folks to prepare, you know, take care of household tasks so that the parent can concentrate on the child.

I would say the potential for disadvantage is that there can be more activity or stimulation. There's less control over the schedule or the routine because there's, it's just more flexible and likely to be looser. There is potential, depending on a child's personality, that there could be over-stimulation or maybe a sense of chaos. I think that in this case, it's clear by the reports from both parents that Pepper is thriving and does definitely have two different environments in each home, but that there are significant positives about the environments in each home and no evidence supporting a substantial negative impact on Pepper from both of those environments.

Carl Edwards: Your order appointment said that you were to provide an interim report. What was your understanding of why you were directed to provide an interim report?

Jennifer Keilin: Right, so the order that appointed me provided that I would provide a comprehensive report that was due within 60 days. There were some specific areas of investigation that the court required. My understanding of an interim report is that, I look at it as a first report basically that there's potential that there could be a follow up report, or there's potential that that's just all the information that the court needs for that moment.

Carl Edwards: Did you believe that you conducted a complete evaluation by the time you issued your first report in 2014?

Jennifer Keilin: Yes.

Carl Edwards: There was no psychological testing. Why was there no psychological testing?

Jennifer Keilin: Correct. Physiological testing is common in evaluations and it's common in my evaluations. There's a couple circumstances when psychological testing is less frequent or not used at all and that is in reports with a short turn around time and often in relocation matters. It's of some utility, it's estimated that psychological testing is useful in about 15% of cases, but it's also characterized

as the weakest data point and in no way is psychological testing to be confused with a psychological evaluation. It's just one potential component.

Carl Edwards: What happened with regard to this case for you after you issued your first report on September 24th, 2014?

Jennifer Keilin: For a long time nothing happened for me. I try to include in my reports enough information for the parties so that they can create a permanent parenting plan if they are able to settle. I heard nothing for a long time until, I think it was March. I was contacted by councils ... That there had been a hearing and that the court had ordered that I could request the parties participate in psychological testing if I thought that was warranted, and that also I could conduct further investigation if that was warranted, and that both parties would be able to provide more information to me.

Carl Edwards: You mentioned that you thought you'd provided that parties with a certain level of information. Your report is 30 pages long.

Jennifer Keilin: Yes.

Carl Edwards: What factors go into determining how long you make your report?

Jennifer Keilin: Mmm. Well, I try my best in my reports to include all the relevant data in such a way that it's consumable by the parties and the court. There's a tension between including all the information, but then the report is too long or manageable versus possibly overly-condensing it. I think that a report of 30 pages is average or better in terms of long or long-ish. I just really try and include the relevant information, a good discussion of the data, and then the recommendations.

Carl Edwards: Could you look at exhibit 10 please? This is the temporary order you just referred to that provided for you to determine whether additional information or additional evaluation needed to be done.

Jennifer Keilin: Yes.

Carl Edwards: On the bottom of page 3, the asterisk at the very bottom, is that the paragraph you're referring to?

Jennifer Keilin: Yes.

Carl Edwards: It's handwritten and hard to read. If you can read it, could you read it please?

Jennifer Keilin: Sure. Ms. Keilin shall determine whether she desires/needs psychological testing of either party or further background checks. Ms. Keilin shall determine whether to conduct further parenting investigation and a new report. Each parent shall be given an opportunity to provide additional information to Ms.

Keilin. Any provided to Ms. Keilin by or on behalf of a parent shall be provided to the other parent's council.

Carl Edwards: What happened after you received this report? I mean received this order.

Jennifer Keilin: I have never had an order like this before, so I really didn't know what more investigation was needed if any. Psychological testing in and of itself is, in an isolated context like that is not likely to be helpful. What I did is I ... In order to determine what, if any more work needed to be done, I asked to meet with the parties and gave them an opportunity to provide me with more information. At my meeting with both parents, it was stated that the residential schedule was largely agreed upon on a 50/50 basis.

That wasn't the issue but that the remaining issues were whether or not there needed to be certain other stipulations in place that Mr. [2 - Na...] wanted that Ms. Ralph was not in agreement with and both parties requested that I reexamine the information that I had previously gathered. Mr. [2 - Na...] did not think that I had reached the right opinions and was asking for me to reexamine that data. Ms. Ralph also stated that she really wanted me to also review the data, that it was her desire that the opinions were very clear. That there was confidence in my opinions. That was what happened at that meeting I think in May with both parents. Separate meetings.

Carl Edwards: Could you turn to exhibit 39 please?

Jennifer Keilin: 39?

Carl Edwards: Yes.

Jennifer Keilin: Okay.

Carl Edwards: It's a letter dated ... Oh I got to see if this has been admitted. Do you recognize this document?

Jennifer Keilin: Yes I do.

Carl Edwards: What is this document?

Jennifer Keilin: This is a letter from April 28, 2015 from Mr. [2 - Na...] then council, David Starks. He encloses a copy of Mr. [2 - Nam...] proposed parenting plan.

Carl Edwards: Then the pages that follow, what is that?

Jennifer Keilin: These are the proposed parenting plan that Mr. [2 - N...] was putting forward.

Carl Edwards: Your Honor, move to admit exhibit 39?

- Cynthia Whitaker: Your Honor, we'll object to 39. It's hearsay and it's also an offer of compromise so ER 408 would apply. This is an entire parenting plan that Mr. Starks who was then Mr. [2 - Na...] attorney proposed as a settlement.
- Judge Berns: Mr. Edwards?
- Carl Edwards: Your honor, it's not hearsay because Mr. [2 - Name...] attorney is an agent for purposes of that rule and statements made by an agent of a party are excluded from the hearsay rule. Furthermore, this is not an offer of compromise. If this had been sent to Ms. Ralph or her attorney with saying, "Hey we'll settle on this," that would be an offer of compromise. Here they're still working with the parenting evaluator trying to persuade her of what her final recommendation should be and this says, "Please find [2 - Name ...] proposed parenting plan for your review and consideration." This is part of the evaluator's file not something from private communications or compromise negotiations. It's significant as to what Mr. [2 - Na...] was telling the evaluator.
- Judge Berns: Just so I can further understand Mr. Edwards, the purpose of wanting to admit this as opposed to soliciting information directly from Ms. Keilin?
- Carl Edwards: It's back up for her statement that Mr. [2 - Na...] in her evaluation, proposed that a 50/50 plan with no restrictions would be appropriate.
- Judge Berns: I missed the standing objection. The court's heard testimony from Ms. Keilin that she understood that there was a 50/50 plan in agreement at that time. She's testified to that. I'm concerned that it in any way communicate any kind of position for purposes of settlement negotiations. You can certainly inquire of the witness, Mr. Edwards, about what she understood, what information she received, what she was requested to do with that. But, the actual document itself, well {crosstalk 00:20:45}
- Carl Edwards: When you met with Mr. [2 - Na...] in May of 2015, what was he proposing to you as the evaluator as an appropriate residential schedule for Pepper Aker?
- Jennifer Keilin: Mr. [2 - Na...] was proposing a 50/50 [shared 00:21:02] parenting schedule which he identified as a two day on, two day off, three day on alternating schedule so that Pepper would spend those blocks of time with each parent on a rotating basis. That was the general residential schedule.
- Carl Edwards: Was Mr. [2 - Na...] asking you to consider at that time whether restrictions should be entered under paragraphs 2.1 or 2.2 of the parenting plan?
- Jennifer Keilin: No, he was not.
- Carl Edwards: After you met with the parties in May of 2015, what did you conclude as to whether initial investigation needed to be done?

- Jennifer Keilin: I understood that both parents wanted me to reexamine the data and reconfirm or amend my opinions and recommendations so that there were no new issues of concern or no significant examples of ongoing problem behavior. That it was the historical data that had been provided. Or information about historical concerns that I was being asked to reexamine.
- Carl Edwards: At some point did you receive additional information from Mr. [redacted] 2 - Na...
- Jennifer Keilin: I did.
- Carl Edwards: What did you receive?
- Jennifer Keilin: Specifically, I received medical records regarding Pepper. Then I also received in August, I received the new parenting plan submission and letter with included materials from Ms. Whitaker.
- Carl Edwards: Could you turn to exhibit 40, please?
- Jennifer Keilin: Yes.
- Carl Edwards: Do you recognize this exhibit?
- Jennifer Keilin: Yes.
- Carl Edwards: What is it?
- Jennifer Keilin: This is a letter from Ms. Whitaker dated July 17, 2015. It includes Heather's medical records.
- Carl Edwards: Does the letter also include points of concern that you were asked to look at?
- Jennifer Keilin: Yes, it did.
- Cynthia Whitaker: Excuse me, council. I think we need to correct the record. It's Pepper's medical records.
- Judge Berns: Thank you. I was just wanting to clarify.
- Jennifer Keilin: Did I say Heather?
- Judge Berns: You said Heather.
- Jennifer Keilin: It's Pepper's.
- Judge Berns: It's Pepper's medical records?
- Jennifer Keilin: These are Pepper's medical records.

Judge Berns: Thank you.

Jennifer Keilin: Thank you.

Judge Berns: Thank you.

Carl Edwards: [inaudible 00:23:39] Your honor, I move to admit exhibit 40.

Judge Berns: No objection.

Cynthia Whitaker: Did it ... 40 is admitted?

Carl Edwards: Looking at the letter, it says Odessa Brown Note 4/20/14 with some comments. Then it says, "Concern: Mother engages in behavior that increases risk to contact an STD. Even after she contracts an STD she continues to breastfeed. This behavior places child at risk of harm." Did you see evidence in here that Heather had contracted ... An STD is a sexually transmitted disease. Correct?

Jennifer Keilin: Correct.

Carl Edwards: Did you see evidence in these records to support the allegation that Heather had contracted an STD?

Jennifer Keilin: No.

Carl Edwards: So it follows that there's no evidence that she passed on a disease to the child?

Jennifer Keilin: Not from these records.

Carl Edwards: The next one, "The concern is that mother engages in behavior that increases risk of infectious condition passing to child. She continues to breastfeed." Was that supported by your view of the records?

Jennifer Keilin: No. I didn't find continuing to breastfeed a child a problem.

Carl Edwards: On the next page ...

Cynthia Whitaker: I'm sorry. Did the witness say, "I didn't find breastfeeding a problem?"

Judge Berns: That's what I heard.

Cynthia Whitaker: Okay.

Carl Edwards: On the top of the next page, "Concern: Is mother receiving appropriate therapy to address condition, that would be postpartum depression, and receive support so she can be fully available and able to care for the child and meet her needs." Did you do anything to evaluate that concern?

- Jennifer Keilin: I didn't see information in these records that supported that as a concern.
- Carl Edwards: Then finally, "Child eating regular meals at Dad's home and breastfeeding, eat less at Mom's home. Concern: Mother not giving child adequate attention to nutritional needs of her own." Did you see data in these records to support that?
- Jennifer Keilin: No.
- Carl Edwards: Did you see data elsewhere at any point in your evaluation that the mother did not give the child adequate attention in terms of nutritional needs?
- Jennifer Keilin: No, I did not.
- Carl Edwards: You said that there was another letter from Mr. [2 - Name...] council that followed this. Could you turn to exhibit 41, please? Do you recognize this letter?
- Jennifer Keilin: Yes.
- Carl Edwards: What is this letter?
- Jennifer Keilin: This is a letter dated August 17, 2015, from Ms Whitaker, in which she provides her detailed perspective of the case and concerns with some exhibits.
- Carl Edwards: Were any new concerns ... I guess first, was any new evidence presented to you that bore on your evaluation?
- Jennifer Keilin: Was any new evidence ... None of this is any significant new information. I'm not sure if any of it was brand new, such as there's a picture in here that I'm not sure if I had seen that before related other information. There were no new concerns. No evidence supporting new concerns with the exception of at this time an issue was raised regarding Ms Ralph's anger management. Concerns regarding Ms Ralph's anger management.
- Carl Edwards: This is August of 2015, correct?
- Jennifer Keilin: Yes.
- Carl Edwards: Had you seen any mention from Mr. [2 - N...] prior to this date of an anger management problem by Heather?
- Jennifer Keilin: Of a concern by him?
- Carl Edwards: Of a concern by him.
- Jennifer Keilin: No, I had not.

Carl Edwards: Does the late timing of this allegation raise any concerns for you?

Jennifer Keilin: Well, it raised a concern in that it forced me to double check what was being asked of me in the evaluation at this time. If there's new information of concern that needs to be ... You know, if it's a substantial concern, it needs to be investigated, then that is not compatible with what I had understood my work to be, which was reexamining the existing information. As well, Mr. 2 - Na... had changed the parenting schedule. He had changed his proposed parenting plan in a dramatic way, and so I opted to get further guidance from council on what was being requested now versus what I had understood. I scheduled a contact with both council and it was clear that the anger management was a new issue in that, as it was put by Ms Whitaker, that it was a historical concern but that she was aware that Mr. 2 - N... hadn't brought it up. In all of the information that I had gathered about Ms Ralph, while I had not asked specifically about an anger concern, I did ask about behaviors and interactions, et cetera, and there was no whisper of any type of emotional problems.

To answer your question as to whether it's a concern that it comes up this late, it's a concern in that I needed to be clear with council that it wasn't going to be looked at as a part of the report that I was going to write. Also, in my report I was clear that there was no information that had supported this as a concern throughout. There is some concern as to whether these ... When allegations appear to escalate in any evaluation, it's a concern that instead of time going by and people sort of settling a little bit, that there's an elevation in allegations.

Carl Edwards: Did you offer to investigate this issue?

Jennifer Keilin: Well, I put to council that with the time frame that that would need to be pushed.

Carl Edwards: You mean the trial date?

Jennifer Keilin: That if I needed to begin a new investigation, yes. That would impact the trial date.

Cynthia Whitaker: I'm sorry. If you needed to begin a new investigation?

Jennifer Keilin: Correct.

Carl Edwards: What was the result of your conversation with council?

Jennifer Keilin: The report was requested of me as soon as possible with what I believe to be a clear understanding that this would not be addressed. Would not be investigated, let me rephrase that. It's not that it was not addressed, but it would not be investigated.

Carl Edwards: Did your recommendations change with your second report?

- Jennifer Keilin: To a certain degree. I would say that the ... Yes, my recommendations did change somewhat.
- Carl Edwards: In what manner did they change?
- Jennifer Keilin: They changed in that I altered, to a certain degree, the residential schedule that I had initially offered. I altered that to some degree to be exactly equal. I also made recommendations regarding some of the specifics of the differences between the parents. Having both their proposed parenting plans, I thought that it could be helpful to give recommendations in those areas that were I to be asked, that this is my recommendation. It was very detailed.
- Carl Edwards: Could you turn to exhibit 13, please? Which is your September 21, 2015 report. Again to page 12.
- Jennifer Keilin: Page 12?
- Carl Edwards: Yes. I'm looking at the section that starts with the bottom, the underlined heading regarding other.
- Jennifer Keilin: Regarding other.
- Carl Edwards: The first [inaudible 00:33:43] the very bottom paragraph that's bold italics it says, "Neither parents shall knowingly or intentionally or carelessly expose Pepper to drug use, intoxicated adults paraphernalia." It goes on with a number of prescriptions in this way, or proposed medications. Why did you include this provision?
- Jennifer Keilin: I included this provision because there was an ongoing tension between the parents as to definitions, you know. What defines an appropriate environment that Pepper can be in. What's inappropriate? This was ... Both parents espoused that they would keep, you know ... Had the same goal of keeping Pepper safe, not exposing her to inappropriate environments. This was my effort to just really explicate, you know, What are we talking about here? So that everybody was as clear as possible on what are appropriate or inappropriate environments. It's not a recommendation that I think was required because of either parents behavior. It's a recommendation that I think was helpful to the parties because it just took some abstract concepts and just tried to make them as clear as possible so that there was a basis for mutual understanding.
- Carl Edwards: Did Heather object to this provision?
- Jennifer Keilin: I don't know. I don't believe so.
- Carl Edwards: There's a ... You just described the rationality behind this one, that it was to set some boundaries and not because of either parent's behavior. Does that rationale apply to the other similar provisions in your recommendations?

Jennifer Keilin: Yes it does.

Carl Edwards: As you sit here today, do you stand by the recommendations of your September 21, 2015 report?

Jennifer Keilin: I do.

Carl Edwards: Is there anything that you would like to change in terms of the recommendations?

Jennifer Keilin: No.

Carl Edwards: Your honor, that concludes our direct examination.

Cynthia Whitaker: Thank you Mr. Edwards. Ms Keilin, did you work with Mr. Edwards to prepare for your testimony in this case?

Jennifer Keilin: Good morning. I had communication with Mr. Edwards, yes.

Cynthia Whitaker: What was the nature of that communication?

Jennifer Keilin: The nature of that communication is to answer Mr. Edwards questions or to share how I would testify in response to certain questions.

Cynthia Whitaker: How much time did you spend preparing with Mr. Edwards?

Jennifer Keilin: I met with Mr. Edwards for three hours last week.

Cynthia Whitaker: Was anyone else present?

Jennifer Keilin: No. I also had a half an hour phone call with Mr. Edwards.

Cynthia Whitaker: When was the phone call?

Jennifer Keilin: Sunday.

Cynthia Whitaker: Was anyone else on the phone call?

Jennifer Keilin: No.

Cynthia Whitaker: Did Mr. Edwards provide you any further information? Any further substance of information or discovery information?

Jennifer Keilin: No.

Cynthia Whitaker: Did he give you Heather Ralph's deposition?

Jennifer Keilin: No.

Cynthia Whitaker: Did he give you Dr. Rybicki's deposition?

Jennifer Keilin: No.

Cynthia Whitaker: Did he give you Dr. Rybicki's report?

Jennifer Keilin: I was provided Dr. Rybicki's report previously, yes.

Cynthia Whitaker: Who provided you with Dr. Rybicki's report?

Jennifer Keilin: Mr. Edwards did.

Cynthia Whitaker: When did he give you that?

Jennifer Keilin: I would have to look at my email.

Cynthia Whitaker: You know Dr. Rybicki don't you?

Jennifer Keilin: I do.

Cynthia Whitaker: Do you have an opinion of his professional capabilities?

Jennifer Keilin: I know some about his professional work, yes.

Cynthia Whitaker: Well do you have an opinion of his professional capability?

Jennifer Keilin: In what sense?

Cynthia Whitaker: You're unable to answer that question?

Jennifer Keilin: Well I guess I know several aspects of Dr. Rybicki's professional capabilities so ... Dr. Rybicki has, I would say three areas I know him. One is as a parenting evaluator primarily in California. One is as a member or former president of a professional organization. Third is as his frequent practice of reviewing other evaluators reports and professional work.

Cynthia Whitaker: You've had contact with him through the professional organization and that's the association of family and conciliation courts?

Jennifer Keilin: Correct.

Cynthia Whitaker: You're a member of that, is that correct?

Jennifer Keilin: Yes.

- Cynthia Whitaker: Do you subscribe to the AFCC guidelines for custody evaluations?
- Jennifer Keilin: I do.
- Cynthia Whitaker: Do you think you followed them in this case?
- Jennifer Keilin: Well there's many detailed guidelines. The guidelines are aspirational. I do absolutely aspire to follow those guidelines and I believe that in this case that I have substantially if not fully followed them.
- Cynthia Whitaker: Directing your attention to exhibit 102, can you identify those as the AFCC guidelines?
- Jennifer Keilin: 102?
- Cynthia Whitaker: Yes.
- Jennifer Keilin: Okay. These are the guidelines, yes.
- Cynthia Whitaker: We move for admission of 102, Your Honor.
- Carl Edwards: These are the guidelines but it's still hearsay. Treatises are hearsay. If a witness is going to testify about it that would be one thing but just to admit them without any testimony, I object.
- Cynthia Whitaker: I think these are published for people to follow, your Honor. I don't know what to say about the hearsay. These are the guidelines that she said she followed and I think they're important for the court to consider especially when she said that she followed them. These are guidelines for her professional investigation.
- Judge Berns: Before I make a ruling on that I'm going to request that you lay some more foundation as to the guidelines and then I'll entertain the objection after that.
- Cynthia Whitaker: Do you know how these guidelines were created Ms Keilin?
- Jennifer Keilin: Yes. These guidelines were created through a joint task force with the Association of Family and Conciliation Court.
- Cynthia Whitaker: What is the Association of Family and Conciliation Court?
- Jennifer Keilin: It's a professional organization that is a multidisciplinary ... Or consists of multidisciplinary professionals that are involved in family courts or mediation.
- Cynthia Whitaker: Do you know when these guidelines were created?
- Jennifer Keilin: This is from 2006.

- Cynthia Whitaker: The organization created the task force to create these, is that correct?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: When you say that the organization AFCC is multidisciplinary, what do you mean by that?
- Jennifer Keilin: I mean that it draws from the legal profession, including attorneys and judges as well as the mental health profession with counselors or psychologists, as well as family court employees or family court workers.
- Cynthia Whitaker: The purpose of creating these guidelines was to promote good practice and to provide information to those who utilize the services of custody evaluators, and to increase the public confidence in the work done by custody evaluators is that correct?
- Jennifer Keilin: That's what it states, yes.
- Cynthia Whitaker: These have been published and widely [disseminated 00:43:22] is that correct?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Would move for admission of exhibit 102 your Honor.
- Judge Berns: Mr. Edwards, anything different with your objection?
- Carl Edwards: The only issue that I would have is that this has not been adopted in Washington as required standards. I'm thinking [inaudible 00:43:45] ... I was going to say my people in the city. I think that based on the foundation that's been laid, I will withdraw my objection.
- Judge Berns: Court will admit exhibit 102.
- Cynthia Whitaker: Thank you your Honor. Earlier in your testimony, Ms Keilin, you said that you had taken the Parent Evaluator Training Course at the University of Washington. Is that correct?
- Jennifer Keilin: Correct. The Parent Evaluation Training Program.
- Cynthia Whitaker: PETP. Parent Evaluation Training Program. That's a program that no longer exists isn't that right?
- Jennifer Keilin: I'm not clear whether it exists. I know they had moved locations. I don't know if it's around right now.
- Cynthia Whitaker: That training is built around the American Psychological Association guidelines for custody evaluation is that correct?

- Jennifer Keilin: I don't know.
- Cynthia Whitaker: You don't know?
- Jennifer Keilin: I don't know.
- Cynthia Whitaker: You don't know what the training program was built around?
- Jennifer Keilin: I don't know.
- Cynthia Whitaker: Are you familiar with the guidelines put out by the American Psychological Association for custody evaluation?
- Jennifer Keilin: Yes I am.
- Cynthia Whitaker: Do you subscribe to those guidelines as well?
- Jennifer Keilin: There are guidelines I consider. I'm not a psychologist but I ascribe to ... I would say the AFCC are the guidelines that I focus on as they're more fit for my discipline.
- Cynthia Whitaker: Okay. When you met with Mr. Edwards for 3 hours, I take it was to help you figure out how to testify in this preceding is that correct?
- Jennifer Keilin: No.
- Cynthia Whitaker: What was the purpose of it?
- Jennifer Keilin: The purpose of it was to review questions and to get my testimony as to what my responses would be to those questions.
- Cynthia Whitaker: Well, Mr. Edwards was present at your deposition wasn't he?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: So you covered ... I'll strike that. What was the reason that I was not invited to this 3 hour meeting and half an hour telephone consultation?
- Jennifer Keilin: Because when trial prep ... In the situations of trial prep those are not joint meetings.
- Cynthia Whitaker: Why not?
- Jennifer Keilin: Because it involves ... It complicates, I think, the ability for the attorney to develop trial strategy. It's not that my answers would be different to questions, but, council are entitled to their own meetings.

- Cynthia Whitaker: Council are entitled to their own meetings?
- Jennifer Keilin: Right.
- Cynthia Whitaker: Guideline 4.4 of the AFCC standards says, "Child custody evaluators shall not not substantive ex party communications about a case with the court or with the attorney's representing the parties." Do you see that?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: So you're saying that guideline is one that you don't follow?
- Jennifer Keilin: No, I absolutely follow this guideline. This is during the process of the evaluation until opinions are ... or as opinions are being formed or et cetera that this is the greatest concern. Again, trial preparation is considered differently.
- Cynthia Whitaker: By you.
- Jennifer Keilin: Correct.
- Cynthia Whitaker: You don't have any chemical dependency or substance abuse credentials. Is that correct?
- Jennifer Keilin: I do not hold an active credential, correct.
- Cynthia Whitaker: You haven't had such a credential since 2006 is that correct?
- Jennifer Keilin: I believe it's 2008.
- Cynthia Whitaker: 2008? I think you said in direct examination that the board of these credentials evaporated in 2008. Did I hear that right?
- Jennifer Keilin: Yeah.
- Cynthia Whitaker: This was not any kind of state credential or chemical dependency work, was it?
- Jennifer Keilin: Right, the state did not have a [comparable 00:48:58] credential.
- Cynthia Whitaker: This was a private credential.
- Jennifer Keilin: Right.
- Cynthia Whitaker: The reason why you lost it was, this private entity just evaporated. Is that correct?
- Jennifer Keilin: Yes.

Cynthia Whitaker: And you've never held the state credentials for chemical dependency work, have you?

Jennifer Keilin: I've held what they used to have which is a QCDC. Qualified Chemical Dependency Counselor. I met the criteria for that initially, and then I got ... At that time the state didn't have any private ... They didn't have any other credentialing, so I went with a private board which was a greater level of credentialing.

Cynthia Whitaker: When you had this chemical dependency credential, the initials of it are CCDC is that correct?

Jennifer Keilin: Yes.

Cynthia Whitaker: What does that stand for, or what did it stand for?

Jennifer Keilin: It's a Certified Chemical Dependency Counselor.

Cynthia Whitaker: Since 2008, you have not had that credential.

Jennifer Keilin: Correct.

Cynthia Whitaker: Directing your attention to exhibit ... Well let me ask you this first. Isn't it true, Ms Keilin, that you were appointed as parenting evaluator in this case because the parties and the lawyers believed you had chemical dependency credentials?

Jennifer Keilin: I don't know.

Cynthia Whitaker: You don't know. Directing your attention to exhibit 5 which is the order appointing you. Exhibit 5 on page 2. Do you see there in section 3.1 appointment of parenting evaluator, Jennifer Keilin MSW CCDC is appointed as parenting evaluator. Do you see that?

Jennifer Keilin: Yes.

Cynthia Whitaker: You received this order from I think Mr. Starks who was then Mr. [2 - Na... lawyer. He sent you this order didn't he?]

Jennifer Keilin: Yes, I believe so.

Cynthia Whitaker: Did you contact the parties or the lawyers and say, "I don't have this CCDC credential anymore."

Jennifer Keilin: No.

Cynthia Whitaker: Why not?

- Jennifer Keilin: I don't know.
- Cynthia Whitaker: You don't know why you didn't correct their miss-impression?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: You told me that you consider yourself an expert today because of your ongoing education in chemical dependency is that correct?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Then directing your attention to exhibit 11. It's your curriculum [vitae 00:51:57], I can see only 2 classes since 2008 relating to drug issues. One on May 31, 2008, which is on page 4 of your CV, the 4th entry down. Another on May 20, 2011, which is at the top of page 5. Are those the only 2 classes you've taken relating to drug abuse issues since the board that certified you evaporated?
- Jennifer Keilin: Correct. Correct board. I'm reading my CV. I can recall one that doesn't seem to be on here, I'm not sure, that I took in San Antonio last year. I need to make sure that that training made it. I also took a training in October that looks like the CV hasn't been updated through that.
- Cynthia Whitaker: What training in October of what year?
- Jennifer Keilin: October 2015.
- Cynthia Whitaker: What do you think is missing from this CV?
- Jennifer Keilin: There's a training from San Antonio last fall, or 2014.
- Cynthia Whitaker: You're talking about October 2014.
- Jennifer Keilin: Yeah, it was November 2014. Yeah, so November 2014 and then October 2015.
- Cynthia Whitaker: What is it that you took in November 2014 that you say is missing from here?
- Jennifer Keilin: Right. There is an AFCC conference in the late fall/early winter. That's not on my CV. As part of that there was a substance abuse focused training specifically about evaluating abuse.
- Cynthia Whitaker: Evaluating substance abuse?
- Jennifer Keilin: Correct. Substance abuse evaluations in forensic environments.
- Cynthia Whitaker: This was in an AFCC training in San Antonio in October of 2014.
- Jennifer Keilin: October or November. Correct.

- Cynthia Whitaker: How long was the training on substance abuse?
- Jennifer Keilin: One and a half or two hours.
- Cynthia Whitaker: Okay. Other than that, your CV is complete?
- Jennifer Keilin: No. There was a training from October 2015. It was a six hour training.
- Cynthia Whitaker: Where did you take that?
- Jennifer Keilin: Locally. [Shoreline 00:56:45]
- Cynthia Whitaker: What was the topic?
- Jennifer Keilin: Current trends.
- Cynthia Whitaker: Did this relate to substance abuse issues?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: How much of it was on substance abuse issues?
- Jennifer Keilin: It was all about substance abuse. Current trends in substance use.
- Cynthia Whitaker: Who put on this training?
- Jennifer Keilin: Randy Jensen was the instructor.
- Cynthia Whitaker: Okay. This was in October 2015?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: I'm sorry. How long was that?
- Jennifer Keilin: Six hours.
- Cynthia Whitaker: Six hours, okay. That was after you completed this report. Correct?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Okay. In direct you referred to your addiction studies in 1993 and that a third of your time at Echo Glen Juvenile Center was spent dealing with substance issues. Is that correct?
- Jennifer Keilin: Yes.

- Cynthia Whitaker: In that time, Ms Keilin, how often did you deal with methamphetamine or ketamine?
- Jennifer Keilin: Hmm. It was limited.
- Cynthia Whitaker: Okay. Would you agree, Ms Keilin, that drug issues with incarcerated juveniles is a little bit different situation than dealing with successful professionals as lived in [Ann House 00:58:21]?
- Jennifer Keilin: Is there a difference between adolescent addiction versus adult addiction in AND or how it might present? I'm not sure of the question.
- Cynthia Whitaker: Versus successful professionals like those that live in AND. Successful professional adults.
- Jennifer Keilin: I'm sorry. I think that there is a difference in how substance use and abuse manifests in adolescents and in adults of varying stripes.
- Cynthia Whitaker: There is a difference.
- Jennifer Keilin: Correct.
- Cynthia Whitaker: All right. Do you actually conduct substance abuse evaluations now?
- Jennifer Keilin: Sometimes, yes.
- Cynthia Whitaker: When was the last one you did?
- Jennifer Keilin: Hmm. I don't recall.
- Cynthia Whitaker: Well, was it within the last 5 years?
- Jennifer Keilin: Yes, it was within the last 5 years.
- Cynthia Whitaker: Okay. When you conduct a substance abuse evaluation, what do you do? What are the steps?
- Jennifer Keilin: A substance evaluation includes interview with the individual under evaluation, contacts with collaterals. It often includes urinalysis testing. It includes a review of the materials. Specifically the collaterals include the party with the concerns or allegations.
- Cynthia Whitaker: Okay. When you say that you interview the subject, is that a face to face interview?
- Jennifer Keilin: Yes.

- Cynthia Whitaker: Isn't is correct, Ms Keilin, that you did not interview any of the housemates of Ms Ralph's face to face?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: They were all phone interviews, weren't they?
- Jennifer Keilin: Yes, they were.
- Cynthia Whitaker: Now, this problematic housemate, Barry, that has been referenced, was an original owner of AND along with Ms Ralph, wasn't he?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Barry Brummit held a PhD, didn't he?
- Jennifer Keilin: That's my understanding.
- Cynthia Whitaker: Isn't it true that Dr. Brummit was said to be addicted to methamphetamine and ketamine?
- Jennifer Keilin: That was reported by some. The ketamine, I believe, was reported by Mr. 2-N.... Other people reported that he had a problem with drugs ...
- Cynthia Whitaker: With methamphetamine?
- Jennifer Keilin: ... which I believe it was meth.
- Cynthia Whitaker: Methamphetamine?
- Jennifer Keilin: I believe so, yes.
- Cynthia Whitaker: Okay. What's your understanding, Ms Keilin, of how far back this issue with Dr. Brummit went?
- Jennifer Keilin: The substance abuse issue?
- Cynthia Whitaker: Yes. How long had that been going on at AND?
- Jennifer Keilin: I understand that some time shortly after Barry's wife separated from him that he deteriorated psychologically or behaviorally and was having depression and also drug use.
- Cynthia Whitaker: Well, that wasn't my question, Ms Keilin. My question was how long was your understanding that this problem with Dr. Brummit of addiction to methamphetamine and/or ketamine had been going on at AND? How long?

- Jennifer Keilin: I don't know how long Mr. Brummit's substance abuse problems were going on. It was reported to me that it was about a year period, roughly, that he was having significant problems.
- Cynthia Whitaker: A year period before he moved out?
- Jennifer Keilin: I believe so.
- Cynthia Whitaker: Okay. Now, you thought it was an okay judgement call for Ms Ralph to move back to AND with Dr. Brummit who was using methamphetamine and ketamine. Is that correct?
- Jennifer Keilin: I'm saying yes, based on the information that was reported that ... There's certainly different perspectives about how his behavior has been reported. It was clear that there were discussions at the time about the benefit of concerns about Ms Ralph moving back in again as evidenced by the letter from her mother. It didn't appear to be a black and white issue.
- Cynthia Whitaker: Are you aware of RCW 9A42100 which refers to endangerment with a controlled substance that says, "A person is guilty of the crime of endangerment with a controlled substance if the person knowingly or intentionally permits a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with methamphetamine, ephedramine, pseudo," and a bunch of other drugs that I can't pronounce?
- Jennifer Keilin: Yes. I am familiar with that.
- Cynthia Whitaker: You're familiar with that statute?
- Jennifer Keilin: Yes, I am.
- Cynthia Whitaker: Okay. Directing your attention to exhibit 110. Can you take a look at 110?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Now, this was an email you were provided. Isn't that correct?
- Carl Edwards: [inaudible 01:04:62] admitted.
- Cynthia Whitaker: Is this an email you were provided?
- Jennifer Keilin: I'm sorry. I'm not sure. Let's see. Yes, I have seen this.
- Cynthia Whitaker: All right, and this is an email from Megan Dirac, one of the residents. Isn't that right?
- Jennifer Keilin: Yes.

- Cynthia Whitaker: To Heather Ralph. The date is January 13, 2012. Isn't that right?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: This email talks about ... Well, we move to introduce, to admit exhibit 110, Your Honor.
- Carl Edwards: No objection.
- Judge Berns: Exhibit 110 is admitted.
- Cynthia Whitaker: Now, this email talks about the problems with Dr. Brummit and his drug use. Doesn't it?
- Jennifer Keilin: Yes, it does.
- Cynthia Whitaker: As far back as January 13, 2012. Isn't that right?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: This talks about him threatening to kill Mia and Sebastian, who are his ex-wife, and do you know who Sebastian is?
- Jennifer Keilin: I do not.
- Cynthia Whitaker: Okay. Ms Dirac says in this email that she is unwilling and afraid to go to the second floor of AND where she lives because she's afraid Dr. Brummit may be using. Isn't that right?
- Jennifer Keilin: She says, "when I suspect she might be using," yes.
- Cynthia Whitaker: In terms of what Ms Ralph knew, in the first paragraph of this exhibit Ms Dirac says, "I don't have direct evidence of Barry's use. I'm concerned about substance use only because of and in so far as Mike and Heater, and to a lesser extent Ellory and [2 - Na...], have expressed concern, and I trust them to have good judgement and loving commitment to Barry." Now, who is Heater?
- Jennifer Keilin: This is Heather Ralph.
- Cynthia Whitaker: Heather Ralph. So Ms Ralph, according to Ms Dirac, anyway, knew more about Dr. Brummit's use than Ms Dirac. Is that right?
- Jennifer Keilin: It suggests so, yes.
- Cynthia Whitaker: Okay. Do you know which [2 - Na...] is referred to in this email?
- Jennifer Keilin: Do I know actually? No.

- Cynthia Whitaker: Okay. Are you aware that there's a Brian Redford who is a member of Ms Ralph's community?
- Jennifer Keilin: I can see a Brian Redford on the list of recipients. I'm not familiar with him, no.
- Cynthia Whitaker: Okay, thank you.
- Judge Berns: Ms Whitaker, is this a good place to ...
- Cynthia Whitaker: It's fine, Your Honor. Yes.
- Judge Berns: Okay, so we will be in recess this afternoon and then we'll be back in session tomorrow morning. Will we be resuming cross-examination? I'm just not sure on Ms Keilin's ...
- Carl Edwards: Are you done?
- Judge Berns: ... availability.
- Cynthia Whitaker: No, I'm not finished. I'm sure you knew that.
- Carl Edwards: A little levity.
- Cynthia Whitaker: Yeah. I was, I guess, hoping that Ms Keilin could return and we could proceed with that.
- Jennifer Keilin: Can I look at my calendar?
- Judge Berns: Certainly. I'll just ask council to confer with Ms Keilin's availability. Again, I'm certainly happy to work with availability and take witnesses out of order if we need to. I'll step off the bench and let you do that and I'll see you all at 9:00 in the morning. [crosstalk 01:09:30]
- Bailiff: Please rise.
- Judge Berns: Court is in recess.
- Judge Berns: Okay, Ms. Keilin? Good morning.
- Jennifer Keilin: Good morning.
- Judge Berns: Do you swear or affirm the testimony you're about to provide to this court will be true and correct?

Jennifer Keilin: Yes, I do.

Judge Berns: Thank you, please be seated.

Cynthia Whitaker: Good morning, again, Ms. Keilin.

Jennifer Keilin: Good morning.

Cynthia Whitaker: You testified on direct that the mother lied to you initially about her drug taking history, is that correct?

Jennifer Keilin: Yes.

Cynthia Whitaker: As part of your evaluation, you send out parent questionnaires to the parties for them to fill out prior to meeting with you, is that correct?

Jennifer Keilin: Yes, it is.

Cynthia Whitaker: Directing your attention to Exhibit 14 ... Oh, that's the one, the one I didn't grab there. If I may hand this to the witness, Your Honor?

Judge Berns: Yes, certainly.

Cynthia Whitaker: Is that your form questionnaire?

Jennifer Keilin: Yes, it is.

Cynthia Whitaker: All right, and Exhibit 14 is the one that was filled out by father, is that correct?

Jennifer Keilin: Yes, it is.

Cynthia Whitaker: All right, I'm directing your attention to page 6 of that [00:04:00] exhibit. This is your form where it covers substance abuse history. Is that correct?

Jennifer Keilin: Yes, it is.

Cynthia Whitaker: There, down in the bottom section, you have the individuals list their drug use and you list a number of drugs. Is that correct?

Jennifer Keilin: Yes, I do.

Cynthia Whitaker: All right, now, directing your attention to Exhibit 124, can you identify 124 as the parent questionnaire that the mother returned to you?

Jennifer Keilin: Yes, this is.

- Cynthia Whitaker: It is clear that Ms. [Ralph 00:05:07] changed the format of the questionnaire, didn't she?
- Jennifer Keilin: She put it on to her own paper, although I understand that the questions were the same.
- Cynthia Whitaker: You understand?
- Jennifer Keilin: In my review, it appeared the questions were the same.
- Cynthia Whitaker: Okay, so it doesn't look anything like the one that Mr. [2 - Na...] filled out, does it?
- Jennifer Keilin: No, it's not formatted in the same way.
- Cynthia Whitaker: Now, directing your attention to page 3 of that exhibit, section 6, "Substance Abuse History."
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Now, she completely changed this section, didn't she? Single drugs are no longer listed.
- Jennifer Keilin: Correct.
- Cynthia Whitaker: [00:06:00] Now, isn't it true that Ms. Ralph also sent you emails that she had cut and pasted and reformed, rather than send you an entire email string?
- Jennifer Keilin: Yes, she did.
- Cynthia Whitaker: Okay, now, directing your attention, again, to Exhibit 124, on "Drug Use," which is just about in the middle of the page, she says, "No history of illicit drug use or improper use of prescription medication," isn't that right?
- Jennifer Keilin: Yes, that is.
- Cynthia Whitaker: You had two interviews with each party and were about ready to wind up your evaluation, is that right?
- Jennifer Keilin: When, what?
- Cynthia Whitaker: Right before you left for a two-week vacation, I think?
- Jennifer Keilin: I don't recall.
- Cynthia Whitaker: Okay, let me rephrase the question, because it wasn't very clear, I'm sorry. You were required or the target was to complete this evaluation in 60 days, is that right?

Jennifer Keilin: Correct.

Cynthia Whitaker: You took a little longer than that, didn't you?

Jennifer Keilin: Yes, I did.

Cynthia Whitaker: Okay, isn't one of the reasons that it took a little longer was that, after you've had two interviews with Ms. Ralph, she contacted you and asked you to have another interview?

Jennifer Keilin: I don't recall.

Cynthia Whitaker: Did she contact you and ask you to have a third interview?

Jennifer Keilin: I don't recall.

Cynthia Whitaker: Okay, but you had a third interview with her, didn't you?

Jennifer Keilin: Yes, I did.

Cynthia Whitaker: Okay, and originally, you planned to complete your evaluation after two interviews of each party?

Jennifer Keilin: I don't recall.

Cynthia Whitaker: Okay, all right. This third interview occurred on September 9, 2014, right?

Jennifer Keilin: I would have to verify that with my report.

Cynthia Whitaker: Okay, take a look at Exhibit 147, which is in yet another book [00:08:00].

Jennifer Keilin: What was the number?

Cynthia Whitaker: One-forty-seven. Can you identify 147 as your notes on your interviews with [Heather 00:08:28] Ralph?

Jennifer Keilin: Yes, these are my notes on my interviews with Ms. Ralph through May 12th, 2015.

Cynthia Whitaker: Okay, we move for admission of 147, Your Honor.

Carl Edwards: No objection.

Judge Berns: Okay, noting no objection, Exhibit 147 is admitted.

Cynthia Whitaker: As long as we're here, Ms. Keilin, can you identify Exhibit 148 as your notes of interviews with Mr. 2-Nam...

- Jennifer Keilin: Yes, these are my notes of interviews with Mr. [2 - Na...] through September of 2015.
- Cynthia Whitaker: Okay, we move for admission of Exhibit 148, Your Honor.
- Judge Berns: Mr. Edwards?
- Carl Edwards: No objection.
- Judge Berns: Okay, noting no objection, Exhibit 148 is admitted.
- Cynthia Whitaker: Back, looking at 147, Ms. Keilin, it was at your third interview on September 9th that Ms. Ralph told you she had lied about her drug history, is that correct? I'm going to direct your attention to page 9 of Exhibit 147.
- Jennifer Keilin: Yes, she stated that she had not been completely honest.
- Cynthia Whitaker: Okay, and so looking at page 9 of Exhibit 147, Ms. Ralph ... You start this out by saying, "M," meaning "mother," correct?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: "Mother has topics. Most urgent, "I've not been completely honest. When I saw the [00:10:00] parent questionnaire, I was scared by the questions about previous drug use. I talked to [2 - Na...], I was afraid [Pepper 00:10:06] was going to be taken away. We agreed to saying neither of us had used ever. I'm not comfortable with that. After further thought, I'm not concerned about my previous use or his, but ..." is that right?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Okay, and then she went on to tell you that she had tried mushrooms in grad school, got introduced to ecstasy and didn't like it at all, "It makes me throw up," and then she told you that she also used some nitrous, is that correct?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Now, at her deposition, Ms. Ralph admitted to using MDMA, she said, "Less than 20 times," nitrous, she said, "Less than 20 times," and also that she had a machine in her house that made nitrous by taking it out of the air. She said she took GHB and/or 1, 4-B "maybe 5 times." She took Ketamine "once." She tried cannabis. She took LSD "10 to 20 times," and magic mushrooms, "maybe 20 times." Now, you'd agree that that list was significantly longer than what she told you September 9, 2014 in the third interview, is that correct?
- Jennifer Keilin: That is correct.

- Cynthia Whitaker: Knowing that Ms. Ralph has admitted to that history of drug use, instead of the one she lied about in the first instance and the second instance, does that change any of your opinions in this case?
- Jennifer Keilin: It's possible that her drug use, it was more significant than she represented, apparently. There's potential that [00:12:00] the matter couldn't be fully evaluated.
- Cynthia Whitaker: It doesn't change any of your opinions now, but you're saying maybe this case hasn't been fully evaluated?
- Jennifer Keilin: I'm saying that when information is withheld, there's not an ability to fully evaluate the matter. There's some possibility that drugs may have played a larger role in Ms. Ralph's life.
- Cynthia Whitaker: Than you thought?
- Jennifer Keilin: Than reported, yes.
- Cynthia Whitaker: Now, she told you that 2 - Na... had agreed to say that neither of them had used ever. Did you ever ask 2 - Na... about that?
- Jennifer Keilin: I did not.
- Cynthia Whitaker: That didn't mean anything to you that she was making an allegation that they had conspired to lie to the evaluator?
- Jennifer Keilin: I wouldn't say that it didn't mean anything to me, no.
- Cynthia Whitaker: Now, you said that you tried to include in your written report all relevant data, is that right?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Yet, you didn't include in your written report that the mother had lied to you about her drug history, did you?
- Jennifer Keilin: I did not.
- Cynthia Whitaker: Why not?
- Jennifer Keilin: I don't know.
- Cynthia Whitaker: You don't know?
- Jennifer Keilin: I don't know. I'm not sure.

- Cynthia Whitaker: By saying you're not sure, do you mean you have some explanation, but you're not sure if that is the one?
- Jennifer Keilin: I'm saying that, as I sit here today, I don't recall why not.
- Cynthia Whitaker: All right, [00:14:00] directing your attention to Exhibit 138, this is Ms. Ralph's drug test that she gave to you in this evaluation process, isn't that right?
- Jennifer Keilin: Yes, it is. I believe it is.
- Cynthia Whitaker: Okay, and this was a hair drug test. I'm not sure of the right phrase, but a hair follicle drug test, I guess, is that right?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Okay, and it was taken on August 28th, 2014, right?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Okay, did you think this test was court-ordered?
- Jennifer Keilin: I don't recall.
- Cynthia Whitaker: Would it make any difference to you whether it was court-ordered or Ms. Ralph just decided to do one?
- Jennifer Keilin: Not specifically, if it were court-ordered, it would be confirmation that the person had followed the court-order. Choosing to voluntarily obtain one is not significant, no.
- Cynthia Whitaker: Okay, so I'll just tell you that this wasn't court-ordered. About six or eight weeks after the court hearing, he decided to get a drug test and give it to you. At your deposition ... Let me ask you this, first, did you contact the lab to get any information about this drug test prior to issuing your report?
- Jennifer Keilin: I did not.
- Cynthia Whitaker: Okay, so you don't know whether this hair follicle test was monitored or not, do you [00:16:00]?
- Jennifer Keilin: I know that hair follicle tests are routinely obtained by the providers. I do not know specifically if that was the case here.
- Cynthia Whitaker: Okay, so you would agree whether it was monitored or not would be an important fact, correct?

- Jennifer Keilin: I would agree that it's important to have chain of custody for them to know what the source of the hair was, yes.
- Cynthia Whitaker: Okay, now, isn't it true that you did not know, at the time of issuing your report, what the notation regarding Ketamine meant, where it says, "Ketamine NPG/MG"?
- Jennifer Keilin: I don't recall having that discussion, but I'm not sure that I know what it means, no.
- Cynthia Whitaker: Isn't it true, too, that at the time of your deposition, which was presumably at the time of your report as well, that you didn't know how Ketamine is taken?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Okay, do you know how Ketamine is taken now?
- Jennifer Keilin: I can't recall without looking at reference materials, no.
- Cynthia Whitaker: Okay, so at the time you issued your report, you didn't know how Ketamine was taken, is that right?
- Jennifer Keilin: Again, without looking at reference materials, that's not information that I carry in my head, no.
- Cynthia Whitaker: Okay, [00:18:00] isn't it also true that you didn't know if GHB, which is one of the drugs in Heather's community, you didn't know whether it would show up on this hair follicle test or not?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Okay, and you also didn't know whether MDMA would show up on this test, did you?
- Jennifer Keilin: Correct, I can't recall.
- Cynthia Whitaker: You can't recall?
- Jennifer Keilin: I can't recall what I said about that in the deposition.
- Cynthia Whitaker: Okay, we move to publish Ms. Keilin's deposition, Your Honor.
- Carl Edwards: No objection.
- Cynthia Whitaker: I have a copy for the court.
- Judge Berns: Thank you.

Cynthia Whitaker: Does the court want the condensed or the full version?

Judge Berns: Just from here, the condensed, it looks like I might actually need to pull out my reading glasses or a magnifying glass. If the full copy is a little bit larger, I'll take that, thank you.

Cynthia Whitaker: All right, counsel, here's a copy for you.

Carl Edwards: Thanks.

Judge Berns: Mr. Edwards, do you have your copy?

Carl Edwards: Yes, Your Honor.

Judge Berns: Thank you.

Cynthia Whitaker: Do you recall having your deposition taken on October 13?

Jennifer Keilin: Yes, I do.

Cynthia Whitaker: May I give a copy to the court, Your Honor?

Judge Berns: To the witness? Yes, you may.

Cynthia Whitaker: I mean, to the witness, thank you. Directing your attention, if you have page 12 there, [00:20:00] line 5, my question, "Okay, would MDMA show up on that drug screen?" Your answer, "I'm not sure."

Jennifer Keilin: Correct.

Cynthia Whitaker: Was that my question and your answer that day?

Jennifer Keilin: Yes, it was.

Cynthia Whitaker: Thank you, isn't it also true that you knew that MDMA had after effects, but you didn't know what they were at the time of the deposition?

Jennifer Keilin: Correct, that's information I need to reference.

Cynthia Whitaker: Okay, have you heard of "Suicide Tuesday," as it relates to MDMA?

Jennifer Keilin: Not specifically.

Cynthia Whitaker: Do you know whether a 350 milligram dose of MDMA is large, normal or small?

Jennifer Keilin: I do not.

- Cynthia Whitaker: Okay, isn't it true that you, prior to the deposition, thought nitrous was taken through balloons?
- Jennifer Keilin: That is one route of administration, yes.
- Cynthia Whitaker: Okay, but you were given a picture, weren't you, showing people taking nitrous at a party through canisters?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Okay, and you know that Ms. Ralph has acknowledged finding nitrous canisters at AND?
- Jennifer Keilin: I'm not sure.
- Cynthia Whitaker: Okay, directing your attention to Exhibit 106, I'm sorry about [00:22:00] going back to the books. It's a problem we always have.
- Jennifer Keilin: Thank you so much.
- Cynthia Whitaker: Can you identify these photographs in this exhibit as photographs you were given in the course of your investigation?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Okay, we move for admission of 106, Your Honor.
- Carl Edwards: No objection.
- Judge Berns: Okay, noting no objection, Exhibit 106 is admitted.
- Cynthia Whitaker: The last photograph in that exhibit is the nitrous party, isn't that right, that you were given?
- Jennifer Keilin: Yes, it is.
- Cynthia Whitaker: Directing your attention back to Exhibit 147, your interview notes with Ms. Ralph ...
- Carl Edwards: I'm sorry, what number?
- Cynthia Whitaker: One-forty-seven.
- Carl Edwards: Thank you.

- Cynthia Whitaker: Directing your attention [00:24:00] to page 10, Ms. Ralph told you in that interview that [Jen Wagner 00:24:09] is a frequent guest at AND and, "Going to be part of our house for a long time," isn't that right?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Okay, and Jen Wagner is a young woman who made a credible attempt to end her life with Xanax overdose just before Ms. Ralph returned to AND, isn't that right?
- Jennifer Keilin: There's some differences in perspective on that, but there is some agreement that Ms. Wagner over-consumed her medication, I believe it was March of 2013. I don't know if it's important or represented, but this does not include all of the interview notes with Ms. Ralph, so just for reference for the parties.
- Cynthia Whitaker: How many more are there? These were taken from your ...
- Jennifer Keilin: There was one more in September. It's not included in this.
- Cynthia Whitaker: Okay, I'm happy to add it to the exhibit, counsel, if you want to add it. This was what we had.
- Jennifer Keilin: Just for information purposes.
- Cynthia Whitaker: Okay.
- Carl Edwards: I'll check and see if it needs to be added for completion.
- Cynthia Whitaker: Okay, 147. Okay, on the issue of Jen Wagner, I'm sorry, you said there was a difference of opinion about, what, now?
- Jennifer Keilin: There was different reports. Your question to me included some conclusions that there's different perspectives between the parties. Where there is alignment is that Ms. Wagner over-consumed her [00:26:00] medication and needed to seek medical attention.
- Cynthia Whitaker: Okay, and she came to AND for help, didn't she?
- Jennifer Keilin: She came to AND, correct.
- Cynthia Whitaker: AND, and she laid down on the floor and waited for people to help her, didn't she?
- Jennifer Keilin: I'm not clear of all the details.
- Cynthia Whitaker: Okay, directing your attention to Exhibit 136, which again, I'm sorry, I think it's in another book. [inaudible 00:26:33].

- Jennifer Keilin: Whack-a-mole.
- Cynthia Whitaker: Now, you identify Exhibit 136 as a letter you received from David Starks, who was then Mr. 2 - Na... lawyer in April of 2015?
- Jennifer Keilin: This is correct.
- Cynthia Whitaker: This was after the March order, saying that you should do further investigation, decide if you wanted psychological testing, et cetera, correct?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Okay, and Mr. Starks sent you this letter with a variety of attachments. Did you consider this information in your evaluation?
- Jennifer Keilin: Yes, I did.
- Cynthia Whitaker: All right, we move for admission of 136, Your Honor.
- Carl Edwards: No objection.
- Judge Berns: Okay, noting no objection, Exhibit 136 is admitted.
- Cynthia Whitaker: Directing your attention to page 79 of that exhibit, this is an email from [Barry Brummit 00:27:50], who was still residing at AND, correct?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Okay, and this is dated February 8, 2013. [00:28:00] It's sent out to the residents of AND, including Ms. Ralph, who is actually known as "Heater," is that correct?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: This email is about Jen Wagner's event. In this email, Dr. Brummit says, "Jen took a very large amount of Xanax on Tuesday afternoon in a credible attempt to end her life," isn't that right?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Okay, down in the black back plot area, he says, "Jen walked herself over from her place to AND Tuesday afternoon and those present assessed her as 'lightly, recreationally or due to stress, sedated' as she presented with a positive attitude, requested and ate a piece of toast, then stretched out on the AND living room floor," is that right?
- Jennifer Keilin: Yes.

Cynthia Whitaker: Then, eventually, after approximately 24 hours, the residents decided they needed medical attention and took her to the hospital, isn't that right?

Jennifer Keilin: That's what he states, yes.

Cynthia Whitaker: Okay, and then after that, she signed herself into an in-patient treatment program, didn't she?

Jennifer Keilin: That's what he states, yes.

Cynthia Whitaker: Okay, do you have any reason to believe that's not true?

Jennifer Keilin: No, I was not present, though.

Cynthia Whitaker: All right. Now, [00:30:00] you were also given information in the course of your evaluation about another young woman in Ms. Ralph's community nicknamed "Cake" ...

Carl Edwards: Your Honor ...

Cynthia Whitaker: ... C-A-K-E?

Carl Edwards: I'm not going to object.

Judge Berns: Okay.

Jennifer Keilin: I was given information about a young woman named Cake, yes.

Cynthia Whitaker: Okay, and directing your attention to Exhibit 105, can you identify this as an email that you were given in the course of your investigation?

Jennifer Keilin: Yes, it was.

Cynthia Whitaker: Okay, we move for admission of Exhibit 105.

Carl Edwards: No objection.

Judge Berns: Okay, Exhibit 105 is admitted.

Cynthia Whitaker: This email was sent out to several Google Groups, isn't that right?

Jennifer Keilin: Yes.

Cynthia Whitaker: You encountered this phenomenon of Google Groups in the course of your investigation, didn't you?

Jennifer Keilin: Yes, I did.

- Cynthia Whitaker: This is where a large number of people are sent emails if they belong to the particular Google Group, is that right?
- Jennifer Keilin: I don't know how many numbers, but it can be large numbers. It can be small numbers, but yes, people that are signed up for the group get these communications.
- Cynthia Whitaker: Okay, this email says that, "Our beloved burner kid, Cake, admitted herself to in-patient drug rehab on Monday, [00:32:00] September 8." This is in 2014, is that correct?
- Jennifer Keilin: Yes, correct.
- Cynthia Whitaker: September of 2014? "Many of us have known [Cayla 00:32:11] since childhood, watched her grow up in our local burner community." Then, this email goes on to use Cake's own words. She says she's checking into rehab, "Addiction is a disease and I have it. If I don't learn how to manage it and live with it without hurting myself, it will eventually kill me. I've been addicted to everything from The Simpsons to food, pot, alcohol, stealing, nitrous, the list continues. I am currently addicted to meth, calling it 'speed' doesn't make it not meth, and now I've been sufficiently disgusted and hurt to go ahead and draw the line right here," isn't that what she says?
- Jennifer Keilin: Yes, she does.
- Cynthia Whitaker: She goes on to say, further down in the email, "I want and need a safe place away from all of this. My family and community are not safe places." Do you see that?
- Jennifer Keilin: Yes, I do.
- Cynthia Whitaker: You agree, don't you, Ms. Keilin, that children who grew up around drug use are more likely to have problems with drugs?
- Jennifer Keilin: Yes, it's an increased risk factor.
- Cynthia Whitaker: Did you know that Jen Wagner babysits or nannies for at least one of the AND residents?
- Jennifer Keilin: Yes, I do.
- Cynthia Whitaker: [00:34:00] Now, your initial report was due within 60 days, is that correct?
- Jennifer Keilin: Yes, it is.
- Cynthia Whitaker: You indicated it was a challenge to finish it within that amount of time, didn't you?

- Jennifer Keilin: Yes, I did.
- Cynthia Whitaker: Okay, usually, it takes longer than 75 days to complete a parenting plan evaluation, is that correct, for you?
- Jennifer Keilin: The typical evaluation does take longer than that, yes.
- Cynthia Whitaker: Okay, how would you rank the amount of email information that you received in this case, compared to other cases that you've had?
- Jennifer Keilin: I don't know.
- Cynthia Whitaker: Okay, how would you rank the number of persons in the two homes that you were faced with evaluating, compared to other cases that you've had?
- Jennifer Keilin: Above average.
- Cynthia Whitaker: How would you rank the complexity of the issues that you were faced with in this evaluation compared to others?
- Jennifer Keilin: I would describe it as moderate complexity.
- Cynthia Whitaker: Okay, now, you've never done a parenting plan evaluation involving a group living situation like this, have you?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: In the course of your investigation, you relied on two articles on [00:36:00] group living that you found, I think on the internet, is that correct?
- Jennifer Keilin: I referenced those, yes.
- Cynthia Whitaker: Okay, directing your attention to Exhibit 127, can you identify that as one of the articles that you looked at?
- Jennifer Keilin: Yes, it is.
- Cynthia Whitaker: Directing your attention to Exhibit 128, is that the other article that you looked at?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: We move for admission of Exhibit 127, Your Honor ...
- Carl Edwards: No objection.
- Cynthia Whitaker: ... and 128.

Carl Edwards: No objection.

Cynthia Whitaker: Oh, I'm sorry, I should wait for [inaudible 00:36:51].

Judge Berns: That's all right. Noting no objections to either one of those exhibits, Exhibit 127 and Exhibit 128 are admitted.

Cynthia Whitaker: Now, neither one of these articles deals with the subject of a child living in a group home, does it?

Jennifer Keilin: I need to refresh my memory.

Cynthia Whitaker: You can look at your deposition at 46, where you said it didn't. They didn't, sorry.

Jennifer Keilin: I don't see a reference to children in 127.

Cynthia Whitaker: One-twenty-eight is about finding a college roommate, isn't it?

Jennifer Keilin: [00:38:00] Some of it is about that.

Cynthia Whitaker: Okay, does 128 deal with children or a child living in a group living situation?

Jennifer Keilin: I don't see any reference to children in 128, either.

Cynthia Whitaker: Okay, now, you interviewed [Christine 00:38:35] Aker, Mr. 2 - Name wife, in person, didn't you?

Jennifer Keilin: Yes, I did.

Cynthia Whitaker: For about an hour-and-a-half, if I'm remembering correctly, is that right?

Jennifer Keilin: I'd have to review my billing.

Cynthia Whitaker: Your billings are at 121.

Jennifer Keilin: It reflects an interview of one hour with Ms. Christine Aker.

Cynthia Whitaker: Okay, now, while we're on this, this billing, this exhibit reflects the tasks that you did on this case, isn't that right?

Jennifer Keilin: Yes.

Cynthia Whitaker: And the time that you spent doing each one?

Jennifer Keilin: Yes.

- Cynthia Whitaker: When you say, "interview," like, "Interview with Heather Ralph," the third entry, that means in person, doesn't it?
- Jennifer Keilin: Yes, it does.
- Cynthia Whitaker: If you say, "phone," like on 9/11 with Wendy Hutchins Cook, that means that it's on the phone?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Okay, so you did not interview any of Ms. Ralph's housemates in person, [00:40:00] did you?
- Jennifer Keilin: I did not have in-depth interviews with them in person. I did meet the majority of them at the home visit.
- Cynthia Whitaker: Did you interview any of the housemates in person or not?
- Jennifer Keilin: No.
- Cynthia Whitaker: Doesn't provision 5.9 of the AFCC guidelines require an evaluator to, quote, "Assess relationships between each child and all adults who perform a caretaking role and/or living in the residence with the child"?
- Jennifer Keilin: That's one of the guidelines, yes.
- Cynthia Whitaker: Okay, do you think you did that in this case regarding the housemates that reside with Ms. Ralph?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: You think you're able to assess these people over the phone?
- Jennifer Keilin: Again, I saw people in person at the home visit and then I followed-up with phone contacts. I gathered as much relevant data as possible through those methods.
- Cynthia Whitaker: Okay, would you tell me which housemates you had contact with during the home visit?
- Jennifer Keilin: I would have to refer to my report.
- Cynthia Whitaker: Okay, that's Exhibit 12.
- Jennifer Keilin: The question was, which housemates did I see [00:42:00] at the home?

- Cynthia Whitaker: I'm understanding you to say that you consider that part of the assessment. Is that what you're telling me?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Okay, then which housemates did you have contact with during the home visit?
- Jennifer Keilin: I had contact with [Ula 00:42:18] and [Joe Pemberton 00:42:19], [Megan 00:42:22], [Leo 00:42:23] and [Petra Durock 00:42:23], [Mike 00:42:26] and [Zephyr Tyka 00:42:27].
- Cynthia Whitaker: Okay, now, Ula and Joe no longer live there, correct?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Leo is Petra's father?
- Jennifer Keilin: Yes, he is.
- Cynthia Whitaker: Petra is four-years-old or something, is that right?
- Jennifer Keilin: Four or five, correct.
- Cynthia Whitaker: Okay, and Mike Tyka is Zephyr's father, is that correct?
- Jennifer Keilin: Yes, he is.
- Cynthia Whitaker: Okay, now, according to this Exhibit 121, you had the home visit at Heather's and you spent 1.2 hours there, is that correct?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Okay, and this was the only parent/child observation that you did, isn't that right?
- Jennifer Keilin: With Ms. Ralph, yes.
- Cynthia Whitaker: Isn't the major purpose of this home visit to observe the parent and child together?
- Jennifer Keilin: That's one of the key purposes.
- Cynthia Whitaker: What's the other key?
- Jennifer Keilin: Is to observe the child's environment and have the child interact with the environment she's in.

- Cynthia Whitaker: Okay, and you testified on direct that you toured the whole house and went into every [00:44:00] room, is that correct?
- Jennifer Keilin: Yes, I did.
- Cynthia Whitaker: Okay, how many floors are there in this house?
- Jennifer Keilin: My recall is there's three floors and a basement.
- Cynthia Whitaker: Okay, so, essentially, four floors. How many bedrooms are there?
- Jennifer Keilin: I don't recall offhand.
- Cynthia Whitaker: Okay, there's more than eight, aren't there?
- Jennifer Keilin: I don't recall offhand.
- Cynthia Whitaker: Okay, let me ask you one question. You indicated to me that there was no focused contact with the other residents, isn't that right, other than with Ms. Ralph?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Okay, you toured the whole house, had the parent/child observation and met these residents in person that you noted in 1.2 hours?
- Jennifer Keilin: Yes, I did.
- Cynthia Whitaker: Okay, now, Heather wants to be able to leave Pepper with any of her housemates for babysitting or caretaking, doesn't she?
- Jennifer Keilin: I don't recall specifically who Heather wants to leave Pepper with at times. Some of the folks that she requested are her roommates, yes.
- Cynthia Whitaker: Okay, so your understanding is that she wants to leave Pepper with some of her housemates, but not all of them?
- Jennifer Keilin: I'm not sure of the list of folks that she wants to leave or that she would request the ability to leave Pepper with for a period of time. I'm not sure if all of the roommates are on there.
- Cynthia Whitaker: It includes some of her housemates?
- Jennifer Keilin: Yes, it does.
- Cynthia Whitaker: Okay, [00:46:00] now, when you were at the home visit, you saw the BED?

- Jennifer Keilin: I don't know.
- Cynthia Whitaker: You don't know if you did or not?
- Jennifer Keilin: I don't know if I did.
- Cynthia Whitaker: Do you know what the BED is?
- Jennifer Keilin: I know what it's been described by counsel as. I don't recall descriptions from the parties.
- Cynthia Whitaker: You never asked about the BED?
- Jennifer Keilin: I don't recall.
- Cynthia Whitaker: When you told me it's been described as a triple-sized bed that was used for sexual encounters, are you saying that's a description you got from counsel and not the parties?
- Jennifer Keilin: That's a good question, I don't know.
- Cynthia Whitaker: Okay, Heather acknowledged having sex parties at AND, didn't she?
- Jennifer Keilin: In the past, yes.
- Cynthia Whitaker: These sex parties are where people had sex in groups in the house?
- Jennifer Keilin: According to an invitation that each of the parties provided to me, there was a sex party at AND that occurred in a room, yes.
- Cynthia Whitaker: Okay, now, Ms. Ralph and Pepper live in a different portion of the house now than they did when you visited, isn't that right?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Okay, and they now live in a room in the basement that's next to where this BED is, isn't that right?
- Jennifer Keilin: Let's see, they live in the basement. There's a bedroom and a larger room, like a mother-in-law type of apartment [00:48:00]. I don't know what the proximity of BED is at this time.
- Cynthia Whitaker: Okay, directing your attention to your ... If I may give the deposition to the witness, Your Honor?
- Judge Berns: Yes.

- Cynthia Whitaker: Directing your attention to page 52, line 12, my question, "The place where Pepper and Heather live now is where the BED was, is that correct?" Your answer, "That's correct. That's what I was told." Is that my question and your answer on that day?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: Is drug use or abuse an issue of mental health, Ms. Keilin?
- Jennifer Keilin: It falls under mental health diagnosis, so it can be, yes.
- Cynthia Whitaker: Do you think lying to a court-appointed evaluator could indicate a mental health issue?
- Jennifer Keilin: It could.
- Cynthia Whitaker: How about manipulating witness testimony to a court-appointed evaluator? Could that indicate a mental health issue?
- Jennifer Keilin: It could.
- Cynthia Whitaker: Do you think father's concerns about Ms. Ralph [00:50:00] and her household and environment were worthy of investigation?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: You said on direct that father's concerns escalated, do you recall that, as the investigation went on?
- Carl Edwards: Objection, I think her testimony was that she was talking about when allegations escalated, I think there was a reference to it, but she did not specifically say, "The father's allegations escalated." This implies that ...
- Cynthia Whitaker: Actually, my question was, I thought you indicated on direct that the father's concerns escalated as the investigation went on, is that correct?
- Carl Edwards: This is what I'm objecting to, if it's talking about the concerns, "He added a new allegation of anger management at the end" is what that statement about escalation and the new concern about anger management.
- Cynthia Whitaker: You know what? I'll just rephrase, Your Honor, and try and move on.
- Judge Berns: Okay, thank you.
- Cynthia Whitaker: You indicated that in May, when you met with Mr. 2-N, that he was agreeable to a 50/50 residential schedule. Do you recall that?

- Jennifer Keilin: Yes, he provided a proposal.
- Cynthia Whitaker: Okay, isn't it true that he was only willing to agree to a 50/50 residential schedule if there were specific safety provisions included in that parenting plan?
- Jennifer Keilin: He wanted specific language in the plan, yes, extra stipulations that related to safety.
- Cynthia Whitaker: Okay, now, your initial report had no such safety provisions.
- Jennifer Keilin: Correct.
- Cynthia Whitaker: Your second report, your final report, I guess, has significant ones, don't they [00:52:00]?
- Jennifer Keilin: It has detailed language, yes.
- Cynthia Whitaker: Okay, and then in August, Mr. [2 - Na...] said that he wanted someone present during Ms. Ralph's residential time, isn't that right?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: You consider that to be a dramatic move from his previous position, is that right?
- Jennifer Keilin: Yes, I do.
- Cynthia Whitaker: Did you consider, Ms. Keilin, that the more father found out about Ms. Ralph and the situation as this investigation went on, the more he became concerned and that was the reason why he changed his position?
- Jennifer Keilin: That is what he reported.
- Cynthia Whitaker: He did report that to you?
- Jennifer Keilin: Yes, he did.
- Cynthia Whitaker: Okay, and he didn't know many of these things about Ms. Ralph when you started this investigation, did he?
- Jennifer Keilin: I'm not sure I would characterize it that way. His explanation was that he learned some more things and became more concerned about historical information.
- Cynthia Whitaker: Does the court want to take a break at 10:30 or I can keep going or either way?

- Judge Berns: We'll either take a break now or at 10:45. [inaudible 00:53:22]. Look, why don't we go to 10:45, counsel, and then we'll break at that point or depending on what your timing is on your cross, if that happens?
- Cynthia Whitaker: Okay, thank you. Now, after your first report was issued, we asked you to talk to Heather's counselor, who ^{2 - Nam...} believed was consulted about Heather's anger management issues, isn't that right?
- Jennifer Keilin: I don't recall.
- Cynthia Whitaker: You don't remember us asking you to follow-up on the anger management issue with Heather's counselor?
- Jennifer Keilin: I don't recall.
- Cynthia Whitaker: Did you?
- Jennifer Keilin: I did [00:54:00] not.
- Cynthia Whitaker: Why not?
- Jennifer Keilin: As explained previously, the status of evaluation ... Let me start that answer over, I apologize, why not? I had not received other relevant information regarding concerns about anger management. It was a new concern that was in contrast to the role that I believe that I had at that time, was to re-examine the information that I already had at hand. I didn't think that it was likely to contribute in any significant way to the evaluation.
- Cynthia Whitaker: Now, would you direct your attention to Exhibit 112? This is an email that we provided to you, isn't it?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: In this email, Ms. Ralph acknowledges having an anger management issue, doesn't she?
- Jennifer Keilin: She stated, "I agree to work on anger management and abuse until we are satisfied with the outcome or [00:56:00] until we terminate our relationship."
- Cynthia Whitaker: Okay, the order of March 18, 2015, that related to your doing further investigations, says, "Each parent shall be given an opportunity to provide additional information to Ms. Keilin. Any information provided to Ms. Keilin by or on behalf of a parent shall be provided to the other parent's counsel," is that right?
- Jennifer Keilin: Yes.

- Cynthia Whitaker: Okay, we provide you with this email, indicating that there is an anger management issue. Now, when Mr. [redacted] talked to you about this, didn't he indicate a concern that he would be thought of as alleging domestic violence on the part of Ms. Ralph?
- Jennifer Keilin: I don't recall. I would have to refresh my memory from my notes as to what he said.
- Cynthia Whitaker: Okay, now, he wasn't alleging this as domestic violence in the statutory sense, was he?
- Jennifer Keilin: No, he was not.
- Cynthia Whitaker: Okay, and he didn't want it to be taken that way, did he?
- Jennifer Keilin: No, he did not.
- Cynthia Whitaker: Okay, what he was concerned about, wasn't he, was just Ms. Ralph's management of her emotions and physical self, isn't that right?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: This also related to Pepper, didn't it?
- Jennifer Keilin: It could.
- Cynthia Whitaker: He expressed a concern about Ms. Ralph, having to restrain her while brushing her teeth and things like that?
- Jennifer Keilin: I'd have to reference my notes as to what he shared at that session.
- Cynthia Whitaker: Okay, but you didn't think this was worth following up on, despite our request, is that right?
- Carl Edwards: Objection, that was not her testimony.
- Cynthia Whitaker: I'm sorry, Your Honor. I'll rephrase.
- Judge Berns: Thank you.
- Cynthia Whitaker: You did not contact Ms. Ralph's [00:58:00] counselor on this topic, did you?
- Jennifer Keilin: I did not.
- Cynthia Whitaker: Do you think that it's possible that that might've revealed a mental health issue of mother's, if you had investigated this issue?

- Jennifer Keilin: In context with the other data that did not support a mental health issue, I would not have anticipated it to reveal that, no.
- Cynthia Whitaker: Okay, did you ask anybody you spoke to specifically about Ms. Ralph's anger management ability?
- Jennifer Keilin: Not about anger management, no.
- Cynthia Whitaker: Okay, now, you are aware that the members of mother's household had consulted counselors to talk about house issues, isn't that right?
- Jennifer Keilin: Yes, I was.
- Cynthia Whitaker: We asked you to talk to these house counselors, didn't we?
- Jennifer Keilin: Correct.
- Cynthia Whitaker: You didn't do that either, did you?
- Jennifer Keilin: I did not.
- Cynthia Whitaker: In fact, you told me that you thought it seemed like a "fishing expedition."
- Jennifer Keilin: Yes, I did.
- Cynthia Whitaker: Don't you agree that it might have revealed more detail about AND and the residents and what kind of issues they deal with in that household?
- Jennifer Keilin: It might have.
- Cynthia Whitaker: Now, you ask for psychological testing in 90 percent of the evaluations that you do, don't you?
- Jennifer Keilin: Roughly.
- Cynthia Whitaker: You [01:00:00] don't do testing yourself, because you're not qualified, correct?
- Jennifer Keilin: That is correct.
- Cynthia Whitaker: I believe you told me you refer to Marnee Milner, who was a clinical psychologist in Seattle, is that right?
- Jennifer Keilin: Yes.
- Cynthia Whitaker: You didn't consult with anyone, Marnee Milner or anybody else, about whether you should do testing in this case, did you?

Redaction Summary (267 redactions)

2 Privilege / Exemption reasons used:

- 1 -- "DOH Licensee Social Security Number - RCW 42.56.350(1)" (2 instances)
- 2 -- "Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1)" (265 instances)

42.56.070(1), 5 instances

Page 207, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 8 instances

Page 208, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 1 instance

Page 210, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 2 instances

Page 211, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 2 instances

Page 219, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 1 instance

Page 223, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 1 instance

Page 225, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 2 instances

Page 228, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 1 instance

Page 229, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 1 instance

Page 230, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 2 instances

Page 231, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 2 instances

Page 237, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 1 instance

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Page 248, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 1 instance

Page 249, Name - Whistleblower Regarding Health Care Provider or Health Care Facility - RCW 43.70.075(1), RCW 42.56.070(1), 1 instance