

REPORT OF GRIEVANCE AND FORMAL COMPLAINT

Colorado Department of State Regulatory Agencies
Mental Health Licensing Grievance Board
1560 Broadway Suite 880
Denver, CO 80202

Re: Bill J. Fyfe Ed.D, Licensed Psychologist
710 Kipling Street, Suite 306
Lakewood, Colorado 80215

September 12, 2005

To Whom It May Concern:

I am writing to file a formal complaint against Bill J. Fyfe, EdD, who was the Custody Evaluator in our case beginning in October 2003 (99DR781). I believe you will find enclosed enough evidence for you to question the provision of Dr. Fyfe's license based on his unprofessional behavior, failure to follow test protocols, gross misrepresentation of facts, ignorance of valid testimony and evidentiary failure to abide by ethical and practice guidelines as outlined by the American Psychological Association, invalid support of an unrecognized and unsupported psychological syndrome, abuse of his discretion of power, and extreme confirmatory bias, which has resulted in great and irreparable harm to me and my daughters. There may be more counts on which you will find he has violated as you continue to read and investigate this complaint.

Please see Bill Fyfe's Custody Evaluation Report, dated February, 2004, attached. References to that report are listed as page number, and paragraphs are noted following decimals. I have also attached letters from Justice For Children, a children's advocacy group based in Washington DC, Houston Texas and Phoenix, Arizona, who has reviewed our entire case and also outlines the areas in which Dr. Fyfe has factually and methodologically failed to adhere to proper procedures and/or professional standards of practice.

Bill J. Fyfe, EdD (Fyfe) in his 2004 report and in his 2005 testimony in court via telephone, substantially distorted my test results, in what are supposed to be and should have been objective standardized tests. Further, he conducted the Rorschach test against my wishes, which is already not considered admissible in a court of law, in a threatening and non-professional manner, disregarding the test protocol, which is attached. His extremely erred (and paid for by my ex) "findings" resulted in a very biased assessment of my psychological status, which directly and adversely affected my position in our case, resulting in the loss of custody of my daughter for no substantiated reason other than his biased assumptions and his furthering those biases throughout the next year. His bias against me and insistence of my ex-husband [father's] innocence is evident throughout his report, even though there was a much greater body of evidence that what I, my daughters, our friends and our therapists were saying was true. According to the American Psychological Association, of which Fyfe is a member, this is against all of their General Principles of Ethical Code as well as at least twelve individual ethical codes. I assume you also have similar ethical rules and regulations which I

am not privy to at this time, however, I did list the Ethical Code number and General Principals to assist you in your decision making process.

1. Of note (and to my grave detriment), Fyfe insisted on using yet did not follow the rules for administering the Rorschach Inkblot Test. I told him in my graduate degree program I was informed that the Rorschach is an invalid and far too subjective test, which is not allowed in a court of law, and, our custody evaluation being a legal proceeding, refused to take it. He told me he would not look favorably on me if I refused him, and made me take it, despite my misgivings and protests. He sat to my immediate right, very close physically, with his knees touching mine. I told him he was making me very uncomfortable, he did not move but remained in my personal space. I was too intimidated by him to get up and leave, as he was between me and the door. At first did not give me the cards to hold as I examined them, as he should have done at the beginning of the test. He kept telling me to give him immediate answers to what I saw and gave them to me in very rapid succession (a few seconds each), and afterwards gave it to me in two successive, even more rapid successions, and did not ask me to explain what I saw, as standard test protocol for the Rorschach indicates. His very subjective interpretations of this test (which conflicts with all other tests) appear to have been pivotal in his evaluation of me. Because the Rorschach tests are so subjective, I would like your help in disallowing their use by psychologists under your jurisdiction and/or control.

The use of this test is in direct conflict with the APA Guidelines for Child Custody Evaluations, II.5B, "The psychologist uses current knowledge of scientific and professional development, consistent with accepted clinical and scientific standards, in selecting data collection methods and procedures," and II.12, "The psychologist neither over interprets or inappropriately interprets clinical or assessment data. The psychologist refrains from drawing conclusions not adequately supported by the data." Fyfe is also in conflict on this issue with APA Ethical Codes 3.03, 3.06, regarding human relations and 9.01b, 9.02b, 9.06, 9.08b, 9.09a, 9.09b, and 9.10, regarding assessments, which are listed in detail as an Addendum A to this formal complaint.

Until recently (2005), Fyfe refused to release any of my tests to another licensed psychologist for reevaluation, and it wasn't until Justice For Children, an advocacy group for children's rights, stepped in on my behalf that he very reluctantly agreed to let a leading psychological expert view the data. I first requested those test results in 2004, via telephone, and have many times since. Only this year did I begin requesting them in writing. Copies of my requests and his letters of response are enclosed. You are welcome to contact my caseworker at Justice For Children at the number listed on their correspondence for further verification of his marked reluctance to cooperate. Justice For Children's position paper on my case is attached.

2. The psychological test data Fyfe collected from the tests he gave me have been re-evaluated by a leading expert for psychological test interpretations in a completely blind study. That evaluator, [REDACTED] PhD, who co-runs the [REDACTED] State Psychology Department and is considered a top expert in test evaluation in the United States, substantially disagrees with what should have been Fyfe's objective measurements based on my test data and raw scores, and in his resulting overall assessment of me. Please see attached Evaluation by Dr. [REDACTED] PhD, dated [REDACTED], 2005.

This is in direct conflict with the APA Guidelines for Child Custody Evaluations, II.12, "The psychologist neither over interprets or inappropriately interprets clinical or assessment data. The psychologist refrains from drawing conclusions not adequately supported by the data." Fyfe is also in conflict here with the APA General Principals A and D and Ethical Codes 9.01b, 9.02a, 9.06, 9.09a, 9.09b, and 9.10, listed in detail on attached Addendum A.

I have had other psychological tests taken of me, all of which substantiate my mental health as being adaptive and high functioning, with no concerns of note. See letter to that extent by Dr. [REDACTED], PhD, written [REDACTED] 2004, which further supports the findings of Dr. [REDACTED], PhD.

3. Fyfe disregarded the 2003 Special Advocate Report by [REDACTED], who stated that “there is absolutely no indication that any endangerment whatsoever exists when the child is in the mother’s care” (pg3, para 6a of Special Advocates Report). Fyfe himself said that “there were no concerns noted by this evaluator” in regards to my relationship with my daughter, and “[mother] and [child] appear to have a pleasant and healthy relationship. There is nothing in that relationship suggestive of a disorder.” (pgs 22.5 and 24.6), yet in his Statutory Considerations, pg 31, II: “It is likely that [child] has been coached and/or brain washed in some fashion by her mother and perhaps her sister in order to express the kind of fear she has towards her father at this time”. That report is attached. Fyfe’s behavior is against the APA General Principals A, B C, and D attached.
4. Further, Fyfe refused the statements of various therapists supporting the fact that there was and has been valid questions regarding child abuse. Fyfe wholly disregarded the testimony of Dr. [REDACTED] PsyD, (pg 38.3) my daughter’s therapist, (emotional and probable sexual abuse), see pg38.3 of Fyfe’s report and her affidavit, attached, and filed in January 2005 in response in part to his refusal to consider her testimony. Also ignored is that Child Protection Services ruled emotional abuse by my ex husband against our daughter. Fyfe states that “vague references to her father doing something to her continue” (pg8.6,4, pg 38.3), Yet Fyfe still wrote in his Statutory Considerations, pg 31, IX: “There is *no* evidence that either parent has been the perpetrator of child abuse.”

This is in direct conflict with the APA Guidelines for Child Custody Evaluations, I.1, and I.2, regarding the child’s best interests, and II.4, regarding being impartial, 11, “The psychologist strives to use...multiple methods of data gathering.”, and 12, “The psychologist refrains from drawing conclusions not adequately supported by the data.”

5. Fyfe did not follow the proper methodology as outlined by the Professional Association of Custody Evaluators (PACE), see attached outline from PACE. A history of abuse was, in fact, substantiated by testimony of my and my daughters’ therapists all of whom corroborated our complaints against my ex-husband. Furthermore, my involvement in the Safe House program began on the recommendation of the local police department, and the refusal of my urologist to continue to treat me because I refused to turn in my ex-husband for injuries I suffered due to his abuse, should have been enough evidence to at least warrant further investigation, yet still Fyfe refused to consider all of the supporting evidence and instead claimed “there has been no abuse of any kind”, ruling “parental alienation” on my part.

This is in direct conflict with the APA Guidelines for Child Custody Evaluations, I.1, “the primary consideration is to assess the individual and family factors that affect the best psychological interests of the child,” and I.2, “the primary purpose of an evaluation is the child’s best interests and well being”, and II.4, “The role of the psychologist is as a professional expert. The psychologist does not act as a judge...neither does the psychologist act as an advocating attorney, who strives to present his client’s best possible case.” and II.13, “not giving opinions regarding psychological functioning of anyone not personally tested”, II.14, “recommendations, if any, are based on what is in the best interests of the child.”

6. Fyfe is an advocate and self-purported expert in “parental alienation syndrome”, which is based on a discredited theory of “parental alienation” which does not meet the Frey or Daubert tests, the scientific standards for admissibility. Further, he gives talks around the country entitled “Pathological Alienation: Is there Any Other Kind?” (see May, 2005 power point of his presentation). In addition, the American Psychological Association, of which I understand he is a member, has publicly stated that PAS is not supported nor collaborated by the APA, and “...there are not data to support the phenomenon called parental alienation syndrome...” *Am. Psychol. Assoc., Violence and the Family: Report of the American Psychological Association Presidential Task Force on Violence and the Family* (1996). PAS has consistently been publicly denied by the APA, and the American Medical Association, yet Fyfe continues to exploit it as a rationale for the reasons behind the fear of my daughter towards her father, which in our case is based on an inappropriate use of this unfounded syndrome, even if one continues to believe in its legitimacy, despite public statements to the contrary by psychological governing entities.

This is in direct conflict with the APA Guidelines for Child Custody Evaluations, II.5B, “The psychologist uses current knowledge of scientific and professional development, consistent with accepted clinical and scientific standards, in selecting data collection methods and procedures,” Fyfe is also in conflict here with the APA Ethical Codes 9.01b, 9.02b, 9.08b, 9.09a, 9.09b, and 9.10. Please see a letter from Justice for Children, attached as additional evidence.

7. Fyfe himself notes several times that my ex husband has a history of anger management issues, and has been treated for it (pg 39, para.2), and that there was evidence of his having emotional problems (pg5, para.3) Note that in abuse cases for those professionals who still believe in parental alienation anyway, it is disallowed by PACE as a possible reason for a child to fear or have a poor relationship with his or her father. Experiencing or witnessing abuse naturally instills fear, which denies the use of “alienation” as a possible cause for a poor relationship. This is in direct conflict with the APA Guidelines for Child Custody Evaluations, I.1, and I.2, “the primary purpose of an evaluation is the child’s best interests and well being”, and II.4, “being impartial”, and II.13, “not giving opinions regarding psychological functioning of anyone not personally tested”, and II.14, “recommendations, if any, are based on what is in the best interests of the child.”
8. There were several sources who testified that there continued to be questionable abuse issues. My daughter’s riding instructor is noted in Fyfe’s report as testifying to Dr. Fyfe: “[Instructor]...indicated [child] was different when her father was present. She rode up in the saddle when her father brought her. She was ‘unable to sit in the saddle’. She later added ‘it looked to me like she’d been hurt, like she’d been molested’. [Instructor]also added [child] was distant and cold when with her father and warm and close with her mother”. (pgs 40.9-41.1) Notable is that [father] took [child] to her riding lessons every other weekend for quite some time (months). [Instructor] saw [child] with her father on many occasions, and [child] and I worked at that facility for over a year, so there were many instances in which she described this. Unfortunately, [Instructor] has moved away, but hopefully her testimony as noted in Fyfe’s report is enough for you to consider that Fyfe substantially ignored that there might, in fact, be cause for concern that his client [my ex husband] had been causing harm and/or distress to his child.

This is in conflict and directly disregards APA Ethical Code General Principals A, B, C, D, and E. Further, it is in direct conflict with APA Guidelines for Custody Evaluations, 1, 2, 3, 4, 5c, 11, 12, and 14.

9. Bill Fyfe did not conduct a psycho-sexual assessment of my ex-husband regarding the sexual abuse allegations against him, as is normal in an investigative process like this, nor did he evaluate [father], even though there should have been plenty of valid reasons to do so. Instead, Fyfe took the word of a colleague in the custody evaluation. No one verified the information given by [father] to that colleague, Dr. [REDACTED], to its veracity, significant are the misrepresentations of his family life, in which he witnessed ongoing domestic violence and saw his father nearly kill his mother. She was hospitalized for a long time and continues to have lasting consequences from those violent acts.

This is in direct conflict with the APA Guidelines for Child Custody Evaluations, II.4, “The role of the psychologist does not act as a judge, who makes the ultimate decision applying the law to all relevant evidence.” “The psychologist, in a balanced, impartial manner, informs and advises the court...off the relevant psychological factors pertaining to the custody issue.” Guideline II.13: “The psychologist does not give any opinion regarding the psychological functioning of any individual who has not been personally evaluated.”

10. Fyfe did not evaluate my daughter [child] with her father “due to the intense level of her agitation” (pg 26.8), and says that discussion of her father obviously created tension and conflict when questioned about her father(pg26.4), yet conflictingly states in his report that “[child] has enjoyed four years of positive experiences with her father, post divorce” (pg 7.4), and that she says “[child] stated she enjoyed time with her father” (pg 24.7), yet on pg 25.5 states that “[child] became significantly more agitated than she had been saying “I just don’t want to see him”. Further, Fyfe stated on pg 25.1 “[child] stated that her father was ticked off at a riding event he subsequently distracted her. It did not seem to occur to [child] that perhaps the unusualness of her father’s presence might have been distracting her rather than anything her father did in and of itself”. Again, Fyfe is making conclusions in favor of his client which are not warranted by the body of evidence, testimony or data presented. Again, he is in violation of being an impartial reporter, by not stating the facts, and not making unwarranted conjectures. He did not abide by the testimony and recommendations of additional experts in the field of child and spousal abuse, even though it was provided to him through Dr. [REDACTED], PsyD, and Dr. [REDACTED] PhD, as well as the Special Advocate, and [REDACTED] County Child Protection Services, all of whom are considered professional experts. Bill Fyfe instead superceded their concerns by defending his client’s unjustified innocence.
11. Further, Fyfe did not follow proper protocol for evaluating our case, allowing the strongly conflicting evidence to remain largely ignored, with the recommendation by him that I lose custody of my daughter, [child], now nine years old, if I did not support reunification of her with her father. Fyfe at no time outlined what ‘support reunification’ meant, nor what behaviors would be seen as supporting (or not supporting). This is in direct conflict with the APA Guidelines for Child Custody Evaluations, in II.4 “The psychologist, in a balanced, impartial manner, informs and advises the court and the prospective custodians of the child of the relevant psychological factors pertaining to the custody issue”, and more importantly, Fyfe did not act in the best interests of my child, [child] , even though, according to the first four guidelines regarding custody evaluations, he was to make sure her best interests and well-being

were paramount, not his client's (father's) innocence at her (and my) emotional and psychological expense.

12. Fyfe's report itself is conflicting throughout, stating first one thing and then another. His recommendations do not support the evidence outlined in his lengthy and poorly written report. However, he does appear to be quite angry with me for making a (my first) police report regarding this case on [REDACTED], 2004, on the advice of my attorney, which he viewed as going over his head. I had not spoken to Fyfe then recently, and I do not know what the police officer said to him. The police had been called to our home on only one occasion, yet it appears that Fyfe is quoting me as saying there was a continuous criminal record (not true). It appears his report was written in great haste and out of terrible anger towards me. It was submitted within 24 hours of his receiving the phone call from the police officer. Please see pg 8.5 of his report in regards to his negative reaction to that event, which was misinterpreted by him, and which seems to have clouded his report. His very damaging report has had lasting and devastating consequences to me and my children. This is in direct conflict with the APA Guidelines for Child Custody Evaluations, also in II.4 "The role of the psychologist is that of a professional expert who strives to maintain an objective, impartial stance."
13. Further, Fyfe refused to speak with my long time boyfriend who asked to testify to what he saw happening before, during and after he lived with us, nor would Fyfe speak with my long time friend who has known me for nearly 20 years, despite repeated attempts on their parts to contact him. He spoke at length to my therapist, Dr. [REDACTED] PhD about her treatment of me for PTSD related to abuse issues at the hands of my husband, yet Fyfe only writes in his report that she said I "was fearful of [father]" and was a "wonderful woman". My eldest daughter, testified about the abuse she and I suffered at [father]'s hands, yet that was completely ignored, even though the Dept of Human Services investigated [father] for abuse towards [other daughter]. Fyfe writes "There have been repeated allegations of abuse by [father]", yet he chose to write in his Statutory Considerations, pg 31, X, and XI: X: "While the mother has alleged that father abused her, there is no credible evidence to suggest this occurred" XI: "Neither parent has been the perpetrator of spousal abuse."

It is my understanding that spousal abuse is substantiated and evidenced when there is continued involvement in the Safe House program (as I was for two years) at the recommendation of the police department, when others testify to actual or probable abuse, when there is treatment for abuse related issues (PTSD), when counseling therapists believe it has happened, and when a spouse receives treatment for anger management issues, as [father] was.

14. Neither at any time did Fyfe corroborate or verify what others told him who were on my ex's side, taking instead the testimony of my angry first ex and a store clerk over licensed and trained professionals who have known me and my daughters for several years. Had Fyfe checked to verify the validity of the statements by [my ex husband], Fyfe would have discovered that [my ex husband] was, in fact, taken to court by me to comply with his visitation schedules, and at no time did I interfere in them, nor alienate him, as Fyfe assumed in his conclusions. An Affidavit by [other daughter] is attached., as are copies of one of the several court cases in which I took my first ex to court to make him see his (my eldest) daughter. This is in direct conflict with the APA Guidelines for Child Custody Evaluations, II.4. "The role of the psychologist is that of a professional expert who strives to maintain an objective, impartial stance."

15. Fyfe did not corroborate nor substantiate any information presented on [father]'s behalf, accepting it without question, even when there was evidence to the contrary. Further, when given repeatedly supporting evidence on my behalf, Fyfe ignored, discounted or misstated it. He viewed a rather long list of documents I gave him, and seemingly ignored all of them. Those documents are listed in his report and I am happy to send them to you if you would like. It seemed prudent to give you just the current documentation to avoid sending you a package of materials that would take many hours to go through. Fyfe demonstrates his continued bias throughout his report, again on page 31, the Statutory Considerations, I: "[Father] has finally had enough of [mother's] allegations concerning his behavior", rather than merely stating the facts and evaluating this case based on what should have been his neutral position as an unbiased and objective custody evaluator. Again, Bill Fyfe defends his client's unjustified innocence and vilifies me. Throughout his report, he makes critical and disparaging statements about me that are based on his imagination and conjecture, not on fact. "This evaluators experience with alienating parents strongly suggests that they rarely change". "This evaluator is under no illusion that [mother] will curb her alienating behaviors with [child]." (??I am not sure what that means) "Her profile further suggested she may have a history of psychosomatic disorders, although none were suggested during the course of the present evaluation". "[Her] profile suggests she makes great effort to be sociable and to conform to the rules of those in authority. However, there may be some under current of resentment, which is not readily displayed." (pgs21-22) These statements had absolutely no justification whatsoever, and were purely speculation. No alienating behaviors of any kind were delineated, no history of psychosomatic disorders exist, nor have they ever existed, nor is there any "undercurrent of resentment" towards authority, nor has one ever existed. I am and have been all my life a law abiding citizen and a contributing member of society, and while I and others who know me know that, what Fyfe said in his report is now public record, and has degraded, debased, defiled, oppressed and slandered me to immeasurable lengths. I would like his report removed from the record, if possible, or somehow publicly discredited so that I might redeem myself and my daughters' psychological, emotional and functional well being, to recover our lives and our dignity.

The use of this test is in direct conflict with the APA Guidelines for Child Custody Evaluations, II.12, "The psychologist neither over interprets or inappropriately interprets clinical or assessment data. The psychologist refrains from drawing conclusions not adequately supported by the data."

16. Fyfe misstated or erred in accurately reporting events, facts and timing throughout his report. Please see attached Errors in Bill Fyfe's Report., in which there are numerous errors, inaccuracies and damaging deletions, distortions and slanting of facts that founded and greatly contributed to the travesty of justice that has occurred as a result of Dr. Bill Fyfe and one of his colleagues, leading to the unwarranted loss of my little girl. Of note is the fact that the Harmony House, a place designated for parental visitations, refused to allow visits by [father], due to a letter they received from Dr. [REDACTED], PsyD, [child] 's therapist, attached. The letter stating their reason was submitted to Dr. Fyfe, yet he states: "Despite the fact that a plan is in place for supervised parenting time, mother has gotten away with ignoring this order and keeping [child] from her father". p8.5, That statement is incorrect, grossly misleading, and further evidence of his extreme bias against me.

His continued use of such disparaging remarks about me and his misstatements of fact, misinterpretation of test results and conflicting information paint an inaccurate picture that is quite negative, one in which he used to damage me on every level imaginable. Dr. Fyfe is a Licensed

Psychologist whom the public trusts to represent them objectively, with great prudence and proficient judgment, and to uphold certain ethical and moral codes of conduct, as outlined by the profession in which he practices. Fyfe considers himself to be an expert in the field of child custody evaluations and advertises himself as such (see attached), yet Dr. Fyfe did not follow the guidelines or ethical rules and regulations as outlined by the APA (see attached). Dr. Fyfe's abuse of his delegation of power and wrongful treatment of me as his client throughout this process has caused me great and irreparable harm. Because of Dr. Fyfe's poorly written, largely inaccurate, misleading and extremely biased report, I was forced to sign a stipulation that he found no abuse occurred. I was threatened with jail time as a result of Dr. Fyfe's substantially erred, biased and misrepresented report, on the basis of "wrongful accusations", even though it had, in fact, occurred on a regular basis for many years, and still continues to in various ways. Fyfe's unprofessional behavior, failure to follow test protocols, gross misrepresentation of facts, ignorance of valid, substantial testimony and evidence, failure to abide by custody evaluation and ethical guidelines as outlined by the American Psychological Association and Professional Association of Custody Evaluators, his invalid support of an unrecognized and unsupported psychological syndrome imagined by Dr. Richard Gardner who supported pedophilia, Fyfe's abuse of his discretion of power, and extreme confirmatory bias is causing and has caused severe emotional, financial and psychological harm me and both of my daughters, the very people he was supposed to be serving.

I again ask that you please save me from any further damage from him, that you permanently revoke his license to practice, fine and/or discipline him to the maximum extent allowed, and that you assist me in finding the proper avenues to file a malpractice suit against him. He, alone and in combination with another of his colleagues, has so effectively destroyed my life and any available resources that I have nowhere else to turn but to you for your help. I am in your debt and deepest gratitude for any help, assistance and direction you can offer me.

Yours truly,

Dana [REDACTED]

Cc: [REDACTED]
Justice For Children
Appeals Attorney

Attachments:

Violations by Bill Fyfe of American Psychological Association Ethical Guidelines 2002
American Psychological Association Ethical Guidelines 2002
American Psychological Association Guidelines for Child Custody Evaluations 2002
Custody Evaluation by Bill Fyfe 2/04
Psychological Evaluation of [father] by [REDACTED] 7/03
Letter from Justice For Children 9/05
Protocol for Rorschach Test
Psychological Evaluation of [mother], Dr. [REDACTED], PhD, 9/05
Letter regarding Psychological Evaluation of [mother], Dr. [REDACTED], PhD, 12/04
Special Advocates Report 8/03
Affidavit from Therapist Dr, [REDACTED], PsyD 02/05
Professional Association of Custody Evaluators 3/05
Affidavit from [DAUGHTER] 9/05

Motion for Child Support and Visitation

Letter from Therapist Dr, [REDACTED], PsyD 11/03

Letter from Harmony House 11/03

Staff Profile Dr. Fyfe 9/05

Dr. Richard Gardner, A Review of His Theories and Opinions, Published in 1998

Wilson, Trish; How "Parental Alienation Syndrome" is used against Mothers and Children in Court,
Published in 1997