

DARLA L. KERNS
P.O. BOX [REDACTED]
COLORADO SPRINGS, CO [REDACTED]
[REDACTED]

October 12 2005

Department of Regulatory Agencies
Colorado Mental Health Section
1560 Broadway, Suite 880
Denver, CO 80202

Formal complaint against:
Carol L. Reinert, M.A., L.P.C.
10 Boulder Crescent, Suite 204E
Colorado Springs, CO 80903

Dear Sirs and Madams:

The competence of the above noted counselor and her intentions leave me no choice but to file a formal complaint against her in hopes that your agency will be able to act upon it and protect other families and children who do not have the means to protect themselves, from her incompetence.

My relationship with her has extended to 15 months and so this complaint will be lengthy and for that I apologize. However, her unethical behavior and the emotional destruction that she has caused to my family through her incompetence and ineptness is so unconscionable that I think the general public, particularly children, need to be protected from her.

I requested that Ms. Reinert be appointed by the Court to conduct a child custody investigation as part of my divorce from my husband. I was concerned about my husband's drinking and drug abuse, both prescribed and illegal. Ms. Reinert's initial analysis was very supportive of my position and in opposition to my husband's drinking and drug abuse. During her evaluation her attitude changed for no explicit reason and she became very antagonistic to my position and supportive of my husband's, even though she had an inordinate amount of proof regarding his alcoholism and drug abuse.

Your immediate reaction may be to think that I am the disgruntled recipient of her decisions. That is not true. Despite her incompetence, her report was actually favorable to me.

Among what I perceive as wrongful conduct on her part are the following:

1. Ms. Reinert communicated with my husband and her attorney without verifying facts with me or obtaining my side. One such incident involved my alleged abuse of my daughter Ms. Reinert had told me that my daughter had told Ms. Reinert that “I drank all the time.” You’ll see no mention of that statement in her report, because my daughter said no such thing, but Ms. Reinert as you will see, is an accomplished liar. I questioned my daughter about it, she was very upset that Ms. Reinert had said it and contacted my ex-husband saying that I was mad at her and that Ms. Reinert had lied about what she had said. My ex-husband and his attorney contacted Ms. Reinert and told her I had arrived at the home that my daughter was at, yelling, irate and literally drug my daughter from the home. Ms. Reinert took it as fact and presented it to the court as fact, but in actuality, she had talked to the people at the home, no such incident occurred, but Ms. Reinert presented it as a fact that she had personally confirmed. None of it is true and the person alleged to have communicated the facts of this alleged abuse to Ms. Reinert refutes her account. See letter attached. Ms. Reinert later changed her recitation of the facts, beefing up that same lie when she told my attorney that I didn’t want her to call her as a witness, because I had drug my daughter out of the house by her hair and that the police were called and that she had considered having my daughter put in foster care and that would be something I wouldn’t want the Judge to hear. I am astounded that she has no problem lying to the court and to threaten me, through my attorney, with such lies. Foster care! Kindly read through all that I have given you and you let me know how anyone, even in their wildest dreams could come up with foster care.
2. Ms. Reinert took an active role in defrauding the court and thwarting the Court’s efforts to keep my daughter safe by covering up the fact that my ex-husband was not being tested for alcohol consumption. After a drinking incident by my ex-husband in March of 2005 (discussed below) in violation of Court order, which I had to prove to everyone involved, Ms. Reinert took credit for requiring him to submit to alcohol testing when in fact it was the Court who ordered it without input by Ms. Reinert. After the order, Ms. Reinert failed to follow up to determine if my ex-husband was being tested pursuant to Court order, despite repeated requests from my attorney.
3. Ms. Reinert shared my confidential medical information with my ex-husband’s attorney.
4. When I first contacted her, Ms. Reinert represented that she could and would complete the evaluation in 6 weeks. Not only was the report not ready in six weeks, my hearing on final orders on custody in the divorce was continued five times, each time because Ms. Reinert did not have the report ready or had decided she needed more evaluations or testing. Prior to the hearing date in May of 2005, she assured everyone that she would have the report by the hearing date. The hearing came and went without further communication from her. Because almost a year had passed since the Court appointed her and no report had been prepared, the Court had to issue an order at that May hearing requiring her to complete her report in 30 days. Ms. Reinert claims that I had switched

attorney's and the new attorney was upset with her delays and that she didn't know until the 13th of May that anyone was upset, but in fact it was my original attorney and myself who brought to the courts attention on May 2, 2005 that Ms. Reinert had been "evaluating" for over 11 months with no end in sight. Ms. Reinert stated that she had made an agreement with my attorney that the report would be ready on May 16, 2005. So we petitioned the court for some sort of relief from this woman? Just doesn't make a lot of sense does it? Additionally she had been made quite aware what the Court had ordered on May 2, 2005, why would my attorney bring it to the courts attention, if she had an agreement with him prior to that date? Besides the fact of course, that she had been promising it's completion every single month for eleven months and never producing it.

As each scheduled hearing would approach, we would contact Ms. Reinert about the report and each time she came up with an excuse, such as that an additional fee had not been paid, or that more money was needed or that an additional evaluation was needed. Despite her reasons, she never contacted us to let us know about what she needed - I only found out when my attorney would write to her and receive fax confirmation. Of course, she claimed she did let us know in advance, but those claims are just more in a series of her lies. I was very angered by all the increased costs, both for her and all her additional testing, because that was one of the critical issues I raised with her in my first interview when determining which evaluator to use.

6. Shortly after my first conference with her, I sent to Ms. Reinert pictures I had taken showing marijuana, drug paraphernalia and beer cans in my husband's office, in the garage and in the barn. I sent the pictures to her certified mail. When I received no acknowledgment from Ms. Reinert of her having received them, I called her and was informed that she does not have the time to pick up certified mail. I find this attitude incredible coming from someone who claims to be professional, particularly since she had never advised me of that attitude.
7. Ms. Reinert attempted to set up a secret appointment with my daughter and ex-husband without my knowledge, something she clearly said she would never do and clearly unethical. Coincidentally after another attorney was brought in specifically to deal with her.
8. She supplied my ex-husband with his psychiatric exam, but refused to give me any reports, even my own. She repeatedly said all reports and evaluations would be attached to her report - of course there was no report. Even when she finally issued her report in May, no psychiatric reports were attached and were only forwarded to later. I was forced to subpoena the psychiatrist as she had refused to give me mine. My ex-husband and his attorney had months and months to go over his psychiatric exams, whereas she clearly intended to never give me mine. She also grossly exaggerated any negative aspects of my examination and minimized the negative aspects of my-exhusband's as much as she possibly could, not even mentioning his psychiatric conditions.

9. Both my ex-husband and I were sent by Ms. Reinert to complete substance abuse evaluations by Beverly Hawpe LPC, CAC III, LAC, P.C.. Her report concluded that I did not have an alcohol or abuse problem. It also concluded that my ex-husband did indeed have an alcohol problem and further that his urine tests for drugs was quite impossible as he had completely clean urine and is on several prescribed drugs such as methadone, vicodin, and duragesic. Instead of accepting the reports she ordered from a professional she chose, she sent my husband off for a second substance abuse evaluation. Much later when her evaluation finally materialized, she stated that the reason for this second evaluation was that neither of us was happy with Ms. Hawpe's evaluation. What an incredible fabrication! Ms. Hawpe's report substantiated exactly what my concern was in asking for a child custody evaluation in the first place. I had even sent Ms. Hawpe a thank you memo.
Additionally Ms. Reinert misstated facts in my substance abuse evaluation claiming that Ms. Hawpe reports that a substance abuse diagnosis cannot be established at this time. In fact Ms. Hawpe's Diagnosis of me was and is: No substance abuse diagnosis is indicated.
10. My ex-husband suffers from alcoholic pancreatitis and has been hospitalized several times for it. After obtaining his hospital records that have his condition clearly defined as alcoholic pancreatitis and over a six year time span, I provided them to Ms. Reinert. I also provided her with his medical records from visits with his personal physician showing another six years of his alcohol abuse and the effects therefrom and just a month earlier where he had another alcoholic pancreatic attack and his physician advised him that his condition was life threatening if he continued to drink. None of this impressed Ms. Reinert and she made no mention of the medical records in her report, only citing unfounded statements by my ex-husband related to his pancreatitis.
11. After the second drug and substance evaluation and on March 7, 2005, Ms. Reinert informed me that the most recent drug and alcohol evaluator (Dr. Wilbourn) had said that he had determined that Shawn had no drug or alcohol issues. We found out later that this was again, a complete lie. In fact, Doctor Wilbourn's exact findings are found on page 16 and 17 of his report, "The results of his SASSI III in essence put doubt on his denial about alcoholism. Another finger pointing in the direction of concern about his substance abuse issues is the fact that he suffers from Pancreatitis . . . but he does in my opinion have substance usage issues." Ms. Reinert told me at that meeting that if my husband has substance abuse or alcohol issues, that I would have to prove it, all the time having two evaluations that said he had drinking and drug problems. In the interim, she sent him off for a third substance abuse evaluation. Clearly her intent was to get him a passing grade. The only explanation for this that I can fathom is what my ex-husband told me - that he had paid her off. At the time he told me, I chalked it up to more of his attempts to intimidate me but considering a radical change in her attitude and his recently subpoenaed banking statements (October 2005) showing large cash withdrawals, coinciding with Ms. Reinert's change of attitude, I now question if may be true. I have continually tried to give Ms. Reinert the benefit of the doubt because I was aware of the dire circumstances of

her husband and the stress that she must have been under. At the same time, those same circumstances increase the probability of her accepting payments to alter results. When you start blatantly lying to the court, fabricating the outcome of substance and alcohol diagnoses, and evading communication with one side of a case, the one that doesn't have drug or alcohol issues, there is just too much wrong here for it to be simply incompetence.

The banking information that we have received so far is not a complete accounting of his transactions as of the date of this letter. More information may be gleaned as time progresses.

12. On March 19, 2005, pursuant to Ms. Reinert's demand to prove that my ex-husband was drinking, I did just that. He was under court order to not drink during his parenting time. I knew he could not stop drinking and that he had contempt for the Court's order, particularly if he thought he could get away with it. After observing him being visibly drunk at my daughter's basketball game, I contacted the county Sheriff's Department who pulled him over while driving with my daughter in the car and he registered a .0312, approximately three hours after he could have last had a drink. Ms. Reinert was informed of it immediately and was provided scientific literature regarding the metabolism of alcohol and that when he arrived for the game, with my daughter in his car, he was legally drunk, and again she refused to respond to my attorney concerning the incident, even though having repeated contacts with my ex-husband and his attorney.

13. I immediately suspended visitation of my daughter with her father because of his inability to not drink when with her as ordered by the Court. As noted above, on March 30, 2005, "SHE" reinstated his visitation with alcohol testing both before and after each visitation and that she would monitor that testing. In actuality, because Ms. Reinert refused to respond to me or my attorney and we again had to go to the Court, the Judge ordered it. Ms. Reinert just wanted me to believe that she had the power to do such things and that she actually had my daughter's welfare at heart. On the very day I received that e-mail (Attached) from her, my ex-husband failed to test and thereafter failed to test 60% of the time. Ms. Reinert notified no one, not myself, my attorney or the Court that Mr. [REDACTED] was not testing. Six weeks into the "Testing" and after we had him followed by private investigators to confirm our suspicions that he was not testing and that indeed Ms. Reinert was covering up that fact, my attorney had to become very aggressive to get her to return his calls and literally had to trick her into calling him back, he had called her and paged her several times leaving his office number and cell phone number, he finally went to his friend's house, he paged her and dialed in his cell phone number and waited, no call. Then he paged her again and dialed in his friends home number, like magic, he got a call, she was very evasive (E-mail to her attached) at which point she told my attorney that she had recently found out that the testing facility was closed on some of the days he was required to be tested, when at the onset, she assured all the parties that the testing site

would always be available. She notified no one that the testing facilities were not available. We again were forced back into court because of her incompetence and bias and failure to monitor, though it really wasn't a failure to monitor, she knew all along he wasn't being tested and simply thought her word would be enough.

14. She stated to the Court that she met with me after the above noted drinking incident. She never met with me and her statement was just another of a series of lies. In actuality she refused to call my attorney back when he attempted to contact her after that incident. I never met with her. The only person she met with was my ex-husband and his attorney. She was clearly irritated that I had done exactly what she demanded on March 7, 2005. She also stated that she had set up a plan for testing and substance abuse counseling with Gary Forrest on March 30, 2005. My ex-husband records will show that he didn't meet with Gary Forrest until the new attorney started questioning Ms. Reinert's intentions in the middle of May.
15. After the March drinking incident, Ms. Reinert had all the information she needed to complete her report. Other than my ex-husband's failure to submit to alcohol testing as ordered, nothing changed in the two months it took her to get her report completed. I can only imagine she was again giving him time to rehabilitate himself, as of course she missed yet another "Final Orders" hearing. She claims she advised him to see an alcohol expert, Gary Forest, and was waiting for him to do so, but for what purpose? She was not appointed by the Court to rehabilitate him, only to conduct a custody evaluation.
16. She provided my ex-husband's attorney with the telephone number of my daughter from an earlier marriage (she is an adult and no longer living with me). That daughter had written to Ms. Reinert regarding my ex-husband attempting to molest her while he was drunk and his drug and alcohol abuse while she resided with us. Ms. Reinert never even called her, even though she was the only other child to have ever lived with my ex-husband and myself, though she did take the time to meet with my ex-husband's daughter on two occasions, who never lived with us. Then provides her telephone number to my ex-husband's attorney so that she could be harassed by him prior to her testimony regarding the molestation and regarding Ms. Reinert never contacting her.
17. Because of the extraordinary cost run up by Ms. Reinert and the additional attorneys' fees and investigator costs resulting from her incompetence, I decided to represent myself in the divorce after the May hearing. I subpoenaed Ms. Reinert to attend the hearing scheduled in July. Her office contacted me a week prior to the hearing to inform me that she would not prepare for the hearing or attend unless I paid her \$600 certified funds in advance. I then informed her two days prior to trial, that her attendance at the hearing would not be necessary. I believe she was also subpoenaed by my ex-husband's attorney

but in any event she was not present at the hearing, despite the judge indicating she would be one of the expert witnesses. We were able to settle the custody issue without the necessity of testimony. After the hearing I received a bill from Ms. Reinert for \$600. Apparently, she charges for not preparing and not testifying.

18. The most telling that there is something more amiss than incompetence. Please read Ms. Reinert's evaluation and "Recommendations" thoroughly and understand that in July 2005, less than 6 weeks after her report, my ex-husband filed for sole custody, requesting that Ms. Reinert decide how much, if any, parenting time I should receive.

What I find abominable about persons in Ms. Reinert's position and why I am filing this complaint is that child custody evaluators are in a position of trust and power. They can do anything they want because they have you over the barrel. If you do not accept their incompetence, irrationality, bias or outright fraud, you risk losing custody of your children. Ms. Reinert knows this and abused it in my case. She placed her own agenda above the welfare of my child, placing my daughter in danger and apparently was OK with that. In retrospect and had I known that a report would not be prepared for a year and that I would actually have to obtain the services of another attorney specifically to deal with the evaluator, I would taken the entire thing to court, it would have been much less expensive by approximately \$25,000.00 and less traumatic on my child and me and would have been completed much, much sooner.

I am concurrently investigating the possibility of suing her for malpractice, but in the interim, the State also needs to be aware of her incompetence and wrongdoing and suspected illegal activities.

Any additional documentation you need to substantiate the above complaint are available to you, along with a variety of recorded conversations. Please send any requests you have to the above address.

Very truly yours,

Darla L. Kerns

Enclosures:

Letter from Victoria Ryans

Notice to the Court

Email from Jack Scheuerman, Esq. To Ms. Reinert

Email from Ms. Reinert "Reinstating visitation"

Medical records

Evaluation

Substance abuse evaluations [REDACTED]

Psychological Evaluations Darla [REDACTED]

Psychological and Substance abuse Evaluation [REDACTED]