

# COPY

<input checked="" type="checkbox"/> District Court JEFFERSON County, Colorado Court Address: 100 Jefferson County Parkway Golden, CO 80401	2006 MAR -8 AM 10:58  COURT USE ONLY
In Re: [REDACTED] MINOR CHILD Petitioner: RHONDA RIVENBURG  Respondent: [REDACTED]	▲ COURT USE ONLY ▲
Party Without Attorney : Rhonda Rivenburg 9262 W Ontano Dr Littleton, CO 80128  Phone Number: (303)932-9017	Case Number: [REDACTED]  Division <input type="radio"/> Courtroom
MOTION FOR SUBSTITUTION OF DR. BILL FYFE AS CHILD AND FAMILY INVESTIGATOR	

I am the Petitioner in this action, I am requesting that:

Dr. Bill Fyfe be substituted as the Child and Family Investigator concerning the minor child  
[REDACTED]

My reasons are:

I have been asked to testify against Dr. Fyfe in a lawsuit (Civil Action # 05-cv-01858 (D Colo.)).  
The substance of my likely testimony, which has already been referenced in the pleadings of that  
case, is clearly adverse to Dr. Fyfe. Although, I have communicated this to Dr. Fyfe, he refuses  
to acknowledge the obvious conflict requiring his disqualification. Pursuant to the American  
Psychological Association Ethics Code 3.06 CONFLICT OF INTEREST "Psychologists refrain  
from taking on a professional role when personal, scientific, professional, legal, financial, or  
other interests or relationships could reasonably be expected to (1) impair their objectivity,  
competence, or effectiveness in performing their functions" (see Attachment A). Dr. Fyfe  
replied in a letter to the Petitioner, "In response to your comment about my appointment as a  
Child and Family Investigator, I have no pending federal law suit, which is going to trial.

Whether or not a federal law suit even goes to trial has yet to be decided.” A copy of Dr. Fyfe’s letter is attached for the Court’s convenience and marked as Attachment B. Dr. Fyfe’s conclusion of law (regarding the pending law suit) is in direct conflict with the APA Guidelines for Child Custody Evaluations, II4, which provides, in pertinent part: “The role of the psychologist does not act as a judge, who makes the ultimate decision applying the law to all relevant evidence.” In fact, the ethics standards which Dr. Fyfe is bound does not make a distinction as to whether a trial date has been set, because it can be reasonably inferred that Dr. Fyfe’s objectivity would be impaired. Pursuant to C.R.S. 12-43-222 (1)(g), “A person licensed, registered, or regulated under part 3, 4, 5, 6 or 7 of this article is in violation of this article if such person . . . has acted or failed to act in a manner that **does not meet the generally accepted standards of the professional discipline under which such person practices.**” Dr. Fyfe’s acceptance of this appointment in spite of the conflict and appearance of (or actual) partiality does not meet the generally accepted standards of the American Psychological Association and would, therefore, be in violation of this article. In addition, Chief Justice Directive 04-08 Standard 1 provides that, “Child and family investigators shall provide their service in a manner consistent with the **highest standards of their respective professions.**” Again, by accepting this appointment, Dr. Fyfe is declining to follow the highest standards of his profession. Further, CJD 04-08 Standard 4 also provides that a Special Advocate shall not serve dual roles. Although the six specific examples of a dual role described in the CJD do not specifically describe a defendant-party in a separate case, Dr. Fyfe’s dual-role as a defendant-party in a separate civil case and also as a CFI in this case falls under the scope of Standard 4. Finally, the comment to CJD 04-08 (IV)(A) provides that, “If issues are raised concerning competency or any other concerns, the court should inquire and provide an opportunity to remedy any unethical or inappropriate conduct.” Although, I believe that the Court already has enough information to substitute Dr. Fyfe with another qualified CFI based only on the pleadings and without oral argument, if the Court requires a more developed record to decide the matter, I respectfully request an evidentiary hearing.

The Petitioner requests that the Court appoint Natalie VanNote, LPC-3250, Denver, CO 80236, (303) 482-5932 to replace Dr. Fyfe. Her hourly fee is \$100 per hour with a \$2000 initial retainer. She is available for new appointments. As an alternative, Petitioner requests that

Kathleen Rimar, Esq. 26440 & LPC-2932, 2950 Hunt Ct. Erie, CO 80516, (303) 403-9144 Her hourly rate is \$125 per hour and a \$2000 retainer. Another alternative is Richard Spiegle, PSY-803, 777 Grant St. Ste. 306, Denver, CO 80203, (303) 837-0776.

WHEREFORE, for the foregoing reason, Petitioner respectfully requests substitution of Dr. Fyfe as Child and Family Investigator in this case, and for such other and further relief that the Court deems appropriate.

Date: March 8, 2006

Rhonda Rivenburg  
 Petitioner OR  Respondent/Co-Petitioner  
9262 W Ontario Dr.  
Littleton, CO 80128  
(303) 932-9017  
(303) 629-6122 (wk)

CERTIFICATE OF SERVICE

I certify that on March 8, 2006 the original and one copy of this document were filed with the Court; and, a true and accurate copy of the MOTION FOR SUBSTITUTION OF DR. BILL FYFE AS CHILD AND FAMILY INVESTIGATOR was served on the other party by  Hand Delivery OR  Faxed to this number \_\_\_\_\_ OR x by placing it in the United States mail, postage pre-paid, and addressed to the following:

TO: Daniel Genet  
561 Santa Fe Drive  
Denver, CO 80204

Dr. Bill Fyfe  
371 Kipling St.  
Lakewood, CO 80215

(Your signature)

Rhonda Rivenburg