

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
1/10/2018 3:02 PM  
BY SUSAN L. CARLSON  
CLERK

S. Ct. No. 95208-6  
COA No. 33013-3-III

SUPREME COURT OF THE STATE OF WASHINGTON

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In re the Custody of:

H.A.R.

PAMELA and THEODORE SUCHLAND

Petitioners,

and

AMANDA MARIE SUCHLAND (Mother):

JEREMY JOHN REYNOLDS (Father);

Respondents.

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RESPONSE TO PETITION FOR REVIEW

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TABLE OF CONTENTS

A. IDENTITY OF RESPONDENT.....1

B. COURT OF APPEALS DECISION.....1

C. LINCOLN COUNTY SUPERIOR COURT NO.  
14-3-02215-2- Verbatim Report of  
Proceedings.....1

D. ISSUES PRESENTED FOR REVIEW.....1

1. The court did not err by dismissing the Suchlands’ de  
facto parentage action when the court determined the  
father did not consent to the foster the parent-like  
relationship with the  
grandparents?.....1

2. The court did not err by dismissing the nonparental  
custody petition when substantial evidence did not  
support its determination that the Suchlands failed to  
prove by the requisite quantum of proof the father was  
an unfit parent and/or placement with the father would  
result in actual detriment to the child?.....1

3. The courts have not erred by upholding my Fourteenth  
Amendment Constitutional Rights which allows me to  
parent my child without court interference or  
interference from the grandparents.....1-2

E. STATEMENT OF THE CASE.....2

F. ARGUMENT WHY REVIEW SHOULD BE DENIED....5

G. CONCLUSION.....11

## TABLE OF AUTHORITY

### Table of Cases

Washington v. Glucksberg, 521 U.S. 702, 720, including parent’s fundamental right to make decisions concerning the care, custody, and control of their children.....	10
Stanley v. Illinois, 405 U.S.645,651. Pp. 5-8.....	10-11

## A. IDENTITY OF RESPONDENT

Jeremy John Reynolds asks this Court to deny review of the Court of Appeals opinion designated in Part B.

## B. COURT OF APPEALS DECISION

The unpublished Court of Appeals opinion which the Suchlands want reviewed was filed on October 17, 2017. A copy is in the Appendix.

## C. LINCOLN COUNTY SUPERIOR COURT NO.

14-3-02215-2- Verbatim Report of Proceedings. A copy is in the Appendix.

## D. ISSUES PRESENTED FOR REVIEW

1. The Courts have not erred by dismissing the Suchland's de facto parenting action. All abuse allegations evidence has been submitted and taken by the grandparents (pictures and claims). There are no law enforcement, teachers, other medical professionals or other mental health professionals (besides those who the grandparents have hand selected) who are all mandated reporters make a report to CPS or law enforcement.
2. The Courts did not err by dismissing the nonparental custody petition when substantial evidence did not support its determination. If the Suchland's failed to prove by the requisite quantum of proof that I am unfit, it certainly was not without them trying. Even to the extent of them fabricating stories, making false abuse claims, and most alarming is subjecting their granddaughter (H.A.R) who they claim to love to pictures, videos and unnecessary medical examinations.
3. The Courts did not err by using a preponderance standard instead of the clear and convincing evidence in the nonparental custody action. The Courts have never

found that Respondent Jeremy Reynolds has not met his burden of proof by preponderance evidence.

#### E. STATEMENT OF THE CASE

Amanda and I were together for 5 years before we separated.

H.A.R was born in 2009 and moved with Amanda in 2012. During those 3 years that H.A.R. was with the both of us there were no domestic violence reports towards Amanda or H.A.R. In fact there were “no” accusations of any sorts during the time Amanda and I were together for the 5 years.

In 2012 Amanda Suchland and I separated and she moved to Odessa to her parent’s residence. I had brought action at Adams County Superior Court against Amanda seeking a residential schedule in 2012. In 2013 a temporary order was ordered by the courts. During this time I fulfilled my visitations and followed all requirements set by the court. I have always been involved in my daughter’s (H.A.R) life.

The courts set visitations of every second and fourth weekend with H.A.R started in February 2013. February and March 2013 were half days and progressed to full days from April to May 2013. Starting in June 2013 visitations were increased to full weekends with over nights. (12/4/14 RP 681 line 5-15).

Prior to May 2013 there were “no” claims of any sort to CPS. “No” visits to the doctor at the Odessa Clinic in that time frame also. (12/2/14 RP 161 line 4-8). All of my visitations were exercised and followed all rules. The absurd accusations to CPS began in June of 2013, the time the overnight visitations began. (RP 681 line 22-25).

In 2014 the Suchlands (grandparents) filed a Shelter Care hearing and for a Third Party Custody. During the course of the Suchlands (grandparents) actions for the nonparental custody petition and de facto parentage action, a number of issues happened. The Suchlands (grandparents) purposely did not notify me that the mother (Amanda Suchland) abandoned our child (H.A.R) with them. The Suchlands (grandparents) had no intentions to notify me (12/3/14 RP 531 line 22-25). Pam Suchland (grandmother) even admits to witnessing the mother (Amanda Suchland) abandoning H.A.R and did not and would not notify me of the situation. (12/3/14 RP 507 line 9-11). The Suchlands (grandparents) have continuously worked on alienating my child from me, trying their hardest to destroy us and essentially kidnapping my child.

During this time the Suchlands (grandparents) are calling in CPS reports to build their case. (12/3/14 RP 502-503 line 15-25, line 1-6); and secretly taking H.A.R to the Odessa Clinic to see M.D. Linda Powell. They were also having M.D. Linda Powell bill them directly and not through my insurance so I would not know about these visits. (12/2/14 RP 158 line 2-20). In preparation for the doctor visits the Suchlands (grandparents) were taking photos, and videotaping H.A.R. The doctor expressed her concerns to the grandparents of the detrimental impact this has on a small child. (12/2/14 RP 163-164 line 12-25, line1-3).

CPS set forth allegations of neglect due to the amounts of photos, videotaping and over excessive exams against the Suchlands (grandparents). (12/2/14 RP 271 line 14-17). Even after being spoken to by CPS of the allegations set forth regarding their concerns, Pam Suchland (grandmother), continued taking excessive photos, videos, and subjecting my daughter H.A.R. to repetitive exams. (12/3/14 RP 505-506 line 2-25, line1-12).

The Suchlands (grandparents) also took my daughter to a psychologist by the name of Dr. Teresa McDowell, without notifying me. At no point in time did Dr. McDowell notify or try to contact me about concerns with my daughter nor did she involve

me in H.A.R sessions. (12/3/14 RP 630 line 2-16). This was another tactic of malicious attempts that the Suchlands (grandparents) used in trying to build their case in alienating and robbing me of my child.

Susan Elg, a licensed mental health professional was appointed by the court. H.A.R and I had meetings together with her for a total of (4) 1 hour sessions. During the course of all these visitations and malicious attempts at my character the Suchlands (grandparents) still continued to make any and all frivolous accusations in an attempt to get custody of my child (H.A.R.). The Suchlands (grandparents) have gone to the extreme in trying to destroy my reputation and have attacked my character of who I am as a person. They have tried to withhold and alienate my child from me.

#### F. ARGUMENT WHY REVIEW SHOULD NOT BE ACCEPTED

Review should be denied because the Suchlands (grandparents) request has been denied in the Superior Court, Supreme Court and the Court of Appeals numerous of times. Afterwards, instead of attempting to build a relationship with me they keep pursuing these frivolous attempts to take my child for their own and to keep her from me.



There was no evidence because I never consented to, or fostered the grandparent's parent-like relationship with H.A.R. as you can read from (12/4/14 RP 682-683 line 25, line 1-3).

The Suchlands (grandparents) with malicious intent tried to alienate my child from me by criminally hiding the fact that the mother (Amanda) abandoned our child with them. (12/3/14 RP 531 line 22-25).

The Suchlands (grandparents) would like to convince this court that I abandoned my child and did not know or fight for custody over her is another one of their attempts to paint me out as a father who does not care about his child. When in truth, I could not control the timelines of attorneys involved or the scheduling of dates in a rural courthouse. In such an unconventional case like this, every little process took longer than all parties involved expected. When the court realized I had not been allowed to see my daughter (H.A.R) for 6 months they ordered visitations to start immediately.

The Courts have made the right decision in dismissing the Suchlands (grandparents) non-parental custody action by the preponderance of evidence that respondent, Jeremy Reynolds in fact posed no danger to my daughter and was found fit. The court

heard all the overwhelming evidence presented by all matters that showed how the Suchlands (grandparents) used malicious intents towards me in the act of trying to attain custody of my child.

(12/30/14 RP 812-813 line 13-25, line 1-2).

Dr. Powell, the physician stated that the Suchlands (grandparents) wanted to pay for the visits privately to hide the clinical visitations from me so I would not know. (12/2/14 RP 158 line 2-20).

Dr. Theresa McDowell, a psychologist, also stated how the Suchlands (grandparents) and Amanda Suchland (mother) asked to bill them directly instead of using my insurance. (12/3/14 RP 627-628 line 22-25, line 1-3). This again was another malicious attempt to hide the fact that they subjected her to therapy sessions to build their case.

This case is riddled with evidence proving I am “no” danger to my daughter. The grandparents just do not want me involved in H.A.R life. (12/30/14 RP 817 line 12-22).

Susan Elg, a licensed mental health professional, was fully aware she was not allowed to review my case document until all sessions were completed. Ms Elg was caught on the stand lying in an attempt to mislead the court to believe that she had waited until

after our final session. After a quick questioning by the Court it was revealed, that the Suchlands (grandparents) attorney intentionally supplied and discussed my case with Ms. Elg before my final session. (12/2/14 RP 237-239 line 22-25, line 1-25, line 1-13). This resulted in the Court justly refusing to use anything Ms. Elg testified to. The Court found no credibility at all. The Court also determined that she had her mind made up and was extremely biased. (12/30/14 RP 789-790 line 7-25, line 1-2).

All these professional opinions have been shaped by information provided by the Suchlands (grandparents) for this case.

In addition all CPS reports have been thoroughly investigated and they have all been closed as “UNFOUNDED”.

Throughout H.A.R’s life (prior to moving to Odessa), there have never been any reports of abuse or neglect. Never has there been a report that came from outside the Suchlands (grandparents) direct social circle. They have not been able to supply a single unbiased or unsolicited professional to prove any abuse or neglect by the respondent (father). Yet inadvertently, they have shown detrimental abandonment by the mother, and Pam Suchland

(grandmother's) unhealthy need to mother my child (H.A.R.) rather than be a grandmother.

The Suchlands (grandparents) intent was to ruin my character and reputation, and to gain custody of H.A.R. It did not matter to them it was hurting H.A.R or gave forethought to the impact it would have on a small child. They mercilessly continue and are not willing to stop at anything. As you read previously that Dr. Powell expressed her concerns of detrimental impact to H.A.R about the Suchlands (grandparents) taking scantily clad photos and videos, still they continued knowing the harm it could do to a young girl. (12/2/14 RP 163-164 line 12-25, line1-3). This is the type of abuse H.A.R has had to endure through this whole situation from the Suchlands (grandparents). I have been tirelessly trudging through all the legalities to get visitations and continue to try to get custody of H.A.R. Which I should have had the very moment the mother (Amanda Suchland) abandoned her. And again when she stated in court she wanted to give custody to her parents. (12/3/14 RP 411 line 14-18).

I have provided evidence that the Suchlands (grandparents) have malicious and damaging intentions. They have been out to damage my reputation and alienate my daughter (H.A.R) from me.

I would never alienate them from (H.A.R) only because I know how damaging it would be to her, but as her father I feel I would need to remind them that only I can be her father and their place is to be grandparents only. I would feel the need to be extremely selective and protective of my child when around them to protect her from any further physical intrusion such as barely clothed photos and mental abuse. They have made numerous attempts to rob me of my child legally and rob me of my Constitutional rights to be a parent.

Throughout this case I have had to fight for my Fourteenth Amendment Constitutional Rights which have been repeatedly violated, in *Troxel, etvir. V. Granville*-No. 99-138 (2000), provides heightened protection against government interference with certain fundamental rights and liberty interests. *Washington v. Glucksberg*, 521 U.S. 702, 720, including parent's fundamental right to make decisions concerning the care, custody, and control of their children, e.g. *Stanley v. Illinois*, 405 U.S.645,651. Pp. 5-8.

On April 7, 2005 the Washington State Supreme Court upheld the United States Supreme Court decision agreed that Grandparent's rights unconstitutionally interfere with fundamental parental rights. I have been disregarded as a parent throughout this

whole case and I am asking this Court to put a stop to the interference of my Fourteenth Amendment Constitutional Rights and allow me to parent my child without anymore interference from the Suchlands (grandparents).

G. CONCLUSION


Based on the foregoing facts, the respondent Jeremy John Reynolds, is respectfully asking this Court to deny the Petitioners action to reverse the dismissal of the de facto action and dismissal of the non-parental custody petition.

Submitted this 10<sup>th</sup> day of January, 2018

  
Jeremy Reynolds, Pro Se

CERTIFICATE OF SERVICE

I certify that on January 10, 2018, I served a copy of the petition denying review by USPS on Amanda Suchland, PO Box 171, Odessa, WA 99159; and through the eFiling portal to Gloria Porter and Kenneth H. Kato at their email address.

  
Jeremy Reynolds

# APPENDIX

**FILED**  
**OCTOBER 17, 2017**  
In the Office of the Clerk of Court  
WA State Court of Appeals, Division III

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION THREE

In the Matter of the Custody of	)	No. 33013-3-III
	)	
H.A.R.,†	)	
	)	
Child.	)	
<hr style="width: 40%; margin-left: 0;"/>		
PAMELA and THEODORE	)	
SUCHLAND,	)	
	)	UNPUBLISHED OPINION
Appellants,	)	
	)	
and	)	
	)	
AMANDA MARIE SUCHLAND and	)	
JEREMY JOHN REYNOLDS,	)	
	)	
Respondents.	)	

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† To protect the privacy interests of H.A.R., a minor, we use her initials throughout this opinion. General Order of Division III, *In Re the Use of Initials or Pseudonyms for Child Victims or Child Witnesses* (Wash. Ct. App. June 18, 2012), [http://www.courts.wa.gov/appellate\\_trial\\_courts/?fa=atc.genorders\\_orddisp&ordnumber=2012\\_001&div=III](http://www.courts.wa.gov/appellate_trial_courts/?fa=atc.genorders_orddisp&ordnumber=2012_001&div=III).



No. 33013-3-III  
*In re Custody of H.A.R.*

PENNELL, J. — Theodore and Pamela Suchland appeal the dismissal of the de facto parentage action and nonparental custody petition they filed to gain custody of their granddaughter, H.A.R. We affirm.

### FACTS

The facts are known to the parties and need not be recounted in detail. Jeremy Reynolds and Amanda Suchland are H.A.R.'s biological parents. They have never been married. When H.A.R. was approximately two and one-half years old, Mr. Reynolds and Ms. Suchland separated and H.A.R. began living with her mother and her maternal grandparents. Shortly after the separation, Mr. Reynolds brought a parentage action seeking a residential schedule for H.A.R. After some legal disputes, Mr. Reynolds began visitation in 2013.

Throughout 2013, Mr. Reynolds exercised most of his visitation rights. Not long after visitation commenced, H.A.R.'s mother abandoned her. This left H.A.R. in the exclusive care of her grandparents. Mr. Reynolds was not made aware of this development.

During this same timeframe, the Suchlands grew concerned that H.A.R. had been physically abused. Child Protective Services became involved and the Suchlands filed a dependency petition in January 2014, based on the mother's abandonment and Mr.

No. 33013-3-III  
*In re Custody of H.A.R.*

Reynolds's alleged abuse. Mr. Reynolds denied any abuse and the dependency action was ultimately dismissed.

Not having found relief through the dependency, in August 2014 the Suchlands filed a nonparental custody petition for H.A.R., later amending it to allege de facto parentage. The court found adequate cause to proceed to trial on the nonparental custody petition but not on the de facto parentage claim. At trial, the court heard from several witnesses. The testimony regarding whether H.A.R. had been physically abused was mixed. The Suchlands presented testimony suggesting H.A.R. had been abused. Mr. Reynolds testified and denied any abuse. He also called witnesses to support his claims.

At the end of trial, the court determined the Suchlands had not proved by a preponderance of the evidence that Mr. Reynolds was an unfit parent or that he had abused H.A.R. The court found several of the Suchlands' witnesses not credible. In addition, the court did not consider photographs of H.A.R.'s bruising indicative of abuse. Although the court found H.A.R. was happy with her grandparents and thrived in their home, the court explained that the "best interest of the child" standard did not apply to a nonparental custody proceeding. Clerk's Papers at 541, 543. The court then dismissed the nonparental custody petition. The Suchlands appeal.

## ANALYSIS

### *Adequate cause for de facto parentage*

The Suchlands contend the trial court should not have dismissed their de facto parentage action because they presented evidence Mr. Reynolds fostered the Suchlands' parent-like relationship with H.A.R. The Suchlands point to: (1) Mr. Reynolds's delay in obtaining visitation, and (2) his nonpayment of child support. This court reviews a ruling concerning the placement of a child for abuse of discretion. *In re Parentage of J.A.B.*, 146 Wn. App. 417, 422, 191 P.3d 71 (2008).

"[A] *de facto* parent stands in legal parity with an otherwise legal parent." *In re Parentage of L.B.*, 155 Wn.2d 679, 708, 122 P.3d 161 (2005). A person petitioning for de facto parentage must show the following:

"(1) the natural or legal parent consented to and fostered the parent-like relationship, (2) the petitioner and the child lived together in the same household, (3) the petitioner assumed obligations of parenthood without expectation of financial compensation, and (4) the petitioner has been in a parental role for a length of time sufficient to have established with the child a bonded, dependent relationship, parental in nature."

*J.A.B.*, 146 Wn. App. at 427 (quoting *L.B.*, 155 Wn.2d at 708).

The trial court properly held that the Suchlands failed to establish the first element of de facto parentage. While Mr. Reynolds could have done more to be with H.A.R. and

No. 33013-3-III  
*In re Custody of H.A.R.*

provide financial support,<sup>1</sup> he never abandoned his daughter. Nor is there any evidence Mr. Reynolds consented to the Suchlands taking over the role of H.A.R.'s parents. To the contrary, it was the efforts of Mr. Reynolds to exercise his rights as H.A.R.'s father that placed him in conflict with the Suchlands. The evidence presented by the Suchlands did not meet the rigorous standards required for establishing de facto parentage. *Cf. In re Parentage of J.B.R.*, 184 Wn. App. 203, 205-07, 214, 336 P.3d 648 (2014) (father's failure to seek relationship with daughter for more than 10 years evidenced consent to de facto parentage).

#### *Nonparental custody petition*

Chapter 26.10 RCW permits a third party nonparent to petition a court for custody of a child. Because such a request necessarily implicates the parent's fundamental right to raise his or her children without state interference, this court affords a parent considerable deference when balancing the parent's rights against both the interests of third parties and children's rights. *In re Custody of Smith*, 137 Wn.2d 1, 15, 969 P.2d 21 (1998), *aff'd sub nom. Troxel v. Granville*, 530 U.S. 57, 120 S. Ct. 2054, 147 L. Ed. 2d 49 (2000); *In re Custody of J.E.*, 189 Wn. App. 175, 183-84, 356 P.3d 233 (2015). A court

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<sup>1</sup> While Mr. Reynolds failed to pay child support, he did provide insurance coverage for H.A.R. The fact that the Suchlands did not want to use Mr. Reynolds's insurance cannot be said to be his fault.

No. 33013-3-III  
*In re Custody of H.A.R.*

will only grant the third party's petition when the nonparent establishes by clear and convincing evidence that "either the parent is unfit or custody with the parent would result in 'actual detriment to the child's growth and development.'" *J.E.*, 189 Wn. App. at 184 (internal quotation marks omitted) (quoting *In re Custody of B.M.H.*, 179 Wn.2d 224, 235, 315 P.3d 470 (2013)); *In re Custody of C.C.M.*, 149 Wn. App. 184, 205-06, 202 P.3d 971 (2009).


The Suchlands correctly point out that the trial court used the wrong standard of proof in assessing their nonparental custody petition. Instead of employing a preponderance standard, the court should have utilized the more stringent clear and convincing standard. But this error does not benefit the Suchlands. By finding the Suchlands failed to prove by a preponderance of the evidence that Mr. Reynolds was an unfit parent or dangerous to H.A.R., the trial court necessarily also found the Suchlands had failed to satisfy their burden of proof by clear and convincing evidence. Although the Suchlands did present some evidence of abuse and parental unfitness at trial, the evidence was not so overwhelming to compel a decision in their favor. The trial court's findings in favor of Mr. Reynolds have evidentiary support and therefore withstand scrutiny on appeal.

No. 33013-3-III  
*In re Custody of H.A.R.*

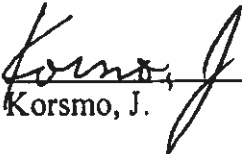
CONCLUSION


The trial court's orders dismissing the de facto parentage action and nonparental custody petition are affirmed.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

  
\_\_\_\_\_  
Pennell, J.

WE CONCUR:

  
\_\_\_\_\_  
Korsmo, J.

  
\_\_\_\_\_  
Siddoway, J.



1 COURT OF APPEALS OF THE STATE OF WASHINGTON

2 DIVISION III

3  
4 In Re Custody of: )  
5 H.A.R., )  
6 Child, )  
7 PAMELA AND THEODORE SUCHLAND, )  
8 Petitioners, ) LINCOLN COUNTY  
9 and ) SUPERIOR COURT  
10 AMANDA MARIE SUCHLAND ) NO. 14-3-02215-2  
11 (Mother); JEREMY JOHN ) COURT OF APPEALS  
12 REYNOLDS (Father), ) NO. 330133  
13 Respondents. )

14 VERBATIM REPORT OF PROCEEDINGS  
15 VOLUME 1, PGS. 1 - 194  
16 OCTOBER 15, 2014; NOVEMBER 25, 2014  
17 DECEMBER 2, 2014, MORNING SESSION

18 The above-entitled matter was heard before the Honorable  
19 David Frazier, Superior Court Judge for the State of  
20 Washington, County of Lincoln, on October 15, 2014;  
21 November 25, 2014; December 2, 2014; December 3, 2014;  
22 December 4, 2014; December 23, 2014; December 30, 2014;  
23 January 8, 2015.

24 APPEARANCES:

25 For the Petitioners: GLORIA FINN PORTER  
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Spokane, WA 99201

For the Respondent  
Mother: TAMARA C. MURRAY  
Attorney at Law  
505 W. Riverside Ave., #521  
Spokane, WA 99201



1 BY MR. HUBERDEAU:

2 Q. So I'll rephrase it or I'll restate the question,  
3 Dr. Powell. Is it your understanding that Mrs. Suchland,  
4 the grandmother, brought Hadyn to you because she didn't  
5 want Mr. Reynolds to know that she was -- that the child  
6 was seeing a medical provider?

7 A. Are you basing that on the notes from the clinic?

8 Q. It's just a question. I'm not basing it off anything.

9 A. So Mrs. Suchland did not want the child to be -- her care  
10 to be sent to the -- her dad's insurance because she  
11 wanted her seen so he wasn't sure that she -- so she was  
12 paying privately for her care because she wanted her to  
13 be able to be seen without her father necessarily knowing  
14 that she was being seen at the clinic.

15 Q. Okay. So she was paying privately as opposed to -- so --  
16 strike that.

17 She specifically requested that these visits weren't  
18 sent through the child -- the insurance for the child,  
19 correct?

20 A. That is correct.

21 Q. Okay. And it was for the sole purpose that Mr. Reynolds  
22 would not know that the child was there?

23 A. That she had been seen.

24 Q. Okay. And you agreed to that request?

25 A. People bring their people -- they -- if someone is coming

1. if there was another visit between the timeframe of June  
2 to October that's not represented here?

3 A. I don't believe so.

4 Q. Okay. So there's a period of three months where this  
5 child had been going to visits with her father and the  
6 grandmother hadn't brought the child in to document any  
7 bruising, scratches, or anything of that nature, correct?

8 A. Apparently.

9 Q. Okay. I think P43 would be the next one in line. You  
10 mention in the report that grandmother was the guardian  
11 for the child. What gave you that impression?

12 A. Where did I say that grandmother was the guardian of the  
13 child?

14 Q. I don't see it off the top of my head in this exhibit.  
15 Let me rephrase this question.

16 During your direct examination with Ms. Porter, and I  
17 wrote this down as a quote, referring to the maternal  
18 grandmother, she is the guardian of the child. Do you  
19 remember saying that just not ten minutes ago?

20 A. I guess if you wrote it down, I said the guardian.

21 Q. Okay. And how did you come to that conclusion, that at  
22 the time of these visits the grandmother was the guardian  
23 of this child?

24 A. So in that context, the guardian is the person with them  
25 in the office. So she's the guardian of -- I mean, the

1 Q. Okay.

2 A. I have to type these myself, so sometimes I make  
3 mistakes. Because the timestamp on the record is 11-26.  
4 And so --

5 Q. Okay.

6 A. -- as soon as it's --

7 Q. It's a clerical mistake, you're sure?

8 A. Yes.

9 Q. At least you don't have to write them out by hand,  
10 correct?

11 A. That's true.

12 Q. Makes life a little easier.

13 Okay. Let's jump ahead down to Exhibit 58, please.  
14 Over the course of these reports, isn't it true that you  
15 had some concerns over the volume of the videotaping and  
16 the photographs that Hadyn was being subjected to,  
17 correct?

18 A. I was more concerned about them being done and how it  
19 would stress the child, not so much that they were being  
20 done. But a child that age, the more they were done, the  
21 more that would stress her in terms of how do I -- why is  
22 all this happening. So it was more that it was stressing  
23 her.

24 Q. Okay. So to be clear, the consistent videotaping and  
25 photographs done by grandmother, you had some concerns

1 about and you expressed those concerns to the  
2 grandmother, correct?

3 A. Yes.

4 Q. Okay. You also had some concerns about Hadyn no longer  
5 being able to discern fact from fiction as a result of  
6 this constant scrutiny, correct?

7 A. I'm not sure where you got "fact from fiction." I was  
8 concerned that Hadyn was different on that exam, that  
9 she --

10 Q. Well, let me ask you the question generally. Don't focus  
11 on this exhibit. Is that something you had a concern  
12 about, that she was struggling over the course of these  
13 numerous visits, numerous photographings, numerous  
14 videotaping that she was having a difficult time telling  
15 fact from fiction?

16 A. I don't know how to answer that. I don't know -- I don't  
17 think I ever really thought about -- I was more worried  
18 about the stress that being asked the questions and being  
19 picked -- taking pictures would put on her.

20 Q. Okay. So on the last page and -- that I shared my  
21 concern with the grandmother that the visits here may be  
22 stressing Hadyn as this is the first time her description  
23 of the injuries does not really match the findings. So  
24 when you're referring to "visits here," talking about the  
25 visits and the consistent trips to the doctor's office to

164

1 COURT OF APPEALS OF THE STATE OF WASHINGTON

2 DIVISION III

3  
4 In Re Custody of: )  
5 H.A.R., )  
6 Child, )  
7 PAMELA AND THEODORE SUCHLAND, )  
8 Petitioners, ) LINCOLN COUNTY  
9 and ) SUPERIOR COURT  
10 AMANDA MARIE SUCHLAND ) NO. 14-3-02215-2  
11 (Mother); JEREMY JOHN )  
12 REYNOLDS (Father), ) COURT OF APPEALS  
13 Respondents. ) NO. 330133

13 VERBATIM REPORT OF PROCEEDINGS  
14 VOLUME 2, PGS. 195 - 351  
15 DECEMBER 2, 2014, AFTERNOON SESSION

16 The above-entitled matter was heard before the Honorable  
17 David Frazier, Superior Court Judge for the State of  
18 Washington, County of Lincoln, on October 15, 2014;  
19 November 25, 2014; December 2, 2014; December 3, 2014;  
20 December 4, 2014; December 23, 2014; December 30, 2014;  
21 January 8, 2015.

22 APPEARANCES:

23 For the Petitioners: GLORIA FINN PORTER  
24 Attorney at Law  
25 1309 W. Dean Ave., #100  
Spokane, WA 99201

For the Respondent TAMARA C. MURRAY  
Mother: Attorney at Law  
505 W. Riverside Ave., #521  
Spokane, WA 99201

1 A. -- good parents? I mean, again, it depends on the  
2 individual defining the word.

3 Q. Okay.

4 A. Not all parents are -- parents can be adequate, parents  
5 can be great, parents can be fabulous. So are they okay?  
6 That's one level. That's what you look at, is are they  
7 minimally adequate, can they do the required things for  
8 the child. Then you have a whole range of above and  
9 below that.

10 Q. Sure. Because all parents are different, correct?

11 A. Correct.

12 Q. I mean, how I may raise my kids may be completely  
13 different than how you raised your kids. I think we all  
14 acknowledge that, right?

15 A. Right.

16 Q. It doesn't mean that my way's better than your way. Just  
17 depends on the subjective perspective of who's looking at  
18 it, right?

19 A. Okay. Yes.

20 MR. HUBERDEAU: Okay. Thank you.

21 MS. MURRAY: Nothing further.

22 THE COURT: I have a question. I believe you  
23 testified that you talked to Mr. Reynolds about Facebook  
24 postings by his older daughter.

25 THE WITNESS: I did.

1 THE COURT: When did you have that conversation?

2 THE WITNESS: It was after Hadyn left -- or no, it was  
3 before she arrived -- I'm sorry -- one day. He and I  
4 were sitting, waiting for her to arrive in the room with  
5 the door open so we could see her arrive, and I brought  
6 it up to him.

7 THE COURT: Do you remember which day?

8 THE WITNESS: I think it was the last day, actually.

9 THE COURT: And how did you know about these Facebook  
10 postings?

11 THE WITNESS: Because I looked at that document that  
12 day. It was sitting in my office.

13 THE COURT: Was it part of the -- how did you obtain  
14 that?

15 THE WITNESS: It came with the information that  
16 Ms. Porter gave me.

17 THE COURT: I thought you testified that you didn't  
18 look at them until all of the sessions were over.

19 THE WITNESS: That session was over that day. That  
20 was the last session.

21 THE COURT: So you talked about it after the session?

22 THE WITNESS: Yes.

23 THE COURT: So you had the session and then read the  
24 material and then talked to him?

25 THE WITNESS: Yes. And I had him stay in my office

1 after all the sessions because I didn't want them to have  
2 to interact after they went downstairs together and left.  
3 He and I waited for a while after Hadyn left to allow  
4 them time to --

5 THE COURT: That's when you read all the material  
6 Ms. Porter had provided?

7 THE WITNESS: There was a brief -- brief little bit of  
8 material that she provided to me and she also talked to  
9 me about it, the Facebook postings. So I brought it up  
10 to Jeremy that day, yes.

11 THE COURT: So you had seen it before that session?

12 THE WITNESS: I had seen it before that session, yes.

13 THE COURT: All right. Counsel, any follow-up?

14 THE WITNESS: I'm sorry.

15 MR. HUBERDEAU: I don't think so, Your Honor. Thank  
16 you.

17 MS. PORTER: I just have one question.

18 FURTHER REDIRECT EXAMINATION

19 BY MS. PORTER:

20 Q. Ms. Elg, did you happen to have an opportunity to talk to  
21 Mr. Huberdeau before you testified here today?

22 A. I did. He called me the week before Thanksgiving, I  
23 think, yeah.

24 Q. Okay. And did he contact you at any point during your  
25 sessions to talk to you about any information that you



1 pronounce your last name because I've heard it like three  
2 different ways this morning. Is it Suchland?

3 A. We say it Suchland.

4 Q. Suchland. Okay.

5 A. But we answer to everything.

6 Q. Fair enough. I'll try to be -- I'll try to get it right,  
7 all right. Excuse me.

8 So I understand that there's been numerous CPS  
9 investigations regarding Hadyn, correct?

10 A. Yes.

11 Q. Okay. In fact, not all of them were against Jeremy  
12 Reynolds though, correct?

13 A. Correct.

14 Q. In fact, if I understand correctly, you and your wife  
15 were named in CPS allegations, regarding neglect and  
16 excessive amount of physical exams, by CPS, correct?

17 A. I believe so, yes.

18 Q. Okay. You haven't personally witnessed Mr. Reynolds  
19 being abusive towards Hadyn, have you?

20 A. No.

21 Q. These abuse allegations -- strike that.

22 Mr. Reynolds had some gradually increased visitation  
23 time since he and your daughter split. Does that sound  
24 correct?

25 A. Increased?

1 COURT OF APPEALS OF THE STATE OF WASHINGTON

2 DIVISION III

3  
4 In Re Custody of: )  
5 H.A.R., )  
6 Child, )  
7 PAMELA AND THEODORE SUCHLAND, )  
8 Petitioners, ) LINCOLN COUNTY  
9 and ) SUPERIOR COURT  
10 AMANDA MARIE SUCHLAND ) NO. 14-3-02215-2  
11 (Mother); JEREMY JOHN )  
12 REYNOLDS (Father), ) COURT OF APPEALS  
13 Respondents. ) NO. 330133

14 VERBATIM REPORT OF PROCEEDINGS  
15 VOLUME 3, PGS. 352 - 483  
16 DECEMBER 3, 2014, MORNING SESSION

17 The above-entitled matter was heard before the Honorable  
18 David Frazier, Superior Court Judge for the State of  
19 Washington, County of Lincoln, on October 15, 2014;  
20 November 25, 2014; December 2, 2014; December 3, 2014;  
21 December 4, 2014; December 23, 2014; December 30, 2014;  
22 January 8, 2015.

23 APPEARANCES:

24 For the Petitioners: GLORIA FINN PORTER  
25 Attorney at Law  
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For the Respondent TAMARA C. MURRAY  
Mother: Attorney at Law  
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Spokane, WA 99201

1 A. Well, just because I look at them doesn't mean I'm not  
2 going to make my decision.

3 Q. I just want to be clear.

4 A. It's a very emotional thing that -- you know.

5 Q. It should be emotional. I expect it to be emotional.  
6 And I want to hear your answer, your response because  
7 this is an important issue.

8 MS. MURRAY: Your Honor, I believe he heard her  
9 response. She said yes.

10 THE COURT: I'm going to (inaudible). It's uncertain  
11 (inaudible).

12 MR. HUBERDEAU: Yeah.

13 BY MR. HUBERDEAU:

14 Q. So, Amanda, I want to make sure this testimony is very  
15 clear and we get on the record what you want. Are you  
16 consenting to your parents being legal guardians  
17 immediately, a final order?

18 A. Yes.

19 Q. Okay. So you admit that you can't care for Hadyn on your  
20 own, right?

21 A. At the time it would be hard.

22 Q. Okay. So you can't care for her on your own right now?

23 A. Well, if I had to, I'm sure I could do it, but it would  
24 be difficult.

25 Q. Okay. That's why you're consenting to your parents?

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COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION III

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In Re Custody of:	)	
H.A.R.,	)	
Child,	)	
PAMELA AND THEODORE SUCHLAND,	)	
Petitioners,	)	LINCOLN COUNTY
and	)	SUPERIOR COURT
AMANDA MARIE SUCHLAND	)	NO. 14-3-02215-2
(Mother); JEREMY JOHN	)	
REYNOLDS (Father),	)	COURT OF APPEALS
Respondents.	)	NO. 330133

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VERBATIM REPORT OF PROCEEDINGS  
VOLUME 4, PGS. 484 - 646  
DECEMBER 3, 2014, AFTERNOON SESSION

The above-entitled matter was heard before the Honorable David Frazier, Superior Court Judge for the State of Washington, County of Lincoln, on October 15, 2014; November 25, 2014; December 2, 2014; December 3, 2014; December 4, 2014; December 23, 2014; December 30, 2014; January 8, 2015.

APPEARANCES:

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For the Respondent	TAMARA C. MURRAY
Mother:	Attorney at Law
	505 W. Riverside Ave., #521
	Spokane, WA 99201

1 A. Amanda was a good mother until our current situation  
2 occurred, which may include drug abuse.

3 Q. Okay. So at one point in time you believed there was  
4 drug abuse?

5 A. No, I did not believe in my heart. There's always a  
6 possibility.

7 Q. So --

8 A. But I do not believe that she -- in my heart I do not  
9 believe that she was doing it. There's a possibility.

10 Q. Okay. Well, Ms. Suchland, what I'm trying to get clear  
11 here is which statement is correct, the one you have  
12 today or the one you signed under penalty of perjury  
13 saying, which may include drug abuse?

14 A. You know, it says it may include drug use.

15 Q. Okay. Now, is it fair to say that you filed numerous  
16 allegations with CPS against Mr. Reynolds in the past  
17 year?

18 A. This past year?

19 Q. Let's say the past two years.

20 A. Numerous?

21 Q. Umm-hmm.

22 A. Meaning myself --

23 Q. Yes.

24 A. -- that I called CPS? Is that what you're asking me?

25 Q. How many times have you personally called CPS?

1 A. I don't remember.

2 Q. Okay. Under five? Over five?

3 A. Under.

4 Q. Okay. And that doesn't include the reports to CPS made  
5 by, say, Dr. Powell or other individuals, correct?

6 A. No.

7 Q. Okay. Do you recall how many times you've taken Hadyn to  
8 the doctor following visits with her father Mr. Reynolds?

9 A. Number off my head?

10 Q. Do you believe it's over five or under five?

11 A. Probably over. Between five to eight. I don't ...

12 Q. Okay. Did you have a standing appointment with  
13 Dr. Powell for Mondays after Jeremy Reynolds' visitation  
14 weekends?

15 A. You know what, we tried to set up an appointment, but it  
16 did not work.

17 Q. You mean you tried to set up a standing appointment?

18 A. I -- I think I had one that I know of.

19 Q. Okay. I want to be clear on your testimony. Did you try  
20 to set up a standing appointment but that Dr. Powell said  
21 that wouldn't work?

22 A. No.

23 Q. Okay. Who said it wouldn't work?

24 A. You know what, we had tried to make an appointment and  
25 she would have it -- she had an emergency. There was one

503

1 A. On my phone.

2 Q. Okay. What about videotaping Hadyn, how many times have  
3 you videotaped her?

4 A. I don't know.

5 Q. Over five or under five?

6 A. Probably over five.

7 Q. Okay. You can probably guess the next question.

8 A. Probably.

9 Q. Okay. Do you have an idea -- is it over ten?

10 A. I don't think so, no.

11 Q. Okay. In fact, your reason for the videotapes and the  
12 photographs is because you were informed -- and I'm not  
13 asking you by whom -- to document these alleged abuse  
14 allegations, correct?

15 A. Yes.

16 Q. Okay. Isn't it true that CPS named you and your husband  
17 for excessive examinations and documenting incidents?

18 A. I believe so, yes.

19 Q. Okay. Did they ever speak to you about that, anybody  
20 from CPS?

21 A. Say that again.

22 Q. Okay. Did anybody from CPS ever speak to you about the  
23 concern that you were over-videotaping and photographing  
24 Hadyn?

25 A. Yes.

505

1 Q. Okay. And what was the outcome of that investigation?

2 A. I believe that it was unfounded, as far as I know.

3 Q. Okay. Had -- was that something you had thought of as a  
4 concern before CPS brought it to your attention?

5 A. No.

6 Q. Okay. After that, did you stop taking photographs and  
7 videotaping Hadyn?

8 A. No.

9 Q. Okay. So you didn't see it as a concern at all?

10 A. No.

11 Q. You still don't see it as a concern?

12 A. No.

13 Q. Okay. Isn't it true that you have never witnessed Jeremy  
14 Reynolds being physically or emotionally abusive to  
15 Hadyn?

16 A. I've never seen it, no.

17 Q. But it's true that you've witnessed your daughter Amanda  
18 abandoning her, correct?

19 A. Excuse me?

20 Q. Isn't it true that you have --

21 A. Sorry. Excuse me one second. Can you go back to the  
22 question before that.

23 Q. No. But can you answer this question.

24 A. Excuse me. Excuse me.

25 MS. PORTER: Wait a minute.



1 THE WITNESS: I'm sorry.

2 BY MR. HUBERDEAU:

3 Q. If your attorney would like to ask questions, she can.

4 A. Okay.

5 Q. Can you please answer this question. In fact, let me  
6 restate it so that we make sure we're answering the same  
7 question, okay?

8 A. Okay.

9 Q. You have personally witnessed your daughter Amanda  
10 abandon Hadyn though, correct?

11 A. Yes.

12 Q. Okay. One thing I want to be clear on is this timeline.  
13 I understand both you and your husband have said Amanda  
14 has come and gone. There's no dispute about that.

15 A. Umm-hmm.

16 Q. But we also understand that she's abandoned and left  
17 Hadyn with you and your husband. When would you say that  
18 occurred? When do you classify the abandonment to be as  
19 far as timeframes?

20 A. Like after this July 6th, for those two months, for the  
21 couple months.

22 Q. Okay. So prior to July 6th she hadn't abandoned your  
23 home?

24 A. She was in and out.

25 Q. Okay. Isn't it true that you filed the dependency action

507

1 better. That's, in fact, what you hope happens, right?

2 A. You always want someone to get better, yes.

3 Q. Okay. What is she getting better from? That's what I'm  
4 trying to understand. In your mind, what does she need  
5 to get better from?

6 A. Well, from her medical issues that she has.

7 Q. Okay. Can you describe -- I want to be clear what you  
8 believe her medical issues are that prevents her from  
9 taking care of her daughter.

10 A. You know what, we don't know what those medical -- all  
11 those medical issues are. She's going to a doctor right  
12 now to try to find out what they are.

13 Q. Okay.

14 A. So I cannot tell you that.

15 Q. Okay. Well, maybe -- I think that answers the confusion.  
16 I just want to be clear. You're unsure what these  
17 medical issues are. So let me ask you this question. If  
18 you're unsure what these medical conditions are, a year  
19 from now, ten years from now, how are you going to know  
20 if these unknown conditions are better?

21 A. To go to a doctor and find out if they are.

22 Q. Okay. During these comings and goings of Amanda, did you  
23 ever contact Mr. Reynolds and tell him that Amanda was  
24 officially gone, she abandoned Hadyn in your care?

25 A. No.

1 right?

2 A. I would disagree.

3 Q. Okay. You know, I got to ask you -- and I apologize in  
4 advance -- I have to ask you -- because it's an  
5 uncomfortable question. But you're being paid for your  
6 testimony today, right?

7 A. I am not, actually.

8 Q. You're not?

9 A. I am not.

10 Q. Okay. You're being paid for your sessions?

11 A. I was paid for my sessions, yes.

12 Q. Okay. What do you charge per session?

13 A. Oh, that's a question for my billers. They tell me not  
14 to talk about this. I know there's a standard rate that  
15 insurance will pay and then you negotiate with the  
16 insurance.

17 Q. I promise I'm not calling the insurance company.

18 A. I know. I just -- honestly I know that the rate is  
19 somewhere between 75 and \$150 depending -- an hour  
20 depending on whether you do an evaluation, you know, or  
21 you do just a session.

22 Q. And are your sessions been, in this particular incident,  
23 submitted to insurance for payment?

24 A. No, actually they haven't.

25 Q. Grandmother's been paying that directly?

627

1 A. That is what the mother and the grandmother asked me to  
2 do was to submit those bills to them.

3 Q. And initially was that so that Mr. Reynolds didn't know  
4 that the child was seeing you?

5 A. That is -- that was never said. I have no --

6 Q. You have no idea?

7 A. Yeah, I don't ...

8 Q. Okay. Have you set, for lack of better terms, an end  
9 date for Hadyn when you think that she no longer needs to  
10 go to counseling every week?

11 A. No, I have not.

12 Q. Okay. I get the impression this isn't your first time  
13 testifying in court?

14 A. No, it's not.

15 Q. Okay. How often do you testify in court?

16 A. When I worked for Child Protective Services, quite a  
17 bit --

18 Q. Okay.

19 A. -- when we had cases in that context. Not so -- not as  
20 much after that. Although as the director of the program  
21 that I talked about, we would do a lot of practice with  
22 graduate students, and so ...

23 Q. How often are you hired private -- by private attorneys  
24 for domestic cases?

25 A. I don't think I've ever been hired by a private attorney

1 sessions.

2 Q. Okay. So during the course of the last year and a half  
3 of your weekly sessions, you haven't spoken or met with  
4 Mr. Reynolds, correct?

5 A. Correct.

6 Q. Okay. Now, you did indicate that you requested that to  
7 be done with CPS, but you don't know if that was conveyed  
8 to Mr. Reynolds or not?

9 A. I do not, no. I recommended it.

10 Q. Okay. For all intents and purposes, this is the first  
11 he's hearing of it?

12 A. Could be.

13 Q. Okay. Along those same lines, you don't know whether or  
14 not Mr. Reynolds was aware that Hadyn was even going to  
15 these sessions initially, do you?

16 A. I do not.

17 Q. Any information provided to you regarding these abuse  
18 allegations have solely come from one of three sources,  
19 and tell me if I'm wrong, the grandparents, the mother,  
20 or the child?

21 A. Correct.

22 Q. Okay.

23 A. Now, there was another person.

24 Q. Who was that other person?

25 A. A family friend. Shelly.

630

1 COURT OF APPEALS OF THE STATE OF WASHINGTON

2 DIVISION III

3  
4 In Re Custody of: )  
5 H.A.R., )  
6 Child, )  
7 PAMELA AND THEODORE SUCHLAND, )  
8 Petitioners, ) LINCOLN COUNTY  
9 and ) SUPERIOR COURT  
10 AMANDA MARIE SUCHLAND ) NO. 14-3-02215-2  
11 (Mother); JEREMY JOHN )  
12 REYNOLDS (Father), ) COURT OF APPEALS  
13 Respondents. ) NO. 330133

14 VERBATIM REPORT OF PROCEEDINGS  
15 VOLUME 5, PGS. 647 - 791  
16 DECEMBER 4, 2014

17 The above-entitled matter was heard before the Honorable  
18 David Frazier, Superior Court Judge for the State of  
19 Washington, County of Lincoln, on October 15, 2014;  
20 November 25, 2014; December 2, 2014; December 3, 2014;  
21 December 4, 2014; December 23, 2014; December 30, 2014;  
22 January 8, 2015.

23 APPEARANCES:

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Spokane, WA 99201

For the Respondent TAMARA C. MURRAY  
Mother: Attorney at Law  
505 W. Riverside Ave., #521  
Spokane, WA 99201

1 BY MR. BEVIER:

2 Q. Did you have visitation under that parenting plan?

3 A. Yes.

4 Q. What visitation did you have?

5 A. I had second and fourth weekends of the month. It first  
6 started out as the introduction of -- like February and  
7 March was Saturday and Sunday, noon to 4:00, second and  
8 fourth week. April, May was 9:00 to 6:00, Saturday and  
9 Sunday, second and fourth week. And then June on was the  
10 second and fourth week, full weekends from Friday night  
11 at 6:00 till Sunday night at 6:00. I pick her up, bring  
12 her back.

13 Q. And did you exercise your visitations under that  
14 residential schedule?

15 A. Yes.

16 Q. Now, Mr. Reynolds, over the course of the last two days  
17 we've heard about numerous allegations against you of  
18 child abuse and neglect. Are you aware of these  
19 allegations?

20 A. Yes.

21 Q. When did they start?

22 A. Oh. The last time I could actually think, if I remember  
23 right, when CPS had notified me of the situation, I'm  
24 going to say June of '13. June or July of '13 I was  
25 notified by CPS.

1 Q. Was that around the time that the overnight visitations  
2 were to begin under the residential schedule?

3 A. Yes.

4 Q. Can you say if the allegations began after the first  
5 overnight visit?

6 A. I don't know. I couldn't say. I don't remember the CPS  
7 (inaudible).

8 Q. At some point in time you were contacted by CPS?

9 A. Yes. Yes, I was.

10 Q. And made aware of the allegations against you?

11 A. Yes, they came to my house (inaudible).

12 Q. Do you know who has made the allegations against you?

13 A. Her parents.

14 Q. Has there been any other individuals who have made  
15 allegations against you?

16 A. Not that I'm aware of.

17 Q. Were you aware that Hadyn was seeing a Dr. Linda Powell  
18 over the course of the past year?

19 A. Yes.

20 Q. What point in time did you become aware that Hadyn was  
21 seeing Dr. Powell?

22 A. When CPS let me know.

23 Q. I'm sorry, can you speak up.

24 A. CPS told me that she was seeing a doctor.

25 Q. Did you consent to Hadyn seeing Dr. Powell?

682



1 A. No.

2 Q. Did you ever sign any kind of form consenting to medical  
3 treatment to be ...

4 A. (No audible response.)

5 Q. Were you aware that Hadyn was seeing Dr. McDowell?

6 A. Dr. McDowell. Is that the therapist?

7 Q. I'll get her first name.

8 A. (Inaudible.)

9 Q. Is it Teresa?

10 A. Yeah.

11 THE CLERK: Pull that microphone down (inaudible).

12 THE WITNESS: Okay. No problem.

13 BY MR. BEVIER:

14 Q. Restate my question again. Were you aware that Hadyn was  
15 seeing Dr. Teresa McDowell?

16 A. Is that the therapist?

17 Q. I believe so. Psychiatrist, therapist.

18 A. Yes. Yes, I was.

19 Q. At what point in time did you become aware that she was  
20 seeing Dr. McDowell?

21 A. In the fall I'm going -- September, October.

22 Q. Of which year?

23 A. What is this, '14? '13.

24 Q. How did you become aware that Hadyn was seeing  
25 Dr. McDowell?

1 the cases of -- of the little tiny bruise on the leg.  
2 Glad nobody took a close look at my daughter when she was  
3 five years old. She always had bruises of those type.  
4 But you didn't have the things that I saw on the face.  
5 And I heard a lot of other allegations. So I'm taking an  
6 extremely close look at that evidence.

7 And I think I'll comment. I heard so much about, and  
8 we heard her testify twice, Ms. Elg. At the end of the  
9 day, regardless of what I decide in the case, I'm going  
10 to tell you this right now, it's not going to be based on  
11 anything that Ms. Elg testified to. I found no  
12 credibility with that lady at all. She was lobbied by  
13 the grandmother here very effectively. She had her mind  
14 made up and she was extremely biased. What did she say  
15 about that keep-away issue with the ball? Controlling  
16 and it was karate chops and these things. I found her  
17 testimony incredible. I found it absurd.

18 So she's no help to resolving the issues that I found  
19 in the case. And she very clearly went into the case  
20 with an agenda and she was provided with one side of the  
21 story. And despite her testimony here, she ...  
22 (inaudible) that stuff. She was pretty clear. She was  
23 going to let Dad know that ... (inaudible). And she  
24 testified one time she didn't read it; the other time she  
25 did. So that's -- that lady is -- has no influence in

1 this case over the Court, not at all helpful. But there  
2 was a lot of other good witnesses, believable witnesses  
3 from both sides here.

4 So, Counsel, my timeframe is not good, but I'm going  
5 to try to get on this as fast as I can. I'd like to look  
6 at it tonight, spend some time, but I have motion docket  
7 tomorrow and I believe I have a trial Monday. But I'm  
8 going to get on it as soon as I can. And I think what  
9 I'll do is have my administrator try to call everyone up  
10 and I'll give you a decision by telephone. Sometimes I  
11 do written decisions. It just takes time writing.

12 And everyone here, particularly Hadyn, needs a  
13 decision right away. And if there's a decision in favor  
14 of the grandparents here, that resolves a lot of things  
15 for Hadyn in that the Adams County matter is over. If I  
16 don't find for them, find for the father in the case  
17 here, I don't think that will resolve part of the  
18 problem. You're back to Adams County. There's no change  
19 in the present custodial situation. You're under that  
20 order in Adams County, which I think is important. But  
21 I'm going to decide this case, okay.

22 Again, Counsel, thank you very much, thank all of the  
23 parties. Thank you for listening to me here, putting up  
24 with me the last few days. And, again, we'll try and get  
25 in touch with you with a decision as soon as we can,

1 COURT OF APPEALS OF THE STATE OF WASHINGTON

2 DIVISION III

3  
4 In Re Custody of: )  
5 H.A.R., )  
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7 PAMELA AND THEODORE SUCHLAND, )  
8 Petitioners, ) LINCOLN COUNTY  
9 and ) SUPERIOR COURT  
10 AMANDA MARIE SUCHLAND ) NO. 14-3-02215-2  
11 (Mother); JEREMY JOHN )  
12 REYNOLDS (Father), )  
13 Respondents. )

14 VERBATIM REPORT OF PROCEEDINGS  
15 VOLUME 6, PGS. 792 - 850  
16 DECEMBER 23, 2014; DECEMBER 30, 2014  
17 JANUARY 8, 2015

18 The above-entitled matter was heard before the Honorable  
19 David Frazier, Superior Court Judge for the State of  
20 Washington, County of Lincoln, on October 15, 2014;  
21 November 25, 2014; December 2, 2014; December 3, 2014;  
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1 in Adams County that essentially gave the father what  
2 I'll call visits with the child, starting out on a  
3 limited, graduated basis and then building up to  
4 overnights on every other weekend.

5 The circumstances here made it very clear to me that  
6 the grandparents very much did not want and do not want  
7 the father involved in Hadyn's life. And it was pretty  
8 clear to me that they didn't want him involved in any  
9 respect whatsoever. I'm convinced that they sincerely  
10 believe he's bad and a danger and abuses the child. But,  
11 again, the Court has reviewed all of the evidence and,  
12 again, has to put the evidence in the context here.

13 The grandmother began her efforts to document what she  
14 considered was abuse here about the time that the  
15 overnight visits started occurring. And then about four  
16 months into the overnight visitation schedule, then  
17 photos and complaints of -- from the child here as to  
18 being hit by the father came out. The grandmother took  
19 the child to the doctor; did that without the father's  
20 knowledge. She took the child to a counselor without the  
21 father's knowledge or involvement. And I think it's very  
22 significant here the mother, during this time, was having  
23 very severe problems, problems that affected her ability  
24 to parent. And the grandparents essentially hid this  
25 from the father, didn't tell him about the mother's

1 lengthy absences from Hadyn's home -- from their home  
2 here.

3 Now, we do have photos that show bruising, and the  
4 bruising was observed and documented by Dr. Powell. And  
5 Dr. Powell inquired as to the cause of the bruising, and  
6 the child gave a number of explanations relating to what  
7 would be physical abuse by the father if, in fact, it is  
8 true.

9 Looking at the photographs, there's some bruising,  
10 some injuries that appear relatively serious, but most of  
11 the bruises, most of the injuries that I observed here  
12 from the photographs here and even as explained by the  
13 doctor appeared to me to be the type of scrapes and  
14 bruises that a three- and four-year-old child encounters  
15 in everyday life.

16 But in point, Hadyn gave to the doctor varying  
17 explanations, and I do believe Hadyn told the doctor  
18 these things. She said things like her dad hits her with  
19 a fist, that Dad hits her with an open hand, Dad kicks  
20 her; gave examples in the leg and in the back to explain  
21 some of the bruising. They interpreted the scratch on  
22 the child's nose as abuse. And the Court had a picture  
23 of a very small scratch that may have been from a  
24 fingernail, may have been from a cat. The child  
25 attributed that to the father, interpreted it as being

1 be concerned and can't help but be suspicious. But,  
2 again, the advantage I've had in the case here is I've  
3 heard all of the evidence. And, again, the grandparents  
4 have the burden of proof. If it's a tie situation or if  
5 the Court is no more persuaded one way or the other, the  
6 parent prevails.

7 But importantly in this case, after I've heard all of  
8 the evidence, considered all of the evidence, while the  
9 father has no burden here, I do believe more likely than  
10 not that he has not physically abused his daughter and  
11 that this -- he does not pose a danger to his daughter.

12 I'm concerned that the reports of abuse of the child  
13 are most likely the result of an environment that she's  
14 been growing up under for the last couple of years here  
15 created by grandparents that, again, very much do not  
16 want the father involved in the life of his daughter.  
17 And we have a lot of, again, professional opinions in the  
18 case from the grandparents' standpoint, but I do believe  
19 that those opinions have been very much shaped by  
20 discussions and reports that they've received from the  
21 grandmother and information that has been provided from  
22 the grandparents' perspective in the case here.

23 I previously made findings here with respect to  
24 concerns I have as far as the fitness of the mother. And  
25 that primarily relates to her inability to independently

**JEREMY REYNOLDS - FILING PRO SE**

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**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 95208-6  
**Appellate Court Case Title:** In re the Custody of: H. A. R., Child.  
**Superior Court Case Number:** 14-3-02215-2

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