



No. 22-936

IN THE
SUPREME COURT OF THE UNITED STATES

MARTINE BERNARD, Petitioner

v.

CHRISTOPHER HODYL, Respondent

On Petition For Writ Of Certiorari
To The Colorado Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Martine Bernard

Pro se

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QUESTIONS PRESENTED

1. Whether statutory psychotherapist patient privilege and the right to liberty or autonomy provided in the due process clause of the United States Constitution bar a state court from forcing Petitioner to either use court-“appointed” treating family therapist, file her therapy treatment summary and subpoena said therapist to be examined by the court, or face \$100.00 per day in monetary sanctions?
2. Whether the right to procedural due process under the Fourteenth Amendment of the United States Constitution bar a state court from issuing monetary sanctions against a party for not contacting a “court-appointed” treating family therapist, without the court first providing notice, a hearing, or having a motion and affidavit from the opposing party?

PARTIES TO THE PROCEEDING

All parties appear in the caption of the case on the cover page.

RELATED PROCEEDINGS

Petitioner: CHRISTOPHER HODYL and
Respondent: MARTINE BERNARD, No. 18DR30102,
Douglas County District Court. Related judgments
entered on September 1, 2020 for individual therapy
and monetary sanctions. 68a-80a.

Petitioner: CHRISTOPHER HODYL and
Respondent: MARTINE BERNARD, No. 18DR30102,
Douglas County District Court. Related judgments
entered on September 15, 2020 for individual
therapy. App. 81-83a.

Petitioner: CHRISTOPHER HODYL and
Respondent: MARTINE BERNARD, No. 18DR30102,
Douglas County District Court. Related judgments
entered on October 21, 2020 for individual therapy
treatment requiring "progress" reports from the
treating individual therapist. App. 84a-90a.

Petitioner: CHRISTOPHER HODYL and
Respondent: MARTINE BERNARD, No. 18DR30102,
Douglas County District Court. Related judgments
entered on November 18, 2020 vacating the weekly
filing on therapists contacted, and provided its own
list of therapists for Petitioner to contact. App. 91a-
96a.

Petitioner: CHRISTOPHER HODYL and
Respondent: MARTINE BERNARD, No. 18DR30102,
Douglas County District Court. Related judgments

entered on November 19, 2020 for Family Therapy
Treatment and Vacating the November 18, 2020
Order For Individual Therapy Treatment. App. 97a-
110a.

Petitioner: CHRISTOPHER HODYL and
Respondent: MARTINE BERNARD, No. 18DR30102,
Douglas County District Court. Judgments entered
on January 29, 2021 For Family Therapy Limiting
Petitioner To The District Court's Own List Of
Therapists; It Required That A Treatment Summary
Be Filed By The Parties And For The Parties To
Ensure that The Family Therapist Appear In Court
To Be Examined. Also Requiring a copy of Board
complaints be filed within 24 hours of the original
complaint was filed with the professional Boards.
App. 36a-46a.

Petitioner: CHRISTOPHER HODYL and
Respondent: MARTINE BERNARD, No. 18DR30102,
Douglas County District Court. Related judgments
entered on February 22, 2021; Required Petitioner to
file a copy Of any Board Complaints filed against
professionals in the Case. App. 111a-128a.

Petitioner: CHRISTOPHER HODYL
and Respondent: MARTINE BERNARD, No.
18DR30102, Douglas County District Court.
Judgments entered on March 25, 2021; penalized
Petitioner with \$4,600.00 fees and required the
posting of additional \$5,000.00 to cover the daily
\$100.00 for each day that Petitioner fails to contact
the treating family therapist to “complete
paperwork”, which undoubtedly involves the signing
of a contract. App. 47a-67a.

In re the Marriage of Appellee: Christopher Hodyl and Appellant: Martine Bernard, No. 2019CA1553 & 2019CA1982, Colorado Court of Appeals. Mandate issued on June 9, 2021. Petition for a Writ of Certiorari was denied by the Colorado Supreme Court.

In re the Marriage of Appellee: Christopher Hodyl and Appellant: Martine Bernard, No. 2019CA2380, Colorado Court of Appeals. Mandate issued on June 9, 2021.

In re the Marriage Petitioner : Martine Bernard, and Respondent: Christopher Hodyl, No. 2021SC143, Colorado Supreme Court. Judgment entered on June 7, 2021 denying Petition for a Writ of Certiorari to the Colorado Court of Appeals case no. 2019CA2380.

In re the Marriage of Appellee: Christopher Hodyl and Appellant: Martine Bernard, No. 2020CA333 &2020CA522 Colorado Court of Appeals. Mandate issued on June 24, 2021 upholding the district court order coercing Petitioner to sign a visiting supervisor's contract under duress and without a meeting of the minds between the visiting supervisor and Petitioner. The Mandate also upheld the district court's order sanctioning Petitioner \$3,032.50 in attorney fees to the opposing party for having to respond to a motion in which Petitioner asked for changes to be made to the visiting supervisor's contract prior to signing.

In re the Marriage Petitioner: Martine Bernard, and Respondent: Christopher Hodyl, No. 2021SC207, Colorado Supreme Court. Judgment

entered on June 21, 2021 denying Petition for a Writ of Certiorari to the Colorado Court of Appeals case no. 2020CA333 &2020CA522 .

In re the Marriage of Appellee: Christopher Hodyl and Appellant: Martine Bernard, No. 2020CA1468, Colorado Court of Appeals. Mandate was issued on August 27, 2021.

In re the Marriage of Appellee: Christopher Hodyl and Appellant: Martine Bernard, No. 2020CA1962, Colorado Court of Appeals. Unpublished Opinion was entered on September 30, 2021. Mandate issued on February 28, 2022.

In re the Marriage of Petitioner: Martine Bernard, and Respondent : Christopher Hodyl. The Supreme Court of Colorado case no. 2021SC850.

Petition for a Writ of Certiorari denied on February
28, 2022.

Martine Bernard, Petitioner v. Christopher
Hodyl, No. 21-1530, United States Supreme Court.
Petition for a writ of certiorari denied on October 3,
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In re the Marriage of Appellee: Christopher
Hodyl and Appellant: Martine Bernard, No.
21CA0177, Colorado Court of Appeals. Unpublished
Opinion entered on April 7, 2022. It is reproduced at
App. 1a-31a. Mandate was issued on December 20,
2022. It is reproduced at App. 32a-33a.

In re the Marriage of Petitioner: Martine
Bernard, and Respondent : Christopher Hodyl. The
Supreme Court of Colorado case no. 2022SC403.

Petition for a Writ of Certiorari denied on December
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34a-35a.

In re the Marriage of Appellee: Christopher Hodyl and Appellant: Martine Bernard, consolidated appeal No. 21CA1410 and 21CA1417, Colorado Court of Appeals. Unpublished Opinion was entered on October 6, 2022.

In re the Marriage of Petitioner: Martine Bernard, and Respondent : Christopher Hodyl. The Supreme Court of Colorado case no. 2022SC883. Petition for a Writ of Certiorari. Judgment is pending.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner, Martine Bernard, respectfully petitions this Court for a writ of certiorari to review the judgment of the Colorado Court of Appeals in this case.

OPINIONS AND ORDERS BELOW

a) Opinions and Orders at Issue:

The Colorado Court of Appeals' Opinion was entered on April 7, 2022; it is unpublished and is reproduced in Appendix A on pages 1a-31a.

The Colorado Court of Appeals' Order denying the Petition for Rehearing was entered on May 5, 2022; it is unpublished and is reproduced in Appendix L on pages 129a-130a.

The Supreme Court of Colorado's Order
denying the Petition for a Writ of Certiorari was
issued on December 19, 2022; it is unpublished and
is reproduced in Appendix C on pages 34a-35a.

The Colorado Court of Appeals' Mandate
issued on December 20, 2022 is unpublished and is
reproduced in Appendix B on pages 32a-33a.

The January 29, 2021 Douglas County District
Court's Order for family therapy and Board
complaints is reproduced in Appendix D on pages
36a-46a.

The March 25, 2021 Douglas County District
Court's Order for family therapy and monetary
sanctions is reproduced in Appendix E on pages 47a-
67a.

b) Other Relevant Orders:

The September 1, 2020 Douglas County District Court's Order for individual therapy and monetary sanctions is reproduced in Appendix F on pages 68a-80a.

The September 15, 2020 Douglas County District Court's Order for individual therapy is reproduced in Appendix G on pages 81a-83a.

The October 21, 2020 Douglas County District Court's Order for Petitioner to engage in individual therapy is reproduced in Appendix H on pages 84a-90a.

The November 18, 2020 Douglas County District Court's Order for individual therapy is reproduced in Appendix I on pages 91a-96a.

The November 19, 2020 Douglas County
District Court's Order for family therapy is
reproduced in Appendix J on pages 97a-110a.

The February 22, 2021 Douglas County
District Court's Order for family therapy and Board
complaints is reproduced in Appendix K on pages
111a-128a.

STATEMENT OF JURISDICTION

The Colorado Court of Appeals entered its
opinion on April 7, 2022. App. 1a-31a. The Petition
for rehearing was denied on May 5, 2022. App. 129a-
130a.

On December 19, 2022 the Colorado Supreme
Court issued an order denying the Petition for a Writ
of Certiorari. App. 34a-35a. This Court has
jurisdiction pursuant to 28 U.S.C. § 1257 (a).

CONSTITUTIONAL PROVISIONS,
STATUTORY PROVISIONS, AND RULES
INVOLVED

I. U.S. Constitution, Amendment XIV, § 1

provides that:

*"No State shall make or
enforce any law which shall
abridge the privileges or
immunities of citizens of the
United States; nor shall any State
deprive any person of life, liberty,
or property, without due process
of law; nor deny to any person
within its jurisdiction the equal
protection of the laws."*

II. The Supremacy Clause of the United States Constitution, Art. VI, cl. 2 provides:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.”

III. Although not directly implicated, Rule 501 of the Federal Rules of Evidence is

discussed in this Petition. This Rule provides that:

"Except as otherwise required by the Constitution of the United States or provided by Act of Congress or in rules prescribed by the Supreme Court pursuant to statutory authority, the privilege of a witness, person, government, State, or political subdivision thereof shall be governed by the principles of the common law as they may be interpreted by the Courts of the United States in the light of reason and experience.

However, in civil actions and proceedings with respect to an

*element of a claim or defense as to
which State law supplies the rule
of decision, the privilege of a
witness, person, government,
State, or political subdivision
thereof shall be determined in
accordance with State law.”*

IV. Colo. Const. Art. II, Section 25 provides that:

*“No person shall be deprived of
life, liberty or property, without
due process of law.”*

*“The right to equal protection of
the laws guarantees that all
parties who are similarly situated
receive like treatment by the law.”*

V. The Colorado Revised Statutes § 13-90-107 (1)(g) provides that:

“A licensed psychologist, professional counselor, marriage and family therapist, social worker, or addiction counselor, an unlicensed psychotherapist, a certified addiction counselor, a psychologist candidate registered pursuant to section 12-245-304(3), a marriage and family therapist candidate registered pursuant to section 12-245-504(4), a licensed professional counselor candidate registered pursuant to section 12-245-604(4), or a person described in section 12-245-217 shall not be examined without the consent of the licensee's, certificate holder's,

*registrant's, candidate's, or person's
client as to any communication made by
the client to the licensee, certificate
holder, registrant, candidate, or person
or the licensee's, certificate holder's,
registrant's, candidate's, or person's
advice given in the course of professional
employment; nor shall any secretary,
stenographer, or clerk employed by a
licensed psychologist, professional
counselor, marriage and family
therapist, social worker, or addiction
counselor, an unlicensed
psychotherapist, a certified addiction
counselor, a psychologist candidate
registered pursuant to section 12-245-
304(3), a marriage and family therapist*

candidate registered pursuant to section 12-245-504(4), a licensed professional counselor candidate registered pursuant to section 12-245-604(4), or a person described in section 12-245-217 be examined without the consent of the employer of the secretary, stenographer, or clerk concerning any fact, the knowledge of which the employee has acquired in such capacity; nor shall any person who has participated in any psychotherapy, conducted under the supervision of a person authorized by law to conduct such therapy, including group therapy sessions, be examined concerning any knowledge gained during the course of such therapy

*without the consent of the person to
whom the testimony sought relates.”*

VI. The text of the Colorado Rules of Civil
Procedures 107 is reproduced at App. 131a-139a.

VII. Supreme Court of Colorado Chief Justice
Directive 04-08 STANDARD 4 (comment) (b)
provides that:

*“Psychotherapy. As with mediators,
therapists have confidentiality
obligations to their clients that are at
odds with a child and family
investigator’s duties. The roles,
purposes, goals, responsibilities,
approaches, and professional and
ethical requirements of a treating*

therapist are in conflict with those of a child and family investigator.”

VIII. Supreme Court of Colorado Chief Justice Directive 21-02 STANDARD 4 (comment) (b) provides that:

“Psychotherapy. As with mediators, therapists have a duty of confidentiality to their clients that conflicts with a PRE’s [Parental Responsibility evaluator] duties. The roles, purposes, goals, responsibilities, approaches, and professional and ethical requirements of a treating therapist conflict with those of a PRE.”

STATEMENT OF THE CASE:

A. Nature Of The Case :

This case is regarding the Colorado Court of Appeals upholding the Douglas County District Court's January 29, 2021 and March 25, 2021 orders. App. 36a-46a; App. 47a-67a. The January 29, 2021 order for family therapy contains terms, if complied with, will forfeit Petitioner's psychotherapist-patient privilege as provided under section 13-90-107(1)(g) of the Colorado Revised Statutes. App. 36a-46a. The March 25, 2021 order levied monetary sanctions in an indirect contempt proceeding without complying with the rules of procedural due process. App. 53a.

This case is also regarding the Colorado Court of Appeals condoning the violation of Petitioner's personal autonomy to choose her own therapist and

decide the content of therapy as provided under the United States Constitution, Amendment XIV, § 1. The January 29, 2021 order violates Petitioner's personal autonomy by restricting her to the Douglas County District Court's own group of treating therapists willing to carry out its orders with unethical terms. App. 40a-43a.

The Douglas County District Court's orders forbid Petitioner from reporting said therapists to their Professional Board or risk incurring monetary sanctions. App. 79a-80a. Despite not having jurisdiction over professional Board complaints, the January 29, 2021 and the February 22, 2021 orders require that a copy of Board complaint be also filed with the Douglas County District Court. App. 43a-45a; App. 125a-128a.

It is important to note that the Douglas County District Court's jurisdiction in this case is pursuant to Title 14-Domestic Matters of the Colorado Revised Statutes. This instant case is not a Title 19-dependency and neglect case wherein the Douglas County District Court could order therapy treatment as a condition for an unfit parent to regain custody of their child. Petitioner is a fit parent who never lost custody of her daughter. Furthermore, Petitioner is a practicing physician (a neurologist), is mentally competent, does not have a mental health diagnosis, and is not a danger to herself or to others.

B. Locations Where The Federal Issues Were

Raised:

1. Denial of procedural due process was raised in the Douglas County District Court, the Colorado Court of Appeals, and the Supreme Court of Colorado

as follows: During the March 24, 2021 webex status conference; in a Motion to reconsider filed on April 8, 2021; in the opening brief filed with the Colorado Court of Appeals on August 18, 2021; and in the petition for a writ of certiorari filed with the Supreme Court of Colorado.

2. Implied waiver of Psychotherapist-patient privilege was raised in the Douglas County District Court, the Colorado Court of Appeals, and the Supreme Court of Colorado as follows: In motions to reconsider filed on February 12, 2021, and on April 8, 2021; in a Response to an Update filed on March 22, 2021; in the Opening Brief filed with the Colorado Court of Appeals, and in the Petition for Certiorari filed with the Supreme Court of Colorado.

3. The issue of being denied equal protection was raised in the Douglas County District Court, the

Colorado Court of Appeals, and the Supreme Court of Colorado as follows: In a motion to reconsider filed on April 8, 2021; in the Opening brief filed with the Colorado Court of Appeals; and in the Petition for a writ of Certiorari filed with the Supreme Court of Colorado.

4. Denial of constitutional right to personal autonomy concerning family therapy was raised in the Douglas County District Court, the Colorado Court of Appeals, and the Supreme Court of Colorado as follows: In a March 22, 2021 Response filed with the Douglas County District Court; in the Opening Brief filed with the Colorado Court of Appeals; and in the Petition for Certiorari filed with the Supreme Court of Colorado.

C. Relevant District Court Proceedings:

a) individual therapy orders:

On September 1, 2020, following a bench trial, pursuant to section 14-10-129.5 of the Colorado Revised Statutes, the Douglas County District Court issued an order that included a requirement for Petitioner to attend individual therapy. In that order, the Douglas County District Court also “*reserve[d] jurisdiction to order family therapy at a later time.*” App. 77a-78a.

On September 9, 2020, Petitioner objected to the part of the September 1, 2020 order requiring her to communicate alternate explanations to her daughter regarding the symptoms that she had in the past when she was unsupervised with her father [Respondent]. Some of the symptoms that the

parties' daughter experienced from 1.5 years to 7.5 years old were the followings: Vaginal itching, vaginal sensitivity to water, skin between thighs were red and itchy, headache, vertigo or dizziness, abdominal pain, sudden urge to defecate, difficulty falling asleep and staying asleep, unexplained bouts of anger, unexplained and inconsolable crying at bedtime; masturbation and looking at sexual contents on You-Tube. All the symptoms stopped when Petitioner no longer allowed their daughter to be unsupervised with Respondent.

Petitioner objected to doing so on the grounds that such a requirement violated her First, Fifth, and Fourteenth Amendment Rights of the United States Constitution.

On September 15, 2020, the Douglas County District Court vacated the requirement for Petitioner

to give alternate explanations to Daughter about her past symptoms. App. 83 a.

On September 28, 2020, the Douglas County District Court gave an oral ruling for Petitioner to file three (3) letters weekly, on the treating therapists' letterheads, explaining why they are not agreeing to provide her with individual therapy, because no therapist would agree to give the court-ordered therapy. Over 150 therapists refused to take the case. App. 87a.

In an October 21, 2020 order, the Douglas County District Court limited what Petitioner could say in her search for an individual therapist and required that she provide the following three court orders to prospective therapists: The September 1, 2020, September 15, 2020 and the October 21, 2020 orders. App. 89a-90a.

On November 13, 2020, Petitioner filed a letter from Dr. Jason Seidel, Psy.D., in which he responded to the Douglas County District Court's request to explain why therapists were declining to take the case. He also informed the Douglas County District Court on the proper role of psychotherapy, which did not include changing a person's belief in a desired direction and supported Petitioner's assertion that therapists do not like to get involved in divorce custody cases. App. 140a-156a.

On November 18, 2020, the Douglas County District Court ordered Petitioner to stop filing weekly updates but provided its own list of therapists for Petitioner to contact, within 14 days, for individual therapy under the same terms as before. App. 94a-96a

b) Family therapy orders and monetary sanctions:

On November 19, 2020, the Douglas County District Court vacated the November 18, 2020 individual therapy order and replaced it with an order for family therapy without changing the terms for therapy. App. 107a-109a. In the order, the Douglas County District Court restricted Petitioner to a small group of therapists selected by the court. App. 107a-109a.

On January 29, 2021, the Douglas County District Court issued additional instructions for the family therapy order, requiring that the parties file a treatment summary from the prospective treating family therapist and subpoena said therapist to come to court to be examined. App. 39a-43a.

On March 25, 2021, the Douglas County District Court sanctioned Petitioner \$4,600.00 retroactively and additional \$100.00 per day for not

contacting the therapist, pursuant to its September 1, 2020 and January 29, 2021 orders. App. 52a-54a.

D. Appellate Court Proceedings:

Petitioner appealed the January 29, 2021 and the March 25, 2021 orders. On April 7, 2022, in an unpublished decision, the Colorado Court of Appeals affirmed both orders. On April 21, 2022, a Petition for Rehearing was filed, which was denied on May 5, 2022. Petitioner filed a petition for a writ of Certiorari to the Supreme Court of Colorado, which was denied on December 19, 2022. App. 34a-35a. On December 20, 2022, the Colorado Court of Appeals filed its Mandate. App. 32a-33a.

Finally, Petitioner is filing this Petition for a Writ of Certiorari to this Court.

REASONS FOR GRANTING THE PETITION

Summary of Reasons Relied on for Issuance of the Writ:

This Court has long upheld the guarantees in the United States Constitution Amendment XIV, § 1 that:

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

These guarantees also extend to statutory psychotherapist-patient privileges and indirect contempt proceedings. However, in the rulings affirmed by the Colorado Court of Appeals on which Petitioner seeks review before this Court, Petitioner was deprived of her property through monetary fines without procedural due process and without complying with the Colorado Rules of Civil Procedures 107 for indirect contempt. App. 36a-46a; App. 47a-67a; App. 131a-139a.

On March 25, 2021, Petitioner was sanctioned \$4,600.00 retroactively and charged an additional \$100.00 per day for refusing to comply with the January 29, 2021 Douglas County District Court order which impliedly waive her psychotherapist-patient privilege. App.40a-43a and 45a; App.53a. The January 29, 2021 Douglas County District Court

order required Petitioner to engage in family therapy, file a treatment summary from said therapist, and subpoena said therapist to appear in court to be examined about the family therapy sessions. App.40a-43a and 45a. The Douglas County District Court order for family therapy is a clear violation of the Colorado Revised Statutes § 13-90-107 (1)(g)and Rule 501 of the Federal Rules of Evidence.

In addition, Petitioner is being intimidated with monetary sanctions for reporting (to their professional Boards) the unethical treating therapists who agree to carry-out such court orders. App. 79a-80a. Despite the fact that the Douglas County District Court does not have jurisdiction over Board complaints, Petitioner is required to file a copy of any Board complaints with the Douglas County

District Court in order to issue its own opinion on Petitioner's motives for filing the complaint. App. 43a-45a; 125a-128a.

The January 29, 2021 Douglas County District Court's family therapy order also deprives Petitioner, who is mentally competent, of her autonomy to choose her own therapists and to decide the goal of therapy. This is due to the fact that the Douglas County District Court is providing not only its own list of therapists, but also requires that Petitioner contact the therapists in a specific order and for the therapists to follow the court's own goal for therapy. App. 39a-43a.

Despite these issues, the Colorado Court of Appeals affirmed the Douglas County District Court orders for family therapy and monetary sanctions. App. 1a-2a. In so doing, the Colorado Court of

Appeals reached a conclusion that is at odds with basic principles of psychologist-patient privilege and procedural due process that cannot be reconciled with prior opinions by this Court.

I. The Colorado Court of Appeals' Ruling Conflicts With Basic Principles Of Psychotherapist-Patient Privilege As is Found in This Court's Legal Precedent in *Jaffe* And As Delineated In Section 13-90-107(1) (g) Of The Colorado Revised Statutes.

The Colorado Court of Appeals' Opinion affirmed the January 29, 2021 Douglas County District Court order that, if complied with, will cause Petitioner to impliedly waive her psychotherapist-patient privilege by conduct. App.

1a-30a. Paragraphs 4(e) and 7 of the January 29, 2021 order state in part:

“Whomever provides family therapy shall draft a treatment summary prior to the status in 60 days and make himself or herself available for the next status conference date.”

App. 43a.

“...The Court set a status conference via Webex on March 24, 2021 from 3:30 to 4:30 pm. The Court will address the parents' progress in family therapy.

Parties shall file a treatment summary from the family therapist at least 72 hours in advance of the hearing and ensure the therapist is available to appear in court”.

See App. 45a.

The Colorado Court of Appeals' ruling is not in line with this Court's legal precedent in *Jaffee v. Redmond* or with the Colorado Statute section 13-90-107 (1) (g). See *Jaffee v. Redmond*, 518 U.S. 1 (1996).

In *Jaffee v. Redmond*, this Court held that "confidential communications between a licensed psychotherapist and her patients in the course of diagnosis or treatment are protected from compelled disclosure under Rule 501 of the Federal Rules of Evidence." *Id.* at 15.

This Court found that psychotherapist-patient privilege is important to allow effective psychotherapy to occur and that the privilege will help facilitate "an atmosphere of confidence and trust" conducive to meaningful treatment. *Id.* at 10.

In short, this Court's ruling in *Jaffee* held that psychotherapist-patient privilege protects communication with psychologists from disclosure; yet the Douglas County District Court's order for family therapy is for the expressed purpose of having the treatment summary from family therapy disclosed and for the family therapist to be subpoenaed by the parties to make more disclosure in court. Therefore, the Colorado Court of Appeals' ruling affirming the Douglas County District Court's order is in direct contradiction to this Court's view in *Jaffee*. See *Jaffee v. Redmond*, 518 U.S. 1 (1996).

Also, in *Jaffee*, this Court noted that all 50 States and the District of Columbia had "enacted into law some form of psychotherapist privilege." See *Jaffee v. Redmond*, 518 U.S. 1, 12 (1996).

Pursuant to Federal Rule of Evidence 501, in a civil case, state law governs privilege regarding a claim or defense for which state law supplies the rule of decision. *See Fed. R. Evid. 501.*

As it pertains to the instant case, the state of Colorado codified the psychologist-patient privilege in section 13-90-107 (1)(g) of the Colorado Revised Statutes. Under this statute,

"[a] licensed psychologist. . . family therapist... shall not be examined without the consent of the licensee's . . . client as to any communication made by the client to the licensee . . . or the licensee's . . . advice given in the course of professional employment."

The language of section 13-90-107 (1)(g) of the Colorado Revised Statutes is clear in that the privilege holder must give consent before communication with a psychotherapist can be disclosed. In this present case, Petitioner is the privilege holder and therefore the only one who can give consent for the family therapist to disclose confidential communication with the Douglas County District Court. Petitioner has not consented to do so.

Moreover, this Court recognized that a patient may waive the psychotherapist-patient privilege: "*Like other testimonial privileges, the patient may of course waive the protection.*" See *Jaffee v. Redmond*, 518 U.S. 1, 15 n.14 (1996). Along the same line, many circuit courts (including the fourth and sixth circuit courts) have ruled that a patient may waive the psychotherapist-patient privilege by "knowingly

and voluntarily relinquishing it". See United States v. Bolander, 722 F.3d 199, 223 (4th Cir. 2013); United States v. Hayes, 227 F.3d 578, 586 (6th Cir. 2000). Based on the aforementioned legal precedents, the waiving of the psychotherapist-patient privilege must be done "knowingly and voluntarily". This is not the situation in this instant case.

However, the January 29, 2021 district court order is clearly requiring Petitioner to involuntarily waive her psychotherapist patient privilege in order to comply with the Douglas County District Court order and goes as far as retroactively charging Petitioner \$4,600.00 and an additional \$100.00 for each day that she fails to contact the family therapist to comply with the order. App. 36a-46a and 47a-67a.

Without explicitly stating that Petitioner's psychotherapist-patient privilege was being waived, the January 29, 2021 Douglas County District Court order set-up a situation wherein Petitioner was indirectly being informed that communication with the family therapist was not going to be confidential.

App. 45a. In *U.S. v. Auster*, the Fifth Circuit held that a party "...cannot claim the protections of the psychotherapist-patient privilege if he had actual knowledge, when making the statements, that they would not be kept confidential." *U.S. v. Auster* 517 F.3d 312, 320 (5th Cir. 2008).

In addition, in the case *In re Marriage of Stokes*, 43 Colo. App. 461, the Colorado Court of Appeals stated in part that:

"Waiver is the voluntary abandonment or surrender by

competent persons of a right known by them to exist, with the intent that such right shall be surrendered and such persons be forever deprived of its benefits.

For a waiver there must be a clear, unequivocal, and decisive act of the party showing such a purpose."

See In re Marriage of Stokes 43 Colo. App. 461, 466 (Colo. App. 1979).

Accordingly, Petitioner did not contact the treating family therapist because taking such a decisive act would imply a permanent waiver of her psychotherapist-patient privilege.

Put another way, Petitioner having prior knowledge that the requirements of the January 29,

2021 Douglas County District Court order removed the confidentiality of her communications with the family therapist, her action of contacting the family therapist to engage in family therapy would render her unable to claim the protection of the psychotherapist-patient privilege in the future as it could be misconstrued that she agreed with the terms for family therapy as delineated in the January 29, 2021 order.

The Colorado Court of Appeals' Opinion denies Petitioner the equal protection of the privileges provided in the Colorado Revised Statutes § 13-90-107 (1)(g) as is guaranteed in the United States Constitution, Amendment XIV, § 1 by simply maintaining that the Douglas County District Court has the right to order family therapy and that psychologist-patient privilege was never established

and therefore could not be violated since Petitioner did not comply with the Douglas County District Court's order to contact the therapist. App. 13a-14a and 17a-18a.

Moreover, to justify the March 25, 2021 monetary sanctions for Petitioner not complying with the January 29, 2021 family therapy order, the Colorado Court of Appeals' Opinion simply ignored the implied waiver of privilege inherent in the order. App. 24a-29a.

**II. The Colorado Court of Appeals' Ruling
Conflicts With Basic Principles Of Procedural
Due Process for Indirect Contempt
Proceedings.**

This Court has long upheld the guarantees in the United States Constitution, Amendment XIV, § 1, that a person shall not be deprived of liberty or property without due process of law, nor denied the equal protection of the laws.

Here, the Colorado Court of Appeals affirmed the March 25, 2021 Douglas County District Court's order that monetarily sanctioned Petitioner for the indirect contempt of not contacting the family therapist; the monetary sanctions were issued without the procedural safeguards of a notice and opportunity to be heard. In addition, the Respondent did not invoke the Douglas County District Court's authority to sanction by filing a motion with an affidavit as required by Colorado law. App. 1a-2a. Thus, the Colorado Court of Appeals' ruling contravenes the United States and the Colorado

constitutional guarantees to due process and equal protection of the laws. See U.S. Constitution, Amendment XIV, § 1 and Colo. Const. Art. II, Section 25.

A. Statutory Contempt Procedures:

This Court has long upheld that the core of due process is the right to notice and a meaningful opportunity to be heard.

In the state of Colorado, the basic requirements for procedural due process in a contempt proceeding are delineated in the Colorado Rules of Civil Procedures (C.R.C.P.) 107. See App. 131a-139a. Per C.R.C.P. 107 (a) (2)-(3), direct contempt is "*contempt that the court has seen or heard...*", while indirect contempt is "*contempt that occurs out of the direct sight or hearing of the court.*" See App. 131a-139a.

Moreover, C.R.C.P. 107 (c) indirect contempt guidelines require that prior to holding an indirect contempt hearing, the opposing party must first file a motion along with an affidavit alleging that indirect contempt has occurred. The court may then serve a citation along with the motion and affidavit upon the accused and allow them 21 days to prepare.

C.R.C.P. 107(c) states:

“ When it appears to the court by motion supported by affidavit that indirect contempt has been committed, the court may ex parte order a citation to issue to the person so charged to appear and show cause at a date, time and place designated why the person should not be punished. The citation and a copy of the motion, affidavit and order shall be

served directly upon such person at least 21 days before the time designated for the person to appear."

App. 134a.

Petitioner not contacting the family therapist is an act that occurred out of the direct sight or hearing of the court and is considered to be an indirect contempt per C.R.C.P. 107 (a) (3). See App. 132a.

B. Denial of Notice and opportunity to be heard:

On March 24, 2021, the district court did not follow the C.R.C.P. 107(c) guidelines prior to issuing the monetary sanction because it did so without first providing notice, allowing the 21 days for a response, and without giving Petitioner a chance to speak and be heard. Therefore, Petitioner was denied her right to procedural due process.

For instance, prior to the March 24, 2021 status conference, Petitioner did not receive any notice that she was in contempt of a court order and would be sanctioned during the status conference.

This is evident in the January 29, 2021 order in which the district court indicated the topics that would be addressed during the March 24, 2021 status conference and did not include sanctioning Petitioner as part of the agenda. App. 45a-46a. In the January 29, 2021 order, the Douglas County District Court stated:

"The Court set a status conference via Webex on March 24, 2021 from 3:30 to 4:30 pm. The Court will address the parents' progress in family therapy.

Parties shall file a treatment summary from the family therapist at least 72

hours in advance of the hearing and ensure the therapist is available to appear in court. The Court will also consider whether it is in the best interests of the child to increase Father's parenting time. If the parties have other issues they would like to discuss at the March 24, 2021 status, they must file a status report with the Court detailing the issues they wish to discuss at least 7 days prior to the status conference so all sides may prepare".

App. 45a-46a.

On March 17, 2021 Respondent filed an update with a letter from the prospective family therapist, Dr. Spiegle, attached as an exhibit. The filing consisted of Respondent informing the Douglas

County District Court that the family therapist wrote a letter in which he states that Petitioner never contacted him. Nowhere in the filing did Respondent claim that he missed parenting time as a result of Petitioner not contacting the family therapist or that he wanted Petitioner sanctioned. Nor was an affidavit attached to the filing. In short, the filing was not a motion requesting the Douglas County District Court to issue a contempt citation, but was simply an update about contacting the family therapist. The update that Respondent filed is not in compliance with the requirement of C.R.C.P. 107 of a motion supported by affidavit.

On March 22, 2021, Petitioner responded to the March 17, 2021 filing explaining to the Douglas County District Court that she did not contact the family therapist because she did not want to

impliedly waive her psychotherapist-patient privilege by conduct or waive her constitutional right to autonomy.

At the beginning of the March 24, 2021 Webex status conference, the Douglas County District Court repeated the objectives for the status conference listed in the January 29, 2021 order; the Douglas County District Court did not list sanctioning Petitioner as one of the objectives for the status conference.

"I said today I would address the parent's progress in family therapy, including an update or a report from Dr. Spiegel (phonetic) [the family therapist] or whoever the family therapist was. I will -- I would then discuss whether to increase Mr. Hodyl's [Respondent's]

parenting time either to equal parenting time or something in between, you know, such as one overnight per week. I asked the parties file any other issues that they wish to discuss within seven days."

Contrary to what was planned for the March 24, 2021 webex status conference, the Douglas County District Court sua sponte issued monetary sanctions against Petitioner without giving her a chance to talk.

The Douglas County District Court denied Petitioner a chance to present her side by simply stating that it gave an order for family therapy and would not be discussing it further as follows:

"...I would note that in several different instances courts have authority to order someone into counseling or therapy on a

variety of contexts. ...So I don't want to waste any time rehashing that. Noting that this was a -- this was an order,..."

To justify sanctioning Petitioner for not contacting the family therapist, the Douglas County District Court reinterpreted the language of the September 1, 2020 order concerning missed parenting time. For the first time, the Douglas County District Court equated "instances of missed parenting times" to "each day that Petitioner failed to contact the therapist" and informed Petitioner that, based on this new interpretation of the order, she already missed 46 days and has accumulated \$4,600.00 in monetary sanctions. This calculation is based on the fact that the Douglas County District Court sanctioned Petitioner \$100.00 for each day that she failed to contact the family therapist, seeing

each day of not contacting the family therapist as a missed parenting time. The Douglas County District Court required Petitioner to post an additional \$5,000.00 bond to cover the additional \$100.00 sanction for every day that she continues to fail to contact Dr. Spiegler. This verbal order was reduced to writing on March 25, 2021:

"The Court ordered Mother [Petitioner] to contact Dr. Spiegler by February 5, 2021, but Mother [Petitioner] did not do so. The Court finds every day that followed that Mother [Petitioner] failed to contact Dr. Spiegler [the family therapist] was a separate instance of Mother [Petitioner] delaying progress in the case contrary to the September 1, 2021 Court order. Forty-six (46) days

elapsed from February 6, 2021 to March 23, 2021. Thus the Court authorizes the release of \$4,600 to Father [Respondent] from the \$5,000 bond Mother [Petitioner] posted. The Court ordered Mother to contact Dr. Spiegle after court on March 24, 2021. For every day Mother [Petitioner] does not contact Dr. Spiegle after March 24, 2021, the Court authorizes the release of \$100 to Father [Respondent] from the \$5,000 bond Mother [Petitioner] posted. As Mother's [Petitioner's] violation has consumed almost all of the original bond; the Court orders Mother [Petitioner] to post another \$5,000 bond within 7 days of March 24, 2021 with the same

*conditions as in paragraph 13 of the
September 1, 2020 Court order.*

See App. 53a-54a.

Contrary to the requirements of C.R.C.P. 107, the Douglas County District Court did not sanction Petitioner based on a contempt citation or a motion supported by affidavit, but on a surprise reinterpretation of old orders. Nor did the Douglas County District Court give Petitioner a chance to object or present her side prior to issuing the monetary sanctions.

Even though the Douglas County District Court acted contrary to C.R.C.P. 107(c), paragraphs 43 and 44 of the Colorado Court of Appeals' Opinion stated that Petitioner did have notice and an opportunity to be heard prior to being monetarily sanctioned on March 24, 2021. App. 27a. The

Colorado Court of Appeals based that statement on the fact that Petitioner knew about the September 1, 2020 and the January 29, 2021 orders:

"We conclude that mother [Petitioner] had notice and an opportunity to be heard. The September 1 order plainly notified mother [Petitioner] that her future noncompliance could result in a monetary sanction. And before the March 24 status conference, father [Respondent] alerted the court that mother [Petitioner] didn't comply with the January 29 order requiring her to contact [the family therapist] Dr. Spiegle . . ."

“...And mother [Petitioner] had an opportunity to be heard at the status conference and, again, in her motion to reconsider.”

See App. 27a.

The Colorado Court of Appeals basically stated in its Opinion that the September 1, 2020 and the January 29, 2021 orders constituted the required notice, and the Respondent's March 17, 2021 filing was sufficient to take the place of the required motion with affidavit; and finally, that Petitioner had a chance to be heard during the March 24, 2021 status conference and in her motion to reconsider that she filed after having been sanctioned.

However, on March 24, 2021, the Douglas County District Court clearly stated that it would not

be “rehashing” its orders, a clear indication that Petitioner was not given a chance to be heard. Also, as part of procedural due process, Petitioner is supposed to have a chance to be heard prior to being sanctioned and not just after.

Furthermore, Petitioner was not given 21 days to prepare nor was she notified of the reinterpretation of the language of the September 1, 2020 order prior to the status conference. *See App. 68a-80a.* Neither the September 1, 2020 order nor the January 29, 2021 order alerted Petitioner to the fact that her not contacting the family therapist constituted “instances of missed parenting time.” *See App. 68-80a and App. 36a-46a.*

The Sept 1, 2020 order, clearly states that Petitioner would be charged \$100.00 per day “*For every instance of Father’s [Respondent’s] missed*

parenting time due in part or whole to the actions of Mother [Petitioner]...". See App. 79a . The sanctions are supposed to be for "missed parenting time" and not for perceived delay in parenting time as is stated in the March 25, 2021 order. See 51a-54a. Nor did the Douglas County District Court follow its own guidelines laid out in its January 29, 2021 order, which clearly states that before Petitioner can be sanctioned, Respondent had to file a motion specifically requesting the issuance of the fines and the basis for the request.

"For future requests for similar noncompliance fines from Father [Respondent], Father shall to file a motion requesting issuance of a fine per the September 1, 2020 order and state the specific basis for his request. The

Court will issue further orders as necessary.”

App. 45a.

After having monetarily sanctioned Petitioner for not contacting the family therapist as being “instances of missed parenting time”, the Douglas County District Court itself acknowledged the fact that there was no missed parenting time. In its June 2, 2021 order, the Douglas County District Court stated:

“While true that Father [Respondent] has not alleged any missed parenting time since the Court intervened and issued its September 1, 2020 order, the

*Court must enter orders in the
best interests of the child."*

In summary, to justify the Douglas County District Court's actions, the Colorado Court of Appeals abridged the basic requirements to procedural due process for contempt proceedings as is delineated in C.R.C.P. 107; and also denied Petitioner the guarantees to equal protection of the laws and to procedural process found in both the United States and the Colorado constitutions. See U.S. Constitution, Amendment XIV, § 1 and Colo. Const. Art. II, Section 25.

C. Monetary Sanctions Being Used As a Tool to

Force Petitioner to Give-up her
Psychotherapist-Patient privilege:

The Douglas County District Court's power to sanction Petitioner was not invoked

by Respondent. Therefore, Petitioner was being punished for exercising her statutory right to psychologist-patient privilege and her constitutional right to autonomy, or the right to choose her own therapist and the goal of therapy.

Penalizing a litigant for the exercise of constitutional rights is also contrary to this Court's precedent legal opinions. This Court held that it is a recognized basic principle that an individual may be penalized for violating the law, but may not be punished for exercising a protected statutory or constitutional right. See *United States v. Goodwin* 457 U.S. 368, 372 (1982).

In *Michigan v. Defillipo*, this Court held that it is unfair to penalize actions undertaken

in good faith whether it is due to a correct or a mistaken interpretation of the Constitution.

See *Michigan v. Defillippo* 443 U.S. 31, 43 (1979).

Here, Petitioner's actions were due to a correct interpretation of her statutory right to psychotherapist-patient privilege and her constitutional right to be treated equally under that statute. Therefore, Petitioner should not have been penalized because "To punish a person because he has done what the law plainly allows him to do is a due process violation 'of the most basic sort'."

Bordenkircher v. Hayes, 434 U.S. 357, 363.

III. The Colorado Court of Appeals' Ruling Conflicts With Basic Principles Of Equal

**Protection Of The Laws As Is Stated In Both
The United States And The Colorado
Constitutions.**

A. The Family Therapy Order Denies Petitioner
Her Right to Personal Autonomy under the
Due Process Clause of the Fourteenth
Amendment:

The Douglas County District Court's order for
family therapy denies Petitioner her equal rights to
personal autonomy under the Due Process Clause of
the Fourteenth Amendment. This is due to the fact
that Petitioner is being forced to attend therapy from
a specific list of chosen treating therapists willing to
violate the ethics of their field by playing the dual
role of treater and evaluator, thereby violating
Petitioner's psychotherapist patient privilege as

privilege as provided by § 13-90-107 (1)(g) of the Colorado Revised Statutes. They are willing to fulfill the court's goals in therapy rather than the patient's goals. They are also willing to report back to the Douglas County District Court and appear in court to testify about the therapy sessions. The January 29, 2021 order is placing the treating family therapist in the dual role of being both the evaluator and the treater. An evaluator does not have the duty to provide confidentiality that a treating therapist does. This dual role is forbidden by American Psychological Association (APA) 3.05, and the Supreme Court of Colorado's Chief Justice Directives (CJD) 04-08 and 21-02. See App. 157a-159a.

APA 3.05 is a professional code of ethics that forbids therapists from entering multiple

relationships that can harm their clients. App. 157a-159a.

CJD 21-02 and CJD 04-08 states that the duty of a therapist conflicts with the duties of a Parental Responsibility evaluator or a child and family investigator's duties because the therapists owe confidentiality to their clients.

For example, CJD 21-02 provides that:

“ As with mediators, therapists have a duty of confidentiality to their clients that conflicts with a PRE’s [Parental Responsibility evaluator] duties. The roles, purposes, goals, responsibilities, approaches, and professional and ethical requirements of a treating therapist conflict with those of a PRE.”

The January 29, 2021 order violates
Petitioner's constitutional right to autonomy by
forcing her to use only therapists willing to violate
confidentiality and willing to be placed in a dual role
by the Douglas County District Court, in
contravention of APA 3.05, § 13-90-107 (1)(g) of the
Colorado Revised Statutes, CJD 21-02 and CJD 04-
08. App. 157a-159a.

The Douglas County District Court limited
Petitioner to a small pool of prospective treating
therapists after 150 other therapists in the
community declined to fulfill the Douglas County
District Court prior order for individual therapy,
which was also asking them to play a dual role. The
Douglas County District Court did not believe that
therapists in the community were unwilling to
provide individual therapy to Petitioner and provide

information to the court about the therapy sessions.

On October 21, 2020, the Douglas County District Court wrote an order in which it demanded that Petitioner provide, on a weekly basis, 3 letters from the therapists that she contacted, on their business letterheads, explaining their reason for declining to provide individual therapy.

In response to the Douglas County District Court's October 21, 2020 order, most of the therapists refused to provide a letter explaining why they declined. However, Dr. Jason Seidel, Psy.D., (Director of the Colorado Center Of Clinical Excellence in Denver, Colorado), wrote back to the Douglas County District Court explaining that the case was being declined by therapists because of the unethical terms in the order. Some excerpts from his

letter to the Douglas County District Court are listed below:

“...the terms of the Court Order

*[October 21, 2020 order] would be
considered by many licensed
therapists (including us) to be
completely inappropriate and
unethical to adhere to”.*

App. 146a.

Dr. Seidel also warned about the imminent danger in the Douglas County District Court’s order requiring for progress reports as this will create an environment for abuse. Dr. Seidel stated in his letter as follows:

"Moreover, the ethical standards regarding non-exploitative multiple relationships warn that a psychologist (for example) must avoid multiple relationships that could impair their objectivity, judgment, or effectiveness. A client being poorly treated by a therapist, or even harmed by a therapist, but who is reliant on that therapist's positive report to the Court about their progress or cooperation (even in vague terms) lacks autonomy due to the power differential in the multiple, simultaneous roles held by that therapist." App. 150a-151a.

Petitioner is mentally competent and not a danger to herself or to others; yet the Douglas

County District Court is denying her the constitutional right to choose her own therapist, make her own decisions regarding whether she wants therapy, and decide on what she wants to address in therapy. In his letter, Dr. Seidel also addressed this issue:

"Regardless, therapy should not be considered a tool of the Court, but rather a tool designed to be used by patients or clients for their own ends, keeping in mind the factors that may be impinging on their happiness, effectiveness in the world, or ability to overcome interpersonal obstacles or traumas. The Court may have behavioral outcomes it requires (e.g., sobriety, nonviolence, school

attendance), and may have good reason to think certain activities may lead to or enhance these outcomes (e.g., psychotherapy), but therapists along with their clients must make their own determination of the methods, aims, and goals of therapy, once the client walks through the door."

App. 155a-156a.

B. Preventing Petitioner from Filing Board

Complaints Against the Unethical Therapists is Also a Violation of her Autonomy under the United States Constitution:

The Douglas County District Court's September 1, 2020 order levying monetary sanctions against Petitioner for filing Board complaints against

the therapists is a violation of her autonomy under the Fourteenth Amendment of the United States Constitution. The Douglas County District Court stated:

"Mother [Petitioner] shall post a \$5,000 cash bond with the Court to ensure her future compliance per C.R.S. 14-10-129.5(2)(c). For every instance of Father's [Respondent's] missed parenting time due in part or whole to the actions of Mother [Petitioner], including but not limited to Mother's [Petitioner] court filings that delay implementation of the above parenting time phases; ... Mother [Petitioner] refusing to sign contracts, complete intake or other required paperwork; ...

*Mother [Petitioner] issuing a formal
complaint against any professional
involved in the instant case; ..."*

App. 79a.

On January 29, 2021, the Douglas County District Court did enforce that order by levying \$100.00 sanction against Petitioner for filing a Board complaint against Daughter's individual therapist who was playing a dual role in the case. In the January 29, 2021 order, the Douglas County District Court also requested that a copy of board complaints also be filed with the court within 24 hours of the original complaint. The Douglas County District Court order stated:

*"Regarding the formal complaint
Mother [Petitioner] filed against Dr.*

Bresnick, if Mother [Petitioner] files a formal complaint against any professional acting in this case, Mother [Petitioner] shall file a full copy of her complaint with the Court within 24 hours of her original complaint filing date."

App. 43a.

On February 22, 2021, this order was modified to requiring Petitioner to provide a copy of all board complaints within 72 hours. The February 22, 2021 order stated in part:

"...the Court will slightly modify its order to state that Mother [Petitioner] shall file a copy of any complaints she makes once the Board meets for its

initial consideration and the record becomes public."

App. 127a-128a.

In summary, the Colorado Court of Appeals's ruling affirming the Douglas County District Court's orders condones the violation of Petitioner's right to autonomy under the Fourteenth Amendment of the United States Constitution.

IV. The Colorado Court of Appeals' Rulings Present A Danger To The Public

The Colorado Court of Appeals' rulings present a danger not only to Petitioner but also to the public. This is because the Colorado Court of Appeals is allowing the Douglas County District Court to cause Petitioner and others to forfeit their

psychotherapist-patient privilege without being aware of it. In its October 21, 2020 order, the district court itself admitted to having requested a progress report from treating therapists in the past:

"The only information the Court anticipates receiving from the therapist is confirmation from the therapist that Mother is actively participating and engaged in therapy and general comments about her progress (e.g. she is making progress or not making progress). The Court has ordered this in many other cases and many therapists have provided court ordered individual therapy and given such limited updates to the Court".

App. 88a-89a.

In short, the Colorado Court of Appeals is allowing the Douglas County District Court to require the therapists to play the dual role of evaluator and treating therapist, placing Petitioner and others at risk of being abused by the therapists as Dr. Seidel warned in his letter. App. 150a-152a.

The Colorado Court of Appeals is also allowing the Douglas County District Court to levy monetary sanctions for litigants not complying with the unlawful orders, as well as for filing Board complaints against the therapists.

Without this Court's intervention, the Colorado Court of Appeals will continue affirming the Douglas County District Court's unlawful

therapy orders, placing the general public at risk of being abused by unethical therapists.

CONCLUSION:

Based on the arguments above, Petitioner respectfully asks that this Court grant this Petition for Writ of Certiorari.

Respectfully submitted, on March 15, 2023.

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March 15, 2023