

## **Plight of a Parent – Devices**

*Is the dad of these children a Father or a Foe?  
The answer, of course, being most important to the children...don't you think?  
- Kirk Rainer, a dad of four children*

This is the second letter of a series and, as with the first, is written as the only means presently to show the unending stigma of parental unfitness (or similar a profile) applied as cause for the estrangement from my children. Again, the letter is not formatted or structured to legal standards – because I am not a legal representative – but only a dad who has tried desperately to have some semblance of relationship with his children. I have titled this letter, *Plight of a Parent – Devices*.

By “Devices”, I mean a plan, scheme or trick (Webster Dictionary); and while all three terms would apply, the duration and methods of these Devices would more likely fall between a plan and scheme – as Devices have been at work for a number years...and still continue with the injunction (content and violation). Using the same terms or categories applied in the first letter (on the injunction); this second letter will show these Device(s) as: ill-derived; then as ill-conceived; and finally, as ill-processed through the court system.

As a matter of clarity, let me say that these Devices are an exploitation or abuse of good intentions. I understand the need to protect the innocent and the weak – and in turn, to isolate and detain those who are dangerous or represent the potential for danger. This letter is not to question or contradict such measures as The Baker Act, Parental Fitness Evaluations and similar laws or statutes; but instead, to identify how these measures have either been misused or misapplied using these Devices. By “ill-processed”, I mean that the device(s) – that fume pretense, innuendo, and other smoke – take precedence over the credible evidence of court-order professionals and give these “good intentions” a bad name.

Devices have concentrated on the stigma that I am unfit to be parent; and behind this stigma, is the notion that I have some mental, emotional or otherwise symptoms that – at the least – are concerning and preferably are clinical. At the aim of trying to push this stigma to the category of clinical, Devices have promoted and ordered such measures as Anger Management courses, Parental Fitness Evaluations and, most-recently, Florida’s Baker Act. And although these measures have been carried-out – as ordered by the courts – the promising results have been largely negated or nullified by the courts (prosecution and otherwise). Hence, these Devices are about perception

– fostered by pretense – without any supporting evidence resulting from the measures described above. These Devices obfuscate the practice of one parent while pandering to another. As any counselor (family court, psychologist, therapist, etc.) would strongly retort, such Devices are detrimental to the development of children – by imposing a sense of great costs (in the child’s life) predicated on desired gains of one parent over another. Such Devices lead ultimately to the children(s) alienation and abrogation of any responsible role of parent – by relying on false testimony – rather than on credible, professional, and otherwise substantive evidence.

One of most recent examples of Devices involves Florida’s Baker Act. In December of 2006, I was ordered (and escorted) from the jail to a local hospital in St. Johns County, FL with the presumed criteria for this measure. The criterion was based on both the sworn testimony of the other parent (recorded in a Charging Affidavit) and a report from an In-take specialist for the Mental Health Department. In the narrative of the Charging Affidavit is the following excerpt:

“He has a history of violent acts. I am extremely concerned for myself and my four children.”

Further narrative includes:

“Mr. Rainer has been ordered by Judge Tygart to undergo a psychological evaluation. “

On these two excerpts alone, is the obvious claim of fear (stemming from a history of violent acts) and of implied psychological problems. Add to this evidence, the in-take specialist described by mental health as follows:

“...very paranoid with delusions of grandeur and very unfocused...”

Furthermore, that I:

“...appeared to have episodes of anger and not willing to adhere to court’s decision by choice.”

Given the dual effect of these reports is reason enough to accept the criterion for Florida’s Baker Act; but before you *jump to conclusions*, read the excerpts from a licensed psychologist who conducted the evaluation for Florida’s Baker Act:

At the time of my evaluation, the patient was **absolutely showing no evidence** of paranoia and absolutely no delusions of grandeur...He was telling me a logical, consistent story about the unfortunate history of being divorced and not being able to see his children...

There is **nothing in the Baker Act** that gives me reason to think he is a danger to himself or others “and there is **no substantial likelihood** that without peer

treatment, the person will cause serious bodily harm to himself or another person in the near future, as evidenced by recent behaviors” This is what was checked on the Baker Act and, in fact, **is not correct**. Additionally, the Baker Act stated that “said person is unable to determine for himself/herself whether examination is necessary,” and that **indeed is not the case either**.

To summarize the evaluation in laymen’s terms, the in-take specialist was completely wrong – and purportedly with no more than a high school education – was unqualified or incapable to the task. As an aside to the reader, imagine placing the diagnosis of your health on one so incapable – which seems like malpractice don’t you think? Beyond the deficiencies of the Mental Health Department however, the Charging Affidavit must be addressed in the context of substantive evidence.

The psychological evaluation has been done! Yes, that’s right; the evaluation (that the other parent references) was completed in 2003 per court order – a fact which is not mentioned in the Affidavit. Referring to this evaluation (also called a Parental Fitness Evaluation), the following:

The data are quite robust in pointing out that **he does not show vulnerability** to react to parent-child stressors by becoming abusive...Thus, Mr. Rainer **does not present as a danger** to his children’s welfare on an emotional or physical basis.

Again from the Affidavit: “He has a history of violent acts”; and should this statement concern you or leave any doubt regarding the credibility of the evaluations (which included access to a patient history), I will be glad to forward a complete copy of each to you – or arrange to do so directly from their offices.

Of course, I could include additional information from the Parental Fitness Evaluation – as the evaluation involved multiple tests and interviews with a licensed psychologist – but why bother...as I believe the reader may be perceiving much more than has been the case of the courts. I will not elaborate further on the ill-derived, ill-conceived and ill-processed Devices.

“What is truth” ask Pilate of Jesus. If this question were ask to me, I could say that what has been true of the courts (in my case) is that untruths can be perpetrated and propagated – with or without due-process; and with such conditions, the one parent enabled to practice Devices regardless of the cost to the other parent and, more importantly, to their children. Need I add the ill-derived, ill-conceived and ill-processed association to Devices; expressed in one short exclamation: this sham is a shame!

In the next letter, I will address the perception(s) of the parents in this family. Is the dad of these children a Father or a Foe? The answer, of course, being most important to the children...don't you think?