

## MONTANA ELEVENTH JUDICIAL DISTRICT COURT

## FLATHEAD COUNTY

IN RE THE PARENTING OF: )

A.V.R. )

Minor child. )

KENNETH KOFLER, )

Petitioner, ) NO. DR-17-525 (B)

and )

BILLEE K. REIS, )

Respondent. )  
\_\_\_\_\_ )

Taken at the Flathead County Justice Center  
920 South Main Street  
Kalispell, Montana  
Monday, June 27, 2022

TRANSCRIPT OF PROCEEDINGS

Heard before the Honorable Robert B. Allison  
District Judge

A P P E A R A N C E S

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appearing on behalf of the Petitioner.

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appearing on behalf of the Respondent.

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1 down subject to being re-called.

2 MS. MOSS: My subpoenaed witness has  
3 been here the last fifteen minutes, she'll be  
4 quick, so I can do it quick.

5 THE COURT: Okay. We're going to have  
6 to take a break somewhere around 10:30, so you can  
7 call -- you have -- who do you have?

8 MS. MOSS: Angie Garrett.

9 THE COURT: All right. Bring her in.

10 MS. HURLBURT: Okay.

11 THE COURT: And then we will allow her  
12 to call her two witnesses out of order.  
13 Thereupon,

14 ANGELA GARRETT,  
15 a witness of lawful age, having been first duly  
16 sworn to tell the truth, the whole truth and  
17 nothing but the truth, testified upon her oath as  
18 follows:

19 DIRECT EXAMINATION

20 BY MS. MOSS:

21 Q. Can you please state your full name for  
22 the record?

23 A. Angie Garrett.

24 Q. How would you like me to refer you to  
25 during my questions? Is Angie okay?

1 A. Yes.

2 Q. Okay. Can you just very quickly briefly  
3 tell the Court what you do for work and your  
4 educational background?

5 A. Um, yes, I have my master's in counseling  
6 in psychology and my current work is working with  
7 families and children in private practice.

8 Q. And how do you know the parties?

9 A. I was the child's therapist.

10 Q. Is do you remember when you were her  
11 therapist from?

12 A. Yes. Started in June of 2019, and my last  
13 session was November 3rd of '21.

14 Q. Okay. All right. And this isn't the  
15 first time you've had to testify in this case,  
16 right?

17 A. Yes, it is.

18 Q. Do you not remember testifying in December  
19 of 2019?

20 A. Oh, right, yes.

21 Q. It's been a while, right? Okay. So at  
22 the time you were A 's new therapist, right?

23 A. Yeah.

24 Q. Okay. And you testified that you provided  
25 services until November 3rd of 2021, so how many

1 years is that?

2 A. A little -- two.

3 Q. Okay. All right. So how did you become  
4 aware of the allegations that led to the suspension  
5 of Ken's parenting time?

6 A. The child came in and disclosed.

7 Q. Okay. And is what did you do at that  
8 point from a therapeutic standpoint?

9 A. I made a referral to Child Protective  
10 Services.

11 Q. And did you continue to provide services  
12 to A during that time?

13 A. I did.

14 Q. Okay. And when did services started  
15 teetering off?

16 A. I think probably a few months after the  
17 incident.

18 Q. And why did you start reducing the therapy  
19 sessions?

20 A. She started -- we just reduced for, like,  
21 to every other week because she didn't need  
22 services, she was doing better.

23 Q. She was doing better?

24 A. Uh-huh.

25 Q. Okay. And were you ever -- I guess let's

1 be able to determine in two-and-a-half years of  
2 therapy?

3 A. Um, yes, yeah.

4 Q. Do you remember in a text message  
5 telling --

6 MS. HURLBERT: I apologize, we're  
7 letters, is that correct, for exhibits?

8 THE COURT: Yes.

9 Q. (BY MS. HURLBURT) Show you what's been  
10 marked as Exhibit A (indicating). Do you recognize  
11 this as a conversation --

12 A. Yes.

13 Q. -- between you and Billee?

14 A. Yes.

15 Q. And does the "A" represent you?

16 A. Yes.

17 Q. All right. And you do recall this  
18 communication?

19 A. I do, yes.

20 MS. HURLBURT: Your Honor, I would  
21 move to admit Exhibit A.

22 MS. MOSS: No objection.

23 THE COURT: A is admitted. I don't  
24 have it, but --

25 THE WITNESS: Do you need to see it.



1     EXHIBITS:

2                   (Respondent's Exhibit A admitted into  
3     evidence.)

4           Q.     (BY MS. HURLBURT)   What is the statement?

5           A.     Billee's talking to me about upcoming  
6     court, and I said I hadn't heard anything.   And I  
7     said -- she had informed me that he was trying to  
8     take her full time from him, and I just said I was  
9     glad that he didn't.

10          Q.     And why is that?

11          A.     It's never in a child's best interest just  
12     to have, you know, a drastic change like that; I  
13     always recommend slow, consistent moves.

14          Q.     Now, regarding the protest, you -- you  
15     stated a five-year-old isn't capable of making that  
16     decision, but this protest happened last year,  
17     correct, so she would have been seven at that  
18     point.

19          A.     A seven-year-old.

20          Q.     And you are saying --

21          A.     Yeah.

22          Q.     Okay.   And you just to clarify, you did  
23     not tell Billee not to take her?

24          A.     I did not.

25          Q.     Now, once again referring to that text

1 had and entered of record:)

2 THE COURT: We are back in session.

3 Ms. Hurlbert, if you have a witness you  
4 wish to call at this time you may do so.

5 MS. HURLBERT: I would call Kipp  
6 Tkachyk.

7 Thereupon,

8 KIPP TKACHYK,

9 a witness of lawful age, having been first duly  
10 sworn to tell the truth, the whole truth and  
11 nothing but the truth, testified upon his oath as  
12 follows:

13 DIRECT EXAMINATION

14 BY MS. HURLBERT:

15 Q. Good morning, sir.

16 A. Good morning.

17 Q. Could you state your name and spell it for  
18 the record?

19 A. Kipp Tkachyk, K-I-P-P, T-K-A-C-H-Y-K.

20 Q. And what is your profession?

21 A. I'm the director of the Children's  
22 Advocacy Center for Flathead County.

23 Q. Was it through this position -- or excuse  
24 me, does that include conducting forensic  
25 interviews?

1 A. Yes, it does.

2 Q. All right. And through forensic  
3 interviewer -- as your job as a forensic  
4 interviewer is that how you had the opportunity to  
5 meet Billee and A R ?

6 A. Yes.

7 Q. What led to that meeting?

8 A. I received a referral from Whitefish  
9 Police Department referencing a request for a  
10 forensic interview.

11 Q. And is that common?

12 A. That's how we -- at the Advocacy Center we  
13 do not do interviews unless we receive a referral,  
14 or request, which is one and the same.

15 Q. In that request -- what sort of in  
16 information do you get?

17 A. A brief summary of if a child made a  
18 disclosure, where the events occurred, who the  
19 family member -- non-family caregiver would be, who  
20 the alleged offender may be, dates of birth, that  
21 type of thing.

22 Q. But not a full-on police report?

23 A. No.

24 Q. Okay. Did you conduct a forensic  
25 interview of A R ?

1 A. I did.

2 Q. Do you recall when that was?

3 A. December 27th, 2019.

4 Q. All right. Have you -- since the time you  
5 gave that -- or conducted that interview have you  
6 had the opportunity to review that interview?

7 A. I have.

8 Q. And when was that?

9 A. I looked at it the first time on Friday,  
10 and then I looked at it again this morning.

11 Q. All right. So you believe you're  
12 refreshed in what was on that --

13 A. I believe so.

14 Q. Was this the only forensic interview you  
15 conducted with A ?

16 A. Yes.

17 Q. Do you know of any other people who would  
18 have conducted a forensic interview of her?

19 A. I don't know of any.

20 Q. Is there any other people qualified in  
21 Flathead County to conduct --

22 A. There are.

23 Q. But as far as this case goes, you weren't  
24 aware of that?

25 A. I'm not aware of it.

1 Q. Okay. Now, I asked you to bring that DVD  
2 with you today, correct?

3 A. Yes.

4 Q. And do you have it with you now?

5 A. I do.

6 Q. All right. And is that the original?

7 A. This is a copy that I receive from Officer  
8 Schuch, and this was last week. I don't have the  
9 interview, so I needed to get a copy to review it.

10 Q. All right. So you contacted Detective  
11 Schuch; is that correct?

12 A. Yes.

13 Q. And he made you a copy?

14 A. He did.

15 Q. All right. And that's the copy you have  
16 here today?

17 A. Yes.

18 Q. And is it a true and correct version of  
19 the interview?

20 A. Yes.

21 MS. HURLBERT: Your Honor, I'd move to  
22 admit the forensic interview as Exhibit B.

23 MS. MOSS: Well, we haven't seen the  
24 DVD, but --

25 THE COURT: Is there a transcript?

1 MS. HURLBURT: Your Honor, I don't  
2 believe so, but as far as forensic interviews goes  
3 it's not very long. And I believe both counsels  
4 have reviewed it, and I want it to be part of the  
5 record, as you have reviewed it as well.

6 THE COURT: Okay.

7 MS. MOSS: I believe it was part of  
8 the file that was already reviewed in chambers, but  
9 I would assume it's part of the record. I don't  
10 object to the admission of it, I don't think it has  
11 to be published though.

12 THE COURT: Exhibit B is admitted.

13 EXHIBITS:

14 (Respondent's Exhibit B admitted into  
15 evidence.)

16 Q. (BY MS. HURLBURT) Specifically about the  
17 process of forensic interviewing, what sort of  
18 initial procedures do you go through when  
19 conducting an interview?

20 A. Um, as far as conducting the interview the  
21 family will arrive at our CAC, which is located at  
22 Logan Health Center -- at the time of this  
23 interview it was Kalispell Regional Hospital,  
24 they've since changed ownership, but the location  
25 of the interview area remains consistent.

1 would like to call Sergeant -- I believe it's  
2 Sergeant Schuch.

3 MR. TKACHYK: Am I excused?

4 THE COURT: Yes, you're excused. And  
5 ask do you know Sergeant Schuch?

6 MR. TKACHYK: Yes.

7 THE COURT: Would you have him come  
8 in?

9 (Off the Record.)

10 THE COURT: Come on up, Sergeant, and  
11 we'll have you sworn in.  
12 Thereupon,

13 TIM SCHUCH,  
14 a witness of lawful age, having been first duly  
15 sworn to tell the truth, the whole truth and  
16 nothing but the truth, testified upon his oath as  
17 follows:

18 DIRECT EXAMINATION

19 BY MS. HURLBERT:

20 Q. Good morning, Sergeant -- it is sergeant,  
21 correct?

22 A. It is, yes.

23 Q. Could you state your name and position for  
24 the record?

25 A. Yeah. My name is Tim Schuch, S-C-H-U-C-H,

1 I'm a patrol sergeant with Whitefish Police.

2 Q. Were you contacted approximately December  
3 23rd'ish regarding an incident with A R ?

4 A. Yes.

5 Q. And do you know what date that was?

6 A. I believe it was the -- it was around the  
7 23rd there; I wasn't the initial responding  
8 officer, I was the detective in charge of the  
9 investigation subsequently.

10 Q. Okay. So when did you first -- did you  
11 meet with A ?

12 A. I did, yeah.

13 Q. When did you first meet with A ?

14 A. Well, I met with Billee, I never actually  
15 met with A , they did a forensic interview with  
16 A , but I talked with Billee about the situation  
17 beforehand.

18 Q. Okay. And have you -- do you have  
19 experience dealing with mother's who have a child  
20 that's gone through a traumatic event like this?

21 A. I mean I've done -- yeah, being a  
22 detective I did quite a few cases like this,  
23 unfortunately.

24 Q. All right. Was there anything particular  
25 about your conversations with Billee or Billy's



1       demeanor that made you think that her statements  
2       weren't true?

3           A.     I didn't -- that was my first time meeting  
4       her, so I really had nothing to base it on.

5           Q.     Okay. Throughout the investigation did  
6       you -- did you have any reason to believe that  
7       A       wasn't telling the truth?

8           A.     I didn't have anything to say that she was  
9       not.

10          Q.     Okay. Were you part of the  
11       multidisciplinary team?

12          A.     Yes.

13          Q.     Do you know of any concerns that were  
14       raised with the multidisciplinary team about  
15       coaching, or Billee being -- you know, being the  
16       one that made that made this story up?

17          A.     I don't -- I don't recall any discussion  
18       along those lines as far as like -- you know, we  
19       weren't investigating it as that or anything like  
20       that, so --

21          Q.     All right. Do you know why charges  
22       weren't brought?

23          A.     It's the County Attorneys charging  
24       decision.

25          Q.     Okay. But you have no reason to believe

1     that there was any foul play or mishandling of this  
2     case?

3           A.     No --

4           Q.     Well, I'm sorry, foul play probably isn't  
5     an appropriate term? Throughout the investigation  
6     was there anything that came up that suggested  
7     that -- that Billee had concocted this whole story?

8           A.     I didn't find any evidence of that.

9                   MS. HURLBURT: I have nothing further.

10                  THE COURT: Cross-examine?

11                           CROSS-EXAMINATION

12     BY MS. MOSS:

13           Q.     And I apologize if maybe I'm -- there were  
14     a lot of records in the investigative file. At any  
15     point did Billee tell that you she wanted to "put  
16     this fucker away"?

17           A.     I don't recall that exact statement.

18           Q.     Does it sound kind of familiar?

19           A.     I don't recall something like that.

20           Q.     If it was in a report would you have any  
21     reason to not believe it?

22           A.     If it was in a report I mean I would --  
23     sure.

24                   MS. HURLBURT: Your Honor, I -- maybe  
25     we can address this at the break, but I went

1 and fireworks. There's lots of events like that  
2 that happen in the area, it's a tight-knit  
3 community, so you want to go with the people you  
4 know, kind of family.

5 Q. And were you able to recently celebrate

6 A 's birthday?

7 A. Yes.

8 Q. And where did you have her birthday party?

9 A. In our neighborhood.

10 Q. Okay. And did she have multiple friends  
11 there?

12 A. Yeah, they all came out.

13 Q. All right.

14 MS. HURLBERT: Your Honor, I have  
15 several pictures, and for ease of the Court I can  
16 do it as one exhibit and then just do page 1, 2, 3,  
17 4; would you prefer that?

18 THE COURT: That's fine.

19 MS. HURLBERT: Okay.

20 Q. (BY MS. HURLBERT) I'm handing you a stack  
21 of pictures that you supplied to me last night  
22 (indicating). Could you tell me what the first  
23 picture depicts?

24 A. It is her and two neighbors, one that is  
25 her best buddy.

1 Q. What is her best buddy's name?

2 A. Addy.

3 Q. All right. And then the second picture?

4 THE COURT: Which one is A ?

5 MS. REIS: Addy -- oh, A is in the  
6 middle with pink pants.

7 THE COURT: Okay.

8 MS. REIS: And then what's the second  
9 one is?

10 Q. (BY MS. HURLBERT) Yes.

11 A. So that's from her birthday, we built her  
12 a canvas because she loves art, they could do an  
13 art project.

14 Q. Did they all partake in that?

15 A. Pretty much.

16 Q. Where is that picture done.

17 A. So that's at a park too.

18 Q. Where is the canvas now?

19 A. Oh, it's on a wall in ou living room.

20 Q. Awesome. And then the next picture?

21 A. That's from her birthday.

22 Q. And are those neighborhood friends  
23 gathered there with her?

24 A. Yep. Two of them are neighborhood and one  
25 is from her school.

1 Q. So she has -- she's built friendships at  
2 her school as well?

3 A. Yep.

4 Q. And then the last one.

5 A. This is one of the -- we were invited to a  
6 shirt tie-dying event on a Saturday by our  
7 neighbor, Addy's mom.

8 Q. And Addy's the friend -- again, the best  
9 friend?

10 A. The best friend.

11 Q. Did Addy --

12 MS. HURLBERT: Your Honor, I'd like to  
13 admit the photographs into evidence.

14 MS. MOSS: No objection.

15 THE COURT: C is admitted. It  
16 consists of four photographs.

17 EXHIBITS:

18 (Respondent's Exhibit C admitted into  
19 evidence.)

20 Q. (BY MS. HURLBERT) The last one, where is  
21 the last one at?

22 A. That's from the library that we go to  
23 every three weeks, we go to.

24 Q. How often do you go?

25 A. Every three weeks -- well, they last three

C E R T I F I C A T E

STATE OF MONTANA                    )  
  ) : ss.  
County of Flathead    )

I, Tom Sapp, Official Court Reporter for  
the State of Montana, residing in Kalispell,  
Montana, do hereby certify:

That I was duly authorized to and did  
report the testimony and evidence in this cause.

I further certify that the foregoing  
pages of this transcript represent a true and  
accurate transcription of my stenotype notes.

IN WITNESS WHEREOF, I have hereunto set  
my hand on this the 11th day of July, 2022.

  /s/ Tom Sapp  

Tom Sapp, Official Court Reporter  
Eleventh Judicial District Court  
State of Montana  
Residing in Kalispell, Montana