

Parental rights may not be terminated without "clear and convincing evidence."

SANTOSKY V. KRAMER, 102 S.Ct. 1388 (1982) PDF

A child has an equal right to be raised by the father, and must be awarded to the father if he is the better parent, or mother is not interested.

STANLEY V. ILLINOIS, 405 US 645 (1972) PDF

If custodial mother has boyfriend living with her, state can change custody to father.

JARRETT V. JARRETT, 101 S.Ct. 329

Visitation (parenting time) is a constitutionally protected right which can be protected in federal court, even if father is in prison.

MABRA V. SCHMIDT, 356 F.Supp. 620

Custody can be awarded to father of girls of "tender years" if mother commits perjury, and is otherwise immoral.

BEABER V. BEABER, 322 NE 2d 910

Arguments that Joint Custody constitutes a "fundamental right."

BECK V. BECK, 86 N.J. 480, see also 23 Ariz. Law Review 785

Mother cannot take child out of state if that prevents "meaningful" relationship between father and child.

(Coming soon)

Amicus Brief Filed by Fathers and Families in XXX case

WEISS V. WEISS, 436 NYS 2d 862, 52 NY 2d 170 (1981)

See also:

DAGHIR V. DAGHIR, 82 AD 2d 191 (NY 1981)

MUNFORD V. SHAW, 84 A.D. 2d 810, 444 NYS 2d 137 (1981)

SIPOS V. SIPOS, 73 AD 2d 1055, 425 NYS 2d 414 (1980)

PRIEBE V. PRIEBE, 81 AD2d 746, 438, NYS 2d 413 (1981)

STRAHL V. STRAHL, 66 AD 2d 571, 414 NYS 2d 184 (1979)

O'SHEA V. BRENNAN, 88 Misc.2d 233, 387 NYS 2d 212 (1976)

WARD V. WARD, 150 CA 2d 438, 309 P.2d 965 (Calif. 1957)

MARRIAGE OF SMITH, 290 Or.567, 624 P.2d 114 (Oregon 1981)

MEIER AND MEIER, 286 Or. 437, 595 P.2d 474 (1979), 47 Or. App. 110, 613 P.2d 763 (Oregon 1980)

All of these cases deal with preventing the custodial mother from taking the child out of the jurisdiction.

Ex Parte conferences, hearings or Orders denying parental rights or

personal liberties are unconstitutional, cannot be enforced, can be set aside in federal court, and can be the basis of suits for money damages.

RANKIN V. HOWARD, 633 F.2d 844 (1980);

GEISINGER V. VOSE, 352 F.Supp. 104 (1972)

Fuentes v. Shevin, 407 U.S. 67, 92 S. Ct. 1983, 32 L. Ed. 2d 556 (1972)

NOTES

(1999 Warning from Bob Hirschfeld. Rankin later overturned in part in 9th Circuit.

See Petition for Certiorari, Hirschfeld v. Rogers,

<http://www.how2.org/nolawyer/rogersup.html>

Judges' refusal to consider evidence and psychologist reports denies due process right to "meaningful hearing."

ARMSTRONG V. MANGO, 380 US 545, 552; 85 S.Ct. 1187 (1965)

Laws and Court procedures that are "fair on their faces" but administered "with an evil eye and a heavy hand" (discriminatorily) are unconstitutional.

YICK WO V. HOPKINS, 118 S.Ct. 356 (1886)

Federal Courts can rule on federal claims (constitutional questions) involved in state divorce cases and award money damages for federal torts or in diversity of citizenship cases involving intentional infliction of emotional distress by denial of parental rights, "visitation", as long as the Federal Court is not asked to modify custodial status.

LLOYD V. LOEFFLER, 518 F.Supp 720 (custodial father won \$95,000 against parental kidnapping wife)

FENSLAGE V. DAWKINS, 629 F.2d 1107 (\$130,000 damages for parental kidnapping) PDF

KAJTAZI V. KAJTAZI, 488 F.Supp 15 (1976)

SPINDEL V. SPINDEL, 283 F.Supp. 797 (1969)

HOWARD V. KUNEN, USDC Mass CA No. 73-3813-G, 12/3/73 (unreported)

SCHWAB V. HUTSON, USDC, S.Dist. MI, 11/70 (unreported)

LORBEER V. THOMPSON, USDC Colorado (1981)

DENMAN V. VENEY, DENMAN V. WERTZ (200 pp. [had been] avail from Nat Denman for \$35--PO Box 689, Falmouth MA 02541)

Right to jury trial in Contempt:

BLOOM V. ILLINOIS, 88 S.Ct. 1477

DUNCAN V. LOUISIANA, 88 S.Ct. 1444

Right to have an appointed attorney in Appeal

Contempt of Court is quasi-criminal, merits all constitutional

protections:

EX PARTE DAVIS, 344 SW 2d 925 (1976)

Excessive fine on Contempt

COOPER V. C. 375 NE 2d 925 (IL 1978)

Payment of support tied to visitation:

BARELA V. BARELA, 579 P.2d 1253 (1978 NM)

CARPENTER V. CARPENTER, 220 Va. 299 (1979)

COOPER V. COOPER, 375 NE 2d 925 (Ill. 1978)

FEUER V. FEUER, 50 A.2d 772 (NY 1975)

NEWTON V. NEWTON, 202 Va. 515 (1961)

PETERSON V. PETERSON, 530 P.2d 821 (Utah 1974)

SORBELLO V. COOK, 403 NY Supp. 2d 434 (1978)

Child Support:

ANDERSON V. ANDERSON, 503 SW 2d 124 (1973)

ONDRUSEK V. ONDRUSEK, 561 SW 2d 236, 237 (1978; support paid by mother to custodial father)

SMITH V. SMITH, 626 P.2d 342 (1981)

SILVIA V. SILVIA, 400 NE 2d 1330 (1980 Mass.)

Flaherty v. Flaherty Mass. 40 Mass. App. Ct. 289; 663 N.E.2d 280; 1996 Mass. App.

Although court may acquire subject matter jurisdiction over children to modify custody through UCCJA, it must show independent personal jurisdiction (significant contacts) over out-of-state father before it can order him to pay child support.

KULKO V. SUPERIOR COURT, 436 US 84, 98 S.Ct. 1690, 56 L.Ed.2d 132 (1978); noted in 1979 Detroit Coll. L.Rev. 159, 65 Va. L.Rev. 175 (1979) ; 1978 Wash. U.L.Q. 797. Kulko is based upon INTERNATIONAL SHOE V. WASHINGTON, 326 US 310, 66 S.Ct. 154, 90 L.Ed 95 (1945) and HANSON V. DENCKLA, 357 US 235, 78 S.Ct. 1228, 2 L.Ed.2d 1283 (1958)

Attorney's Fees:

SAUMS V. SAUMS, 610 SW 2d 244.

Attorney's fees only if court-appointed in contempt for non-payment of child support.

EX PARTE MCMANUS, 589 SW 2d 790 (1981)

Custody can be changed if visitation is denied.

ENTWISTLE V. ENTWISTLE, 402 NYS 2d 213

Habeas Corpus:

NGUYEN DA YEN V. KISSINGER, 528 F.2d 1194 (1975)

Unlawfully retaining noncustodial parent cannot argue change of custody at Habeas Corpus hearing.

SMART V. CANTOR, 117 Ariz. 539, 574 P.2d 27 (1977)

MCNEAL V. MAHONEY, 117 Ariz. 543, 574 P.2d 31 (1978)

Process service in family matters must provide due process protection.

GRASZ V. GRASZ, 608 SW 2d 356 (TX 1980)

Stay of execution by Court of Appeal protects its jurisdiction, not to protect Appellant's rights.

PACE V. MCEWAN, 604 SW 2d 231 (1980) Also bearing on supersedeas bond.

Justice delayed is justice denied.

MAGNA CHARTA, Art.40, June 15, 1215.

Attorney can be sued for malpractice under consumer protection laws.

DEBAKEY V. STAGG, 605 SW 2d 631 (1980)

Money damages in federal civil rights suits need not exceed \$10,000

HAGUE V. CIO, 307 US 496.

But claim under \$10,000 is cause of dismissal of diversity of citizenship action in federal court.

DELOACH V. WOODLEY, 405 F2d 496 (1969).

Spouses can sue each other while still married for torts, intentional and unintentional.

BLUNS V. CAUDLE, 560 SW 2d 925 (TX 1978)

NOTES

In Massachusetts, the common law rule of interspousal immunity was abolished in

Lewis v. Lewis, 370 Mass. 619, 629-630, 351 N.E.2d 526 (1976).

Interspousal immunity is also inapplicable to claims of fraudulent conveyance, fraud, breach of fiduciary duty as trustee of property held in trust for wife. Garrity v. Garrity, 399 Mass. 367, 371-372, 504 N.E.2d 617, 620 (1987).

Judge's dismissal for no cause is reversible.

FOMAN V. DAVIS, 371 US 178 (1962)

Non-lawyers can assist or represent litigants in court.

JOHNSON V. AVERY, 89 S.Ct. 747

Members of group who are competent nonlawyers can assist other members of group achieve the goals of the group in court without being charged with "unauthorized practice of law"

BROTHERHOOD OF RAILWAY TRAINMEN V. VIRGINIA , 377 US 1;

NAACP V. BUTTON, 371 US 415 (1962);

SIERRA CLUB V. NORTON, 92 S.Ct. 1561;

UNITED MINE WORKERS V. GIBBS, 383 US 715;

FARETTA V. CALIFORNIA, 422 US 806

Pro Se (Without a Lawyer, representing self) pleadings are to be considered without technicality; pro se litigants pleadings are not to be held to the same high standards of perfection as lawyers.

HAINES V. KERNER, 92 S.Ct. 594;

JENKINS V. MCKEITHEN, 395 US 411, 421 (1969);

PICKING V. PENNA. RWY. CO. 151 F.2d 240;

PUCKETT V. COX, 456 F.2d 233

Federal judges can set aside or overturn state courts to preserve constitutional rights.

MITCHUM V. FOSTER, 407 US 225 (1972)

Title 28 US Code sec. 2284

Right to electronically record one's own conversations without "beep note" when life, liberty or property is threatened, or to preserve sanctity of home.

BEABER V. BEABER, 322 NE2d 910;

18 US Code Sec. 2511(d) (20) (A 200 pp collection re: right to tape record one's own phone conversations and use in court [was prior to his passing] available from Denman, Box 689 Falmouth MA 02541 for \$20.00 postpaid)

A conspirator is responsible for the acts of other conspirators who have left the conspiracy before he joined it, or joined after he left it; statutes of limitations tolled for previous acts when each new act is done.

US v. GUEST, 86 S.Ct. 1170;

US V. COMPAGNA, US V. COMPAGNA, 146 F.2d 524

State statute of limitations is tolled (does not run) in SOME STATES while same action is pending in federal court; action can be brought in State Court after federal court dismisses for lack of subject matter jurisdiction.

ADDISON V. STATE, 21 Cal. 3d 313 (1978);

NICHOLS V. CANOGA IND., 83 Cal. App 3d 956 (1978) (Equitable tolling)

Either parent can sue for interference with parental rights.
STRODE V. GLEASON, 510 P.2d 250 (1973);
Prosser: HANDBOOK OF THE LAW OF TORTS (West Publ. 1955) page 682;
CARRIERI V. BUSH, 419 P.2d 132 (1966)
SWEARINGEN V. VIK, 322 P.2d 876 (1958)
LANKFORD V. TOMBARI, 213 P.2d 627, 19 ARL 2d 462 (1950); 7 F.L.R. 2071
RESTATEMENT OF TORTS section 700A
MARSHALL V. WILSON, 616 SW 2d 934

Children must be returned to home state before child support payments are continued.

FEUER V. FEUER, 376 NYS 2d 546 (1975)

Custody can be changed if wife is "disrespectful" of "visitation" order.
MURASKIN V. MURASKIN 283 NW 2d 140 (N. Dakota 1979)

Wife held in contempt for denial of visitation; new judge should not suspend contempt order.

PETERSON V. PETERSON, 530 P.2d 821 (Utah 1974)

Wife can be held in contempt if visitation is denied

ENTWISTLE V. ENTWISTLE, 402 NYS 2d 213 (1978)

Alimony and wife's lawyers fees are civil debts, not enforceable by contempt procedures, since the Constitution did away with debtor's prison.
DAVIS V. BROUGHTON, 382 SW 2d 219.



ed johnston 3:58 PM (19 hours ago)

to me

OFFICE OF SPECIAL COUNSEL FILES COMPLAINT FOR
DISCIPLINARY ACTION AGAINST STATE EMPLOYEE
FOR IMMEDIATE RELEASE CONTACT: Darshan A. Sheth,
[\(202\) 254-3617](tel:2022543617), dsheth@osc.gov All parents need to file complaint on state workers the supervisors for misappropriation of state funds. The workers involved in malicious prosecution on case where the state seeks to terminate parental rights on false allegations, proceeding case without merit. The state can fraudulently obtain federal funds for these children placed in state custody, or obtain funds through administrative child support orders from working families. Actions of malicious prosecution ,

denial of due process parents provide the name of the state office, provide the name of the case worker , provide the name of the workers supervisor. Include the details of the case the court case the location , the allegations , provide the detail that the child and or children were removed before allegations were ruled substantiated or unsubstantiated. Civil right violations of due process, Obstruction of justice by state official. Misuse of state official authority, court and state records, state official intent to defraud the federal government.

I (1) am writing this letter to request a former investigation for criminal activity by the following state agency being (2). The state worker name involved in said criminal activity is (3). That individuals supervisor through said agency of (4), located at the address off (5) in the state of (6), in the county of (7), supervisor name being , (8) The laws and criminal activity involved is of the following starting with Misappropriation of state funds of the state of (9). Funds being misappropriated by this worker are fund applied to court cost in the following court case / cases being (10), held at the following court (11), at the address of (12), in the state of (13). I the parent of (14), have / have not been accused of neglect, abuse , child endangerment. There has / hasn't been any rulings on said allegations so by proceeding with said case this is Misappropriation of state and county resources being the local justice system. and courts. This also is clear violation of civil rights in the area of Malicious prosecution occurring in the court of (15) with the case being (16). The following is the name of the judge or judges involved in the case (17) The attorneys involved in the case are (18) for the defendant being the parents of (19) and the parents name are (20) and (21). The attorneys for the plaintiffs being (22) and the plaintiffs in the case are (23). Again the criminal activity is Misappropriation of state funds by state workers accused,

Misappropriation of state resources being the courts , Civil right violation by case workers being Malicious prosecution, False pretense in court case, Misappropriation of Federal funds obtained for child involved in said allegations , intent to defraud the federal government by illegal placement of child in state custody and other civil right violation of Denial of due process in court case involving said state worker For complaints on civil right violations this same form may be used but sent it to this address for civil right violations, request of investigation Assistant Attorney General

Civil Rights Division

Criminal Section

950 Pennsylvania Avenue, Northwest

Washington, DC 20530 Office of Special Counsel

1730 M Street, N.W., Suite 218

Washington, D.C. 20036-4505

OFFICE OF SPECIAL COUNSEL FILES COMPLAINT FOR
DISCIPLINARY ACTION AGAINST STATE EMPLOYEE The U. S. Department of Health
& Human Services

Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Toll Free Call Center: 1-877-696-6775 Refer to attachment for list of
individuals specified by this investigation request 1-23

All parents need to file complaint on state workers the supervisors for
misappropriation of state funds. The workers involved in malicious
prosecution on case where the state seeks to terminate parental rights
on false allegations, proceeding case without merit. The state can
fraudulently obtain federal funds for these children placed in state
custody, or obtain funds through administrative child support orders from
working families. Actions of malicious prosecution , denial of due process
parents provide the name of the state office, provide the name of the case
worker , provide the name of the workers supervisor. Include the details
of the case the court case the location ,the allegations , provide the
detail that the child and or children were removed before allegations were
ruled substantiated or unsubstantiated. Civil right violations of due
process, Obstruction of justice by state official. Misuse of state
official authority, court and state records, state official intent to
defraud the federal government..