No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Susan Wells Vaughan,
Petitioner,
V

Currituck and Dare County Departments of Social Services,
Respondents

On Petition For Discretionary Review and Appeals to the North Carolina Supreme Court and Court of Appeals

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PETITION FOR WRIT OF CERTIORARI

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QUESTIONS

Whether a judge who regularly participates in unlawful ex porte initiations of child neglect cases should recuse herself from hearing a challenge to the legitimacy of one of her cases and to the court's right to adopt the child.

Whether orders issuing from, or a decree resulting from, an alleged mistrial or a minor technical error should relieve a state appeals court of its duty to review de novo a legitimate challenge to subject matter jurisdiction of courts that issued those dubious orders and decree.

Whether numerous, egregious violations committed by lower state courts and quasi-prosecutors entitle collateral challenge of subject matter jurisdiction, when right of appeal has been denied.

Whether Troxel v Granville is misapplied when it denies Constitutional rights of a custodial grandparent who is the parent's choice to care for her child.

Whether this Court should take action to deter social worker violations and abuse of power when state courts and agencies neglect their responsibility to do so.

Whether subject matter jurisdiction over a child neglect case exists when numerous statutory and federal due process procedures are violated, petition allegations are fabricated, exculpatory and other crucial evidence is omitted and other prosecutorial and US Constitutional violations are committed —or any of the above occur.

Whether the accused in a child neglect case is denied right to fair trial when procedures are held behind closed doors without access to a jury of one's peers and/or when statute-mandated availability of mediation is applied discriminately.

Whether the Supreme Court's current precedent on absolute immunity for prosecutors, social workers and district judges encourages or contributes to widespread abuse of agency power, abuse of family rights and the unnecessary traumatizing and other abuse of children.

Whether social workers performing alleged quasi-prosecutorial functions should enjoy the same level of immunity given to prosecutors who swear to uphold the Constitution of the United States.

Parties to the Proceeding

Susan Wells Vaughan
Petitioner and Grandmother

Dare County Department of Social Services (DARE DSS)
Currituck County Department of Social Services (CURRITUCK DSS)
Respondents

In re: Minor Child EJV

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* Copies also attached to Appendix

TABLE OF AUTHORITIES

Cases

> *The petition required to put the court in motion and give It jurisdiction must be in conformity with the statute granting the right and must show all the facts necessary to authorize it to act, — i. e., it must contain all the statements which the statute says the petition shall state, — and if the petition fails to contain all of these essential elements the court is without jurisdiction.* Hook v. Wright, 329 Ill. 299; Musselman v. Paragnik, 317 id. 597; Keal v. Rhydderck, 317 id. 231.

Other Authorities

Cannon 3 of the North Carolina Judicial Code of Conduct, under C. (1) states, in pertinent part, that, "On motion of any party, a judge should disqualify himself in a proceeding in which his impartiality may reasonably be questioned...."

CITATIONS TO SCHOLARLY RESEARCH

- Cornell Law Legal Information Institute
  A court must have jurisdiction to enter a valid, enforceable judgment on a claim. Where jurisdiction is lacking, litigants, through various procedural mechanisms, may retroactively challenge the validity of a judgment.

  https://www.law.cornell.edu/wex/subject_matter_jurisdiction

- Johns, Margaret Z., Reconsidering Absolute Prosecutorial Immunity,

  2005 BYU L. Rev. 53 (2005). Available at:

https://digitalcommons.law.byu.edu/lawreview/vol2005/iss½

  Absolute immunity frustrates the purpose of civil rights legislation by failing to deter frequent and egregious misconduct. It also hinders the development of constitutional standards and the implementation of structural solutions for systemic problems. Prosecutorial liability—with the safeguard of qualified immunity to prevent vexatious litigation—is necessary to ensure the integrity of the criminal justice system

  https://www2.ncdhhs.gov/info/olm/manuals/dss/csm-60/man/CS1407.pdf

  NC DHHS Manuals: B.Practice Guidance Decisions About Intervention

  and Removal, Reunification and Best Interests of the Child [hereinafter

  NC DHHS Manual 1]

http://info.dhhs.state.nc.us/olm/manuals/dss/csm10/man/CSs1201c4-03.htm#P177_18117

- DePasquale, Sara, "It's Complicated: Venue vs Jurisdiction in A/N/D

  and TPR Actions,» University of North Carolina School of Government,

  On the Civil Side blog , Feb. 22, 2017

The General Assembly has the power to "fix and circumscribe ***the jurisdiction of the courts," which can require certain procedures.*** *In re T.R.P., 360 N.C. 588, 590 (2006). A/N/D and TPR cases are statutory in nature and* ***set forth specific requirements that must be followed.*** *Id. In an A/N/D or TPR action, the first place to look is the Juvenile Code (GS Chapter 7B) because it establishes both the procedures and substantive law for these types of juvenile proceedings. See GS 7B-100; - 1100* [emphasis added],,,,,,,,,,,,,,,6,7

https://civil.sog.unc.edu/its-complicated-venue-vs-jurisdiction-in-and-and-tpr-actions/

- Tidmarsh, Jay, "Resolving Cases on the Merits" (2010). Scholarly Works. Paper 775. http://scholarship.law.nd.edu/law_faculty_scholarship/775

Even if one agrees with Notre Dame Law School Jay Tidmarsh's suggestion that Pound's rule to "decide each case on its own merits" approach might be replaced with the principle of "fair outcome," he seems to support, along with Pound, the need nonetheless to preserve those ***procedures*** that **"secure to all parties a fair opportunity to meet the case against them and a full opportunity to present their own case."** - Susan Vaughan

- University of North Carolina School of Government, Abuse, Neglect, Dependency, and Termination of Parental Rights Proceedings in North Carolina, Chapter 3, Jurisdiction and Venue, June, 2015

Orders entered by a court that does not have subject matter jurisdiction are void..... Therefore, an early inquiry in every case should be whether the court has the requisite jurisdiction to proceed in the matter.

* *See copy of Plaintiff's Motion to Stay with Appendix*

- Van Brunt, Alexa, Prosecutors shouldn't have immunity from their unethical – or unlawful – acts, The Guardian Law Opinion, Feb, 2015. https://www.theguardian.com/commentisfree/2015/feb/05/prosecutors-immunity-unethical-unlawful-acts

- Yagoda v Child Protective Services
Outlines in detail conflicting opinions among district courts of appeals regarding social worker quasi-prosecutorial immunity. pp 13-17

CITATIONS OF THE CASE
See Appendix pp. 1-6 and attached with Appendix for appeals court rulings and Record pp. 230-320, 330-361 for previous orders.

The NC COA basically dismissed Petitioner's Appeal based on the fact that the child, by the time it was heard, had been adopted, but also after the May 19 hearing, when Petitioner contested the validity of the Termination of Parental Rights Order and the Order placing Stay on her Complaint for Custody -- but before Petitioner's time to Appeal these matters had expired. COA also claimed Petitioner failed to file a timely notice of Appeal of the dismissal of her Complaint for Custody, which her Notices as written, and with the extended time to appeal until after the re-hearings, seem to contradict, given that it was not lawful to dismiss the Complaint until after her Appeal on the Stay and the challenge to the validity of the order was heard on appeal.

Most illuminating are the Transcripts of May 19, 2016, p 58 and Sept 9, 2016 pp 35-38

Excerpt Sept 9, 2016 p 38, during Petitioner hearing to amend the faulty findings of fact:

MS VAUGHAN:
Cornell school -- university law school - It says, questioning the evidentiary support:

> "A party may later question the sufficiency of the evidence supporting the finding, whether or not the parties requested findings, objected to them, moved to amend them or moved for partial finding."

So I believe I -- that's exactly what I was doing, and I was providing --

THE COURT: And we understand. I understand what you're doing.

THE COURT: I've made -- I have amended one finding. I denied your request as to anything else there, and so the rest of this, that's what the Court of Appeals is for if you are arguing that my findings are not consistent with my orders and things of that nature.

MS. S. VAUGHAN: So you are finding that there were -- there was not one law violated, not one statute violated? Is that what you're saying?

THE COURT: I am not finding that there were any statutes violated.

MS. S. VAUGHAN: Well, that's what the order says, no -- no laws were violated.

THE COURT: I am leaving everything in place in my order except for the finding of fact as it pertains to the two hearings.

Transcript May 19, 2016 Hearing, excerpt p 14

In the following excerpt, Judge Davis is speaking , referring to Plaintiff's challenge of the neglect case's legitimacy as "irrelevant." This is a challenge that Plaintiff initiated BEFORE the secretive adoption proceeding was held. Davis is assuming that a limited opportunity to be heard nearly two months after the child was removed - by her order - is equivalent to a meaningful time and in a meaningful way.

The Court:

There is nothing for you to call me as a witness for. You've pointed out your concerns about me, and that You think I was unfair to you in a non-secure custody hearing. which ultimately went on to further steps, and you were, apparently, granted the ability to participate in those hearings in Currituck with Judge Reid, and it has somehow gotten on to the point now where adoption is an issue, and I don't know all that went on in those other hearings, but I do know that you had an opportunity to be heard and participate. And we're well past that, so even if you disagree with my ruling in placing the child in non-secure custody, ultimately you had an opportunity to be heard. We are on to a completely nother phase now. That non-secure custody order is irrelevant to what we're dealing with at this point in time.

Excerpt Transcript May 19, 2016 pp 16- 17

MS. VAUGHAN: ...the due process says that I need `to be heard at a meaningful time, and after you -- this -- after this juggernaut, and it is a juggernaut, got set into motion my ability to stop that process was almost, and it is as you've seen, impossible.
.... the US Department of Health and Human Services written by a former judge of Mecklenburg County says that that first hearing is the most important hearing there is, and everybody should be heard, everybody who has an interest in that case. And the judicial code of conduct clearly says, Canon 3, that anybody who has an interest in a case should be heard and should be allowed by the judge to be heard, and I was not allowed throughout. Your first ex parte hearing, the first --

THE COURT: Okay, let me --
MS. VAUGHAN: -- four hearings of Dare County.
THE COURT: -- clarify one thing. And I'm not going to get into arguments with you.

MS. VAUGHAN: Fine.

THE COURT: But the ex parte hearing is called an ex parte hearing because you have that hearing without the other side having an ability to be ever heard whomever that other side may be. It is a phone call often in the middle of the night to a judge saying, 'We have this circumstance; we are asking to take non-secure custody.' The judge makes the best determination that they can based on those facts, then you are actually scheduled to come in court where everything is placed on the record, the parties who are involved have an opportunity to appear.

MS. VAUGHAN: But I didn't. And, by the way, that was 4:00 p.m. in the afternoon. The courthouse was open and the law clearly says she had no right to go to the magistrate and call you from the magistrate's office at that time of day. It was total violation of the law.

THE COURT: All right. I have made my ruling.

THE COURT: I am not disqualifying myself.

STATEMENT OF JURISDICTION

The North Carolina Supreme Court's Denial of Petitioner's Request for Discretionary Review and Dismissal of her Notice of Appeal, she received via email on March 8, 2018, is dated March 7, 2018, according to the Order attached to the March 12 email to Plaintiff from the Court of Appeals. The notice Plaintiff received, dated March 7, states that the NC

Supreme Court Denial and Dismissal were decided on March 1, 2018 [App pp 1-3 and copies attached at the end of the Appendix] The Dismissal of the COA Appeal is dated November 7 , 2017 [App pp 3-5 and copies attached at end of Appendix] pp 23-29.

This court's jurisdiction arises pursuant to 28 U.S.C 1257. 28 U. S. C. § 2403(b) may apply the notifications required by Rule 29.4(b) or (c) have been made.

CONSTITUTIONAL PROVISIONS, STATUTES REGULATIONS

Federal Laws (4 & 14 Cited in Appendix)

Amendment 1:

> *It allows an individual to express themselves through publication and dissemination. It is part of the constitutional protection of freedom of expression. It does not afford members of the media any special rights or privileges not afforded to citizens in general.*

Amendment 4: Protection from Unreasonable Searches and Seizures

Amendment 8: Prohibiting Cruel, Unusual Punishment

Amendment 14: Rights of Citizenship - Due Process

UCCJEA 205 (a) .....ix, 5, 6

UCCJEA 209 (a) ..... ix, 6

STATE STATUTES (most are cited in Appendix)

NC GS 50A-205 (a); NC GS 50A-209:.....ix, 5, 6

NC GS: 7B-

(a) At any time **after** adjudication, the court on its own motion or motion of any party may transfer venue to a different county, regardless of whether the action could have been commenced in that county, if the court finds that the forum is inconvenient, that transfer of the action to the other county is in the best interest of the juvenile, **and that the rights of the parties are not prejudiced by the change of venue [emphasis supplied].**

STATEMENT OF THE CASE

COMES NOW Petitioner, Susan Wells Vaughan, a citizen of the United States of America, in proper person and appearing as her own counsel, who petitions this Honorable Court for a Writ of Certiorari, directed to either of the Appeals Courts of the State of North Carolina - or else that this Court review these matters and rule accordingly.

Petitioner requests review, on its merits, her substantial documentation of Constitutional violations committed against Petitioner by government agents residing and operating in Dare, Currituck and Pasqotank Counties, North Carolina.

In addition to alleging that respondents and their agencies committed crimes of spoilation and fabrication of evidence, along with serious violations including violating Petitioner's right to due process and a fair trial, Petitioner asserts that agents, agencies and District 1 failed to

establish agency jurisdiction and subject matter jurisdiction (herein after SMJ), and therefore they lacked standing or power to prosecute or rule on the custody or adoption of Petitioner's grandson. Certainly none of these law-breakers had any standing to determine whether or not Petitioner was fit to care for and retain custody of her grandson, just because she exercised her First Amendment right to disagree with a DSS agent about the diagnosis and treatment of her adult daughter.

On August 14, 2014, Judge Amber Davis and a Dare County social worker, Shannon Foltz, conducted an unlawful *ex parte* telephonic hearing at the magistrate's office that resulted in the removal of a perfectly healthy and unharmed three -month-old grandson, Petitioner's only grandchild, EJV, from her custody, care and home he'd lived in since his birth.

At a hearing in the same county on May 16, 2016, in conjunction with her Complaint for Custody, Petitioner was given her first, of what was presented as an "opportunity" to challenge the legitimacy of an order that put a stay on her Complaint and the validity of all the other orders arising out of the child neglect case that had been initiated in 2013. It was a stated challenge to the court's subject matter jurisdiction (SMJ) over that case. The judge who presided over the May, 2006 hearing was

Judge Amber Davis, after refusing to recuse herself following Petitioner's Motion asking that she do so.

[Record pp 2-10].

In its decision on Ponder v. Davis, the North Carolina Supreme Court cited previous cases in stating that: "A fair jury in jury cases and an impartial judge in all cases are prime requisites of due process."

Judge Davis's stated conclusion, made after admittedly only "skimming" the Motion and allowing Petitioner to recount most of the substantial evidence presented in that motion, ruled that no laws or due process had been violated during the child neglect case's initiation or its subsequent proceedings [Transcript Sept 9, 2016 p 38, p xi herein], which is a gross misrepresentation of the truth and the facts presented. Opposing parties provided no evidence to rebut the indisputable proof of violations committed, whichPetitioner provided, in detail to the court, both at the May 19, 2016 hearing and the Sept. 9, 2016 rehearing [Record 37-74, 204-221].

Davis' explanation for her decision included her contention that no violations of due process or laws had occurred, that all of that was in the past anyway, and now the case was at the adoption phase [Transcript May p 14, also cited herein p xii]. That said to Petitioner, that all the egregious state and federal laws that were broken by government

agents, in the process of removing EJV and keeping him in government custody, -all the false and serious accusations leveled against her and all the dirty tricks played on Petitioner -did not matter - nor did the deprivation of Petitioner's right to familial association or the mother's right to her own son.

The violations did not end there. Before Petitioner's time expired for appeal, which was the first opportunity she'd been given for appeal, Currituck County DSS, who then had custody of EJV (transfer of custody explained herein below] adopted him to foster parents in violations of Petitioner's right to reunification with EJV and the mother's parental rights, which she had not relinquished, including her right to choose who should have custody of her child [see Troxel v Granville]. She had chosen Petitioner.

Judge Davis' blanket denial of the many violations committed by government agents in the alleged child neglect case and her denial of her own role in its illegitimate initiation was not a surprise, but the adoption, while the case was awaiting Court of Appeals (COA) scrutiny, was.

As it turned out, the North Carolina COA used the adoption decree as its justification for refusing to address the violations that invalidates the adoption, stating instead in its decision that the adoption made any other

issues for which Petitioner sought correction and remedy - moot.

Petitioner filed a timely Notice of Appeal of the November 7, 2017 COA decision with the North Carolina (NC) Supreme Court along with a Petition for Discretionary Review. The Denial of her Petition for Discretionary Review was entered on March 7, 2018, along with the Dismissal of the Notice of Appeal, with the only explanation, "ex moru moto."

The mother's choosing of Petitioner brings us to the entire reason Petitioner ended up in the next county, Currituck, as respondent in a child neglect case, accused of a trumped-up charge of "serious neglect." DSS needed to bypass a statutory requirement of 7B-503, that they place the child with a willing "appropriate" relative. To fulfill their plan, which was always to adopt, they had to show that Petitioner was "inappropriate."

Initially when Foltz took her petition to the magistrate's office around 4 pm on a weekday, August 14, 2013 (when the courthouse was open) [Record 75-82; App p 14], she didn't have an emergency situation, nor did she allege any immediate need for a magistrate or *ex parte* hearing [Record 81-82]. She didn't even disclose the required information about who had physical custody of the child (see UCCJEA 209 and 50-209

App pp 7, 9], one of two persons who had a right to opportunity to be heard before Foltz had any right, assuming she *had* agency jurisdiction, to seek *any* child removal order.

There is no record of what went on in that magistrate's office, and Davis refused to allow Petitioner to call her to witness to what she was told and how [Transcript May p 14], but allegedly Foltz called Judge Davis, read her the petition allegations, fabrications and omissions, and Judge Davis authorized the attending magistrate, Clark, to sign a "nonsecure custody order" [Record p 81] authorizing the removal of EJV from his home. At least six laws, state and federal, required to properly establish subject matter jurisdiction were broken before EJV was ripped out of Petitioner's arms. Petitioner, who never harmed or neglected EJV or anyone else, was never allowed to see him again. Sections 7B-402-407 were completely ignored.

The laws initially broken, cited in full in the Appendix are UCCJEA 205 (a) —requiring notice and opportunity to be heard to one having physical custody of a child before a custody determination is made); UCCJEA 209 and NC GS 50A-209 (a)—requiring information about anyone claiming custody of the child and who the child has lived within the last 5 years), 7B-404 — restricting a magistrates role in a removal petition *only* to drawing and verifying a petition *only* when the courthouse is closed AND

there is an emergency; 7B-503 — requiring certain conditions be met (elaborated upon by the NC DHHS manual [Record pp 220-221] before a child can be lawfully removed from his home.

Foltz' petition amounted to an improper pleading; also violating Constitutional Amendments 4 and 14 involving unlawful seizure and due process violations. Also in the initiation of the Dare County case and the one in Currituck, with which Dare was consolidated, DSS agents committed against Petitioner, personally, crimes of fraud and perjury and fabrication and spoilation of evidence. Based on FBI's webpage on "Civil Rights" these crimes violate a "person's right to due process" and those involving unreasonable seizure...deprivation of property and prohibition of cruel and unusual punishment.

> *Fabricating evidence against or falsely arresting an individual also violates the color of law statute, taking away the person's rights of due process and unreasonable seizure. In the case of deprivation of property, the color of law statute would be violated by unlawfully obtaining or maintaining a person's property, which oversteps or misapplies the official's authority.*
>
> *The Fourteenth Amendment secures the right to due process; the Eighth Amendment prohibits the use of cruel and unusual punishment....The person accused of a crime must be allowed the opportunity to have a trial and should not be subjected to punishment without having been afforded the opportunity of the legal process.*

District 1 of N.C. never established jurisdiction over the child neglect case that ended with EJV being allegedly adopted to foster parents.

After attending the first and second "non-secure custody" hearings (where she was prohibited from exercising her rights under 7B-506 (b), Petitioner finally discovered some of the violations that had occurred in the removal and hearing process, which wasn't easy because she was never served a copy of the petition which contained allegations against her [App pp 20-21]. In the first week of September, 2013, Petitioner then filed a Motion to Stay the Proceedings until the Affidavit as to Status of Minor Child was corrected. It and Foltz had omitted Petitioner's name completely and her status as caretaker and custodian according to 7B definitions in effect at the time [Record 75, App 9-11 and attached copy at the end of App]. Petitioner also filed a Motion to Dismiss, based on the fact that DSS had no grounds to remove a child -- there were not any allegations, not even the false ones, that meet the legal definition of abuse, neglect or dependency." [App 5, 11-12 and copy at end of Appendix].

It soon became clear to Petitioner, who was accused, but not made a party or respondent to the Dare DSS case, was being denigrated so that DSS could claim there was no "appropriate" willing relative with which to place the child. In The Court's form order on the second post-derivational hearing held in Dare County, it was noted on the form that the "allegations on the petition" (which Petitioner had been given no opportunity to rebut), were the reason for not placing EJV with her. That same Order also stated it would "not address placement until a psychological is conducted" [Record pp 87]. DSS completely ignored its obligation regarding reunification with the one from who the child was taken -- maybe because Foltz didn't disclose that it was, in fact, Petitioner from whom she had taken him [App p 12 7B-101 18(b)].

The NC Department of Health and Human Services Manual says this about Reunification:

http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/css1201c6-06.htm

Child Placement Services

1. *Reunification "Reunification means that the biological/adoptive parent(s) or* ***caretaker from whom the child was taken*** *regains custody of the child. In most cases reunification is the primary permanent resolution sought....»* [emphasis added].

Based on Rule 12 (h) 3 [App p 8], once Petitioner's filings exposed the violations that amounted to lack of subject matter jurisdiction, the court at that point had an obligation to dismiss the case.

There had already occurred considerable prejudice against petitioner, EJV and his mother, who'd been hospitalized and drugged against her will by DSS and denied her right to keep an appointment with a brain injury specialist— also held hostage and prevented from attending the Dare County hearings regarding her son, who she chose to be in Petitioner's care and custody (a choice to which Foltz later testified and confirmed [testimony recorded at Sept, 23, 2013 hearing in Currituck County). The mother had also notarized a Health Care Power of Attorney to Petitioner, which DSS later coerced her into revoking.

But the Court did not choose wisely or justly. Ignoring the evidence that it lacked jurisdiction on 9/12/13, or at the very least it's obligation to stay proceedings until the Affidavit was corrected, [see 50A 209 (a) 3 (b) App p 10] the Court instead unlawfully granted DSS motion to move the case to the next County, Currituck in violation of § 7B-900. 1 effective in September, 2013.

The UNC School of Law explains that failure to attach a correct Affiidavit as to Status of Minor Child does not necessarily amount to lack of SMJ, however in the cases where NC Appeals courts ruled that it didn't,

the omitted information was provided elsewhere in the petition, and no prejudice resulted. However in Petitioner's case, the omission was obviously intentional and extremely prejudicial and was found no where else within the Petition Foltz filed. Most important, DSS never corrected it, even when Petitioner gave her the opportunity [App p 5].1

Petitioner, who had been removed from the courtroom during that third post-derivational hearing in Dare County for attempting to assert her right to be heard pursuant to 7B-506 (b), after her filed Motions were ignored, was called back into the courtroom, after other proceedings finalized, and Informed that the case would be moved (a decision on which she was not consulted) and her motions would be heard at the new venue on 9/23/13. DSS Motion requesting change of venue clearly states that the change was not allowed by law at that time [Record p 91]. Afterward, in its orders, the court repeatedly confused venue with jurisdiction [Harris, Pulley].

Having prepared to address the unfounded and irrelevant allegations stated against her in Foltz' pleadings, Petitioner learned of the new Currituck petition containing the trumped-up charge against her of

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1. See UNC SOG's notes regarding In re D.S.A., 181 N.C. App. 715 (2007) (neglect petition); In re J.D.S., 170 N.C. App. 244 (2005)

"serious neglect," only when a copy was handed to her as she walked into the Currituck Courtroom on 9/23/13.

Not allowed to request a continuance - or even speak until spoken to, as Judge Reid ordered, - while other parties interrupted and interjected without reprimand, Petitioner was finally allowed to a very restricted and time-limited "opportunity" to finally cross-examine her accusers and testify to the falsity of the allegations against her [Record 163]. However her own witnesses, who had come to Dare County court on 9/12/13, and were also denied opportunity to testify, were not able to make the trip to the next county. Notably, any time in the future when witnesses came to testify, they were required to be on time at 9:30 a.m. but not allowed to testify until nearly 5 pm.

Furthermore, the delivery to the Court of Petitioner's lawfully subpoenaed pediatrician records, proving EJV had been well-cared for, healthy and unharmed while in Petitioner's custody and care, had been blocked by Dare County Sheriff Doug Doughtie, who later admitted to Petitioner that he did so because Petitioner didn't "pay me" to serve those subpoenas, he said, which is a demand Rule 45 does not require, unless the sheriff did in fact serve them, and that was not required, so long as another appropriate person was chosen to serve them - and one did so according to law.

That first hearing in Currituck County exemplified somewhat how the rest of the proceedings went, only the rest was worse.

To summarize, that first opportunity to speak at a hearing, which in no way represented a meaningful time or a meaningful way, and which allowed Petitioner to provide only some of her testimony and a restricted opportunity to challenge the false claims against her -was finally stifled altogether by the appointment to Petitioner of what was supposed to be counsel, but which turned out to be ineffective. hostile and abusive.

This hostile ineffective public "defender" refused to file any motion on Petitioner's behalf, refused to challenge the dismissal of all her motions, the unlawful change of venue or even Currituck DSS Director's egregious violation of 7B-320 after she "identified" Petitioner as a "Responsible Individual," accusing her of serious neglect after fabricating evidence of "failure to provide remedial care" to a child who'd never been ill or harmed.

Said "public defender" Meader Harriss then misled plaintiff about the contents of and her ability to appeal a stipulation order he coerced her into signing, while she was sick with a fever and under a doctor's care [see Record p 114-116 and an Affidavit regarding Stipulation filed with NC Supreme Court]. Once Harriss accomplished what other parties desired, he colluded with opposing parties to have Petitioner unlawfully

removed as a party to the case, shutting her up for good. [Record 117-120].

Petitioner was soon after sanctioned for filing a motion requesting to intervene in the case in which she remained the accused respondent [Record 467-472]. Petitioner had complied with DDS demand and paid for a legitimate and gold standard psychological evaluation, Something DSS required (without legal justification) along with a home study and interrogation, DSS required if Petitioner wanted to be considered for placement of EJV, ignoring of course the law that demanded DSS reunite him with Petitioner - or at least make efforts toward that end. When Petitioner's psychological evaluation proved favorable, but DSS report denied its validity, Petitioner sought the right to present her evidence to the court and rebut DSS unfounded allegations. For that, she was sanctioned and forbidden from filing any other pleadings in conjunction with that case. She remained the respondent to the case, not allowed to respond - to anything.

Before that. her Appeal to the COA was dismissed by the trial court that lacked authority to make that decision (App p 8, Record 442-444].

Above herein is copied the verbal decision Judge Davis gave [Transcript May p 14] for denying Petitioner's request that the stay on her

Complaint for Custody and all other orders in the neglect cases be deemed void as well.

Davis, in fact, set the stage at the beginning and in May 19, 2016 for EJV to be adopted. Petitioner's lately appointed counsel appointed after the fourth post-derivational hearing), made a statement to Petitioner supporting Petitioner's assertion now to this Supreme Court—that Judge Davis' plan from the beginning was to facilitate the adoption of what he referred to as "a very adoptable child."

Above and in the record is one statement Davis made to Petitioner in Court on May 19, 2016 [Record Transcript p 14] as her reason for denying her motions. She also refused to recuse herself from hearing this motion claiming no due process violations had occurred in past actions and completely misstating the law regarding 7B-506 b - while acknowledging that she regularly engaged in ex parte child removals via magistrate phone calls, what DSS attorney referred to as local practice. [Transcript May pp 16, Transcript Sept, p 35].

Pages 48-58 of the May 19, 2016 Transcript, which is part of Petitioner's Record on Appeal, covers most of the evidence Petitioner provided District Court regarding the violations that amount to a voided child neglect case and voided grounds for adoption, along with Judge

Davis' response as follows:

> THE COURT: All right. Well, as to motion to vacate the stay on the custody complaint to recognize all non-secure custody orders as null and void and for compensation due --and for compensation due to lack of jurisdiction in due process, **the Court is going to deny that motion.** Those are purely legal motions. You presented a lot of testimony, but as far as the legal aspect, **I'm obligated to apply the law in this case** and I would deny your motions.
>
> MS. VAUGHAN: May I ask what law you -- you said you had to abide by the law?
>
> THE COURT: I find that the court had jurisdiction, I find that there **was not a due process violation.** And as to the custody complaint, I find that that was stayed by Judge Reid on March 5th. Her order was signed and it was clocked in on March 12th, 2015. She was the one who had the authority and discretion to stay that, it was an appropriate stay, so I would deny those motions.

Judge Davis never told Petitioner which law it was she applied in making her decision, but apparently it was not Rule 12 (h) or any listed in Petitioner's motions, appeals and herein.

The orders issuing from those hearings, the May, 2016 hearing and the Sept rehearing, blanketly deny that any laws were violated. They also repeat the fabrications recorded in past orders that Petitioner never had a chance to challenge. The Sept, 2016 order also issued sanctions against Petitioner for , one last time, attempting to seek redress and justice in District 1 for the falsification of evidence and other misconduct repeatedly committed against her [Record 207-250, 306-320].

There remain far too many more legal and ethical violations committed by government agents to address in this Petition for Certiorari, however most committed up until these hearings in 2016 are documented in the May 19 Transcript and Petitioner's Motions heard in 2016 [Record pp 37-74, 204-221], along with Petitioner's early Motion to Dismiss [App p 5] and in her Petition for Judicial Review [App p 13] for which she was denied hearing altogether in violation of yet another set of state statutes [Record 200-203]. and her appeals and petitions to the higher state courts [Record on Appeal, Brief, Affidavits, Notice of Appeal and Petition for Discretionary Review]

REASONS A WRIT SHOULD ISSUE

The information from FBI's webpage on "Civil Rights" cited above on pages 7 and 8, shows that not only were DSS agents in Dare and Currituck Counties guilty of state and federal due process violations, but they were also guilty of committing crimes against petitioner by fabricating defamatory and serious neglect evidence and omitting evidence in Petitioner's favor.

These crimes led to unlawful seizure of EJV and his mother and

other very serious consequences for an innocent child and his innocent family members.

Petitioner was accused of a crime based on a fabricated allegation of failure to provide "remedial care" to her grandson who'd never been sick while he was with her. That criminal charge could have deprived her of her liberty, but instead it was used to deprive her of any opportunity to see her only grandchild again. DSS destroyed her daughter and then prevented Petitioner from helping her care for her son until she could get the treatment she would have gotten had Dare DSS not prevented it.

Dare and Currituck used every dirty trick in the book to cover up their botched and/or planned case of child removal and adoption. Dare agents even went so far as to force the mother into hospital and then interrogated her while she was heavily drugged, seeking evidence from an unreliable witness to use against petitioner. The very thing that Petitioner did for the mother, out of love, taking over the care of her son when she was not able to do so adequately herself, prompted DSS to accuse Petitioner of holding the mother hostage and trying to prevent her from bonding with her child - what is exactly what DSS did to her and worse. They force-addicted her to brain-damaging drugs, and then set her up for failure, degrading petitioner and blocking her every effort to

intervene and help return her daughter to the treatment plan with a TBI specialist Petitioner had set up for her, but DSS refused to allow. That was the only "crime" that Petitioner committed. She dared to challenge DSS, and DSS retaliated [7B-401.1 (h) re right to intervene].

Unfortunately for the victims of the crimes that FBI cites under its webpage heading "What We Investigate," the FBI does no such thing for individuals like Petitioner and the many other parents she's spoken to personally who have suffered very similar and numerous violations at the hands of government agents having authority in child A/N/D cases.

Also unfortunately for Petitioner and many other victims of unnecessarily and unlawfully broken homes, the United States Supreme Court has set precedents making it difficult to challenge the voidability of cases lacking subject matter jurisdiction [Tidmarsh] and precedents allowing prosecutors and quasi-prosecutors to enjoy ABSOLUTE immunity from lawsuit arising from their color of law violations [Johns and Van Brunt].

Shannon Foltz's fraudulent Affidavit initially prejudiced Petitioner in obstructing her right to due process when she was accused and deprived of her right to be heard prior to a custody determination and her right to

be heard and present evidence during a non-secure custody hearing. The Court's refusal to accept the legal definition of custodian which confirms Petitioner's custodial status, was used as an excuse by DSS and the Court to deny her full party rights, including the right to appeal and remain involved in the proceedings to which she was named respondent.

That same excuse was even used by the state's Office of Indigent Services to deny her representation with her Notice of Appeal, an excuse DSS also used to dismiss her Appeal. COA initially gave only the excuse of a technical electronic filing error when it dismissed Petitioner's alternately filed Certiorari "without prejudice," and then used the excuse that the Petition had been previously dismissed to dismiss her Refiling of that Certiorari (2014)! The NC Supreme Court dismissed also, explaining nothing.

Judge Davis used the excuse that the challenge to subject matter jurisdiction was an issue of the past— outright denying that no violations had occurred—to justify her dismissal of Petitioner's request for right to allow her Complaint for Custody to go forward. In doing so, Davis paved the way for EJV's adoption to foster parents. Then the COA used the adoption as an excuse to not even address the violations that occurred in the neglect case proceedings and all that followed, including the

fact that Petitioner had not yet had her issues heard and decided, based on their merits, by an unbiased tribunal. What differs in this case from Bode is that the couple challenging SMJ in that case did so 18 years after the judgment that resulted in many changes. But Petitioner challenged SMJ or the violations that created it, *before* EJV was adopted - long before he adapted to foster parents, if he in fact ever did. Petitioner cannot know, since she was never allowed to speak to or see him again.

With district courts allowing judges to determine their own culpability in regard to a challenge of recusal and due process violations, with state courts of last resort refusing to address violations and with state commissions refusing to address judge bias and misconduct, Petitioner and the many violated families, also victims of what amounts to cruel and unusual punishment, are left with no recourse unless this Court is willing to take on the responsibility that so many others have shirked.

It would take a book to document and explain, even briefly, all of the violations committed against Petitioner, alone, and volumes to detail all those she alone has heard about from others. There is an epidemic of unnecessary Child removals occurring in the US now. Comparison of case proceedings reveal similarities in tactics used against good, caring parents that are just too numerous and too repetitious to be coincidental or legitimate. None of these parents, Petitioner included, ever want to

see children harmed or neglected, but many child removals, as in Petitioner's case, have nothing to do with harm to the child. A 2015 report in *The Nation* shows even the usual hands-off media on this issue is starting to take notice that DSS is going too far [Exhibit], found at the following URL:

https://www.thenation.com/article/has-child-protective-services-gone-too-far/

Therefore Petitioner pleads this court to do something new to put an end to what has become a nightmare for far too many U.S. Citizens and their children. Reconsideration of absolute immunity for every officer in the court system and voiding all cases of simple neglect where due process and important procedure is violated would be a good place to start, along with opening juvenile courts and allowing jury hearings. [see National Coalition of Child Protection Reform (NCCPR), exhibit, and found at these urls

https://drive.google.com/file/d/0B291mw_hLAJseVk3VnFGTGR1cEk/view

https://drive.google.com/file/d/0B291mw_hLAJsa3ZWTGNMV0VBOVE/view

https://drive.google.com/file/d/0B291mw_hLAJsN3h2MjlCNWE5d3c/view

NCCPR has published study results showing that "Children left in their own homes are far less likely to become pregnant as teenagers, far less likely to wind up in the juvenile justice system and far more likely to hold a job for at least three months than comparably maltreated children who were placed in foster care." Isn't that really what's in the best interest of us all?

Perhaps most disturbing in Petitioner's case, after all she and the mother have been through, the North Carolina Court of Appeals chose to ignore all of the cruel and even criminal violations committed in Petitioner's case by government agents over the last four years partly because of a technicality in the way Petitioner worded her Notice of Appeal regarding her Complaint for Custody [App pp 3-5] a technicality Petitioner asserts is irrelevant to the main point of her Appeal, if it was in fact an error.

CONCLUSION

Therefore Petitioner respectfully requests review of her Petition for Writ of Certiorari by this highest Court and all remedies she and her family are entitled to and any others this Court deems fair and just. She asserts that there exist substantially legitimate grounds and wide public interest to justify the time it will take to read, unravel and fairly address its importance and complexities.

APPENDIX IS ATTACHED AS A SEPARATE DOCUMENT .

VERIFICATION

I, the undersigned, state, under penalty of perjury, that the statements made and information provided by me in the foregoing Petition are made in truth and accuracy to the best of my ability

Executed on June 5, 2018
Resubmitted in 8 ½ X 11 format, with permission of the US Supreme Court and attachments appended at the end of the Appendix
on June 29 2018. **Resubmitted again on July 17, 2018 with permission of the Court.**

Susan Vaughan

CERTIFICATE OF SERVICE

The undersigned certifies that she has served to each of the respondents or their counsel of record each, one copy of the foregoing. Petition for Writ of Certiorari with attachments and one copy of the accompanying Appendix with attachments, via U.S. Postal Service to the addresses noted below, with tracking and proof of date of mailing.

Chuck Lycett, Director
Dare County Dept of Social Services
109 Exeter Street
PO Box 669
Manteo, NC 27954

Courtney Hull
Atty for Currituck County Dept of Social Services
P.O. Box 99
Elizabeth City, NC 27907-0099

I declare under penalty of perjury that the foregoing is true and correct.
Executed on June 5, 2018.
And on June 29, 2018, And served again with requested additions, on July 18, 2018.

Susan Vaughan
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252-305-9992