ORIGINAL

No. 18-7897

IN THE SUPREME COURT OF THE UNITED STATES

LARAEL OWENS.,

Plaintiffs,

CIVIL ACTION

vs.

MARIA ZUCKER, MICHEL P MCDANIEL, POLK COUNTY DEPARTMENT OF REVENUE, MARK MCMANN, TAMESHA SADDLERS. Defendants

Case No.18-12480

Case No. 8:18-cv-00552-JSM-JSS

PETITION FOR REHEARING

Petitioner Larael K Owens Respectfully asks this court to Grant petition for rehearing of this court April 15th 2019 order Pursuant to rule 44 of this court this timely petition is presented in good faith and not for delay. The grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented .For the foregoing reasons, this Court should grant the petition for rehearing, vacate the order dismissing the writ of certiorari, and restore this case to its merits docket.

Turner v. Rogers, 564 U.S. 431 (2011), is a **case** decided by the United States Supreme Court on June 20, 2011, that held that a state must provide safeguards to reduce the risk of erroneous deprivation of liberty in civil contempt **cases** such as child support case but yet this case is being ignore by Judges all across the United States because of financial interests my case is similar to the Turner v. Rogers case and the Troxel v. Granville, case in which the Supreme Court of the United States, citing a constitutional right of parents to direct the upbringing of their children, struck down a Washington state law that allowed any third party to petition state courts for child visitation rights over parental objections

The United States District Court for the Eastern District of California has a case that has the same deprivation as my case this child-support program is A big problem nationwide case Fatima Katumbusi v county of Sacramento, et al No.2:19-cv-128-KJM-EFB PS

REASONS FOR GRANTING THE PETITION FOR REHEARING

(1) Petitioner Owens has been victimized for years by a corrupt system of judicial misconduct in the Florida Courts. The clear conflict of interest that involves the current administrative judges of the Polk County Florida Court. Officers of Polk County court have perpetrated an unconscionable scheme to criminally defraud the United States Government and willfully deprive citizens of their Constitutional rights for the sole intent of unlawful financial gain. The Respondents named in this case have conspired to commit fraud by and through the establishment and enforcement of fraudulent child support orders that were created with complete disregard of evidence and fact. The bad actors within the court have devised this scheme to inflate the incomes of obligors which in turn would increase the revenues available to the court through Title IV-D funding. Establishment and enforcement tactics used have discriminated against Petitioner on the basis of his gender and disabilities, the court has systematically deprived Petitioner of his civil rights during contempt and child custody proceedings. Title IV-D is state law that has given officers of the court the incentive to abuse their power under color of law to cause irreversible harm to countless individuals and families. Quite apart from the guarantee of equal protection, if a law impinges on a fundamental right explicitly or implicitly secured by the Constitution it is presumptively unconstitutional.

Denying this Petition for rehearing will only cause more deprivation of Owens rights this program that I have been forced into was never enacted Into positive law this program that is voluntarily to each state is then forced on parents This program has ruined my life not by just taking money but I have not been able to see my daughter no matter how much a person petition or send in motions to a court before you go to a child support hearing your rights has already been taken before you get to court. This motion for rehearing should be taking into consideration because deprivation of rights will still continue I will be forced to pay or either go to jail I request time in time for a trial by jury but there isn't no jury trial for child support cases Let's not forget about prior rulings

EXPARTE DAVIS, 344 SW 2d 925 (1976) : Federal statutes guarantee protection (to the Respondent) from having "imputed income" orders. Furthermore, these statutes provide (to the Respondent) protection of his rights to be free from unlawful child support or any kind of garnishment. That, child support is a civil matter and there is no probable cause to seek or issue body attachment, bench warrant, or arrest in child support matters because it is a civil matter.

The use of such instruments (body attachment, bench warrants, arrests, etc.) presumably is a method to "streamline" arresting people for child support and circumventing the Fourth Amendment to the United States Constitution, and is used as a debt-collecting tool using unlawful arrests and imprisonment to collect a debt or perceived debt.

The arrest of non-custodial parents in which men make up significant majority of the "arrestees", is "gender profiling", "gender biased discrimination" and a "gender biased hate crime" in that it violates the Equal Protection Clause of the Fourteenth Amendment. A man, pursuant to the Equal Protection Clause of the Constitution of the United States, cannot be arrested in a civil matter as a woman is not. There is no escaping the fact that there is no probable cause in a civil matter to arrest or issue body attachment. "Probable cause" to arrest requires a showing that both a crime has been, or is being committed, and that the person sought to be arrested committed the offense. U.S.C.A. Const. Amend. 4. In the instant case, no probable cause can exist, because the entire matter has arisen out of a civil case. Therefore, seeking of body attachment, bench warrant, or arrest by the Petitioner (and her attorney), and/or issuing of the same by the court, in this civil case would be against the law and the Constitution.

Under U.S. v. Rylander ignorance of the order or the inability to comply with the child support order, or as in this case, to pay, would be a complete defense to any contempt sanction, violation of a court order or violation of litigant's rights.

Every U.S. Court of Appeals that has addressed this issue, has held that child support is a common, commercial (and civil) debt, See, U.S. v. Lewko, 269 F.3d 64, 68-69 (1st Cir. 2001)(citations omitted) and U.S. v. Parker, 108 F.3d 28, 31 (3rd Cir. 1997). Allen v. City of Portland, 73 F.3d 232 (9th Cir. 1995), the Ninth Circuit Court of Appeals (citing cases from the U.S. Supreme Court, Fifth, Seventh, Eighth and Ninth Circuits) "by definition, probable cause to arrest can only exist in relation to criminal conduct; civil disputes cannot give rise to probable cause"; Paff v. Kaltenbach, 204 F.3d 425, 435 (3rd Cir. 2000) (Fourth Amendment prohibits law enforcement officers from arresting citizens without probable cause. See, Illinois v. Gates, 462 U.S. 213 (1983), therefore, no body attachment, bench warrant or arrest order may be issued.

If a person is arrested on less than probable cause, the United States Supreme Court has long recognized that the aggrieved party has a cause of action under 42 U.S.C. §1983 for violation of Fourth Amendment rights. Pierson v. Ray, 386 U.S. 547, 87 S.Ct. 1213 (1967). Harlow v. Fitzgerald, 457 U.S. 800, 818 (there can be no objective reasonableness where officials violate clearly established constitutional rights such as--(a) United States Constitution, Fourth Amendment (including Warrants Clause), Fifth Amendment (Due Process and Equal Protection), Ninth Amendment (Rights to Privacy and Liberty), Fourteenth Amendment (Due Process and Equal Protection).

(2) Florida child support process created by its legislature is in violation of the separation of powers administrative process included procedures for uncontested and contested cases. In uncontested cases, the agency prepared a proposed support order for the parties' signature and the administrative law judge's ratification. If either party contested the proposed order, the case moved into the contested process. In the contested process, the case was presented by a child support officer (CSO) who was not an attorney. The administrative law judge (ALJ) had judicial powers, including the ability to modify judicial child support orders. While the ALJ could not preside over contested paternity and contempt proceedings, he or she could grant stipulated contempt orders and uncontested paternity orders. While recognizing the importance of streamlining child support mechanisms, the administrative structure violated separation of powers for three reasons. First, the administrative process infringed on the district court's jurisdiction in contravention to the Florida Constitution. Second, ALJ jurisdiction was not inferior to the district court's jurisdiction, as mandated by the Florida Constitution. Third, the administrative process empowered non-attorneys to engage in the practice of law, infringing on the court's exclusive power to supervise the practice of law.

Title IV-D (Courts) is a Federal funded program. Operated by the Social Security Act, under the Title IV-part D Section 458 you will see language that allows the US Federal Government (Health and Human Services) to give back "Incentive Payments" to all states for performance based child support collection paternity establishment and administrative costs. *See* Public Law

According to the Federal Child Support Manual. The purpose of this "legislatively" key word mandated (giving someone the authority) statewide program is to provide a cost-effective expedited and accessible process in the courts for establishing and enforcing child support orders in cases being enforced by local child support agencies. The administrative process must be presided over by an "Individual" who is not a judge of the court.

Title IV-D of the Social Security Act (42 U.S.C 601et seq.) Provides that each state shall establish and enforce support orders

Child Support is not a law it is an administrative function. The American Bar said it clearly (Child Support is an Administrative process "nonetheless employ non-judicial hearing officers to adjudicate child support matters "Coram non-judice."

The state Legislature cannot vest a "court" with authority that has not been delegated to it by the People via the constitution of the State. They cannot create a new "nature of action" out of thin air. when the constitutions of the several States were amended to recognize and administrate corporations, a separate court was established, and the action was in the nature of administrative Live people could not be brought into administrative courts, as the only matter at issue was a breach of corporate charter by an artificial person. Somewhere along the line, the announcement in the Complaint of the nature of the action was lost.

See CALDER et WIFE, v BULL et WIFE.Supreme Court of United States. I cannot subscribe to the amnipotence of a State Legislature, or that it is absolute and without controul; although its authority should not be expressly restrained by the Constitution, or fundamental law, of the State. The people of the United States erected their Constitutions, or forms of government, to establish justice, to promote the general welfare, to secure the blessings of liberty; and to protect their persons and property from violence. The purposes for which men enter into society will determine the nature and terms of the social compact; and as they are the foundation of the legislative power, they will decide what are the proper objects of it: The nature, and ends of legislative power will limit the exercise of it. This fundamental principle flows from the very nature of our free Republican governments, that no man should be compelled to do what the laws do not require; nor to refrain from acts which the laws permit. There are acts which the Federal, or State, Legislature cannot do, without exceeding their authority. There are certain vital principles in our free Republican governments, which will determine and over-rule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive law; or to take away that security for personal liberty, or private property, for the protection whereof the government was established. An ACT of the Legislature (for I cannot call it a law) contrary to the great first principles of the social compact, cannot be considered a rightful exercise of legislative authority. The obligation of a law in governments established on express compact, and on republican principles, must be determined by the nature of the power, on which it is founded. A few instances will suffice to explain what I mean. A law that punished a citizen for an innocent action, or, in other words, for an act, which, when done, was in violation of no existing law; a law that destroys, or impairs, the lawful private contracts of citizens; a law that makes a man a Judge in his own cause; or a law that takes property from A. and gives it to B: It is against all reason and justice, for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot be presumed that they have done it. The genius, the nature, and the spirit, of our State Governments, amount to a prohibition of such acts of legislation; and the general principles of law and reason forbid them. The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but they cannot change innocence into guilt; or punish innocence as a crime; or violate the right of an antecedent lawful private contract; or the right of private property. To maintain that our Federal, or State, Legislature possesses such powers, if they had not been expressly restrained; would, in my opinion, be a political heresy, altogether inadmissible in our free republican governments

ALL the restrictions contained in the Constitution of the United States on the power of the State Legislatures, were provided in favor of the authority of the Federal Government. The prohibition against their making any ex post facto laws was introduced for greater caution, and very probably arose from the

knowledge, that the Parliament of Great Britain claimed and exercised a power to pass such laws, under the denomination of bills of attainder, or bills of pains and penalties; the first inflicting capital, and the other less, punishment. These acts were legislative judgments; and an exercise of judicial power.

(3) Pursuant to 45 CFR 302 .12 Title IV-D is a single and separate organization unit these contracts creates a kangaroo court Kangaroo courts are sham legal proceedings which are set-up in order to give the impression of a fair legal process. In fact, they offer no impartial justice as the verdict, invariably to the detriment of the accused, is decided in advance. Such courts are associated with groups who have found a need to dispense a rough and ready form of justice but are, temporarily at least, outside the bounds of formal judicial processes; for example, inmates in jail, soldiers at war, settlers of lands where no jurisdiction has yet been established.

Attorneys are considered FOREIGN AGENTS under the FOREIGN AGENTS REGISTRATION ACT (FARA) and are SUBJECTS of the BAR ASSOCIATION. Government Is *Foreclosed from Parity with Real People* – Supreme Court of the United States 1795 "Inasmuch as every government is an *artificial person*, an abstraction, and a creature of the mind only, a *government can interface only with other artificial persons*. The imaginary, having neither actuality nor substance, *is foreclosed from creating and attaining parity with the tangible*. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them." S.C.R. 1795, Penhallow v. Doane's Administraters (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54), Supreme Court of the United States 1795

> The AFDC program is a contractual arrangement by which the federal government and the states work together. See Joy D. WEHUNT, Plaintiff, v. James G. LEDBETTER. Although state participation in the Social Security Act itself is mandatory, participation by a state in the IV-D program is voluntary.

The Federal Office of Child Support and the state of Florida entered into a 31 U.S.C 6305 "**CONTRACT**" that extended of the federal OCSE franchise in the "EXECUTIVE BRANCH OF THE STATE OF FLORIDA" as a 42 U.S.C 654 (3) single and separate agency who then contracted under 45 CFR 302.34 with the county, to which all who are under that contract became 45 CFR 75.2 contractors who are under 45 CFR 303.107 Requirements for cooperative arrangements, the "State" must ensure that all cooperative arrangements (b) Specify standards of "performance" which meet "Federal Requirements", (c) Specify that the parties will comply with title IV-D of the Act implementing "federal Regulations; (f) Specify the dates on which the arrangement begins and ends, any conditions for revision or renewal and the circumstances under which the arrangement may be terminated.

The Federal statute requires the national child support program be administered by a "SEPARATE ORGANIZATIONAL UNIT" under the control of the Assistant Secretary for Family Support within HHS for the Administration for children and families designated by and reporting directly to the Secretary of the U.S Department of Health and Human Services (HHS). Presently, this office is known as the Federal Office of child support Enforcement (OCSE) A primary responsibility of the Assistant Secretary is to establish standards for the state of Florida program.

TITLE IV—GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD–WELFARE SERVICES TABLE OF CONTENTS OF TITLE[2]

Part A—BLOCK GRANTS TO STATES FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

Sec. 401. Purpose (b) No Individual Entitlement.—This part shall not be interpreted to entitle any individual or family to assistance under any State program funded under this part.

The statutory "substantial compliance" requirement, see, e.g., 42 U. S. C. A. §609(a)(8) (Nov. 1996 Supp.), does not give rise to individual rights; it was not intended to benefit individual children and custodial parents, but is simply a yardstick for the Secretary to measure the system wide performance of a State's Title IV-D program, BLESSING, DIRECTOR, ARIZONA DEPARTMENT OF ECONOMIC SECURITY v. FREESTONE et al. certiorari to the united states court of appeals for the ninth circuit

Sec. 403. Grants to States (iii) Noncustodial parents

(III) In the case of a noncustodial parent who becomes enrolled in the project on or after the date of the enactment of this clause, the noncustodial parent is in compliance with the terms of an oral or written personal responsibility "contract" entered into among the noncustodial parent, the entity, and (unless the entity demonstrates to the Secretary that the entity is not capable of coordinating with such agency) the agency responsible for administering the State plan under part D, which was developed taking into account the employment and child support status of the noncustodial parent, which was entered into not later than 30 (or, at the option of the entity, not later than 90) days after the noncustodial parent was enrolled in the project,

See. Alexander v. Bothsworth, 1915. "Party cannot be bound by contract that he has not made or authorized. Free consent is an indispensable element in making valid contracts."

The fraudulently "presumed" quasi-contractus that binds the Declarant with the CITY/STATE agency, is void for fraud ab initio, since the de facto CITY/STATE cannot produce the material fact (consideration inducement) or the jurisdictional clause (who is subject to said statute). (SEE: Master / Servant [Employee] Relationship -- C.J.S.) -- "Personal, Private, Liberty"-

Since the "consideration" is the "life blood" of any agreement or quasi-agreement, (contractus) "...the absence of such from the record is a major manifestation of want of jurisdiction, since without evidence of consideration there can be no presumption of even a quasi-contractus. Such is the importance of a "consideration." Reading R.R. Co. v. Johnson, 7 W & S (Pa.)

See. Bennett v. Boggs, 1 Baldw 60, "Statutes that violate the plain and obvious principles of common right and common reason are null and void". Would we not say that these judicial decisions are straight to the point --that there is no lawful method for government to put restrictions or limitations on rights belonging to the people? Other cases are even more straight forward: "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of practice."

To be that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land. (Jury) Hoke v. Henderson, 15, N.C. 15 25 AM Dec 677.

"The phrase 'common law' found in this clause, is used in contradistinction to equity, and admiralty, and maritime jurisprudence." Parsons v. Bedford, et al, 3 Pet 433, 478-9.

"If the common law can try the cause, and give full redress, that alone takes away the admiralty jurisdiction." Ramsey v. Allegrie, supra, p. 411.

Inferior Courts - The term may denote any court subordinate to the chief tribunal in the particular judicial system; but it is commonly used as the designation of a court of special, limited, or statutory jurisdiction,

whose record must show the existence and attaching of jurisdiction in any given case, in order to give presumptive validityto its judgment. In re Heard's Guardianship, 174 Miss. 37, 163, So. 685.

The high Courts have further decreed, that Want of Jurisdiction makes "...all acts of judges, magistrates, U.S. Marshals, sheriffs, local police, all void and not just voidable." Nestor v. Hershey, 42F2d 504.

Void Judgment - "One which has no legal force or effect, invality of which may be asserted by any person whose rights are affected at any time and at any place directly or collaterally. Reynolds v. Volunteer State Life Ins. Co., Tex.Civ.App., 80 S.W.2d 1087, 1092.

HALE v. HENKEL 201 U.S. 43 at 89 (1906) Hale v. Henkel was decided by the united States Supreme Court in 1906. The opinion of the court states: "The "individual" may stand upon "his Constitutional Rights" as a CITIZEN. He is entitled to carry on his "private" business in his own way. "His power to contract is unlimited." He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to incriminate him. He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. "His rights" are such as "existed" by the Law of the Land (Common Law) "long antecedent" to the organization of the State", and can only be taken from him by "due process of law", and "in accordance with the Constitution." "He owes nothing" to the public so long as he does not trespass upon their rights."

HALE V. HENKEL 201 U.S. 43 at 89 (1906) Hale v. Henkel is binding on all the courts of the United States of America until another Supreme Court case says it isn't. No other Supreme Court case has ever overturned Hale v. Henkel None of the various issues of Hale v. Henkel has ever been overruled since 1906, Hale v. Henkel has been cited by the Federal and State Appellate Court systems over 1,600 times! In nearly every instance when a case is cited, it has an impact on precedent authority of the cited case. Compared with other previously decided Supreme Court cases, no other case has surpassed Hale v. Henkel in the number of times it has been cited by the courts. "The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government

If this petition for rehearing doesn't get granted I will continue to go without seeing the my daughter Let's not forget a bout prior decisions

(4) <u>Owen's and Saddlers was once married This case is a dissolution of marriage</u>

The U.S. Supreme Court implied that "a(once) married father who is separated or divorced from a mother and is no longer living with his child" could not constitutionally be treated differently from a currently married father living with his child. **Quilloin v. Walcott, 98 S Ct 549; 434 US 246, 255-56, (1978).**

The U.S. Court of Appeals for the 9th Circuit (California) held that the parent-child relationship is a constitutionally protected liberty interest. (See; Declaration of Independence --life, liberty and the pursuit of happiness and the 14th Amendment of the United States Constitution -- No state can deprive any person of life, liberty or property without due process of law nor deny any person the equal protection of the laws.) **Kelson v. Springfield, 767 F 2d 651; US Ct App 9th Cir, (1985).** The parent-child relationship is a liberty interest protected by the Due Process Clause of the 14th Amendment. **Bell v. City of Milwaukee, 746 f 2d 1205, 1242-45; US Ct App 7th Cir WI, (1985).** No bond is more precious and none should be more zealously protected by the law as the bond between parent and child." **Carson v. Elrod, 411 F Supp 645, 649; DC E.D. VA (1976).**

A parent's right to the preservation of his relationship with his child derives from the fact that the parent's achievement of a rich and rewarding life is likely to depend significantly on his ability to participate in the

rearing of his children. A child's corresponding right to protection from interference in the relationship derives from the psychic importance to him of being raised by a loving, responsible, reliable adult. **Franz v. U.S., 707 F 2d 582, 595-599; US Ct App (1983).** A parent's right to the custody of his or her children is an element of "liberty" guaranteed by the 5th Amendment and the 14th Amendment of the United States Constitution. **Matter of Gentry, 369 NW 2d 889, MI App Div (1983).**

Reality of private biases and possible injury they might inflict were impermissible considerations under the Equal Protection Clause of the 14th Amendment. **Palmore v. Sidoti, 104 S Ct 1879; 466 US 429.**

Legislative classifications which distributes benefits and burdens on the basis of gender carry the inherent risk of reinforcing stereotypes about the proper place of women and their need for special protection; thus, even statutes purportedly designed to compensate for and ameliorate the effects of past discrimination against women must be carefully tailored. the state cannot be permitted to classify on the basis of sex. **Orr v. Orr, 99 S Ct 1102; 4340 US 268 (1979).**

The United States Supreme Court held that the "old notion" that "generally it is the man's primary responsibility to provide a home and its essentials" can no longer justify a statute that discriminates on the basis of gender. No longer is the female destined solely for the home and the rearing of the family, and only the male for the marketplace and the world of ideas. **Stanton v. Stanton, 421 US 7, 10; 95 S Ct 1373, 1376, (1975).**

Judges must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality. **28 USCA § 2411; Pfizer v. Lord, 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972).**

State Judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights. **Gross v. State of Illinois, 312 F 2d 257; (1963).**

1. The Constitution also protects "the individual interest in avoiding disclosure of personal matters." Federal Courts (and State Courts), under Griswold can protect, under the "life, liberty and pursuit of happiness" phrase of the Declaration of Independence, the right of a man to enjoy the mutual care, company, love and affection of his children, and this cannot be taken away from him without due process of law. There is a family right to privacy which the state cannot invade or it becomes actionable for civil rights damages. **Griswold v. Connecticut, 381 US 479, (1965).**

The right of a parent not to be deprived of parental rights without a showing of fitness, abandonment or substantial neglect is so fundamental and basic as to rank among the rights contained in this 9th Amendment

The rights of parents to parent-child relationships are recognized and upheld. **Fantony v. Fantony, 122 A 2d 593, (1956); Brennan v. Brennan, 454 A 2d 901, (1982).**

State's power to legislate, adjudicate and administer all aspects of family law, including determinations of custodial; and visitation rights, is subject to scrutiny by federal judiciary within reach of due process and/or equal protection clauses of 14th Amendment. In U.S. Supreme Court case **Marshall v. Marshall US (No. 04-1544) 392 F. 3d 1118, the court affirmed that the U.S.**

District Court "have been abusing the domestic relations exception" and must take jurisdiction when civil

The United States Supreme Court has recognized that matters involving marriage, procreation, and the parent-child relationship are among those fundamental interests protected by the Constitution. The

decision in **Roe v. Wade, 410 US 113; 93 S Ct 705; 35 L Ed 2d 147, (1973),** was described by the Supreme Court as founded on the "Constitutional underpinning of ... a recognition that the "liberty" protected by the Due Process Clause of the 14th Amendment...The non-custodial divorced parent has no way to implement the constitutionally protected right to maintain a parental relationship with his child except through visitation. To acknowledge the protected status of the relationship as the majority does, and yet deny protection under **Title 42 USC § 1983, to visitation is to negate the right completely. Wise v. Bravo, 666 F 2d 1328, (1981).**

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]**

Under state & federal law parents are presumed to be suitable and fit parents. Parents, implicitly presumed to be suitable and fit, protect their child(ren)'s welfare. Conclusion: Suitable and fit parents act in their child(ren)'s best interests.

The State Florida assumes an obligation, its "parens patriae" interest, where the parent(s) are unsuitable (unfit, unwilling, or unable to protect their minor child(ren)'s welfare) and where no other suitable individual is available. The State of Florida must have a compelling legal reason to protect the welfare of children where a parent is available for the care, custody, and control of their minor child(ren). The claim of one parent against another can not be taken as sufficient reason to deny one parent legal custody, physical custody and visitation, especially where there is a major financial incentive to get child support.

The State of Florida does not have a right to improperly intrude on a parent-child relationship without a compelling reason. However, where parent(s) are legally presumed to act in their child(ren)'s best interests/welfare, the State of Florida has no compelling reason to intrude into the private realm of the family or into the associational relationship between each parent and child. (implicating the fourteenth, ninth, and first amendments.)

Conclusion: Without a compelling reason for state intervention, each autonomous parent-child relationship remains intact. At this point, the State of Florida has no legal basis to intervene; that is, the State of Florida has no compelling reason to inject itself into either parent-child relationship. The welfare/best interests of the child(ren) are protected. **Reno v. Flores, 507 U.S. 292 (1993).** And it is also at this juncture that the State of Florida maintains no legal basis to interfere with pre-existing parental rights. The State of Florida has no legal basis to implicate any parental right where the child(ren)'s welfare is implicitly protected. Therefore the welfare of the child(ren) has not been proven to be in jeopardy.

Conclusion: Both parents must retain their respective right to legal and physical custody of their child(ren) barring proven unfitness, or danger to the children.

However, let's go back to the current reality that exists in every divorce with children. State authority asserting that the best interests of the child(ren) is paramount to parental rights.

The State of Florida opines that it maintains an obligation to protect the welfare of its minor citizens and therefore state intervention is rationally related to the best interests of the child(ren).

State judicial decisions/court orders evidence the truth about what actually occurs as a pattern and practice in family courts throughout the nation. Citation here for requirement that even when parent is shown to be unfit in some way the state may only interfere in the least possible way.

The recurring pattern of acting in the child(ren)'s best interests occurs by intentionally ignoring parental rights. In fact today Florida parents lose custody of their children simply by one person saying the word "fear" to a judge to take advantage of domestic violence laws and restraining orders. This is clearly unconstitutional and has created a situation where there are huge financial incentives for both the parent and the state to force one parent out of the lives of the children. Statistics show that about 40% of mothers do not value the contribution of fathers in the upbringing of the children.

This pattern and practice inverts the supremacy clause (Art. VI of the U.S. Constitution) by upholding state law (allegedly protecting children's interests) over federal law, i.e., compliance with U.S. Constitution, where a federal right (the fundamental liberty right to custody) is implicated.

The State of Florida believes that the least intrusive means, founded in the child(ren)'s best interests, is to physically remove one legally-suitable, but arbitrarily-denied parent from substantive contact with his or her child(ren).

The State of Florida expressly condones that what is "best" for child(ren) is to minimize their relationship with the "non-custodial" parent. However, it has been shown by many scientific studies over the life of children of divorce that stability of a single home is far less important than having exposure to both parents. Dr. Warren Farrell has concluded that in almost all cases that equal time with both parents is far superior for children. It seems clear that Florida is actually doing what is in the worst interests of children in most cases.

The current system has become driven by money of one parent for child support, which greatly exceeds the actual cost of raising a child. It is also clear that many parents wish to inflict pain on their ex-spouse by denying the child(ren) access to the other parent. Given the $140 million in federal annual child support enforcement monies the state also now has a **conflict of interest.**

Upon designation, custodial and non-custodial parents are no longer similarly situated. Noncustodial is an assignment that carried with it a seemingly automatic loss of fundamental constitutional right to parent your children in favor of the custodial parent. It carries with it financial penalties which have been almost arbitrarily created and not shown to be valid and where the other parent is not required to contribute an equal amount, or for that matter any amount. Non-custodial also carries with it the stigma that this person is somehow a lesser parent and to make it impossible to have consistency or even a rational basis in most cases where both parents are fit.

The State of Florida legislature provides a statutory entitlement for non-custodial parents to "visit" with their child and this token stipend is the State of Florida least intrusive method of encouraging a healthy parent-child relationship and maximizing quality familial involvement!

When a state court implicates (infringes, denies, deprives) a parental right (temporarily or permanently), the State of Florida absolutely intrudes upon the parent-child relationship by implicating each parent's fundamental liberty right to custody of their minor child(ren).

The very idea that the state could even make this evaluation and decision is in fact absurd, as parenting is a complex and subjective process which is completely dependent on the child and decisions that the parents make about lifestyle, religion, morals and many other factors. These decisions are personal, subjective and only within the rights of the parent(s). It has also been shown that the child(ren) are easily

alienated from one parent by spending so much more time with the other parent. This is clearly irreparably damaging to both the children and the alienated parent. Conclusion: State law impermissibly intrudes upon and implicates fundamental parental rights.

The only way the State of Florida can rebut the presumption that fit parents are legally presumed to protect their child(ren)'s best interests is with a "compelling" reason. A compelling reason requires the State of Florida to step in (intervene) where the welfare of its minor citizens is in jeopardy. If the State of Florida does step in, then it is at this point that state rights intersect with federal rights [and federal rights require mandatory federal/constitutional protections]. And pursuant to Article VI of the U.S. Constitution, the supremacy clause requires that "the judges in every state shall be bound (by the Constitution and the laws of the United States)."

Either parent can sue for interference with parental rights. **STRODE V. GLEASON, 510 P.2d 250**

[1973]; Prosser: HANDMANUAL 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 93254

Federal Rights

Parental rights are fundamental rights protected under federal/constitutional law. The USSC plurality decision in Troxel v. Granville, 530 U.S. 57 (2000) evinces that all nine justices agree that parental rights are fundamental rights.

Fundamental rights are possessed by the individual, not the married couple. Fundamental rights are also called substantive rights or natural rights. Any contract, including marriage must have "consideration" to be enforceable. In divorce the contract between wife and husband is being broken and the courts may need to mediate the division of assets, but children are not assets and the state can not interfere by allocating the children without a high standard of proof that one parent is unfit. Therefore the only truly constitutional solution for the parents, and in fact now also proven best for children scientifically, is an equal amount of time spent with both parents.

The creation of artificial (lawyer or government created) financial incentives for parents to fight for custody is deeply damaging to children and family bonds and to society in general. Not only are both parental relationships hurt but the children are also clearly hurt by the lack of relationship and model of behavior for the children. In fact it is clear that this will create a repeating cycle, as children raised in sole-custody homes are 93% more likely to divorce later in life.

Invidious Gender Discrimination

Invidious gender discrimination is needed for conspiracy actions under the first clause of **42 U.S.C. sec. 1985(3).** Approximately 85% to 90% custody decisions are sole maternal custody. This is Gender Bias in PRACTICE. Such discrimination is not legal or in the best interest of children. 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]**

Segregation in courtrooms is unlawful and may not be enforced through contempt citations for disobedience or through other means. Treatment of parties to or witnesses in judicial actions based on

their race is impermissible. Jail inmates have a right not to be segregated by race unless there is some overriding necessity arising out of the process of keeping order.

The US Supreme Court asserted in the now famous "VMI" case, **United States v. Virginia, 116 S. Ct. 2264 (1996),** that gender-based matters at both the state and federal level, must meet a level of "heightened scrutiny" and without solidly compelling state interests are unacceptable. In the following excerpt, all references to the female gender have been replaced with the male gender. And since this is a decision with its locus in gender-equality, this replacement is as valid as the original language or the "VMI" decision is utter hypocrisy.

Opinion held; Neither federal nor state government acts compatibly with equal protection when a law or official policy denies to [men or fathers], simply because they are [men or fathers], full citizenship stature-equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities. To meet the burden of justification, a State must show ``at least that the [challenged] classification serves `important governmental objectives and that the discriminatory means employed' are `substantially related to the achievement of those objectives.'"

Benign justifications proffered in defense of categorical exclusions, however, must describe actual state purposes, not rationalizations for actions in fact differently grounded...Further, states must demonstrate an "exceedingly persuasive justification" **(United States v. Virginia at 2274-75, 2286)** for why such discrimination continues IN PRACTICE when the statutes are facially neutral. Since "our Nation has had a long and unfortunate history of sex discrimination," **(Frontiero v. Richardson, 411 U.S. 677, 684 (1973))**

The practices in "family" law seize upon a group – men and fathers - who have historically suffered discrimination in family relations, and rely on the relics of this past discrimination under the tender years doctrine, reclassified as "the best interests of the child," as a justification for heaping on additional family destructive disadvantages (adapted and modified from footnote **22, Frontiero, 411 U.S. 677, 688).** There can be absolutely no doubt that father absence is destructive to children, yet family courts, and family lawyers perpetuate this cycle every day by the thousands across America.

Some of the matters that might call fitness into question would include; false claims of domestic violence, false claims of child abuse, and false claims of child sexual abuse which are OVERWHELMINGLY alleged in divorce actions by mothers to destroy the father and seize all family assets as well as the children; or, alternatively, VERIFIED claims of the foregoing – as opposed to simply adjudicated claims without tangible evidence. There does not even need to be a threat, tangible or otherwise, only the claim of fear...

The "compelling state interest" in child custody matters finds its nexus between the "best interests of the child" doctrine and strict scrutiny. Infringing upon fundamental rights [constitutionally protected parental rights] dictates that the state show the infringement serves a "compelling state interest" with no constitutionally satisfactory alternative to meet that interest. **Santosky v. Kramer, 455 US 745 (1982); and (from a quote at 766,767):**

Santosky is clearly about the termination of parental rights, but the "standard family court order" of being an every other weekend visitor may be just as traumatic and potentially even greater. In less than equal custody, a parent's relationship with their child(ren) is forcibly ripped away from them and then they are forced to pay for the destruction of their rights. The non-custodial parent's regular influence in shaping the child's development is virtually eradicated. The Santosky Court also noted: Even when blood relationships are strained, parents retain vital interest in preventing irretrievable destruction of their family

life; if anything, persons faced with forced dissolution of their parental rights have more critical need for procedural protections than do those resisting state intervention into ongoing family affairs.

The Santosky Court explains the risks in terminating parental rights. Yet, in reality, when one parent is relegated to a weekend visitor, their constitutional rights in the "care, custody, management and companionship" of their child(ren) have been substantially eliminated, and without question, infringed upon. In law the clarity, singularity, and sharpness of absolutes make for simple "yes" or "no" judgments. There is no argument, there is no fight, and there is no money to be made by this for the "family" lawyers. Yet ideas and principles of absolutes are anathema to a system of "rule by men" who spout their hatred, with derisions and "scorn" for such ideas of absolutes, branding them as "intolerance." The realm of "family" law is generally opposed to any real standard that might have accountability and has widely embraced the "best interests of the child".

(5) Plaintiff Larael Owens complaint should have never been dismissed proper procedure was not followed. Defendants' motion to dismiss for failure to state a claim was unsupported by affidavits in depositions.

The defendants' motion to dismiss for failure to state a claim unsupported by affidavits or depositions is incomplete because it requests Courts to consider facts outside the record which have not been presented in the form required by Rules 12(b) (6) and 56(c). Statements of counsel in their briefs or argument while enlightening to the Court are not sufficient for purposes of granting a motion to dismiss or summary judgment. TRINSEY v. PAGLIARO

The issue now before this court is petitioner contention that the District Court erred in dismissing his pro se complaint without allowing him to present evidence on his claims. inartful pleaded, are sufficient to call for the opportunity to offer supporting evidence. We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears [404 U.S. 519, 521] " Conley v. Gibson, 355 U.S. 41, 45 -46 (1957). The judgment should be reversed and the case should be remanded for further proceedings. Rule 8 provides that 'pleadings shall be so construed as to do substantial justice.' The court frequently have stated that pro se pleadings are to be given a liberal construction. Baldwin County Welcome Center v. Brown 466 U.S. 147,104 S. Ct. 1723,80 L. Ed. 2d 196,52 U.S.L.W. 3751.The court noted that pro se plaintiffs should be afforded "special solicitude." Rabin v. Dep't of State, No. 95-4310, 1997 U.S. Dist. LEXIS 15718."Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary determination." Trinsey v. Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647.

In 2015 A order was established that violated Owens fundamental right to his Child that he haven't gotten to spend quality time with since April 2015 this case will help Owens to be able to see his child without no Court interference The state of Florida never found Owens to be unfit Owens fundamental rights was Taken due to financial interests For the state to receive federal funding.

Petitioner Owens prays that this court grants the petitions for rehearing so that he can get a opportunity to prove his case this petition has shown that Owens is knowledgeable about the Title IV-D program an has shown that his constitutional rights has been deprived because of a state financial interest. This program is unconstitutional and violate United States constitution amendments 14th 4th 5th 7th 9th and the Administration judges is in violation of their oath of office in it will Continue to happen if this rehearing doesn't get granted The Constitution of the United States isn't just for The American bar members or congress it is for people like Owens also who believe that the Constitution was written to make sure that a

person goes about his daily business without getting forced into unwanted situation like this Bill of attainder that has been forced on Owens

15 U.S.C 1 Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $100,000,000 if a corporation, or, if any other person, $1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court.

15 U.S.C Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States,or with foreign nations, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $100,000,000 if a corporation, or, if any other person,$1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court.

18 U.S.C 241 If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State,Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both

18 U.S.C 242 Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any personin any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both

42 U.S.C 1986 Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

The judgment should be reversed and the case should be remanded for further proceedings.

I, Larael K Owens , do swear or declare that on this date April 16, 2019 as required by Supreme Court Rule 29 I have served the enclosed and PETITION FOR REHEARING on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an

envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

Shelley Cridlin, Esq.	**Tamesha Saddlers**	**Mark McMann**
Senior Assistant Attorney General	6017 Hilltop lane E Lakeland	3001 Bartow Rd, Lakeland, FL
Office of the Attorney General	33809	33803
501 E. Kennedy Blvd., Suite 1100		
Tampa, FL 33602		

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 6, 2019

(Signature)

Larael Owens

CONCLUSION

U.S. v. Throckmorton, 98 US 61 WHEREAS, officials and even judges have no immunity See, Owen vs. City of Independence, 100 S Ct. 1398; Maine vs. Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21; officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there is no such thing as ignorance of the law Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958). "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it