19-6457

NO.

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

IN THE INTEREST OF D.B. AND G.B. CHILDREN

ON PETITION FOR A WRIT OF CERTIORIARI

To The Court of Appeals of Texas

Second District

ON APPEAL FROM CAUSE NO: 02-18-00015-CV

PETITION FOR WRIT FOR CERTIORARI BEFORE JUDGMENT

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QUESTIONS PRESENTED

1. Whether the Texas district court violated the Petitioner's Federal Civil Rights under Section 1983 by discriminating against the Petitioner's Religious Freedom and violating the Petitioner's Constitutional Religious Freedoms. Did the court violate the First Amendment, the Texas Constitution and equal protection clause under the Fourteenth Amendment regarding Civil Right since they terminated the Petitioners Parental Rights due to her religion. Does the state have a right to terminate parental rights for one reason, the parents are Christians? Does this violate the Federal Constitutionally protected rights of freedom of religion to raise children in the religion of Christianity without the fear of government interference? Did the government overstep its boundaries when it terminated parental rights due to religious beliefs?

2. Whether the Texas district court violated the Religious Freedom Restoration Act. The State of Texas violated the Petitioner's rights by prohibiting her free exercise of religion. This court must review this case to restore the compelling interest test as set forth in Sherbert v. Verner, 374 U.S. 398 (1963) and Wisconsin v. Yoder, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is substantially burdened; and (2) to provide a claim or defense to persons whose religious exercise is substantially burdened by government. This is an ongoing debate now as there is a current case now at the Supreme Court level trying to overturn the RFRA in the United States Supreme Court in October of 2019.

3. Did the state violate the petitioner's due process rights by committing fraud on the court by suppressing evidence to the district court and appeals court so her children would not be returned to Oklahoma?

4. Whether the Texas district court erred in terminating the parental rights of Oklahoma residents, without the permission of the state of Oklahoma. In violation of the UCCJEA law, violating Federal Jurisdictional issues where two separate states Oklahoma and Texas have argued over jurisdiction. Whether the district court erred by violating the Petitioner's Constitutional Fourteenth Due Process Right, a Federal right, by denying her the right to have her case heard in Oklahoma where the judge was going to return custody of her children to her.

5. Whether the Texas district court violated the Federal law in regard to ICWA, (Indian Child Welfare Act) by refusing to contact the Native American Nation. Is the new order denying the Cherokee tribe's motion to dismiss overturning ICWA and effects this case at par.

6. Whether the Texas district court violated the Petitioner's due process rights according to the Fourteenth Amendment terminating the parents' rights due to homeschooling. Did the court violate the parents' first amendment religious freedom by terminating parental rights due to homeschooling for religious reasons, in conflict with the United States case Yoder vs. Wisconsin 406 U.S. 205. Did the court violate the Texas law that made it illegal on May 7, 2019 to terminate parental rights due to homeschooling?

7. Did the state violate the Due Process Clause by denying court-appointed counsel to an indigent pro-se parent facing termination of her parental rights without applying the due process analysis mandated by the Court in Lassiter v. Department of Social Services, then denying the indigent person a right to appellate review of the legal sufficiency of the evidence supporting termination because the court suppressed evidence intentionally so the case would not be returned to Oklahoma. Did the state violate the law by fraudulently withholding evidence from the appeals court, and when the abatement hearing was ordered by the appeals court they argued she was denied appellate review of the issues because she was an indigent person who did not know how to preserve them because the attorney and the judge intentionally withheld them so the case would not be reversed and remanded to the Oklahoma court?

8. Does a state providing court-appointed counsel to indigent parents facing termination of their parental rights in State court and deny the petitioner her rights under the Equal Protection Clause of the Fourteenth Amendment and in violation of the court's decision In the Interest of P.M. a Child No. 15-0171? Did this violate Section 107.013(a)(1) that states the court must appoint and attorney through the exhaustion of appeals under Section 107.016(2)(B) which includes all proceedings in this Court? Did the court deny the petitioner's Due Process Right to court-appointed counsel after they discharged the court appointed attorney after he committed fraud on the court and suppressed evidence from the court? Whether the district court and Texas Supreme court erred by not appointing the Petitioner an attorney after the attorney was dismissed after unethical and illegal conduct violating the Sixth Amendment's requirements for the right to counsel are made obligatory upon the States by the Fourteenth Amendment. Gideon v. Wainwright, 372 U. S. 335. P. 386 U. S. 742. According to the law a court appointed attorney is mandated by law in a termination of parental rights case.

PARTIES TO THE PROCEEDING

This is a sensitive case since it involves two children, the Fort Worth Court of Appeals used initials instead of real names to protect the identity of the children. Their names are in the trial court docket. The Texas Supreme Court protected the names too.

Petitioner is Denley Bishop, D.B. and G.B., natural mother, Respondents are as follows:

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Denley Bishop respectfully submits this petition for a writ of certiorari to review the judgment of the Court of Appeals for the Second District of Texas.

OPINIONS AND ORDERS BELOW

The Texas Supreme Court's orders refusing discretionary review (App. *infra*, at la, 2a) are unreported. The opinion of the Court of Appeals for the Second District of Texas (App., infra, at 3a) is reported. The judgment entered by the Tarrant County District Court (App., infra, at 10a) is unreported.

JURISDICTION

The Court of Appeals for the Second District of Texas filed its opinion on March 6, 2018. The Texas Supreme Court denied a timely petition for discretionary review on November 16, 2018, and denied a timely petition for rehearing on February 1, 2019. This Court has jurisdiction under 28 U.S.C. 1257(a).

Because this petition challenges the constitutionality of a Texas statue affecting the public interest, the terms of 28 U.S.C. 2403(b) may apply and this petition therefore is being served on the Attorney General of Texas as required by Rule 29.4(c) of this Court.

CONSTITUTIONAL PROVISION AND STATUE INVOLVED

The Fourteenth Amendment to the United States Constitution provides in pertinent part:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 107.013 of the Texas Family Code provides in pertinent part:

In a suit filed by a governmental entity in which termination of the parent/child relationship is requested, the court shall appoint an attorney ad litem to represent the interest of... an indigent parent of the child who responds in opposition to the termination.... The district court did not analyze the factors governing entitlement to court-appointed counsel set out by this Court in Mathews v. Eldridge 424 U.S. 319(1976).

STATEMENT OF THE CASE

This case presents issues surrounding indigent parents in Texas and other states facing termination of their parental rights. The ongoing debate with this Court's decision in Lassiter v. Dep't of Social Services, 452 U.S. 18 (1981) Texas guarantees counsel during a termination of a parental rights case.

1. ***Statutory Background.*** In Texas, the State and certain private may file actions seeking termination of parental rights. TEX. FAM. CODE ANN 102.003(a)(12), 161.003(Vernon 2002 & Supp. 2008). After Lassiter, Texas guaranteed court-appointed counsel by statute to all indigent parents facing termination actions.

2. ***Factual Background and Trial Court Proceedings.*** D.B. was born on September 26, 2009. G.B. was born on March 20, 2010. The Department of Protective and Regulatory Services removed D.B. and G.B. from the custody of her mother, when the mother went to a women's shelter in Texas for one night since the one in Oklahoma needed to make room for the oldest child who suffered from autism, they were all supposed to return to Oklahoma the next night according to Oklahoma child protection services. The state of Texas child welfare office said that the only reason they removed the children was because they are Christians and a bible verse that was said to their worker. The incident was in Oklahoma and the arrest of the husband was in Oklahoma. The respondent contacted the police department in Gainesville, TX and the division supervisor said that they did not have jurisdiction since the incident and the arrest was in another state. He said Texas has no jurisdiction. The alleged perpetrator's residence was Oklahoma too. The adjudication hearing was in Cooke County Texas and the attorney for the petitioner Brady Howell told the petitioner that he told the judge that they were from Oklahoma and did file the appropriate motions to have the case transferred back to Oklahoma, but the judge denied it. The petitioner found out several

months later after an investigation that he lied he never even told the judge. The respondent contacted the legal counsel on July 13, 2017 and he said filed a motion to dismiss based on jurisdictional issue but, he never filed a jurisdictional motion he said. The judge in Oklahoma was never contacted at this time either. Both parents live in Oklahoma too. Both parents were living in Oklahoma also at the time. According to the CPS intake chart a CPS intake should have never been accepted. The legal jurisdiction of the case is the initial home state.

The Petitioner had filed a divorce case prior to the state of Texas removing the children and the state of Oklahoma had an open CPS case too at the time. The Respondent is asking the state of Oklahoma to respectfully return the children to the correct state jurisdiction.

3. ***Court of Appeals Proceedings.*** Ms. Bishop appealed to the Fort Worth Court of Appeals, arguing the termination judgement was erroneous, there was a lack of jurisdiction for the judge to terminate their parental rights and there was intentional fraud on the court by the lawyers who suppressed evidence to the judge about the state of Oklahoma requesting they return the children to Oklahoma. They also suppressed evidence about the Cherokee tribe in Oklahoma who requested a continuance before the termination hearing. The tribe was not contacted by the social workers in Texas intentionally.

   Ms. Bishop complained of her lack of counsel and it was ignored by the district court and the appeals court. The reason she was not able to raise the issue to be persevered was due to the fraud committed on the court by both lawyers. She reached out to the District Attorney Ed Zulinski and he told her not to worry there was no jurisdiction for them to have this case it is an Oklahoma case. The lack of counsel by Ms. Bishop was what caused her to lose custody of her children. The trial court worked with the lawyer and suppressed evidence to the appeals court. The Texas state law requires court appointed counsel during the termination of a parental rights case. This Court, the United States Supreme Court has ruled that parents are entitled to court appointed attorneys in termination of parental rights cases. The district court did not analyze the factors governing entitlement to court-appointed counsel set out by this Court in Mathews v. Eldridge 424 U.S. 319(1976). And, the level of integrity and ethical behavior by a court appointed attorney is the same as a private attorney. Just because the attorney was appointed by the judge does not mean that they have a right to break the law.

REASONS FOR GRANTING THE WRIT

This case presents two important questions of Federal constitutional law concerning the State's handling of parental-rights termination cases. To terminate the parental rights of a parent due to their religious belief is a violation of the Constitution and the Federal Civil Rights law. Attorneys in Texas say this is happening more and more to Christian families. For some reason the pastor's families are being targeted. There is a desperate need among the Christian community to stop this. This is an excellent reason to grant this review. Also, there is clearly also of issues that appear to red flags that the parents in this case where taken advantage of. There was clearly fraud on the court by suppression of evidence, so the Petitioner would lose custody of her children intentionally. There was clear malice against the mother in the court room and her religious beliefs that should never happen to anyone. The judge told her that she thinks that she is a "so called-Christian." A century ago, this Court held that the Due Process Clause protects the right of parents to "establish a home and bring up children." Meyer v. Nebraska, 262 U.S. 390, 399 (1923). Since, this case the courts have enabled protections for parents facing termination of their parental rights. The courts have held that the child-parent relationship is one of the most important relationships that is entitled to certain constitutional protections. Any time the state interferes to separate families the court must review such cases since they are the most important cases in the family law court system. The cases that break the bond of a mother to children is at the heart of many family lawyers and the family law judges find these cases very sensitive since the child and the family will most likely be traumatized the rest of their life due to the termination of this relationship. See e.g. Stanley v. Illinois, 405 U.S. 645, 651 (1972). In the Wisconsin v. Yoder, 406 U.S. 205, 232 (1972) the court found that the state cannot remove children for their religious beliefs. The court found that the state overstepped its bounds by infringing on the parent's religious beliefs. In many cases the United States Supreme court has upheld the crucial relationship between a child and his mother. Quilloin v. Walcott, 434 U.S. 246, 255 (1978); Parham v. J.R., 442 U.S. 584, 602 (1979) These cases relating to the special relationship between a mother and child relate to the protection of liberty interest in the Fourteenth Amendment and due process of the right of a parent to raise their own children without the fear of state intervention to break up their families. See Santosky v. Kramer, 455 U.S. 745, 774 (1982) Some courts have found that children are a blessing from the Lord and these are God-given rights that the courts do not have the right to take away, they believe that only God can do that. The petitioner sees her rights to raise her own children as a fundamental right protected by the United States Constitution and a blessing given to her by God that the state does not have a right to intervene in. See Troxel v. Granville 530 U.S. 57, 91

(2000) If the higher court argues for separation of church and state this is the one time the petitioner would agree. The state should not interfere in what God has given to a mother as a blessing, children. This is clearly a time where separate of church and state should be adhered to.

The first question this case presents is whether the State's cumulative denial of multiple procedural issues were a deviation from the Due Process Rights that are so grievous that to ignore them is to agree with a great perversion of justice, in this case and future cases and how appointment of counsel throughout the entire termination of the parental rights proceedings is required by Texas state law. The Eldridge case from this Court shows how a lack of appointment of counsel can affect the case. This issue can affect how the preservation of error rules can be affected by the appointment of counsel who intentionally withheld evidence from the court, so the issue would not be addressed at the appeals court. The question of whether the issues where preserved was not equal to the issues being withheld by the attorney intentionally so the petitioner would lose her children. The lack of appointment of an attorney who would amend the brief and include the evidence that was key to having the case returned to Oklahoma, denied the mother serious justice and served to cause her to lose custody of her children forever. These actions by the attorney and the judge are very serious. Keeping the family together is supposed to be the goal of the state but when the state acts so fraudulently as this state has there is no question that something has gone terribly wrong in the justice system. The only way for these parents to get justice since the appeals court and the district court have perverted justice against them and that is for this higher court to intervene into the fraud that has been committed in the state of Texas.

The second question this case presents is whether the state is entitled to terminate parental rights due to the parent's religious beliefs and whether this interferes in the religious freedom and the Constitutional rights of the First Amendment that states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof: or abridging the freedom of speech. The fact that the only reason that the state removed the children was due to the mother being a Christian and a bible verse, clearly prohibits the free exercise of religious freedom with this family, and possibly abridges the freedom of speech. The state of Texas said that they found the mother to have odd Christian beliefs and that is why they removed the children. In the hearing the attorney Vicki Foster testified that the state was concerned about the mother being a Christian and the social worker answered "Yes, they were concerned that the mother was a Christian and that is why they removed the children." In the Yoder v. Wisconsin Case the court found that the state can not infringe on the religious liberties of the parents no matter if the state found their beliefs odd and peculiar. There was no testimony in the court that the mother's Christian beliefs were harmful to the children at all. The only thing

4. Texas Supreme Court Proceedings

Ms. Bishop immediately filed a Petition for Review at the Texas Supreme Court once the appeals court ignored her pleas for justice when her court appointed attorney committed fraud on the court. On November 16, 2018 the Texas Supreme Court finally discharged this attorney only after his plan to deceive the court was finished at the appeals level. Ms. Bishop filed a pro-se Petition for Review and a Motion to Appoint counsel to file an amended brief that would tell the truth about what had happen. According to the Texas Supreme Court a parent is entitled to court appointed counsel through out the entire proceeding all the way to the disposition of the case. They ruled that the parent is entitled to competent counsel through the Texas Supreme court level. The Texas Supreme Court denied her motion for appointment of counsel before her hearing was over, this was in conflict with a case in their court.

I. THIS CASE RAISES AN IMPORTANT ISSUE OF FEDERAL CONSTITUTIONAL LAW IN RELATION TO FREEDOM OF RELIGION AND HOW PARENTS SHOULD BE FREE TO RAISE THEIR CHILDREN IN THEIR RELIGIOUS BELIEF WITHOUT THE FEAR OF STATE INTERVENTION. PARENTS SHOULD BE FREE FROM STATE RELIGIOUS DISCRIMINATION BY THE STATE AND FREE FROM FEAR THAT THE STATE WILL TERMINATE THEIR RIGHTS FOR ONE REASON THEIR FAITH CONFLICTING WITH YODER VS. WISCONSIN 406 U.S. 205 (1972). THIS CASE RAISES AN IMPORTANT FEDERAL CIVIL RIGHTS ISSUE OF DISCRIMATION AGAINST RELIGIOUS BELIEFS AND VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH ADMENDMENT REGARDING CIVIL RIGHTS VIOLALTIONS INVOLVING SECTION 1983 ACTIONS WITH A GOVERNMENT AGENCY. AND IT CONFLICTS WITH THIS COURTS CASE REGARDING 42 U.S.C. 1983, SUTER V. ARTIST M. 503 U.S. 347 (1992).

Analysis of religious freedom begins with this Court's case Wisconsin v. Yoder 406 U.S. 205 (1972). The state can not infringe on the religious faith of the parents and violated the Constitutional rights of the parents' when it removed the children for one reason their religion. If a state worker says that the only reason for removal is their religious beliefs then the case is clearly a Civil Rights violation under Section 1983.

A. In this case the Petitioner was told that the only reason that her children were removed is because she is a Christian and a bible verse that was told to the social worker, Tamika Teamer. In the Wisconsin v. Yoder case the state removed the children from the parents due to their religion. But, this Court found this unconstitutional. This Court found the parents' fundamental right to freedom of religion was determined to outweigh the state's interest in educating its children. The state cannot remove children for the parents being a Christian, this is a violation of freedom of religion. Amendment I. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; freedom of speech. Texas Constitution; art.I, § 6 "All men have an indefeasible right to worship God according to the dictates of their own consciences. This precedent case, the first case of removal due to religion. Wisconsin v. Yoder, 406 U.S. 205 "the state's interest does not outweigh religious freedom." They asked if religion was a concern to the state. The witness cannot speculate to everyone's religious beliefs. The Petitioner testifies to her Christian faith. Foster questions taking her children to church. The attorney uses religion to discredit testimony, violating TRE 610. The Judge questions this.

In Morse v. Frederick, 551 U.S. 393 and Prince v. Massachusetts, 321 U.S. 158 the Establishment Clause mandates a separation between church and state. Board of Education v. Barnette, 319 U.S.624 states the parents have religious rights, as against preponderant sentiment and assertion of state power voicing it (Pierce v. Society of Sisters, 268 U.S. 510.) In re S.A.P, "the department required religious counseling with their minister" 169 S.W.3d 685. In re P.S., the department requested marriage classes 766 S.W2d 833. "The law cannot burden one's free exercise rights, the beliefs avowed are not only religious in nature, but also sincerely held." Mosier v. Maynard, 937 F.2d 1521. "No human authority ought, to interfere with the rights of conscience in matters of religion," Marshall, 925 S.W.2d at 677; In the case Pleasant Glade Assembly of God, 991 S.W.2d 85. The Petitioner was convicted by the pastor's counsel. If social worker did not agree, that does not give her the right to remove her children. Engel v. Vitale, 370 US 421 states the government must be neutral on religion. The state of Texas wrongfully interfered in the religious freedom of the parents and their family and severed the bond of the family due to their religious faith. In Lemon v. Kurtzman, 403 U.S. 602: "they violated the Establishment Clause, excessive entanglement between a religion and the state." The Petitioner testifies about marriage.

They question religious convictions. The removal was about a bible verse. The Petitioner says the worker called her "one of them," they refused to let her go on. Religious issues concerned the department. The judge makes the comment, "a so-called Christian". TRE 610: evidence based on religious beliefs is inadmissible.

B. The state cannot discriminate against the parent's religious beliefs. The state of Texas said that they removed the children for one reason they are Christians and a bible verse, this is clearly a Civil Rights Violation under Section 1983. And, it is a Civil Rights Section 1983 violation that states that no person should be harmed due to their race or religion. To deny a parent of their parental rights due their religious beliefs is a violation of Federal Civil Rights Law under Section 1983 and is clearly discriminatory. This case conflicts with this courts case, SUTER V. ARTIST M. 503 U.S. 347 (1992), in regards to 42 U.S.C. 1983. There are specific safeguards that are enacted so the state will be refunded by the Federal government for adoption assistance and if state discriminated against the parent's they could be in violation of these mandates by the Federal Government and may be responsible to the Federal Government to refund the money they received by the Federal Government. There are also requirements by the Federal Government that must be met by the state before they can receive money from the Federal Government for assistance. One of which, is that they may not take money for children from another state without the permission of the other state and they must return the children to the home state. Another, is that they have to make every effort to reunify the family. The state of Texas did absolutely nothing to reunify this family according to the counselor, Pam Greene from First Baptist Dallas, Texas.

C. A review of this case is necessary to insure protection against governmental interference into religious freedom, and to insure no discrimination under the equal protection clause of the Fourteenth Amendment. Everson v. Board of Education, government cannot interfere into religion. U.S. Const. amends. I, XIV: state and federal constitutions embody a fundamental commitment to religious liberty "Constitution requires vigilance lest courts overstep jurisdictional bounds" Heckman v. Williamson County 369 S.W.3d 137. The Equal Protection Clause of the Fourteenth amendment is violated. In Dymont vs. Lyon the

ACLU argued that the state discriminated against the parent's beliefs. The Equal Protection Clause is important to Civil Rights. No governmental agency can discriminate based on religion. Cornell Law School says, "Equal protection forces a state to govern impartially-not draw distinctions between individuals solely on difference that are irrelevant to legitimate governmental objective." (www.law.cornell.edu)

II. THIS CASE RAISES AN IMPORTANT ISSUE OF WHETHER THE STATE OF TEXAS VIOLATED THE RELIGIOUS FREEDOM REFORMATION ACT? DID THE STATE OF TEXAS SUBSTANTIALLY BURDEN THE PETITIONER'S FREE EXERCISE OF RELIGION BY REMOVING HER CHILDREN FOR ONE REASON, BECAUSE SHE IS A CHRISTIAN AND A BIBLE VERSE? AND, IT IS OF INTEREST TO THIS COURT SINCE THERE IS PENDING CASES TRYING TO OVERTURN THE RELIGIOUS FREEDOM REFORMATION ACT IN THIS COURT NOW.

Analysis of religious freedom in this court beings with Sherbert v. Verner, 374 U.S. 398 (1963) and Wisconsin v. Yoder, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is substantially burdened; and (2) to provide a claim or defense to persons whose religious exercise is substantially burdened by government. In Sherbert v. Verner the Court set forth the constitutional exemption model, under which sincere religious objectors had a presumptive constitutional right to an exemption because of the Free Exercise clause. The court reaffirmed this position in the 1972 case, Wisconsin v. Yoder. The RFRA states that the government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability. A person whose religious exercise has been burdened in violation of this law may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. The United States Supreme Court is now hearing cases that are trying to overturn the RFRA. The Petitioner would argue not to do that since it is imperative to keep religious liberties so things similar to what has happened to this mother and children will not happen again. This case maybe similar to the most current hot topic at this Court's level. The most high-profile federal case that relied on RFRA was the 2014 case Burwell v. Hobby Lobby Stores, a challenge to the Affordable Care Act's Health and Human Services (HHS) contraceptive mandate that required all for-profit

companies to cover abortion-inducing drugs—even against the religious objections of these businesses' owners. The Court found that the HHS mandate violated RFRA because it imposed a substantial burden (i.e., if the companies refused to violate their beliefs, they would face severe economic consequences). The government also failed to satisfy RFRA's least restrictive-means standard, since the government could assume the cost of providing the four contraceptives to women unable to obtain coverage due to their employers' religious objections.

III. THIS CASE RAISES AN IMPORTANT ISSUE OF FEDERAL LAW WHETHER FRAUD ON THE COURT, THE MOST SERIOUS ABUSE COMMITTED BY THE ATTORNEY AND JUDGE IS A VIOLATION OF FEDERAL LAW?

Analysis of fraud on the court begins with this Court's case Bulloch v. United States, 763 F. 2d 115, 1121 (10th Cir. 1985). This fraud is directed to the judicial machinery, the court or a member is corrupted or influence by a judge who has not performed their judicial functions. The impartial functions of the court have been directly corrupted. This case conflicts with the case Bulloch v. United States in this Court.

A. This case includes fraud on the court defined by "Unconscionable" schemes to deceive or make misrepresentations through the court system. Fraud on the court only involves court officials, officers of the court, the judge and the court-appointed attorneys. The result of fraud on the court is that the judgement will need to be voided by another court official most likely in another venue. The 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is perpetrated by the attorneys or judges so that the judicial operations will not be able to function in an impartial manner and will prohibit cases from being adjudicated fairly and honestly. See Kenner v. C.I.R., 387 F.3d 689 (1968) According to the Federal Practice, 2d ed., p. 512 the 7th Circuit determined that a decision that was made by fraud upon the court is not in essence a decision at all and will never be final." Therefore, there is a concern upon this Court that this order that is under review has never become final. Fraud upon the court makes the order void and constitutes that the entire proceeding is of no effect on the parties. See The People of the State of Illinois v. Fred E. Sterling, 357 Ill. 354; 192 N.E. 229 (1934)

Allen F. Moore v. Stanley F. Sievers, 336 Ill. 316; 168 N.E. 259 (1929) Anytime an officer of the court intentionally misrepresents information or intentionally withholds information to deceive the court fraud will stops all issues upon the court and nullifies the order. Skelly Oil Co. v. Universal Oil Products Co., 338 Ill. App. 79, 86 N.E., 2d 875 Under Federal law when an attorney or judge has committed fraud on the court the orders are void and have no effect on the parties.

B. This case includes a violation of the Fourteenth Amendment regarding procedural due process. "No State should deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. The erroneous deprivation of that interest under the chosen procedure could be evaluated by this Court as fraud on the court denies the Petitioner the right to due process of law. "A basic aspect of the duty of government to follow a fair process of law in making a ruling when it acts to deprive a person of their possessions or rights." The Petitioner was deprived or her rights to parent her children due to the fraudulent actions of the court. The Petitioner has a right to and impartial tribunal according to the Fourteenth Amendment and her due process rights. The petitioner is entitled to fair and honest treatment from the court and her attorney. Anything less would violate her Constitutional rights of due process and her right to honest services from her attorney and the judge. See Enron. This Supreme Court ruled that section of the 1988 federal fraud statue made it a crime to deprive others "of the intangible right of honest services" Jefferey Skilling the CEO of Enron, was guilty of committing fraud. The Justice Department finds that fraud on the court grants the prospect of reversals on cases. These pleadings are requesting that judges vacate cases or reopen cases where fraud was committed. Fraud on the court is rare and when it is discovered it upon the court to deal with it immediately. Serious injustice by the government employees and the court denies the petitioner the right to a fair trial and the right for justice to prevail. The United States Supreme court is now apprised of these cases and able to settle them swiftly. See Sierra Pacific v U.S. The court can now undo the injustice done by the departments of the government. "The United States wins its point whenever justice is done its citizens in the courts." Under Rule 60(d)(3) of the Federal Rules of Civil Procedure the courts can set aside a judgement for fraud on the court." Question before the court is whether the court can set

aside a fraudulent judgement after the trial court made an order. And, the court found that they can. The second issue was whether the district court judge should recuse himself. This was similar to the case at hand since there were four motion for recusal for this judge that worked with the attorney to cover evidence of Oklahoma jurisdiction to the higher court.

IV. THIS CASE RASISES AN IMPORTANT ISSUE OF FEDERAL LAW REGARDING INTERSTATE APPLICATION OF UCCJEA IN TERMINATION OF PARENTAL RIGHT CASES AND A LACK OF JURISDICTION FOR CASES IN STATES WHERE NEITHER PARENT EVER LIVED. THIS CASE IS IN CONFLICT WITH THE COURT'S CASE MAY V. ANDERSON 345 U.S. 528. THE COURT MUST RESOLVE CONFLICTING ISSUES REGARDING STATE COURTS AND JURISDICTION. THIS CASE RAISES THE ISSUE OF WHETHER STATES ARE USING TPR TO DIVERT UCCJEA. TPR STATUE MAY NOT BE USED TO CIRCUMVENT UCCJEA. THIS CASE ALSO RAISES AN IMPORTANT ISSUE OF WHETHER THE PARTIES CAN RAISE JURISDICITONAL ISSUES AT THE APPEALLATE LEVEL CONFLICTING WITH THE SAME STATE OF TEXAS CASE IN THE INTEREST OF J.T.R AND H.M.R, MINOR CHILDREN NO. 13-17-00676-CV (2018) & STATE V. WEBBER, 190 N.C. APP. 649, 650, 660 S.E.2D 621, 622 (2008). WHETHER A COURT LACKING JURISDICTION VIOLATES THE DUE PROCESS CLAUSE OF THE FOURTEENTH ADMENDMENT AND IS IN CONFLICT WITH THE COURT CASE PENNOYER, 95 U.S. at 731.

Analysis of UCCJEA on the court begins with this Court's case Bulloch v. United States, 763 F. 2d 115, 1121 (10th Cir. 1985) and MAY V. ANDERSON 345 U.S. 528. The improper initiation of proceedings and compliance with UCCJEA is the Uniform Child Custody Jurisdiction Enforcement Act and it requires that all state conform to it, the violation of this law raises a Federal law issue in relation to states adhering to the rights of the home state to hear matters of their own residents. And, any deviations from this law can not be made by deceit or fraud. A TPR case should not be used to circumvent UCCJEA. A state cannot refuse to return children to a home state just because they believe the state will return the children to the mother. The court must determine it would have jurisdiction to make a child

custody determination. UCCJEA defines "child custody proceeding" to include proceeding to terminate parental rights." The court can only have jurisdiction to modify a child-custody determination if it is the home state or the home state waives jurisdiction. But, the judge took it upon herself not to contact the other state. The petitioner was told the judge was intentionally ignoring the judge in Oklahoma. This is clear proof that they were using TPR to circumvent UCCJEA. Another state's arm does not reach into the practices of another states judicial system. UCCJEA is a Federal law concern when states violate matters of the home state and the Federal Parental Kidnapping Prevention Act law may take effect if the state is intentionally trying to circumvent the judicial system of the home state. If a state is refusing to comply with UCCJEA or the Federal Parental Kidnapping Prevention Act the Federal law may apply, especially with exclusive continuing jurisdiction of Oklahoma, to prevent the illegal acts of other states. The Full Faith and Credit clause of the U.S. Constitution applies to child custody. This case conflicts SCDSS v. Tran, 418 S.C. 308, 792 S.E. 2d 254 (Ct. App. 2016) where Court of Appeals vacated the family court's termination of parental rights order, finding the state had failed to establish subject matter jurisdiction under UCCJEA and Pennoyer v Neff, 95 U.S. 714, 724, 5 Otto 714, 24 L.Ed. 565. MAY V. ANDERSON 345 U.S. 528 the mother filed a habeas corpus proceeding requesting the return of her children to the home state and holding the custody order from the other state of no effect. The courts in one state do not have jurisdiction over parents of another state to terminate their rights. See Pennoyer, 95 U.S. at 731. In Pennoyer the Supreme Court found that a judgement of a court lacking jurisdiction violated the Due Process Clause of the Fourteenth Amendment.

A. This case includes a lack of jurisdiction according to UCCJEA. In re Van Kooten, 126 N.C. App. 764, 771, 487 S.E.2d 160, 164 (1997) In re Malone, 129 N.C., App. 338, 498 S.E.2d 836 (1998) Osborn v. Adoption Center of Choice, 2003 UT 15, 70 P. 3d 58 In re Leonard, 77 N.C. App. 439, 441, 335 S.E.2d 73, 74 (1985) In re D.D.J., 177 N.C. App. 441, 442-43, 628 S.E. 2d 808, 810 (2006) Rodriguez v. Rodriguez, 211 N.C. App 267, 270, 710 S.E.2d 235, 238 (2011). The district judge tried to argue during the abatement hearing that jurisdiction was not raised during the hearing. First, this is not true it was initially hidden by fraud from the attorneys when the petitioner's attorney lied to her telling her that they just went into the hearing room and the judge denied jurisdiction of Oklahoma and she is forced to

sign a case plan. When after pulling all the transcripts it was discovered that the attorney lied. The judge never knew at that hearing she discovered this after an Oklahoma social worker called during a hearing seven months later. They also told the father he was not allowed to file a motion to have the children returned to Oklahoma on day one of the hearings. Furthermore, the judge is wrong when she stated during the abatement hearing that attorney suppressed evidence about Oklahoma because it was not raised earlier. The issue of jurisdiction can be raised at any time even during the Appeals process. State v. Webber, 190 N.C. App. 649, 650, 660 S.E.2d 621, 622 (2008). In the Webber case the court stated, "It is well-established that the issue of a court's jurisdiction over a matter may be raised at any time, even for the first time on appeal by a court sua sponte." The court went on to state that jurisdiction can be raised at any time during the case. Also, in the Rodriguez v. Rodriguez case the state determined only a certain state will have jurisdiction to enter orders regarding custody according to UCCJEA and that can be raised at any time. In re D.D.J., 177 N.C. App. 441, 442-43, 628 S.E., 2d 808, 810 (2006) the court determined that three sets of circumstances in which a court has jurisdiction to hear a petition to terminate parental rights and they were not met so the higher court vacated the termination order. They did not have legal custody of the children to terminate their rights. The proper action is to vacate cases for a lack of jurisdiction. See In re Leonard 77 N.C. App. 439 (N.C., Ct. App. 1985) In the re Marriage of Leonard, 175 Cal. Rptr. At 908 the home state of the child has jurisdiction to adjudicate the status of a child.

If there is another state that has jurisdiction and there were custody orders from that state, the judge is required to communicate with the judge in that state. They must enter an order withdrawing jurisdiction. See In re the termination of Parental Rights to Clayton J.I., Appeal No. 2009AP2354, Wisconsin. Section 63-15-336 of the code states "A court of the state which has been asked to make a child custody determination under this section, upon being informed of a court state have jurisdiction of these children must immediately communicate with the other court." See S.C. Dep't of Soc. Servs. v. Tran 418 S.C. 308, 792 S.E. 2d 254 (Ct. App. 2016) In this case at par the Petitioner was told that the judge was intentionally ignoring the Oklahoma judge. And, on the transcript of the hearing it was noted that the judge was

aware of Oklahoma jurisdiction when Oklahoma DHS called her. There was an open case in Oklahoma and the judge never contacted the judge. The attorney withheld it from the Appeals Court. This case conflicts with the recent case, 2018 In re J.T.R and H.M.R "the court was without jurisdiction, a final termination order that another court did not relinquish jurisdiction ...Texas is without jurisdiction." Tex.Fam.Code 11.51 Saavedra v Schmidt 96 S.W.3d 533. The court dismissed the termination of the parental rights case since the state of Texas did not have jurisdiction the home state had jurisdiction and the state of Texas did not confer upon that state for permission. UCCJEA precludes the trial court's exercise of jurisdiction in the termination case. Section 152.001-.317 addressed conflicting interstate child custody orders, and home state jurisdiction to terminate parental rights. According to UCCJEA states: "The UCCJEA vests "exclusive [and] continuing jurisdiction" for child custody litigation in the courts of the child's "home state," which is defined as the state where the child has lived with a parent for six consecutive months prior to the commencement of the proceeding (or since birth for children younger than six months). If the child has not lived in any state for at least six months, then a court in a state that has (1) "significant connections" with the child and at least one parent and (2) "substantial evidence concerning the child's care, protection, training, and personal relationships" may assume child-custody jurisdiction. If more than one state has "significant connections" and "substantial evidence...", the courts of those states must communicate and determine which state has the most significant connections to the child. A court which has made a child-custody determination consistent with UCCJEA has exclusive, continuing jurisdiction over the determination until either (1) that court determines that neither the child, the child's parents, nor any person acting as a parent has a significant connection with the State that made the original order and that substantial evidence is no longer available in the State concerning the child's care, protection, training, and personal relationships, or (2) that court or a court of another State determines that the child, the child's parents, and any person acting as a parent do not reside in the State that initially made the child custody order." Abderholden v Morizot states "Texas Family Code 11.53(a)(3)(B) confers emergency jurisdiction. In Hache 451A.2d 975 the state has a limited period. The court exceeded its authority when it made a permanent modification order. "An order is void when there is

no jurisdiction." Urbish v. 127th Jud. Dist. Ct., 708 S.W.2d 429, O.G., P.G. v. Baum, 790 S.W.2d 839. A judgment is void when the court had no jurisdiction, or no capacity to act as a court. Mapco, Inc. v. Forrest, 795 S.W.2d 700 The issues of sufficiency of evidence and children's best interest finding is mute. In the case In re J.T.R and H.M.R the Texas Appeals court found that the prior custody orders of the other state gave an even greater standing of the other state regarding jurisdiction. The state of Oklahoma had already had custody orders regarding these children before the petition was filed by Texas. See S.W., v. Duncan 2001 OK 39, 24 P.ed 846. The court found that temporary custody orders issued by the Oklahoma court were pursuant to the continuing jurisdiction of that court.

B. A court that does not have jurisdiction to enter custody orders nor terminate the parental rights of parents violates the Due Process Clause of the Fourteenth Amendment. See PENNOYER, 95 U.S. at 731 The petitioner's due process rights were violated by the Texas court circumventing the Oklahoma court where she could have had the chance of the Oklahoma court returning her children. This is an issue of Federal law and is important to the ongoing fairness for the courts when it is necessary for the Federal law and Constitutional law to be applied to rectify the situation. In Pennoyer the United States Supreme Court found that the court violated the Due Process Clause of the Fourteenth Amendment since the court lacked jurisdiction to make a ruling.

V. THIS CASE RAISES AN IMPORTANT ISSUE REGARDING ICWA A VIOLATION OF 25 U.S.C. § 1912(f) ("ICWA"), THE INDIAN CHILD WELFARE ACT AND CONFLICTS WITH THE CASE FROM THIS COURT MISSISSIPPI BAND of CHOCTOW INDIANS v. HOLYFIELD, 490 U.S. (1989) THIS CASE RAISES AN ISSUE REGARDING WHETHER ICWA HAS BEEN OVERTURNED IN TEXAS.

Analysis of ICWA states that state must notify the tribe of where the children are from. The state of Texas refused to do this and is now trying to overturn ICWA in Northern Texas, it was struck down in Texas as unconstitutional, claiming it is discriminatory to non-Native Americans. See Brackeen v. Zinke Civil Action No 4:17-cv-00868-0

The state of Texas also refused to notify the tribe and the Bureau of Indian Affairs regarding this case. ICWA requires that the social workers notify the tribe. The district attorney in Texas stated that he knew the children were Cherokee and they did not notify the tribe. But, the judge again did not care and violated Federal ICWA requirement. This case conflicts with the case in this Court Mississippi Band of Choctaw Indians v. Holyfield, 490 U.S. (1989). Where the courts found that the Native American Tribe has jurisdiction over the case not the state. And, when the parents went to meet with child welfare in Tahlequah Oklahoma the director told them that they just went and got children out of foster care for years in North Texas. According to the law the tribe can intervene in matters regarding child custody years later after the state puts the children in foster care. "Monroe County DHS v. Luis R., 2009 WI App 109, 320 Wis. 2d 652: Indian Child Welfare Act, 25 U.S.C. § 1912(f) ("ICWA")'s applicability is not limited to physical custody and therefore applies to a TPR initiated after the client has resided in a foster home for three years. The Federal jurisdiction of the tribe supersedes the jurisdiction of the state court. This is not discriminatory, but it is Federal law and must be adhered to the state. The state of Texas cannot take it upon themselves to do what they want.

A. The state of Texas ruled that the law violated the 10th Amendment's federalism, "anti-commandeering" principle established by this court. The Texas judge found that ICWA unequivocally dictated a policy by the Federal government. The Cherokee tribe intervened in hopes of keeping the children in their tribe. The attorneys for the tribe filed Motions to Dismiss the adoption in Texas. The Texas judge denied it. Two other Federal courts have used this argument Pennsylvania and California. In the Brackeen v. Zinke Civil Action No 4:17-cv-00868-0 case the state of Texas determined that they do not agree with the Federal law and are not going to obey it. This is going to muddy the waters regarding the US Supreme court, Federal law and ICWA.

VI. THIS CASE RAISES AN IMPORTANT ISSUE OF CONSTITUTIONAL LAW IN REGARD TO THE DUE PROCESS RIGHTS OF THE FOURTEENTH AMENDMENT TERMINATING PARENTS' RIGHTS DUE TO HOMESCHOOLING AND IN CONFLICT WITH YODER VS. WISCONSIN 406 U.S. 205. THIS CONFLICTS WITH THE TEXAS FAMILY LAW CODE THAT MADE IT ILLEGAL TO TERMINATE PARENTAL RIGHTS DUE TO HOMESCHOOLING, MAY 7, 2017.

Analysis of the improper application of the law regarding terminating parental rights due to homeschooling begins with this Court's case Wisconsin v. Yoder 406 U.S. 205 (1972).

A. In May of 2017 the State of Texas revised the Texas Family Code due to this case and made it illegal to terminate parental rights due to homeschooling according to the new Family Code Section 262.002. The department questions homeschooling over and over and used it to terminate their parental rights. The Petitioner's attorney never objected. It is illegal to terminate rights due to homeschooling. Homeschooling is a parent's right. Foster states homeschooling is grounds for removal. However, the children were in school for the entire time from the removal to the termination hearing so it was not pertinent. TRE 403: It is not relevant; the children are in school. The Tutts: "Christian Couple Fights CPS-Homeschooled Children; children traumatized after foster care." The Petitioner's children have been traumatized. The department accuses the Petitioner of keeping D.B. out of school, it is proven false.

VII. THIS CASE RAISES AN IMPORTANT ISSUE OF FEDERAL CONSTITUTIONAL LAW, AND THE TEXAS DECISIONS CONFLICT WITH THE REASONING UNDERLYING THIS COURT'S DECISIONS IN LASSITER.

Analysis of the right to counsel in a termination action begins with this Court's decision in Lassiter that the Due Process Clause does not require appointment of counsel for the trial court must use the analysis in Mathews, 424 U.S. at 355, that must be weighed against the presumption that there is Lassiter, 452 at 27, Ms. Bishop lost her child without the benefit of this analysis.

A. Ms. Bishop's Parental Rights Are Fundamental.

The Due Process Clause includes a substantive component that "provides greater fortification against government intervention with her parental fundamental rights and liberty interest." Washington v. Glucksberg, 521 U.S. 702,.720 (1997). The greatest liberty and blessing given by God is

seen by the court for the care, custody and control of their own children. Reno v. Flores, 507 U.S. 292, 301-302 (1993). The liberty interest is the foremost constitutional right given to a parent to protect their God given blessing. Troxel, 530 U.S. at 65.

B. Termination Of Parental Rights Implicates State Action.

The court sought to terminate Ms. Bishop's parental rights out of malice. The state involvement in the adoption process has been fraudulent. MLB 519 U.S. at 125 termination of parental rights cases describes the State's destruction of the family unit and the parent seeks to be spared from the State's devasting actions and trauma that is put on all family members for one reason their religion. All parental relationships are severed forever and permantly. Rivera v. Minnich, 483 U.S. 574, 580. In re Adoption of K.L.P., 763 N.E., 2d 741, 751 this case was a conspiracy case of the state of Texas to deny the parent a lawyer, making them able to easily terminate the mother's rights.

C. By Removing Too Many Safeguards Against Errornous Deprivation, Texas Denied Ms. Bishop Due Process.

Ross v. Moffitt, 417 U.S. 600, 609 (1974) risk that procedures will result in erroneous decisions. Lassister, 452 U.S. at 27.

Ms. Bishop was adjudged indigent but was not appointed an attorney. MLB and Rinaldi v. Yeager 384 U.S. 305, 310. (1966) The Sixth Amendment's requirements for the right to counsel are made obligatory upon the States by the Fourteenth Amendment. Gideon v. Wainwright, 372 U. S. 335. P. 386 U. S. 742. According to the law a court appointed attorney is mandated by law in a termination of parental rights case. According to the Southern Methodist University Law School Parental Rights Clinic, Dallas Texas: "The right to one's family is a core institution in our country and a vital interest in our society that 'undeniably warrants deference and, absent a powerful countervailing interest, protection.' The right of a parent has long been considered "essential to the orderly pursuit of happiness by free men," a fundamental liberty interest that "occupies a unique place in our legal culture, given the centrality of family life as the focus for personal meaning and responsibility." Thus, the termination of parental rights is a "unique kind of deprivation" and a proceeding in which the parent, at the very least, must have the right to be heard. "The right to be heard would be, in many cases, of little avail if it did not comprehend

the right to be heard by counsel."(Meyer v. Nebraska, 262 U.S. 390, 399 (1923). The case at par is a First Amendment and Freedom of Religion case just like Meyer v. Nebraska case, liberty guaranteed by the Fourteenth Amendment and exceeds the power of the State. P. 262 U. S. 399. Since, this case deals with Religious Freedom, First Amendment right to practice religious faith as a parent and a violation of the equal protection clause then it is apparent that the court grant an appointment of counsel since this case is very important to the religious freedom of parents to raise their children without the fear of state intervention. The Lassiter v. Department of Social Services case, "a wise public policy . . . may require that higher standards be adopted than those minimally tolerable under the Constitution" and that "informed opinion has clearly come to hold that an indigent parent is entitled to the assistance of appointed counsel not only in parental termination proceedings, but in dependency and neglect proceedings as well." (Lassiter v. Department of Social Services, 452 U.S. 18 (1981) There is a state right of due process in termination case for appointment of legal counsel and a statutory rights Tex. Fam. Code §§ 107.013, 161.003: Section 107.013(a) of the Texas Family Code provides that "[i]n a suit filed by a 1 governmental entity . . . in which termination of the parent-child relationship . . . is requested, the court shall appoint an attorney ad litem to represent the interests of . . . an indigent parent. University of Michigan Law School Parental Rights Clinics (PROFESSOR VIVEK SANKARAN UNIVERSITY OF MICHIGAN LAW SCHOOL CHILD ADVOCACY LAW CLINIC)

10. The United States Supreme Court has ruled that a discrimination of rich and poor is against the Fourteenth Amendment to the Constitution and severely denies due process rights to the poor. Extending this reason, it is even more severing to terminate a parent's rights just because their court appointed attorney refused to represent them sufficiently. It is unfair to deny justice simply because the person is poor. The United States Supreme Court 372 U.S. 353 held there has been a discrimination between rich and poor:

Held: Where the merits of the one and only appeal an indigent has as of right were decided without benefit of counsel in a state criminal case, there has been a discrimination between the rich and the poor which violates the Fourteenth Amendment. Pp. 372 U. S. 353-358" In a California State court, petitioners were tried jointly, convicted of 13 felonies, and sentenced to imprisonment. Exercising their only right to

appeal as of right, they appealed to an intermediate Court of Appeals, and, being indigent, applied to it for appointment of counsel to assist them on appeal. In accordance with a state rule of criminal procedure, that court made an ex parte examination of the record, determined that appointment of counsel for petitioners would not be "of advantage to the defendant or helpful to the appellate court," and denied appointment of counsel. Their appeal was heard without assistance of counsel, and their convictions were affirmed. The State Supreme Court denied a discretionary review.

Held: Where the merits of the one and only appeal an indigent has as of right were decided without benefit of counsel in a state criminal case, there has been a discrimination between the rich and the poor which violates the Fourteenth Amendment. Pp. 372 U. S. 353-358.

If the Petitioner is not appointed counsel it could affect the claim of ineffective assistance of counsel. In re N.D.O., 115 P.3d 223 (Nev. 2005) This could in effect cause a domino effect for cases for parents that are not adequately represented by counsel just because they are poor. A parent should not be punished and loose custody of their children simple because they are poor. This is in conflict of the judgements of the Senate in Austin, TX when they reformed the CPS law and family code to make it now illegal to terminate rights due to economic conditions of the parents.

The Texas Supreme Court has found that the Supreme court must direct the court to reappoint another attorney in a termination of a parental rights case according to Section 107.016(2)(C). The attorney must remain on a termination of parental rights case until the case is fully disposed of or a new counsel must be appointed according to Section 107.013(e) adds that "[a] parent who the court has determined is indigent for purposes of this section is presumed to remain indigent for the duration of the suit and any subsequent appeal" absent changed circumstances. Section 107.016(2) provides that appointed counsel continues to serve in that capacity until the earliest of: (A) the date the suit affecting the parent-child relationship is dismissed; (B) the date all appeals in relation to any final order terminating parental rights are exhausted or waived; or (C) the date the attorney is relieved of the attorney's duties or replaced by another attorney after a finding of good cause is rendered by the court on the record. the Supreme Court must direct the court to appoint court appointed counsel in termination of parental rights cases. In the Interest of P.M. a Child No. 15-0171, the Texas Supreme Court found "Section 107.013(a) of the Texas

Family Code provides that "[i]n a suit filed by a 1 governmental entity . . . in which termination of the parent-child relationship . . . is requested, the court shall appoint an attorney ad litem to represent the interests of . . . an indigent parent .(See Appendix A) In the Interest of P.M. a Child No 15-0171 the Texas Supreme Court found: "But we have indicated generally, in other contexts, that exhaustion of appeals includes review sought in this Court. A few statutes appear to take the same view. We see no reason to depart from that view here. To the contrary, the right to counsel is as 6 important in petitioning this Court for review, and in our considering the issues, as in appealing to the court of appeals. Accordingly, we hold that the right to counsel under Section 107.013(a)(1) through the exhaustion of appeals under Section 107.016(2)(B) includes all proceedings in this Court.

12. The Second District Court of Appeals may have errored by not allowing the attorney to withdraw and reappointing counsel earlier, if there is fraud on the court the court is mandated to appoint a new attorney immediately. The Texas Supreme Court ruled in In the Interest of P.M. a Child: "Courts have a duty to see that withdrawal of counsel will not result in foreseeable prejudice to the client. If a court of appeals allows an attorney to withdraw, it must provide for the appointment of new the filing of a petition for review. Once appointed by the trial court, counsel should be permitted to withdraw only for good cause and on appropriate terms and conditions." See TEX. R. CIV. P. 10 And, according to Texas Rules of Appellate procedure the courts must dismiss this attorney see TEX. R. APP. P. 6.5

The attorney intentionally withheld evidence from the brief so the Petitioner case would not be reversed and remanded to Oklahoma. That was unethical of the attorney since all he had to do was to include the information that the Petitioner requested, and he refused. If the court appointed counsel filed a brief that does not meet the merits of the case under law the Petitioner may be granted another attorney and the right to resubmit another corrected brief that was not intentionally insufficient. See Case 386 U.S. 738 (1967) filing an appellate brief meeting the standards set in Anders v. California, and the standards set forth for the brief in Anders v. California has not been met in the case at par. (See Appendix C) Basically in the Anders v. California case the court held that this poor Petitioner had received subpar assistance from the court appointed attorney who also told him he had no case and the Court ruled

that his Fourteenth Amendment due process rights were violated. The court ruled:

"Counsel, appointed by a California appellate court on petitioner's motion to prosecute the appeal of his felony conviction, concluded after studying the record and consulting with petitioner that there was no merit to the appeal, and so advised the court. He also advised it that petitioner wished to file a brief in his behalf. Petitioner's request for another attorney was denied. He then filed a brief pro se and a reply brief to the State's response. The appellate court, after examining the record, affirmed the conviction. Six years later, petitioner, seeking to reopen his case on the ground that he had been deprived of the right to counsel on his appeal, filed in the appellate court an application for habeas corpus, which the court denied the same day. The court stated that it had again reviewed the record and determined the appeal to be "without merit" (but failed to say whether it was frivolous or not), and that the procedure here followed the California system for handling indigents' appeals approved by that State's Supreme Court as meeting the requirements of Douglas v. California, 372 U. S. 353. Claiming, inter alia, that the judge and prosecutor had erroneously commented on his failure to testify, petitioner filed with the State Supreme Court an application for habeas corpus, which that court denied without giving any reason for its decision.

Held: The failure to grant this indigent petitioner seeking initial review of his conviction the services of an advocate, as contrasted with an amicus curiae, which would have been available to an appellant with financial means, violated petitioner's rights to fair procedure and equality under the Fourteenth Amendment. Pp. 386 U. S. 741-745."

The Sixth Amendment's requirements for the right to counsel are made obligatory upon the States by the Fourteenth Amendment. Gideon v. Wainwright, 372 U. S. 335. P. 386 U. S. 742.

The Texas Supreme Court found that if the attorney was allowed to withdraw then the court must reappoint another attorney, in this case In the Interest of P.M. a Child: the filing of a petition for review. Once appointed by the trial court, counsel should be permitted to withdraw only for good cause and on appropriate terms and conditions. Mere dissatisfaction of counsel or client with each other is not good cause. Nor is counsel's belief that the client has no grounds to seek further review

from the court of appeals' decision. Counsel's obligation to the client may still be satisfied by filing an appellate brief meeting the standards set in Anders v. California, and its progeny. In light of our holding, however, an Anders motion to withdraw brought in the court of appeals, in the absence of additional grounds for withdrawal, may be premature. Courts have a duty to see that withdrawal of counsel will not result in foreseeable prejudice to the client. If a court of appeals allows an attorney to withdraw, it must provide for the appointment of new the filing of a petition for review. Once appointed by the trial court, counsel should be permitted to withdraw only for good cause and on appropriate terms and conditions."

VIII. THE TEXAS COURTS' DECISION TO LET STAND A STAUTORY SCHEDME GRANTING COURT-APPOINTED COUNSEL TO VIOLATES THE EQUAL PROTECTION CLAUSE AND CONFLICTS WITH THE HOLDINGS OF FOUR OTHER STATE SUPREME COURTS.

A. There could be a more serious issue here. If the Petitioner requested the attorney to be removed due to fraud on the court and intentionally withholding evidence from the court to divert the outcome of the case and the district court judge ignored the fraud there maybe a conspiracy of justice issue. And, the District court was advised of the fraud and stated in their opinion that they ignored it, they stated they filed all papers from the Petitioner and disregarded it, even the motion notifying them of fraud. Examples of fraud on the court include:

- Fraud in the service of court summons (such as withholding a court summons from a party)
- Corruption or influence of a court member or official
- Judicial fraud
- Intentionally failing to inform the parties of necessary appointments or requirements, in efforts to obstruct the judicial process
- "Unconscionable" schemes to deceive or make misrepresentations through the court system

As, stated earlier the Second District Court of Appeals may have errored by not allowing the attorney to withdraw and reappointing counsel earlier, if

there is fraud on the court the court is mandated to appoint a new counsel. The Equal Protection Clause forbids Texas from making a substantial procedural deviations. The state must grant competent and ethical legal counsel to the parent. Baxstrom v. Herold, 383 U.S. 107 (1966) In re Adoption of K.L.P 763 N.E. 2d 741 (2002) The court appointed attorney cannot intentionally lie to the parent to deceive them to cause them to lose custody of their children forever. In re S.A.J.B., 679 N.W., 2d 645 (Iowa 2004) There are serious problems regarding sufficient legal counsel for parents facing termination of parental rights cases. Matter of Adoption of K.A.S. 499 N.W. 2d 558 (N.D. 1993) Insufficient legal counsel would be a reason for review of a termination of a parental rights case. Zockert v Fanning, 800 P. 2d 773 (Or. 1990) Loving v. Virginia, 388 U.S. 1, 11 (1967)

CONCLUSION

Based on the Due Process Clause and the Equal Protection Clause, and this Court's decision in Wisconsin v. Yoder 406 U.S. 205 (1972), Meyer v. Nebraska, 262 U.S. 390, 399 (1923) In Lemon v. Kurtzman, 403 U.S. 602 and Suter v. Artist M. 503 U.S. 347 (1992) and the writ of certiorari should be granted. And, the court should review insufficient counsel due to fraud on the court, Mathews v. Eldridge 424 U.S. 319(1976), Enron Case, Bulloch v. United States, 763 F. 2d 115, 1121 (10th Cir. 1985) and Skelly Oil Co. v. Universal Oil Products Co., 338 Ill. App. 79, 86 N.E., 2d 875. Also, based on UCCJEA and ICWA issues the court must grant the writ of certiorari in hopes of keeping state jurisdictional laws and ICWA issues uniform in all states.

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