

19-7692

IN THE  
SUPREME COURT OF THE UNITED STATES

R.A.S. - PETITIONER

vs.

ORIGINAL

MONTGOMERY COUNTY PENNSYLVANIA  
OFFICE OF CHILDREN AND YOUTH - RESPONDENT

On Petition For Writ Of Certiorari to the Pennsylvania Supreme  
Court For the Third Circuit Of The United States Of America

**PETITION FOR WRIT OF CERTIORARI**

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10

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February 14, 2020

I.

**QUESTION PRESENTED**

Whether the right to a fair termination of parental rights proceeding include the right of an effective adjudication order, and whether the Supreme Court of the United States protect the Fundamental Constitutional rights of parent(s) invoked under 28 U.S.C. § 1257(a).

II.

**PARTIES TO THE PROCEEDING BELOW AND RULE 29.6 STATEMENT**

The Petitioner Ms. R.A.S., The Respondent Mother And The Appellant  
In The Courts Below.

The Respondent Is The State of Pennsylvania Office of Children and Youth,  
the Petitioner and Appellee in the Courts Below.

III.  
TABLE OF CONTENTS

	PAGE
QUESTION PRESENTED .....	i
PARTIES TO THE PROCEEDING BELOW AND RULE 29.6 STATEMENT .....	ii
TABLE OF AUTHORITIES CITED.....	iv
PETITION FOR A WRIT OF CERTIORARI.....	1
OPINIONS BELOW.....	1
JURISDICTION.....	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	2
STATEMENT OF THE CASE.....	3-6
REASONS FOR GRANTING THE WRIT.....	7-10
I.    The Pennsylvania Decision Conflicts with All Forty- Nine Other States Including Five of Pennsylvania's Contiguous States, while Including Nine of Their Own Pennsylvania Statutes .....	7
II.   Before The State Can Infringe on the Constitutional Protected Parent-Child Relationship, Due Process Requires an Adjudication Trial on the Parent's Fitness, and Challenging a termination of rights order is not an impermissible "collateral attack" On the trial courts exercise of Jurisdiction when the parent has effectively been denied an Adjudication Hearing.....	7-9
III.  The Pennsylvania Decision Below Cannot Be Reconciled with this Courts Previous Decision Regarding Fundamental Fairness in a Termination of Parental Rights Proceeding.....	10
IV.   The Question Presented is an Important And Recurring One, And This Case Is An Appropriate Vehicle For Reasoning it.....	10
CONCLUSION .....	11
INDEX TO APPENDICES.....	13
I.    APPENDIX A: The Opinion of The Highest Court To Review The Merits Appears at Appendix A In Re: B.M.S. Appeal of Mother R.A.S. at 1560 EDA 2019 dated : September 16, 2019 [Decision of state court of Appeals].....	1a-11a
II.   APPENDIX B: The opinion of the state trial court appears at Appendix B reported at orphan's court no. 2018-A0201 Dated: May 16, 2019 [Decision of state trial court].....	1b-30b
III.  APPENDIX C: The Date on which the highest court decided my case was on November 25, 2019, A copy of that decision appears at Appendix C. [Decision of state Supreme Court Denying Review].....	1c
IV.   APPENDIX D: A timely petition for rehearing was thereafter denied on the following date: December 24, 2019, and a copy of that order denying rehearing appears at Appendix D [Order of state Supreme court denying rehearing].....	1d

IV.

**TABLE OF AUTHORITIES CITED**

CASES	PAGE
<i>Troxel v. Granville</i> 530 U.S. 57 (2000).....	3
<i>Santosky v. Kramer</i> 455 U.S. 745 (1982).....	6
<i>Lassiter v. Department of Soc. Serve.</i> 452 U.S. 18, 25-26(1981).....	6
<i>Sanders</i> , 495 Mich at 422.....	3,6
<i>In Re: Wangler</i> 853 NW2d 402 (Mich. Ct. App. 2014).....	6
<i>In Re: Collier Docket No. 328172</i> .....	6
<i>In Re SLH, AJH, and VAH</i> , 277 Mich App 662, 668, 747 NW2d 547 (2008).....	6
<i>Ross v. Moffit</i> , 417 U.S. at 609.....	7
<i>Evitts v. Lucey</i> , 469 U.S. at 405.....	7
STATUTES	
28 U.S.C. § 1257(a).....	I, IV,1,6
U.S. Constitution Amendment XIV.....	2,3,4,5,6,7,9,10
U.S. Constitution Amendment V.....	6,7
Pa.C.S. § 2511 (a)(1).....	5,9
Pa.C.S. § 2511 (a)(2).....	3,5,8,9
Pa.C.S. § 2511 (a)(5).....	3,5,8,9
Pa.C.S. § 2511 (b).....	3,5,8,9
Pa. Stat. §16.9.3.....	2,5,7,8
Pa. Stat. § 6302.....	5,8
Pennsylvania Dependency Benchbook 6.2.....	6,8
Pennsylvania General Assembly Title 42 § 6340.....	8
Pa.Stat.Child Protective Services Title 42 § 6336(a)(17).....	9
Pa.Stat.Child Protective Services Title 42 § 6336(a)(18).....	9
Pa.Stat.Child Protective Services Title 42 § 6337.....	9
Pa.Stat. § 4906.1.....	9
Pa.63 Child Protective Services § 6375(k).....	10
JUDICIAL RULES	
Sup. Ct. R. 29.4.....	1
Sup. Ct. R. 29.6.....	ii
Sup. Ct. R. 29.....	12

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgement below.

**OPINIONS BELOW**

This case is from **state courts**:

The opinion of the highest court to review the merits appears at Appendix A to the Petition and is Reported at IN RE: B.M.S. Appeal of Mother R.A.S. or 1560 EDA 2019.

The opinion of the state trial court appears at Appendix B to the petition and is reported at Orphan's Court No: 2018-A0201.

**JURISDICTION**

This case is from **state courts**:

The date on which the highest court decided my case was November 25, 2019. A copy of that decision appears at Appendix C.

A timely petition for hearing was thereafter denied on the following date: December 24, 2019, and a copy of that order denying rehearing appears at Appendix D.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

The Pennsylvania Supreme Court entered its order on December 24, 2019. This Court Has jurisdiction Pursuant to 28 U.S.C. § 1257(a) consistent with this Courts Rule 29.4, a Copy of this petition has been Served on the Attorney General of Pennsylvania; Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., Washington, D.C. 20530-0001.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### **CONSTITUTIONAL PROVISIONS**

#### **U.S. Constitution Amendment XIV § 1**

Section 1 of the Fourteenth Amendment to the United States Constitution states in pertinent part 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 [.]

#### **U.S. Constitution Amendment XIV**

The equal protection Clause is apart of the Fourteenth Amendment to the United States Constitution, The Clause, which took effect in 1868 provides “Nor shall any State deny to any person within its jurisdiction the equal protection laws.”

U.S. Constitution Amendment V No person shall be deprived of Life, Liberty, or property without due process of law.

#### **Article 1 Pennsylvania Constitution**

##### **Section 1 Inherent Rights of Mankind**

All men are born equally Free and Independent, and have certain Inherent and Indefeasible rights, among which are those of enjoying and defending Life and Liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

#### **Article 1 Pennsylvania Constitution**

Section 26: No Discrimination by Commonwealth and it's Political Subdivisions: Neither the Commonwealth nor any Political Subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.

### **STATUTORY PROVISIONS**

#### **Pennsylvania Statute 16.9.3. Involuntary termination of parental rights;**

“It is essential that the statutory requirements of each section be met.”

#### **Pennsylvania Statute 16.9.3. Involuntary termination of parental rights;**

“The date of the referral to the agency, date of adjudication of dependency, History of placement(s), and copies of all court orders.”

## STATEMENT OF THE CASE

This case presents a violation to the Constitution in terminating Mother R.A.S. Parental Rights without Due Process of Law, also violating certain Constitutional Fundamental Rights and Liberty Interests. The Liberty interest at issue – The interest of Parents in the Care, Custody, and Control of their children “is perhaps the oldest of the Fundamental Liberty Interests recognized by this Court” *Troxel v. Granville* 530 U.S. 57 (2000) Holding that Parents have a Fundamental Right to control the upbringing of their children, and a law that allows anyone to petition a court for child visitation rights over parental objections Unconstitutionally infringes on this Right. Courts may not use a freestanding “best interest of the child” standard to overturn parental rights. Mother R.A.S. was suspended from visitation with her child B.M.S. under false allegations. The Child Protective services investigation results were Unfounded and the police Investigation was closed. Mother R.A.S. was deprived for ten months of parental visitation rights with her Child B.M.S. while Mother’s Parental Rights were intact; July 12, 2018 was the date the agency reported false allegations of Mother physically abusing her child in a taped visitation room, on July 24, 2018 visitation was suspended between mother and child due the CPS investigation of the agency’s false report, on August 10, 2018 was the date of the Unfounded report, the police investigation was closed. Mother’s parental rights are Protected By the U.S. Constitution Amendment XIV; The Pennsylvania Courts and Pennsylvania office of Children and Youth violated Mother’s parental rights. Due process of law has been deprived on the Fundamental rights of Mother R.A.S. *Sanders*, 495 Mich at 422 *State of Michigan Court of Appeals held that “A Sanders Challenge raised for the first time on direct appeal from an order of termination does not constitute a collateral attack on jurisdiction, but rather a direct attack on the trial courts exercise of its dispositional authority “Id at 609. In so holding Mich. State court of appeals recognized that Sanders “held that Due Process Protections prevent a trial court from entering dispositional orders – including orders of termination – against an unadjudicated respondent. Id at 669-670. Thus an unadjudicated respondent raising a challenge to the lack of adjudication on direct appeal from a trial courts order of termination is not collaterally attacking the trial courts exercise of jurisdiction, but rather is directly challenging the trial courts decision to terminate the respondents parental rights without first having afforded the respondent sufficient due process, i.e. an adjudication hearing at which the respondents fitness as a parent was decided [Id at 670].* . In this case Mother’s child was never adjudicated dependent. The termination of parental rights petition does not mention adjudication, nor does the trial court opinion, same goes for the state appellate non precedential decision. The state trial court abused its discretion of law by terminating Mother R.A.S. under Pa.C.S. §2511 a(2), a(5), and (b). Mother R.A.S. completed all of the goals on the Family Service Plan that resulted in Substantial Compliance at the sixth month period during the first permanency review hearing dated April 26, 2018 while birth father showed no progress towards compliance with The Family Service Plan at that same sixth month period during the first permanency review hearing, yet birth father’s parental rights are still intact, while birth father having full custody of their child B.M.S. The agency created three overlapped Family Service plans after Mother R.A.S. completed the first family service plan. Mother R.A.S. appealed the three overlapped family service plans to the Pennsylvania Bureau of Hearings

## STATEMENT OF THE CASE – *continued*

and Appeals in Harrisburg Pennsylvania; on January 16, 2019 The Pennsylvania Bureau of Hearings and Appeals Law Judge entered an order that DENIED the Pennsylvania Office of children and youth's motion to dismiss as the Agency did not provide any documentation in support of their motion; The statement of the case contains factual material to the consideration of the question presented; the statement is concise as this case has escalated as Petitioner's child was never adjudicated dependent. On September 28, 2017 the agency received a General Protective Services report from Abington Hospital; the allegation was "Inadequate Housing"

Petitioner did in fact have adequate housing. The Child Protective Services Investigation on the initial report was Invalid. The case was not warranted to be an open case. The agency forced Mother R.A.S. to work with Justice Works to work on parenting skills, without legal review, and with an Invalid General Protective Services Report. The Justice Works worker harassed Mother on a daily basis to go over "parenting skills" based on an Invalid General Protective Services report. On October 11, 2017 Petitioner's Child B.M.S. was not keeping down her formula, Child B.M.S. was vomiting her entire feed, Child B.M.S. lips were dry. Mother was concerned and contacted the Ambulance to have her daughter examined.

Paramedics rushed Petitioner's child and Petitioner to the Hospital as they traveled by Ambulance to the hospital at a Level 4 Trauma Alert. Child B.M.S. was examined by a Pediatrician in the Emergency Room and was diagnosed with dehydration and additional weightloss and Dispositioned to the pediatric unit for medical observation with concerns of acid reflux. Petitioner's child's formula was automatically switched to Similac Pro Sensitive for gas and acid reflux at the start of the medical observation on October 11, 2017. On October 12, 2017 the Justice Works worker was harassing Mother by text messaging her that she wanted to come to Petitioner's home to go over parenting skills based on the September 28, 2017 Invalid General Protective Services Report. Petitioner was clearly taken advantage of. Mother replied to the Justice Works worker stating that she was at the hospital with her daughter. Petitioner's Child and Petitioner were protected by hospital rights. There is no record of an alleged general Protective services report dated on October 12, 2017, as the agency and the Pennsylvania courts have stated. It was not legal for the office of children and youth to remove petitioners child from her medical observation under false allegations; alleging that "Mother brought her child to the hospital while child had no medical ailments." Dehydration and additional weightloss is considered to be a medical ailment that Child B.M.S. was diagnosed with in the Emergency Room by a Pediatrician followed by the disposition of admission to the pediatric unit for the medical observation. It is clear that the Pennsylvania office of children and youth violated Petitioner's Child B.M.S. and Petitioner's hospital rights, and violated the protected rights of parents under the U.S. Constitution Amendment XIV denying Mother of her due process rights. Petitioner's Child B.M.S. Incomplete Hospital discharge paperwork is proof that the Pennsylvania Office of Children and youth wrongfully interrupted Child B.M.S. medical observation while wrongfully removing her from her Mother R.A.S. without a Child Protective Service report.

### STATEMENT OF THE CASE - *continued*

In the Agency's "Petition for Involuntary Termination of Parental Rights for Birth Mother R.A.S. under Basis for Petitioner(s) standing: Legal and Physical guardian by Court Order dated October 13, 2017." This is a violation to Mother's parental rights, as not one soul attended the October 13, 2017 Hearing; October 13, 2017 was the date Petitioner's Child B.M.S. was removed from her medical observation with Incomplete Hospital Discharge paperwork and without a Child Protective Services Report. It is clear that the Agency and Pennsylvania State courts violated Mother's due process of law Constitutional rights protected under the U.S. Constitution Amendment XIV. The Agency petitioned to terminate Mother R.A.S. stating under "Pa.C.S. § 2511 a(1) The said R.A.S. by conduct continuing for a period in excess of six months immediately preceding the filing of this petition, has evidenced a settled purpose of relinquishing her parental claim and has refused or failed to perform parental duties as follows: (1) The Child was placed with OCY pursuant to an Order of the Montgomery County Juvenile Court on or about October 13, 2017, as a result of *inter alia* birth mother's mental health concerns and birth mother consistently subjecting the child to unnecessary medical testing, and domestic violence concerns.

(2) The said R.A.S. has failed and refused to carry out or meet the goals of the various Family Service Plans designed to enable reunification of the child with her, including but not limited to, failing to obtain stable housing, failing to cooperate with implemented services, and failing to have consistent and positive, appropriate visitation with the child, and failing to consistently attend counseling. (3) The said R.A.S. has failed to comply with the orders of the Juvenile Court. The Pennsylvania office of children and youth did not establish a legal basis in terminating the parental rights of birth Mother R.A.S. as the court did not accept to terminate Mother R.A.S. under Pa.C.S §2511a(1) while the agency did not file to terminate Mother in their Involuntary Termination of parental rights petition under Pa.C.S. § 2511 (b) with respect and consideration of the child, as that is a mandatory subsection to meet for termination of parental rights. The decision of the lower court is erroneous and it violates Pennsylvania Statute Ch.16.9.3. Involuntary termination "it is essential that the statutory requirements of each section be met " when terminating parental rights. In this case each section did not meet state statute requirements. Mother R.A.S. parental rights were terminated under PA.C.S. § 2511 a(2), PA.C.S. § 2511 a(5), and PA.C.S. § 2511 (b). In this case those grounds for termination is in violation as the agency petitioned the lower court to terminate Mother R.A.S. under PA.C.S. § 2511 a(1), PA.C.S. § 2511 a(2), PA.C.S. § 2511 a(5), and failed to petition the court under PA.C.S. § 2511 (b). Mother R.A.S. was not terminated under a(1). Therefore proving that each section did not meet the requirements of Pa. Stat. Ch. 16.9.3. as the Pennsylvania office of children and youth failed that Pennsylvania state statute requirement along with the state court's in the termination of Mother R.A.S. parental rights. Pennsylvania statute Ch. 16.9.3. "Include the date of the initial referral to the agency, date of adjudication of dependency, history of placement(s), and copies of all court orders assisting in building the record for the Judges decision." In this case the agency did not file a dependency petition, and did not file a CPCMS statewide form checking off a listing of the categories of dependency; the specific Pennsylvania subsection 6302 under which the Child's situation is covered "which generally are in the categories of neglect (including failure to thrive, parental incapacity) abuse (physical, sexual, emotional, or status offenses (truancy, incorrigibility, ungovernability)

## STATEMENT OF THE CASE – *continued*

There is also a subsection that applies to parents that parental rights terminated as to another Child. See also Pennsylvania Dependency Benchbook 6.2 Dependency. In this case these Categories do not apply to Mother R.A.S. the categories were never checked off by the agency as the agency did not file a petition for adjudication, therefore there was not a decreed consent order entered, violating Mother R.A.S. parental rights protected under the U.S. Constitution Amendment XIV. Under U.S. Constitution Amendment V No person shall be deprived of Life, Liberty, or property without due process of law. *Santosky V. Kramer* “*New York State's Standard of fair preponderance of the evidence for the revocation of parental rights, the state must satisfy a burden of at least clear and convincing evidence. Holding of a lower court reversed.*” In this case the Agency did not hold up to the standard of clear and convincing evidence. *Lassiter v. Department of Social Services* “*One of the rights guarantees under the Fourteenth Amendment is that of due process. In a general way it implies a procedure. A person cannot go to jail without a trial. A trial must contain a certain amount of elements and procedures to be considered within a citizen's constitutional right. This, however is the concepts general meaning. Its specific meaning has changed through the years evolving even into the twentieth century.*” In this case Mother R.A.S. was denied due process of law. *In Re Collier Docket No. 328172* Respondent challenges the adjudicative phase of the proceedings on multiple grounds. Respondent also questions whether the trial court clearly erred when it found statutory grounds for termination and concluded that termination was in the best interests of the child. We first consider respondent's contention that the referee violated his right to due process by proceeding in a default manner against him with regard to adjudication. “*Whether child protective proceedings complied with a parent's right to procedural due process presents a question of constitutional law, which we review de novo.*” *In re Sanders*, 495 Mich. 394, 403-404, 852 N.W.2d 524 (2014). *In re SLH, AJH, and VAH* 277 Mich. APP 662, 668, 747 NW2d 547, 2008 “*Respondent further argues that if the finding of jurisdiction is reversed, the subsequent order terminating his parental rights must necessarily be vacated. We agree.*” *In Re: Wangler* 853 N.W.2d 402 (Mich. CT. App. 2014) *Id.* “*During the adjudicative phase, the court determines “Whether the child is neglected within the meaning of [MLC 712A.2 (b)(2)]” and then orders the disposition or placement that comports with the Child's best interest.*” In this case Petitioner's child was not adjudicated dependent. The Superior Court of Pennsylvania erroneously erred their discretion of law by affirming the state trial courts order terminating Mother R.A.S. parental rights.

Petitioner respectfully provides a concise statement of the case containing factual material to the consideration of the question presented; Whether the right to a fair termination of parental rights proceeding include the right of an effective adjudication order, and whether the Supreme Court of the United States protect the Fundamental Constitutional rights of parent(s) invoked under 28 U.S.C. § 1257(a).

## REASONS FOR GRANTING THE PETITION

Certiorari is warranted to protect the due process right of biological parents; under the constitutional law, the right to parent would be considered a unenumerated right, protected from governmental interference by the Due Process Clauses of the Fifth and Fourteenth Amendments. Mother R.A.S. was denied Due Process of Law resulting in a violation of the Constitution of her parental rights. The Pennsylvania decision conflicts with the decision of all Fifty states. In contrast with Pennsylvania, those other states have expressly found that when a parent is faced with the termination of his or her Constitutionally protected parental rights the parent is entitled to Due Process of Law. The Pennsylvania decision further cannot be reconciled with this court's precedents requiring Fundamental Fairness in a termination of parental rights proceeding.

- I. The Pennsylvania Decision conflicts with Forty-nine other states, Including five of Pennsylvania's contiguous states, while including 9 of their own Pennsylvania statutes. The Fourteenth Amendment does require that the state appellate system be "Free of unreasoned distinctions" *Rinaldi v. Yeager*, 384 U.S. 305, 310 (1966), and that indigents have an adequate opportunity to present their claims fairly within the adversary system. In light of all of this, it is clear the judgement of the Pennsylvania Supreme Court violates the Fourteenth Amendment. It violates both The Equal protection, which emphasizes the disparity in treatment by a state among different individuals or classes of individuals, and it violates the Due Process Clause, which emphasizes an individual's Fair treatment at the hands of the state. See *Ross v. Moffit*, 417 U.S. at 609, *Evitts v. Lucey*, 469 U.S. at 405.
- II. Before the State can Infringe on the Constitutional protected Parent-Child relationship due process requires an adjudication trial on the parents fitness and challenging a termination of rights order is not an "impermissible attack" on the trial courts exercise of jurisdiction when the parent has effectively been denied an adjudication hearing. This Court's decision over the years in the relevant cases generally have emphasized both Clauses, although some cases focus on one rather than the other. In terms of the Due Process Clause, the state courts in Pennsylvania have treated the Petitioner unfairly, as a procedural matter, by taking away her Fundamental rights as a parent. The Petitioner's Life has been turned upside down by the state trial courts order terminating her rights, and her existence, as a parent to her child. Quite justifiably, she believes that decision is terribly wrong and she would like to exercise the right under the United States Constitution to Appeal it. The right to ask the Pennsylvania Supreme Court to vacate the order that terminated her parental rights, and to restore her as a parent to her child. Mother R.A.S. was denied Due Process of Law resulting in a violation of the constitution on her parental rights. The decision of the lower court is erroneous and it violates Pennsylvania Statute Ch.16.9.3. Involuntary termination "it is essential that the statutory requirements of each section be met " when terminating parental rights. In this

## REASONS FOR GRANTING THE PETITION – *continued*

case each section did not meet state statute requirements. Mother R.A.S. parental rights were terminated under PA.C.S. § 2511 a(2), PA.C.S. § 2511 a(5), and PA.C.S. § 2511 (b). In this case those grounds for termination is in violation as the agency petitioned the lower court to terminate Mother R.A.S. under PA.C.S. § 2511 a(1), PA.C.S. § 2511 a(2), PA.C.S. § 2511 a(5), and PA.C.S. § 2511 (b). Mother R.A.S. parental rights were not terminated under a(1). Therefore proving that each section did not meet the requirements of Pa. Stat. Ch. 16.9.3. as the Pennsylvania office of children and youth failed that Pennsylvania state statute requirement along with the state court's. Pennsylvania statute Ch. 16.9.3. “Include the date of the initial referral to the agency, date of adjudication of dependency, history of placement(s), and copies of all court orders assisting in building the record for the Judges decision.” In this case the agency did not file a dependency petition for adjudication, and did not file a CPCMS statewide form checking off a listing of the categories of dependency; the specific Pennsylvania subsection 6302 under which the Child's situation is covered “which generally are in the categories of neglect (including failure to thrive, parental incapacity) abuse (physical, sexual, emotional, or status offenses (truancy, incorrigibility, ungovernability) There is also a subsection that applies to parents that parental rights terminated as to another Child. See also Pennsylvania Dependency Benchbook 6.2 Dependency. In this case these Categories do not apply to Mother R.A.S. the categories were never checked off by the agency as the agency did not file a petition for adjudication, therefore there was not a decreed consent order entered. There is no mention of Adjudication in the opinion of the highest court that reviewed the merits of this case [ found in Appendix A to the petition and is reported at IN RE: B.M.S. Appeal of Mother R.A.S. or 1560 EDA 2019]. There is also no mention of Adjudication in the state trial court opinion [ found in Appendix B to petition and is reported at Orphan's Court No: 2018-A0201]. Pennsylvania General Assembly Title 42 § 6340. Consent Decree (a)—At any time after filing of a petition and before the entry of an adjudication order, the court may on motion of the District Attorney or of counsel for the child suspend the proceedings, and continue the child under supervision in his own home, under terms and conditions negotiated with the probation services and agreed to by all parties affected. The order of the court continuing the child under supervision shall be known as a consent decree. In this case counsel was not appointed for Petitioner's child until January 30, 2018. Petitioner's child was removed from her medical observation on October 13, 2017; with incomplete discharge paperwork. The agency filed a petition to Montgomery county Pennsylvania domestic relations on November 15, 2017 for Petitioner to pay the genetic testing fee for birth father while he was incarcerated, and for child support. On December 18, 2017 Montgomery County Pennsylvania Domestic relations Dismissed the complaint and the case was closed. In the trial courts

## **REASONS FOR GRANTING THE PETITION – *continued***

opinion pertaining to facts concerning birth father, the court does not mention the establishment of paternity, it only mentions “Birth father, C.J., was identified by birth mother but was incarcerated before the child's birth, until October 17, 2018.” In Pennsylvania when a child is born to a woman who is unmarried, there is no legal relationship between the father and the child. The father of a child born to an unmarried woman is not the father for legal purposes unless a valid acknowledgement of paternity (AOP) Form (PA/CS611) signed by both parents is on record. Mother R.A.S. did not sign a valid acknowledgement of paternity (AOP) Form, and there was not a court order to establish paternity while birth father was incarcerated. The most relevant ground for termination of parental rights alleged by the Pennsylvania office of children and youth is Pa.C.S. § 2511(a)(1), to satisfy the requirements of Pa.C.S. § 2511(a)(1) the petitioner (PA Office of children and youth) must produce clear and convincing evidence of conduct, sustained for at least the six months prior to the filing of the termination petition, which reveals a settled intent to relinquish parental claim to a child or a refusal or failure to perform parental duties. No evidence was presented that birth mother lacks the capacity to parent. The lower court did not terminate Mother R.A.S. under Pa.C.S. § 2511(a)(1). Therefore with respect to birth mother the grounds under Pa.C.S. § 2511(a)(2), (a)(5), and (b) cannot be established. Under Pennsylvania Statute Child Protective Services Title 42 §6336 Information in statewide database a(17) In the case of an Unfounded or Invalid Report, if it is later determined that the initial report was a false report, a notation to that effect regarding the status of the report and Pennsylvania statute Child Protective services Title 42 § 6336 a(18) Unfounded reports limited to the information authorized under Pa.Stat. Child Protective Services Title 42 § 6337 (relating to disposition and expunction of Unfounded reports and General Protective service reports. Pennsylvania statute § 4906.1 (relating to false reports of child abuse) or the names of persons who made a false report of the need for general Protective services. No information other than permitted shall be retained in the statewide database. Pa.Stat. § 6337 Disposition and Expunction of Unfounded reports. In this case the initial referral on September 28, 2017 to the agency was based on Inadequate housing reported from Abington Hospital. The report deemed to be Invalid, the agency opened the case without legal review. The agency also alleged on July 12, 2018 that Mother R.A.S. to have “physically harmed” her child in a taped visitation room. The report deemed to be Unfounded as the agency falsely alleged child abuse claims against Mother R.A.S. violating Mother's due process rights under the Fourteenth Amendment. By petitioning suspension of parental visitation rights under False allegations. The Fourteenth Amendment Also protects close Familial Relationships under its substantive Due Process Provisions.

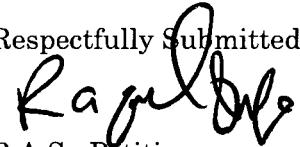
## **REASONS FOR GRANTING THE PETITION – *continued***

- III. The Pennsylvania decision below cannot be reconciled with this court's previous decisions Regarding Fundamental Fairness in a termination of parental rights proceeding. In each state where this issue has been presented a recurring question presents itself, that if a child is not adjudicated dependent, can parental rights be terminated. If a Child Protective Services (CPS) investigation determines that the allegation of child maltreatment is unsubstantiated (also referred to as Unfounded), this means that there is insufficient evidence for the caseworker to conclude that a child was abused or neglected, or that what happened does not meet the legal definition of Child Abuse or Neglect (See United States Safety, Permanency, Well Being and Child Information Portal). In this case Petitioner's Child B.M.S. was removed without a Child Protective Services report created, while Petitioner's Child B.M.S. was never adjudicated dependent, as the Pennsylvania office of children and youth did not file a dependency petition. Under Pa.63 Child Protective Services § 6375 County Agency Requirement For general Protective Services: (k) Adjudication of Dependency; the county Agency shall maintain Responsibility for petitioning the court necessary for the adjudication of dependency of a Child pursuant to Title 42 Pa.C.S.Ch.63 (relating to Juvenile matters) In this case the agency failed to obey Pa. Ch. 63 § 6375(k) in the fact that the agency never filed a dependency petition of adjudication.
- IV. The Question Presented is an Important And Recurring One, And This Case Is An Appropriate Vehicle For Reasoning it. Having giving primary consideration invoked under 28 U.S.C. § 1257(a)Final Judgements or decrees rendered by the Highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States. Mother R.A.S. parental rights were violated under the U.S. Constitution Amendment XIV without due process of law. The U.S. Constitution Amendment XIV does require that the state appellate system be “free of unreasoned distinctions.” The Pennsylvania Supreme Court entered an unreasoned order denying Petitioners Petition for Allowance of Appeal dated on November 25, 2019 [Appendix C] and entered another unreasoned order denying the Petitioner’s petition for Reconsideration dated on December 24, 2019 [Appendix D]. This case warrants a writ of Certiorari to issue a review.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted,



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