

19-8108

No. _____

ORIGINAL

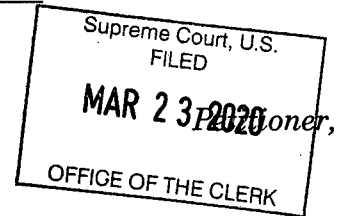
IN THE
Supreme Court of the United States

DANA ALBRECHT,

v.

KATHERINE ALBRECHT,

Respondent.



MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari in 8½ by 11 inch format without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has not previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's declaration in support of this motion is attached hereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dana Albrecht", written over a horizontal line.

DANA ALBRECHT

Petitioner Pro Se

131 D.W. Hwy #235

Nashua, NH 03060

(603) 809-1097

dana.albrecht@hushmail.com

March 23, 2020

DECLARATION IN SUPPORT OF

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, Dana Albrecht, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefore; and I believe I am entitled to redress.

1. I am presently unemployed and rely on financial support from my father in the form of loans.
2. I have been unemployed since April 8, 2016 at the commencement of this case.
3. I am presently divorced. My ex-spouse, Respondent in this case, is on SSDI.
4. I have minimal cash on hand. Please refer to the attached recent NH Financial Affidavit.
5. I have no substantial assets and substantial debt. Please refer to the attached NH Financial Affidavit.
6. I have no debts owed to me.
7. My adult son, Peter Albrecht, lives with me, and relies on me for support. I pay \$50 per month in child support to my ex-spouse for support of our other adult son Caleb Albrecht and two minor children.
8. Please refer to the attached NH Financial Affidavit for monthly expenses.

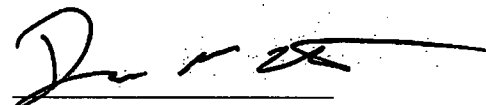
TOTAL MONTHLY EXPENSES EXCEED MY INCOME

9. Please see the attached report by my therapist, Dr. Hildreth Grossman, Ph.D.
10. I have been represented in the trial courts by Joseph Caulfield, Esq. (NH Bar #262). However, I cannot afford an appellate attorney, and have represented myself in the Supreme Court of New Hampshire and this Court. No attorney has assisted with the preparation of my petition in this Court for this case.
11. I anticipate reasonable printing, photocopying, and postage costs in connection with this case, and will be paying the costs thereof.

12. However, I cannot afford to pay for the typesetting, printing, and binding of 40 copies of my petition, and in particular, its appendix, in 6 $\frac{1}{8}$ -inch by 9 $\frac{1}{4}$ -inch booklet format pursuant to Rule 33.

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

Executed on March 23, 2020

A handwritten signature in black ink, appearing to read 'Dana Albrecht', written over a horizontal line.

DANA ALBRECHT

Petitioner Pro Se

Hildreth Y. Grossman, Ph.D.

Psychologist
License no. 2151 NPI #1326105404

122 Thorndike Street
Brookline, MA 02446 Mass

phone: 617. 277. 4449, fax: 866.575.1601
email: hygrossman@mindspring.com

May 6, 2019

The Honorable Bruce F. Dalpra
Nashua Family Court
30 Spring St.
Nashua, NH 03060

Re: 659-2016-DM-00288

Diagnosis: F34.1; F41.8 ICD 10

Dear Master DalPra:

Report on Dana W. Albrecht

HISTORY: I have seen Mr. Albrecht in psychotherapy since April 11, 2016. He came to therapy under severe stress caused by marital conflicts. At the time, his wife had taken out a restraining order after having the police come and remove him from their home. That began a series of court battles and police filings by Mrs. Albrecht in which Mr. Albrecht had to continually defend himself. The outcome of these accusations has been to exonerate Mr. Albrecht. Clearly the effect of having to continually defend himself against unwarranted accusations has exacerbated the stress, anxiety and depression Mr. Albrecht has struggled with through this process.

The couple went through a contentious divorce resulting in the judge allowing Mrs. Albrecht to take the children to California with her and stating Mr. Albrecht's right to talk with his children on the phone and maintain a visitation schedule with them. He is devoted to his children and although he was naturally upset at having his children taken to the other side of the country, he was comforted by the fact that he could maintain some regular contact with them. Mrs. Albrecht has disregarded these orders, taken the children's phones away and according to the children's reports they have been manipulated into believing that their father is a bad person and a danger to be near. Mrs. Albrecht has impaired the children's telephone communication and visitation. Mr. Albrecht has been horrified at his ex-wife's misrepresentation of him to the girls and the amount of control she exerts over the children. He has worked at a distance to help his son, Caleb get a birth certificate, social security number, and driver's license so that his son could look for employment and have proper papers. Mrs. Albrecht has fought the children having identifying papers from her religious perspective that this is the "mark of the beast." Mrs. Albrecht has also failed to provide adequate dental care to her daughter who had enormous dental problems. Approximately eight years ago Mrs. Albrecht was diagnosed with Stage 3/4 breast cancer with recurrent brain metastases. Mr. Albrecht is not aware of her current medical status although he has some concern that some aspect of her erratic behavior may be related to her medical condition.

At the time of their divorce, Mr. Albrecht intended to look for employment. Because he diverted his career to caring for the family business and finances, he has been out of the general workforce for a while. In order to return to his career, he would need to take additional courses and training opportunities. With the level of ongoing stress from having to return to court to be able to see his children, and to address his worries over the emotional state of his children, he has assumed almost a full-time effort to writing briefs and working on ways to remedy his dysfunctional family situation.

Mr. Albrecht's stress and strain emotionally and financially have made it difficult if not impossible to seek adequate employment. He has relied on the generosity of his father to support him through his tribulations. The oldest Albrecht son, Peter has chosen to spend time with his father working on university courses toward his bachelor's degree. Mr. Albrecht is enjoying spending time with Peter and working to restore their relationship. He has made it a point to avoid putting his son in the middle of the enduring difficulties between himself and Mrs. Albrecht. Peter was witness to some of the falsehoods Mrs. Albrecht rendered during a visit between the children and their father in California. Mr. Albrecht has avoided asking Peter to testify in court to eliminate the potential wrath by his mother for being disloyal.

Mr. Albrecht is a forthright person who works very hard in therapy and is always willing to look at himself as well as his situation in order to understand what has been happening to him. He has a deep and sincere need to know and tell the truth.

TREATMENT: Mr. Albrecht continues to be in what I call "Emergency Mode." He has been battling unfounded court battles initiated by his wife, the loss of his children, the demise of his marriage, the loss of some members of his community, humiliation, unemployment, and anxiety and depression that is exacerbated by these circumstances and fueled his trauma. We have discussed cognitive-behavioral procedures to manage his emotions. We also have been looking at why he put up with so much spousal controlling behavior and feelings of abuse, and what it means to have a good relationship and a voice. We have discussed the demands on his time, energy and emotions to be in a constant state of battle.

As I have gotten to know Mr. Albrecht over the past two years, I have always found him to be a very open person, able and willing to take responsibility for his own behavior. He wants to get his and his family's life back together and that also means having a job to support them. But until the battleground clears, he is not able to focus or concentrate on this important aspect of life. From Mr. Albrecht's perspective, this can't happen soon enough.

I have absolutely no reservations about Mr. Albrecht's appropriate, respectful, and protective behavior toward his children.

PROGNOSIS: Mr. Albrecht has a strong motivation to get his life in order. I experience him as very hard working in therapy. I believe that when access to his children is stable and follows the judgment in his divorce decree, and when he finds employment in a field of his expertise and interest, an enormous amount of anxiety and depression will lift. He is also willing to do more work looking at his acceptance of a harmful spousal relationship and work on how to look for and feel entitled to healthier and more rewarding connections.

Sincerely,



Hildreth Y. Grossman, Ph.D.

THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH

<http://www.courts.state.nh.us>

Court Name: 9th Circuit - Family Division - Nashua

Case Name: In the Matter of Dana Albrecht and Katherine Albrecht

Case Number: 659-2016-DM-00288
(if known)

FINANCIAL AFFIDAVIT

<p>1. General Information Name <u>Dana Albrecht</u> Street Address <u>3 Nightingale Rd</u> Town/City, State, Zip <u>Nashua, NH 03062-2122</u> Mailing Address, if different <u>131 D.W. Hwy #235, Nashua, NH 03060</u> Date of Birth <u>08/01/1971</u> Social Security Number _____ Highest Grade or Degree Completed <u>S.M. (Master of Science)</u> Date of Marriage <u>11/04/1996</u> Date of Separation or Divorce _____</p> <p>2. Children born to, or adopted by, the Parties (Full Name, DOB, and SSN) <u>Peter Albrecht, 07/15/1997, XXX-XX-3751</u> <u>Caleb Albrecht, 09/16/2000, XXX-XX-3758</u> <u>Sophie Albrecht, 05/02/2004, XXX-XX-8840</u> <u>Grace Albrecht, 12/22/2006, XXX-XX-0205</u></p> <p>2a. Number of people currently living in household including self: <u>2</u></p> <p>3. Employment Information Name, Address, and Phone Number of Employer <u>None</u> _____ _____ _____ Date and Place of Last Employment <u>Albrecht Media LLC</u> <u>Nashua, NH (April 7, 2016)</u> Job Skills <u>Information Technology</u> <u>Mathematics</u></p>	<p>4. Monthly Income - Miscellaneous AFDC, TANF, and Food Stamps \$ <u>0.00</u> Other Public Assistance \$ <u>0.00</u> Children's Income \$ <u>0.00</u> Child Support \$ <u>0.00</u></p> <p>5. Monthly Income Before Taxes Base Pay from Salary, Wages \$ <u>0.00</u> Overtime and Shift Differential \$ <u>0.00</u> Commissions, Tips, Bonuses \$ <u>0.00</u> Part-time Employment \$ <u>0.00</u> Self-employment \$ <u>0.00</u> Unemployment and Veteran's Benefits \$ <u>0.00</u> Disability, Workers' Compensation \$ <u>0.00</u> Pension and Retirement Benefits \$ <u>0.00</u> Social Security Benefits (SSA) \$ <u>0.00</u> Interest and Dividends \$ <u>0.00</u> Trust and Other Investment Income \$ <u>0.00</u> Rental Income and Business Profits \$ <u>0.00</u> All other sources \$ <u>0.00</u> Total Section 5 Monthly Income \$ _____</p> <p>6. Monthly Expenses Court Ordered Support for Others \$ <u>50.00</u> State Income Taxes \$ <u>0</u> Mandatory Pension \$ <u>0</u> 50% of actual self-employment taxes paid \$ <u>0</u> Health Insurance for Parties' Children \$ <u>479.00</u> Day Care for Parties' Children \$ <u>0</u> Total Section 6 Monthly Expenses \$ <u>529.00</u></p>
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7. Assets	Fair Market Value	Related Debt	Additional Information
Homestead	\$ _____	\$ _____	_____
Other Real Estate	\$ _____	\$ _____	_____
Primary Motor Vehicle	\$ _____	\$ _____	_____
Other Motor Vehicles	\$ _____	\$ _____	_____
Furniture and Appliances	\$ _____	\$ _____	_____
Checking Accounts	\$ _____	\$ _____	See attached Present Assets
Investments	\$ _____	\$ _____	_____
Life Insurance	\$ _____	\$ _____	_____
Business Interests	\$ _____	\$ _____	_____
Pensions	\$ _____	\$ _____	_____
Retirement Accounts	\$ _____	\$ _____	_____

Case Name: **In the Matter of Dana Albrecht and Katherine Albrecht**

Case Number: **659-2016-DM-00288**

FINANCIAL AFFIDAVIT

8. Additional Assets - If you have an interest in any property which is held solely by or jointly with any other person or entity, and which has not already been disclosed, or if you are owed money from any source, please explain

9. Tax Return Information

Year of last return filed **2018**

Single or joint return **Single**

My Total W-2s and 1099s = \$ **0**

☐ If Self-employed, check here and attach copy of most recent IRS Schedule C.

10. Insurance

Life

Company **USAA**

Type and Face Amount **20 Year Term: \$1,000,000**

Beneficiaries **Estate**

Health

Company **Anthem NH BCBS**

Type **PPO**

Description of Coverage

Private Health Insurance for Dana Albrecht (Subscriber)

Dental

Company **None**

Description of Coverage

None

14. Additional Information

11. Debts

Who is debt owed to?

Who owes debt?

Balance

\$

See attached list of Debts

\$

\$

\$

\$

12. Retirement Plans

Plan or Account Name **See attachments**

Type

Most Recent Value \$

Value at Filing \$

If Defined Benefit, status of vesting and description of Benefit

13. Attachments:

☐ Pay Stub

☐ Monthly Expenses

☐ Schedule C

☒ Other (describe) **Assets and Debts**

☐ Check here if parties agree to waive Monthly Expenses form.

I swear (affirm) that:

A. To the best of my knowledge and belief, I have fully disclosed all income and all assets having any substantial value; and

B. I have reasonably estimated the fair market value of each asset; and

C. I understand that I have a duty to update the information provided in this financial affidavit for each court hearing; and

D. I understand that if a support order is issued in this case obligating me to pay support, it shall be my responsibility to immediately provide the Court with any change of address in writing. If I fail to do so, I may be held in default, found in contempt of court and a warrant may be issued for my arrest. (See USO Standing Order SO-4C.)

E. **Rule 1.25-A Compliance -- Family Division Only: (Initial one)**

I have complied with Rule 1.25-A regarding mandatory disclosure; OR

I understand my obligation to comply with Rule 1.25-A regarding mandatory disclosure. I have not fully complied with Rule 1.25-A due to:

Date

Signature

State of _____, County of _____

The person signing this financial affidavit appeared and signed this before me and took oath that the statements set forth in this Financial Affidavit, together with any attachments listed in section 13 above, are true to the best of his or her knowledge and belief.

This instrument was acknowledged before me on _____ by _____

My commission expires: _____

Affix seal, if any

Signature of Notarial Officer / Title

I certify that on this date I provided a copy of this document to _____ (other party) or to

_____ (other party's attorney) by: ☐ Hand-delivery OR ☐ US Mail OR

☐ E-mail (E-mail only by prior agreement of the parties based on Circuit Court Administrative Order).

Date

Signature

Case Number: 659-2016-DM-00288

FINANCIAL AFFIDAVIT

NOTE: Round all numbers to the nearest dollar. To convert weekly expenses to monthly, multiply by 4.33.

[illegible]

THE STATE OF NEW HAMPSHIRE

General Instructions for Completing the Financial Affidavit Form NHJB-2065-F

- A. When this form is needed - You must fill out and file this form with the Court.
- If you are the petitioner or respondent in a divorce, legal separation, or civil union dissolution case.
If you are the petitioner or respondent in an after-divorce, custody/parenting, child support, or paternity case.
If either side is requesting child support or alimony or a change in an existing support or alimony order.
If a person's ability to pay an obligation is an issue.
Any other time that the Court may require.
- B. If you need more space for any answer, either add an attachment and note it at section 13, or use section 14. When using section 14, put in the number of the answer needing more space, and then the information.
- C. The importance of the oath - This form must be sworn to under oath and signed before a Notary Public or N.H. Justice of the Peace. All information must be true, accurate, and complete, to the best of your knowledge and belief, under the pains and penalties of perjury.
- D. Monthly Expenses form - You must always fill out and attach the Monthly Expenses form in the following cases.
- If child support is an issue and either side claims that the Child Support Guidelines should not apply.
 - If either side is requesting alimony or payment of college expenses.
 - If you and the other side do not agree how to divide your debts.
 - If either side requests it.
 - If the Court requires it.
- It is not required in *other* cases, if both sides agree by checking the box in section 13, or if the Office of Child Support Enforcement (OCSE) does not request it and the Court approves.
- E. Duty to Update - You must fill out and file a new Financial Affidavit for every hearing.
- F. Use of Forms - You may use the Financial Affidavit and Monthly Expenses forms provided by the Court or your own forms, as long as the format and content are identical to the Court version. You may design other attachments as you see fit.
- G. Child Support - If child support is an issue, read the Uniform Support Order and its Instructions.

Specific Instructions for Numbered Sections of the Financial Affidavit Form

1. General Information - *Street Address* means your complete residence address. If you have filed a Domestic Violence Petition, or if there are restraining orders, you do *not* have to give your address. The last two lines in section 1 apply only to divorce and post-divorce cases.
2. Children of the Parties - Fill in the first and last name, with middle initial, if any, for each child. Give date of birth and Social Security Number.
3. Employment Information - Fill in name, address and phone number of current employer. List date and place of last employment. List job skills.
4. Monthly Income - Miscellaneous - List all public assistance income, including AFDC, TANF, food stamps, SSI, APTD, and general assistance from town or county. If your dependent children receive income from employment, investments, or other sources, list it here. This income is *excluded* when calculating child support.
5. Monthly Income - Before Taxes - List *all* income, except from those sources specified in section 4. If you are paid weekly, multiply the weekly amount by 4.33 to get monthly. If you are paid every 2 weeks, multiply the bi-weekly amount by 2.17 to get monthly. If income is occasional or irregular, fill in the average amount.
6. Monthly Expenses - *Support for Others* means child support or alimony you are paying under court order for children other than the children of the parties, or for alimony for another ex-spouse. *Health Insurance* means the actual amount paid for medical insurance coverage for the children of the parties.

FINANCIAL AFFIDAVIT

7/8. Asset Information - You must list all of your assets in these sections. In section 7, the first column is for your good-faith estimate of the total fair market value of assets in each category. *Fair Market Value* is what you could sell an asset for, *not* the purchase price or replacement cost. It is not necessary to have every asset appraised. However, you must consider all factors known to you when stating values. The second column is to list any debts that are owed against the asset, such as a mortgage or a vehicle loan. You may put any additional information in the third column.

Motor Vehicles means cars, trucks, motorcycles, airplanes, boats, snowmobiles and the like.

Investments means savings accounts, certificates of deposit, stocks, savings bonds, other bonds, money market accounts, and the like.

Life insurance means the *cash value* of any life insurance policy that you own or have an interest in.

Pension means a defined benefit retirement plan. What you receive is based on years of service and pay.

Retirement Account means a defined contribution plan or other retirement account in your name.

Examples are: 401(k) plans, thrift/savings plans, Keoghs, IRAs.

The extra lines are for other categories of assets that are not listed on the form, or for providing more details on listed assets. You must list *all* assets. Assets include, but are not limited to, the following:

Any asset in which you have an interest, but that is being held in the name of someone else. For example, if a relative is holding money or an asset that you own, or can get back under any circumstances, you must include it.

Any assets that are owned partly by you and partly by someone else, such as a jointly owned bank account, motorcycle, or piece of real estate.

Any asset of substantial value that you either gave away or sold for less than fair market value, within 6 months of the date of the Financial Affidavit.

Any debt that anyone owes you, whether or not repayment is expected or likely.

9. Tax Return Information - Total W-2s and 1099s refer to those tax forms from work done by you and from assets in your name. Do *not* include those that result from your spouse's income.

10. Insurance - List all insurance coverage you have. *Description* means any deductibles and co-pays.

11. Debts - List all debts in your name or joint names. *Debt* means loans, credit cards, past due bills, and the like. For each debt, list the name of the person or business you owe the debt to, whether the debt is in your name or in joint names, and the amount currently owed.

12. Pension and Retirement Accounts - Name your retirement plans or accounts. On the second line, note if your retirement account is a 401(k) plan, profit-sharing plan, defined benefit plan, or other specific type of plan. A defined benefit plan is one where what you receive is based upon years of service and pay. *Value at filing* refers to the value of your retirement plan at the time the divorce was filed, and needs to be filled in only in divorce cases.

13. List of Attachments - Check off which forms and documents you are attaching to your Financial Affidavit. If the attachment is not listed, check off *other* and write in what it is.

14. Additional Information - Use this space to provide information that will not fit in prior sections and to provide additional information that you wish the Court to consider.

Certification of Copies - You must give a copy of your Financial Affidavit with all attachments to the other side. The *other side* means the lawyer representing your spouse, ex-spouse, or the other parent. If he or she does not have a lawyer, give it to your spouse, ex-spouse, or the other parent. If the State is a party, also give a copy to Office of Child Support Enforcement (OCSE). Write in the names of each person you have given a copy to.

Monthly Expenses - Section D above explains who must complete the Monthly Expenses form.

Attachment to Financial Affidavit of Dana Albrecht – 02-03-2020

Petitioner's Present Assets / Liabilities

Asset / Liability	Subtotals	Value
Real Property		
160 Acres CA Rural Land (does not have title)	0	0
Retirement Accounts in Dana's name		
E*Trade ROTH IRA 0431		1,291
E*Trade SEP IRA 4267		147
Goldstar Traditional IRA 5165		2,945
Optum Bank HSA		69
DANA RETIREMENT – TOTAL EQUITY	4,452	
Non-Retirement Investment Accounts in Dana's name		
E*Trade VLA Fund Brokerage 7838		1,505
Bank accounts in Dana's name		
Santander Checking 5993		25
Santander Money Market 1333		895
Wells Fargo Checking 9041		2
Wells Fargo Savings 3065		304
Wells Fargo Go Far Rewards		112
DANA – CASH ACCOUNTS / INVESTMENTS	2,843	
Debts – Credit Cards in Dana's Name		
Albrecht Media, LLC AMEX – 2007	(7,712)	(7,712)
Personal AMEX – 1003		(4,320)
Target REDcard 3096		0
Wells Fargo Platinum Card 2865		(7,168)
Wells Fargo Platinum Card 4652		(7,279)
Chase Freedom Card 3841		(5,073)
DANA – PERSONAL CREDIT CARD DEBT	(23,840)	
Debts – Dana's Medical		
Total Estimated	(4,000)	(4,000)
Personal Items in Dana's physical possession		
2011 Honda Accord		4,500
3 Nightingale Rd – Household Furnishings		8,000
DANA – PERSONAL ITEMS	12,500	
Debts – Loans from Dana's Dad		
Loan 1		(10,000)