

Appendix 1

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

**JOREL SHOPHAR and
SASUAH SHOPHAR,
Plaintiffs,**

**Case No.
5:19-cv-04052-HLT**

v.

**UNITED STATES OF AMERICA, et al.,
Defendants.**

MEMORANDUM AND ORDER

Plaintiffs Jorel Shophar¹ and Sasuah Shophar, proceeding pro se,² bring this action against various entities and individuals who, they contend, violated their constitutional rights when they “illegally” placed two of Plaintiff Jorel Shophar’s minor children in state custody. Plaintiffs seek a writ of habeas corpus directing that the children be returned to their custody and also assert claims under 42 U.S.C. § 1983 and a number of other federal statutes. This is at least the fourteenth lawsuit filed by Plaintiff Jorel Shophar in various state and federal courts stemming from these custody issues.³

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1. Plaintiff Jorel Shophar also purports to bring this action as “next friend” on behalf of his five minor children: J.S. (age 6) and B.S. (age 7), along with siblings E.S., Z.S., and R.S. (ages 3, 13, and 16, respectively). But “under Rule 17(c) and 28 U.S.C. § 1654, a minor child cannot bring suit through a parent acting as next friend if the parent is not represented by an attorney.” *Meeker v. Kercher*, 782 F.2d 153, 154 (10th Cir. 1986). The court should raise this issue sua sponte. *Oltremari by McDaniel v. Kan. Soc. & Rehab. Serv.*, 871 F. Supp. 1331, 1361 (D. Kan. 1994). Therefore, any claims asserted on behalf of these children are dismissed.
 2. Because Plaintiffs proceed pro se, their pleadings are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). The Court does not, however, assume the role of advocate. *Id.*
 3. In a case filed by Plaintiff Jorel Shophar in the U.S. District Court for the Eastern District of Michigan, the judge noted that Plaintiff Jorel Shophar had filed thirteen lawsuits arising out of his custody dispute—making this (at least) the fourteenth. *See Shophar v. Gorski*, 2018 WL 4442268, at *4 (E.D. Mich. 2018). Indeed, in that case, the judge—noting Plaintiff Jorel Shophar’s “disturbing litigation conduct”—entered a permanent injunction barring Plaintiff Jorel Shophar from filing any new federal actions in that district without obtaining leave of court. *Id.*

Defendants Kathleen Sloan, Erica Miller, Kansas Department of Children and Families, Stacey Bray, Richard Klein, KVC Health, Saarah Ahmad, and Kimberly Smith move to dismiss Plaintiffs' petition pursuant to Rules 12(b)(1) and 12(b)(6).⁴ Docs. 34, 57, 76. As more fully explained below, the Court finds that it lacks subject matter jurisdiction over the asserted claims and, therefore, dismisses this case without prejudice.

I. BACKGROUND

This action is essentially a challenge to a state court child custody order. Plaintiff Jorel Shophar and a woman named Krissy Gorski had two children together, identified herein as J.S. and B.S. On August 12, 2015, Gorski took the children away from Plaintiff Jorel Shophar, went to a safe home, and reported to various agencies that he was abusing her and the children. Ultimately, in September 2015, the District Court of Johnson County, Kansas placed J.S. and B.S. into custody of the Kansas Department of Children and Families ("DCF"); the children were accordingly placed with foster parents.

Although the petition is somewhat unclear on this point, subsequent to the initial September 2015 custody ruling, a Child in Need of Care ("CINC") case pertaining to the two children was initiated with

the state court. In connection with those proceedings, in an order dated April 22, 2019 (which Plaintiffs include in their petition), the state court found that J.S. and B.S. were “children in need of care” and ordered that they remain in state custody. A little over a month later, on May 24, 2019, Plaintiffs filed a “petition for emergency writ of habeas corpus,” naming as defendants a number of individuals and entities involved in the state court child custody proceedings: Kathleen Sloan (the judge who presided over the proceedings); Erica Miller (assistant district attorney:) DCF; Stacey Bray (DCF case worker); Richard Klein (guardian

4 Judge Sloan, Miller, DCF, and Bray also move pursuant to Rule 12(b)(5), alleging insufficient service of process as a basis for dismissal. *See* Doc. 34. But the Court notes that the docket reflects that Plaintiffs have since effected service on these defendants. Docs 49, 51, 52, 53. And, regardless, because the Court ultimately finds dismissal is warranted under Rule 12(b)(1) (*see supra* Part II), the Court does not reach the merits of this argument.

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ad litem); KVC Health (“KVC”) (a private child advocacy organization); Saarah Ahmad (KVC case worker); Kimberly Smith (KVC case worker); Marc Berry (Gorski’s court-appointed attorney); Paul LA Fleur (Plaintiff Jorel Shophar’s brother); and Teena and Nathan Wilkie (foster parents).

Plaintiffs also name the United States of America as a defendant to this case.⁵

Plaintiffs' petition—which is often nonsensical and difficult to understand—pertains to the alleged treatment of J.S. and B.S. while in state custody. Generally, Plaintiffs allege the children have been subjected to physical, sexual, and emotional abuse while in the custody of Gorski (who is not a defendant to this action) and their foster parents. Plaintiffs claim that B.S. nonetheless remains in the custody of his foster parents and that J.S. is currently in a “psychiatric hospital.” Although the exact nature of the claims in this action is somewhat difficult to decipher—indeed, Plaintiffs' petition references a laundry list of federal statutes and constitutional rights⁶—Plaintiffs ultimately appear to allege various due process violations stemming from the state court custody proceedings. Plaintiffs request monetary, injunctive, and declaratory relief, and also seek a writ of habeas corpus directing that J.S. and B.S. be returned to their custody.

II. ANALYSIS

Eight of the thirteen named defendants—namely, Judge Sloan, Miller, DCF, Bray, Klein, KVC, Ahmad, and Smith—now move to dismiss pursuant to Rules 12(b)(1) and 12(b)(6), arguing, generally, that the Court lacks subject matter jurisdiction over this action and that Plaintiffs fail to state a claim for

⁵ The Court notes that Defendants Berry, LaFleur, Teena Wilkie, Nathan Wilkie, and the United States of America are not parties to the pending motions.

⁶ The various statutes and provisions raised by Plaintiffs include: the “Child Welfare Act Victims of Abuse Act”; the “Interstate Compact Placement of Children”; the “Fostering Connections Success Act”; the “Victims of Abuse Act”; “Social Security Act IV-E”; 18 U.S.C. § 1519 (falsification of records); 18 U.S.C. § 1201 (kidnapping); 18 U.S.C. § 2258 (failure to report child abuse); (failure to report child abuse); 18 U.S.C. § 2261A(2)(B) (harassment); 28 U.S.C. § 4101 (defamation); 42 U.S.C. § 1983; and the Fourth and Fourteenth Amendments.

relief. Docs. 34, 57, 76. Because federal courts have an independent obligation to determine whether subject matter jurisdiction exists (even in the absence of a challenge from any party), the Court first addresses its jurisdiction. *See Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006); *Marcus v. Kan. Dep’t of Revenue*, 170 F.3d 1305, 1309 (10th Cir. 1999) (holding that where the court lacks subject matter jurisdiction, it “must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking”). In doing so, the Court finds that it lacks jurisdiction to consider Plaintiffs’ claims on three separate bases. The Court addresses each

jurisdictional defect in turn.

First, “it is well established that federal courts lack jurisdiction over the whole subject of the domestic relations of husband and wife, and parent and child.” *Gordon v. Respondent*, 2007 WL 628205, at *1 (D. Kan. 2007); *see also Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992) (noting that “[t]he whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the States and not to the laws of the United States”) (internal quotations omitted). This rule—known as the “domestic-relations exception”—means that “a federal court cannot ‘reopen, reissue, correct, or modify’ an order in a domestic-relations case.” *Alfaro v. Cty. of Arapahoe*, 766 F. App’x 657, 659 (10th Cir. 2019) (internal quotations omitted). Here, Plaintiffs’ petition—seeking a writ directing that J.S. and B.S. be returned to their custody—is essentially a request to “undo” the state court’s order placing J.S. and B.S. in state custody. Therefore, the relief Plaintiffs seek is, at least in large part, that the Court invalidate the child custody order entered by the state court, which is essentially a request to modify that order. The Court lacks jurisdiction to issue such relief.

Second, habeas writs are not available in child custody matters. Indeed, “federal habeas has never been available to challenge parental rights or child custody.” *Lehman v. Lycoming Cty. Children’s Servs.*

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U.S. 502, 511 (1982); *see also Roman-Nose v. N.M. Dep't of Human Servs.*, 967 F.2d 435, 436 (10th Cir. 1992) (“A state-court judgment involuntarily terminating parental rights cannot be collaterally attacked by way of a habeas corpus petition.”); *Braun v. Stovall*, 1996 WL 211737, at *1 (10th Cir. 1996) (holding that “[f]ederal courts do not have jurisdiction under § 2254 to consider collateral challenges to state child-custody decisions”). And the Supreme Court has recognized that “extending the federal writ to challenges to state child- custody decisions—challenges based on alleged constitutional defects collateral to the actual custody decision—would be an unprecedented expansion of the jurisdiction of the lower federal courts.” *Lehman*, 458 U.S. at 512 (emphasis added). Again, Plaintiffs’ challenge is essentially a request to “undo” the state court’s order placing Plaintiff Jorel Shophar’s children in state custody. But Plaintiffs cannot use federal habeas relief as a vehicle to undo the state court custody decision. And, similarly, the Court does not have jurisdiction to consider Plaintiffs’ claims for violations of due process collateral to that custody decision.

Third, and finally, the Court finds that, to the extent Plaintiffs contest actions taken by the state court in the underlying custody proceedings, it lacks jurisdiction to

consider such claims under the *Rooker-Feldman* doctrine. The *Rooker-Feldman* doctrine provides that federal district courts generally lack subject matter jurisdiction over claims that seek review of adverse state court judgments. *See D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 482 (1983) (“[A] United States District Court has no authority to review final judgments of a state court in judicial proceedings.”); *Rooker v. Fidelity Tr. Co.*, 263 U.S. 413, 416 (1923) (holding that “no court of the United States other than [the Supreme Court] could entertain a proceeding to reverse or modify [a state court’s] judgment for errors”); *PJ ex rel. Jensen v. Wagner*, 603 F.3d 1182, 1193 (10th Cir. 2010)

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“Because it implicates our subject matter jurisdiction, we address [whether] the *Rooker-Feldman* doctrine bars this entire § 1983 suit before turning to the merits of the case.”).

Specifically, the doctrine deprives federal courts of jurisdiction to consider a claim when the plaintiff—a “state-court loser”—is “complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.” *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005); *see also McDonald v. Colo.’s 5th Judicial Dist.*, 646 F. App’x 697, 699 (10th Cir. 2016). This prohibition extends to all state court

decisions, final or otherwise, and covers both claims actually decided by the state court and issues “inextricably intertwined” with such claims. *Atkinson-Bird v. Utah, Div. of Child & Family Servs.*, 92 F. App’x 645, 647 (10th Cir. 2004). To determine whether *Rooker-Feldman* applies, the Tenth Circuit instructs the district court to first identify the state court judgment that the court cannot undo or review in any way, and, second, determine whether the plaintiffs claim alleges injury caused by the state court judgment that the court would have to review and reject in order for the plaintiff to succeed. *McHenry v. Burch*, 2010 WL 5287732, at *4 (D. Kan. 2010) (citing *PJ ex rel. Jensen*, 603 F.3d at 1193-94).

The Court accordingly first identifies the state court actions it cannot undo or review: here, the child custody order related to J.S. and B.S. Second, the Court analyzes whether Plaintiffs’ asserted claims allege injury caused by that order that the Court would have to review and reject in order for Plaintiffs to prevail. Here, as discussed above, Plaintiffs request custody of the children and assert injuries related to the manner in which the state court custody proceedings were conducted. In other words, Plaintiffs’ claims are little more than a thinly disguised effort to overturn, or at least call into question the validity of, the rulings entered in the state court child custody proceedings. The relief Plaintiffs request is precisely the type of claim encompassed by

the *Rooker-Feldman* doctrine. The Court therefore may not consider Plaintiffs' challenges to the state court child custody proceedings and any such claim is barred.

For all of these reasons, the Court finds that it lacks subject matter jurisdiction over Plaintiffs' claims in this action and, accordingly, those claims are dismissed pursuant to Rule 12(b)(1) without prejudice.⁷⁸

III. CONCLUSION

THE COURT THEREFORE ORDERS that the Motion to Dismiss filed by Defendants Kathleen Sloan, Erica Miller, Kansas Department of Children and Families, and Stacey Bray (Doc. 34) is GRANTED.

THE COURT FURTHER ORDERS that the Motion to Dismiss filed by Defendants KVC Health, Saarah Ahmad, and Kimberly Smith (Doc. 57) is GRANTED.

THE COURT FURTHER ORDERS that the Motion to Dismiss filed by Defendant Richard Klein (Doc. 76) is GRANTED.

This case is hereby DISMISSED WITHOUT PREJUDICE against all Defendants for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Dated: December 9, 2019

/s/ Holly L. Teeter

HOLLY L. TEETER

UNITED STATES DISTRICT JUDGE

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- ⁷ Even to the extent this action is not subject to dismissal for lack of subject matter jurisdiction, Plaintiffs' claims also merit dismissal under Rule 12(b)(6) for failure to state a claim for the reasons set forth in the dismissal briefing. Docs. 34-35, 57-58, 76-77.
- ⁸ The Court's conclusion that it lacks subject matter jurisdiction requires dismissal of Plaintiffs' claims against all Defendants. Although all Defendants have not attacked the Court's jurisdiction (*see supra* note 5, noting that not all Defendants have moved to dismiss), the Court again notes its power to determine sua sponte that it cannot assert subject matter jurisdiction over this matter. *See Image Software*, 459 F.3d at 1048 (because federal courts have an independent obligation to determine whether subject matter jurisdiction exists, a court may sua sponte raise that question at any stage in the litigation). Finally, the Court also notes that the same arguments raised with respect to subject matter jurisdiction in this case apply equally to all Defendants, and Plaintiffs have had the opportunity to fully respond to those arguments.

United States District Court
-----DISTRICT OF KANSAS -----

JOREL SHOPHAR,
Next of Friends minor E.S., minor Z.S.,
Minor R.S., minor B.S., minor J.S.,
SASUAH SHOPHAR,
Plaintiffs,

v. **Case No: 5:19-CV-04052-HLT-KGG**

UNITED STATES OF AMERICA, KATHLEEN L.
SLOAN, ERICA MILLER, KANSAS
DEPARTMENT
OF CHILDREN AND FAMILIES, STACEY
BRAY, RICHARD KLEIN, MARC BERRY, KVC
HEALTH, SAARAH AHMAD, KIMBERLY
SMITH, PAUL LAFLEUR,
TEENA WILKIE, NATHAN WILKIE,

Defendants

JUDGMENT IN A CIVIL CASE

☐ Jury Verdict. This action came before the Court for a jury trial. The issues have been tried and the jury has rendered its verdict.

☒ Decision by the Court. This action came before the Court. The issues have been considered and a decision has been rendered. Pursuant to the Memorandum and Order (Doc. 81), judgment is entered in favor of the Defendants United States of America, Kathleen L. Sloan, Erica Miller, Kansas Department of Children and Families, Stacey Bray, Richard Klein, Marc Berry, KVC Health, Saarah Ahmad, Kimberly Smith, Paul LaFleur, Teena Wilkie and Nathan Wilkie against the Plaintiffs Jorel Shophar, next friends of minor E.S., minor Z.S., minor R.S., minor B.S., minor J.S. and Sasuah Shophar and this action is dismissed.

IT IS SO ORDERED.

TIMOTHY O'BRIEN
CLERK OF THE
COURT

Dated: December 9, 2019

/s/ M. Deaton
By Deputy Clerk

Appendix 2

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UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

JOREL SHOPHAR; SASUAH
SHOPHAR,

Plaintiffs – Appellants,

v.

UNITED STATES OF AMERICA
KATHLEEN L. SLOAN; ERICA
MILLER; KANSAS DEPARTMENT
OF CHILDREN AND FAMILIES;
STACEY BRAY; RICHARD KLEIN;
MARC BERRY; KVC HEALTH;
SAARAH AHMAD; KIMBERLY
SMITH; PAUL LAFLEUR; TEENA
WILKIE; NATHAN WILKIE,

Defendants – Appelles.

FILED
United States of
Appeals
Tenth Circuit

December 2, 2020

Christopher M.
Wolpert

N. 19-3281
(D.C. No. 5:19-
CV-040-HLT-KGG)
(D. Kan.)

ORDER AND JUDGMENT*

Before **HARTZ**, **McHUGH**, and **CARSON**,
Circuit Judges. __

Jorel and Sasuah Shophar, husband and wife, appeal from the district court's order holding that the federal courts have no power to grant or restore Mr. Shophar's

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

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custody over two children he fathered with a woman named Krissy Gorski. We have jurisdiction under 28 U.S.C. § 1291 and affirm.

I. BACKGROUND & PROCEDURAL HISTORY

This is the second time Mr. Shophar has brought

the matter of his and Ms. Gorski's children to our attention. *See Shophar v. City of Olathe*, 723 F. App'x 579 (10th Cir. 2018), *cert. denied sub nom. Shophar v. Kansas*, 140 S. Ct. 454 (2019). As we recounted in our prior disposition, Ms. Gorski left Mr. Shophar in August 2015, taking their children with her. *See id.* at 580. Kansas authorities investigated Mr. Shophar for domestic abuse, which he denied. *See id.* He in turn accused Ms. Gorski of prostitution, drug use, and extortion. *See id.* Eventually, Kansas placed the children in state custody. *See id.*

In November 2015 and April 2016, Mr. Shophar filed *pro se* lawsuits in the United States District Court for the District of Kansas, naming as defendants various persons, organizations, and governmental entities involved in these events. *See id.* At 580, 581. He attempted to allege numerous causes of action arising from the defendants' purported "support" of Ms. Gorski. *Id.* The district court dismissed both lawsuits for failure to state a claim. *See id.* at 581. We affirmed. *See id.* at 580–82.

In May 2019, Mr. Shophar, now joined by Mrs. Shophar, filed a new lawsuit in the United States District Court for the Northern District of Illinois. They captioned their complaint "petition for emergency writ of habeas corpus" and invoked two federal habeas statutes, 28 U.S.C. §§ 2241 and

2254. R. at 13 (capitalization normalized; emphasis omitted). Claiming next-friend status to Mr. Shophar's

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children with Ms. Gorski, the Shophars argued that the children were “illegally being held in the State of Kansas as wards of the State of Kansas.” *Id.* (capitalization normalized; emphasis omitted). The Shophars named as defendants:

- ☐ the United States, which has allegedly failed to supervise the state and local agencies that receive federal child-welfare funding;
- ☐ Johnson County, Kansas, where child-custody proceedings took place;
- ☐ Kathleen L. Sloan, judge of the Johnson County District Court, who presided over the child-custody proceedings;
- ☐ the Kansas Department of Children and Families (DCF);
- ☐ Stacey Bray, a DCF caseworker;
- ☐ KVC Health, a child-advocacy group and DCF

contractor;

- ☐ Saarah Ahmad, a KVC Health caseworker;
- ☐ Kimberly Smith, also a KVC Health caseworker;
- ☐ Erica Miller, a Johnson County assistant district attorney involved in the child-custody proceedings;
- ☐ Richard Klein, the children's guardian ad litem;
- ☐ Marc Berry, Ms. Gorski's court-appointed attorney;
- ☐ Paul LaFleur, Mr. Shophar's estranged brother who participated in the custody proceedings;
- ☐ Teena Wilkie, a friend of Ms. Gorski who became a foster parent for the children; and
- ☐ Nathan Wilkie, Teena's husband, who also became a foster parent for the children.

The Shophars accused the defendants of violating the children's Fourth and Fourteenth Amendment rights, Mr. Shophar's Fourth and Fourteenth Amendment rights, several statutes relating to child welfare and civil rights, and certain federal criminal

statutes. In addition to habeas relief for the children, the Shophars sought various forms of injunctive and declaratory relief, and damages from at least DCF, KVC Health, LaFleur, and the Wilkies.

A little more than a month after the complaint was filed, the Northern District of Illinois transferred the case to the District of Kansas, stating that “[t]he sole venue for a 28 U.S.C. § 2241 habeas corpus petition is the judicial district where the individuals whose release are being sought are located.” R. at 65. Following transfer, eight of the fourteen defendants moved to dismiss. The district court granted those motions and dismissed all defendants without prejudice, including those who had yet to appear or move for dismissal. The district court held that it must dismiss all claims brought by the Shophars purportedly on the children’s behalf, because “a minor child cannot bring suit through a parent acting as next friend if the parent is not represented by an attorney.” *Meeker v. Kercher*, 782 F.2d 153, 154 (10th Cir. 1986) (construing Fed. R. Civ. P. 17(c)). *But cf. Adams ex rel. D.J.W. v. Astrue*, 659 F.3d 1297, 1301 (10th Cir. 2011) (holding that this rule does not apply to parents of children appealing a denial of Social Security benefits). And it said that it lacked jurisdiction over the claims brought by the parents themselves for three reasons: (1) federal courts have

no jurisdiction over child-custody disputes, *see* 3E Charles Alan Wright et al., *Federal Practice & Procedure* § 3609.1, text following n.32 (3d ed., Apr. 2020 update) (“[Despite recent cases cutting back on the scope of the domestic relations exception,] child custody generally is a matter that should be viewed as being at the heart of the domestic relations exception so that only special circumstances should bring it within the purview of the jurisdiction of a federal court.”); (2) the writ of habeas corpus does not extend to child-custody determinations, *see Lehman v. Lycoming Cty. Children’s Servs. Agency*, 458 U.S. 502, 511 (1982) (“federal habeas has never been available to challenge parental rights or child custody,” including the custody of foster or adoptive parents over a child); and (3) the *Rooker-Feldman* doctrine prohibits federal courts (other than the Supreme Court) from reviewing state-court decisions, such as the child-custody decisions at issue here, *see D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 42 (1983).

II. ANALYSIS

We review a district court’s real-party-in-interest rulings for abuse of discretion. *See Esposito v. United States*, 368 F.3d 1271, 1273 (10th Cir.

2004). We review de novo a district court's conclusion that it lacks subject-matter jurisdiction. *See Colo. Envtl. Coal. v. Wenker*, 353 F.3d 1221, 1227 (10th Cir. 2004).

In response to the district court's decision prohibiting them from acting as next friends to their children, the Shophars assert, without elaboration, that "[the children's] cases can be brought by their adult Next Friend when filing a Habeas Corpus for

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State or Federal cases." Aplt. Opening Br. at 9. "[S]tray sentences like these are insufficient to present an argument." *Eizember v. Trammell*, 803 F.3d 1129, 1141 (10th Cir. 2015).

The Shophars fail to even give us a lead to authority that might support their assertion. They therefore waive whatever challenges they may have had to this basis for dismissal. *See Adler v. Wal-Mart Stores, Inc.*, 144 F.3d 664, 679 (10th Cir. 1998) ("Arguments inadequately briefed in the opening brief are waived . . .").

The Shophars similarly fail to present an adequate argument that their claims for declaratory or injunctive relief are not barred by the district

court's first two grounds for holding that it lacked jurisdiction: the doctrines that habeas jurisdiction does not extend to questions of child custody and that federal courts ordinarily lack jurisdiction to decide child-custody questions. Their challenges to those rulings are limited to an attack on the district court's underlying premise, *i.e.*, that this lawsuit is fundamentally a child-custody dispute. *See* Aplt. Opening Br. at 4 ("The Action is not a challenge to a State custody order"); *id.* at 6 ("The Court errs to document the Appellants are looking to overturn a custody ruling."); *id.* at 8 ("The Plaintiffs are not [asking] the Federal Court of Kansas to 'return to their custody.'" (brackets in original)); *id.* at 13 ("This case i[s] not a 'custody' matter between a father and a mother."). This is so, they explain, because "[Mr. Shophar] has custody of his children by DEFAULT of Krissy Gorski's criminal conduct." *Id.* at 6. The Shophars appear to be saying that Gorski has forfeited custody by operation of law, so an order

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returning the children to Mr. Shophar would not interfere with a state-court custody order.

This attempt at clever lawyering fails. There is no reasonable way to read the Shophars' complaint (however obscure much of the language is) as anything but an attempt to obtain custody of the children (and seek damages, which will be addressed shortly). To the extent that the complaint seeks an injunction to give Mr. Shophar custody of the children or seeks a declaration that he is entitled to that custody, the district court lacked jurisdiction to resolve the merits.

There remain the damages claims in the complaint. But as best we can decipher that pleading, all the alleged damages suffered by the Shophars resulted from the court decisions regarding custody. In other words, an essential element of their damages claims is that the state courts' various custody decisions were in error. And this court has recognized that a claim is barred by *Rooker-Feldman* when the "claim has merit only if the state-court . . . order was unlawful." *Campbell v. City of Spencer*, 682 F.3d 1278, 1284 (10th Cir. 2012). The Shophars' arguments against application of *Rooker-Feldman* amount to little more than complaints that they have been wronged by violations of federal law and a federal court must therefore afford them relief. But the lower federal courts have no authority—that is, no jurisdiction—to give relief from-court judgments, whether the Shophars participated in the state court proceedings (and presumably lost) or were mere

interested bystanders. The district court's application of *Rooker-Feldman* was correct.

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Finally, if there is any respect in which the Shophars' claims fall outside the reasons for dismissal relied upon by the district court, they have not explained it to us. When faced with a similar situation, where the plaintiff had "made her complaint unintelligible by scattering and concealing in a morass of irrelevancies the few allegations that matter," we stated that "it hardly matters whether the district court dismissed [plaintiff's] complaint because it believed all of her claims were barred by *Rooker-Feldman* or simply because it could not separate the wheat from the chaff." *Mann v. Boatright*, 477 F.3d 1140, 1148 (10th Cir. 2007) (internal quotation marks omitted). Then, as here, "[i]t was not the district court's job to stitch together cognizable claims for relief from the wholly deficient pleading that [plaintiff] filed. As we have frequently noted, we are loath to reverse a district court for refusing to do the litigant's job." *Id.*

We conclude that the district court properly

dismissed without prejudice all claims for the reasons it expressed.

III. CONCLUSION

We affirm the district court's judgment.

Entered for the Court

Harris L Hartz
Circuit Judge

Appendix 3

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

Jorel Shophar and)	
Susauh Shophar,)	
Petitioners,)	Case No. 19 C 3512
v.)	Judge Charles R. Norgle
)	
United States of)	
America, et al.,)	
Respondents)	

ORDER

This case is transferred forthwith to the United States District Court for the District for Kansas, Topeka, Kansas for preliminary consideration. The Clerk is instructed to close this case number on this Court's docket.

STATEMENT

Petitioners Jorel and Susauh Shophar bring this *pro se* habeas corpus action under 28 U.S.C. § 2241 seeking the release of Jorel Shophar's children. The children are located in Kansas where they are wards

of the state. The case's only connection to Illinois is that Jorel and Susauh Shophar reside in Illinois.

The solve venue for a 28 U.S.C. § 2241 habeas corpus petition is the judicial district where the individuals whose release are being sought are located. *Webster v. Daniels*, 784 F.3d 1123, 1144 (7th Cir. 2015) (en banc) (citing *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004)). The children are in Kansas, not Illinois. This case may only be brought before the United States District Court for the District of Kansas. 28 U.S.C. § 96.

Although the case cannot be brought before this Court, the case maybe transferred to the District of Kansas pursuant to 28 U.S.C. §1631. Consequently, the Court transfers this action forthwith to the United State District Court of Kansas, Topeka, Kansas for preliminary consideration. The Clerk is instructed to close this case number on this Court's docket.

Date: 6-27-19

/s/ Charles Norgle

Appendix 4

IN THE DISTRICT COURT OF JOHNSON COUNTY,
KANSAS
Child In Need of Care Proceedings Under
Chapter 38 of K.S.A.

In the Interest of

J [REDACTED] S [REDACTED] Case No. 18JC00230
Date of Birth [REDACTED]

B [REDACTED] S [REDACTED] Case No. 18JC00229
Date of Birth [REDACTED] Division 10

JOURNAL ENTRY

NOW ON this 3rd day of April, 2019, the above-captioned cases come on for review before the Honorable Kathleen L. Sloan, Judge of the District Court, presiding.

Appearances are as follows: The State of Kansas appears by Assistant District Attorney Erica A. Miller; the minor children appear naught but by Court appointed *Guardian ad Litem*, Richard P. Klein; the mother appears naught, but by Court appointed counsel, Marc H. Berry; the father appears by telephone, *pro se*; Teena Wilkie, placement, appears in person, *pro se*; the paternal aunt and uncle appear in person, *pro se*. DCF is represented by Stacey Bray and Amanda BainWysocki and KVC is

represented by Saarah Ahmad.

The Court upon review of the file, finds and concludes that all parties have been properly noticed and served pursuant to the statute.

Previously, on October 18, 2018, the mother entered a no contest statement that the children are children in need of care pursuant to K.S.A. 38-2202 (d)(2), which is accepted by the Court as freely, voluntarily, and upon advice of counsel made. That same date, the *Guardian ad Litem* entered a stipulation that the children are children in need of care pursuant to K.S.A. 38-2202 (d)(1); (d)(2); (d)(3) and (d)(11).

Now, on the 3rd day of April, 2019, the State presents evidence as to the father in the form of sworn testimony and rests. No other parties present evidence. The Court permits the father to listen to the trial by telephone, but he is not permitted to testify because he has not made arrangements to be sworn and was given adequate notice of the trial date in order to make arrangements to be sworn or

Clerk of the District Court, Johnson County Kansas
04/23/19 09:19am DM

appear in person.

Based upon the evidence presented by the State, the stipulation of the *Guardian ad Litem*, the no contest statement of the mother and the acceptance of the facts outlined in the petitions, the Court finds and concludes, by clear and convincing evidence, that the children are children in need of care pursuant to K.S.A. 38-2202 (d)(1); (d)(2); (d)(3) and (d)(11). The Court adjudicates the same. The Court then permits the father to speak to the Court. He objects to the procedure of trial, which is noted and overruled by the Court. The Court finds good cause to set out disposition. The Court grants the State's Motion to Dismiss Appeal. The Court takes up the father's Motion to Send Children to Sasuah Shophar to State of Illinois and denies the motion. The Court next takes up the fathers Motion to Return Children to Jorel Shophar to State of Michigan – ICPC. The Court takes the motion under advisement, but agrees that if the father provides his home address to the court then the Court will issue a Regulation 7 ICPC order.

The Court further finds that all previous orders of the Court remain in full force and effect. The Court further orders that the child remains in DCF custody.

The Court finds and concludes the matter should be and is hereby continue May, 2019, at 1:00 P.M. in Division 10 disposition.

IT IS SO ORDERED

/s/ KATHLEEN SLOAN

Dated: 04/22/19

JUDGE OF THE DISTRICT COURT

Division No. 10

RESPECTFULLY SUBMITTED BY:

/s/ ERICA MILLER

Dated: 04/22/19

Erica A. Miller, #24544/rae

Clerk of the District Court, Johnson County Kansas

04/23/19 09:19am DM

Appendix 5

IN THE DISTRICT COURT OF JOHNSON COUNTY,
KANSAS

Child In Need of Care Proceedings Under
Chapter 38 of K.S.A.

In the Interest of:

B [REDACTED] S [REDACTED] Case No. 18JC00229
DOB: [REDACTED] A MALE CHILD UNDER AGE OF 18 YEARS
Division 10

ORDER

ICPC REGULATION 7 EXPEDITED PLACEMENT
Pursuant to K.S.A 38-1201 et. seq.

NOW ON THIS 19th day of September, 2019, the motion pursuant to Regulation 7 promulgated pursuant to K.S.A. 38-1202, Article VII of the Interstate Compact on the Placement of Children (ICPC); comes on for hearing before Judge **KATHLEEN SLOAN.**

The Court finds that jurisdiction and venue are proper. Notice to parties, interested parties and those required to receive notice has been given as required by law. The Court, having heard evidence, reviewed exhibits including required by Paragraph 7 of Regulation 7, considered the statements of parties and/or the parties being in agreement, finds as follows:

1. Pursuant to Article III (d) of the Compact, the child noted above may only be placed in

another states after receipt of written notification from the receiving state that the proposed placement does not appear to be ☐contrary of the interests of the child.

2. Pursuant to Article V(a) of the ICPC, Kansas retains jurisdiction over any child placed until the child is adopted, reaches the age of majority, becomes self-supporting, or is discharged with concurrence of the appropriate authority in the receiving state continues to have financial responsibility for support and maintenance of the child during the period of placement in the receiving state.

THE COURT FURTHER FINDS Jorel Shophar is the proposed placement resource in the receiving state of Illinois and is the parent of the child. The child meets one or more of the requirements pursuant to paragraph 5 of Regulation #7:

- a. The child is in need of care due to sudden or recent incarceration, incapacitation or death of a parent or guardian; incapacitation means a parent or guardian is unable to care for a child due to an unexpected medical, mental or physical condition of a parent or guardian.

OR

- b. at least one of the children sought to be placed

with the same proposed placement resource is four years or younger;

☐

*Clerk of the District Court, Johnson County Kansas
09/19/19 2:45pm JL*

OR

c. ☒ the court finds that B [REDACTED] S [REDACTED] is one of the children in a sibling group sought to be placed and has substantial relationship with the proposed placement resource; substantial relationship means the proposed placement has spent more than cursory time with the child, is known to the child, and has established more than minimal bond with the child;

OR

d. the child is currently in an emergency placement.

THE COURT FURTHER FINDS it is in the best interest of the child to seek:

- ☐ a. (X) Approval for provisional placement of the child noted above in the receiving state pending a more comprehensive home assessment of the potential placement resource by the receiving state an expedited placement decision regarding final placement of the child, or
- b. () A comprehensive home assessment of the potential resource in the receiving state and an expedited placement decision without a provisional placement of the subject child, or
- c. () Approval for a provisional placement with a parent from whom the child was not removed

and concurrence to relinquish jurisdiction upon
final approval.

This matter set for hearing on the 2nd day of October,
2019, at 8:30 a.m.

IT IS SO ORDER.

/S/ Kathleen Sloan
Judge of the District Court

Submitted by:

/S/ Erica Miller
Erica Miller
Assistant District Attorney
Johnson County, Kansas
100 North Kansas, Ave, Olathe, KS 66061
913153102, FAX 715-3040
ERICA.MILLER@JOCOGOV.ORG

Clerk of the District Court, Johnson County Kansas
09/19/19 2:45pm JL

Appendix 6

**SHELDON COTLER, PH.D. ROBERT L
DAVENPORT, PH.D. JACK JOSEPH, PH.D.
LICENSED CLINICAL PSYCHOLOGISTS
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Forensic Mental Health Evaluation

Name: Jorel Shophar

Date of Birth: [REDACTED]

Dates of Evaluation: February, March, 2020

Examiner: Jack Joseph, P.h.D. Clinical Psychologist

Date of Report: March 21, 2020

Referral & Background Information

Jorel Shophar was referred for a forensic mental health examination in response to a requirement by Kansas state officials that he pursue such an evaluation. The purpose of this evaluation is to assess for any mental health factors that might indicate a mental health risk for Mr. Shophar to perpetrate violence with any children in his care. He had undergone a similar evaluation about four years ago by Dr. George Athey, Jr., a clinical psychologist. In his report dated February 1, 2016, Dr. Athey

concluded that “(1) there are not mental health or cognitive concerns to suggest risk for the type of behavior that has been alleged, (2) the client maintains a well-developed and benevolent orientation to human relationships, (3) there are no indications of any attempt to dissimulate mental health or to hide mental illness or violent tendencies.” Dr. Athey went on to opine “it is my opinion, within a reasonable degree of psychological certainty, that the client poses no risk to his children from the nature of his psychological adjustment and state of mental health.” His recommendation were as follows: “There are no indications of need for treatment to correct any mental health problems that would otherwise compromise his safety with his children.”

Tests Administered & Information Sources

Adult Self Report Questionnaire

Daily Stress Index

Reynolds Intellectual Assessment Scales

Adult Retrospective Self-Concept Scale

Parenting Stress Index – 3rd Edition

Paulus Deception Scale

Thematic Apperception Test

Clinical Interviews

Collateral Witness Interviews

Sasuah Angel Shophar (wife of 20-years)

Shophar Children Ages 17, 14, 5

Review of Records

Dr. George Athey, Jr., Report – February 1, 2016

Johnson County, Kansas Court Records–April 3,

2019

Summary & Recommendation

Jorel Shophar is a 46-year-old African American male who is the owner of a security firm. He came across in multiple clinical interviews and during psychological testing as a calm, even-measured, and articulate individual who was personable, circumspect, and quite open with this examiner throughout the testing sessions. He is a very confident individual with a strong and stable sense of self-worth. Jorel has also been tenacious in his efforts to be reunited with his two biological children, J [REDACTED] (born in 2011) and B [REDACTED] (born in 2013). Both children are currently wards of the state of Kansas and are the biological product of a brief relationship with another woman that he had had been involved with in Kansas. Jorel and Angel would like to gain custody of these children, be reunited with them, and raise them to adulthood. They have not seen them for nearly three years. Jorel is certain that both of these

children have had traumatic experiences when with their biological mother, with various foster parents, and in institutions run by the state of Kansas.

Jorel and Angel were married in 2000 and have been in a close relationship ever since. This couple have three biological children ages 17, 14, 5 years old whom they've raised together. This examiner has met and interviewed their three children on multiple occasions and have found them to be delightfully charming well-behaved, responsible, and respectful at all times. Angel Shophar has also been interviewed by this examiner. Angel is a soft-spoken, gentle natured, and kind individual who has been a wonderful mother to her three children and a great partner to Jorel.

Results of the psychological testing on Jorel suggest that all three of his children have been easy to raise. Furthermore, Jorel comes across as being an intelligent, open, energetic individual who manages the stressors in his life quite effectively and has very positive self-esteem. In short, Jorel is a well-adjusted adult who does not qualify for any DSM-5 diagnosis. Jorel is also strongly committed to his other two children, J[REDACTED] and B[REDACTED], who are still wards of the state of Kansas. Jorel and Angel are very concerned for the welfare of these two children and have been willing to expend whatever resources that

are required in order to have them join the Shophar family, and thus grow up in a stable, loving home. Jorel and Angel are also prepared to provide J [REDACTED] and B [REDACTED] any and all services that they may require in order to recover from their past traumatic experiences.

This examiner concurs with the conclusion that were expressed in Dr. Athey's evaluation of February 1, 2016. J [REDACTED] and B [REDACTED] would be totally safe and secure while in the care of Jorel and Angel Shophar. Furthermore, there was nothing in Jorel's psychological profile that would require that he should enroll in an anger management program, a batteries intervention course, or parenting classes. The three Shophar children are a testament to his Angel's parenting acumen.

/S/ Jack Joseph
Jack Joseph, Ph.D.
Licensed Clinical Psychologist
Illinois License No. 071.005132

Appendix 7

**SHELDON COTLER, PH.D. ROBERT L
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Forensic Mental Health Evaluation Addendum

Name: Jorel Shophar

Date of Birth: [REDACTED]

Examiner: Jack Joseph, P.h.D. Clinical Psychologist

Date of Addendum Report: June 1, 2020

Referral & Background Information

Jorel Shophar was referred to this examiner in February and March of 2020 to undergo a forensic mental health examination in response to a requirement by Kansas state officials that he pursue such evaluation. The purpose of that evaluation was to assess for any mental health factors that might indicate a mental health risk for Mr. Shophar to perpetrate violence with any children in his care. This examiner's report dated March 21, 2020 concluded that Mr. Shophar is a well-adjusted adult who has been an excellent parent to all three children

that he and wife, Angel, have raised since their birth. These children are currently 17, 14, and 5-years of age.

The March 21st report further concluded that any children in his care would safe, secure, and there was nothing in Mr. Shophar's psychological profile that would suggest a propensity for domestic violence or would require that he should enroll in an anger management program, a batteries intervention course, or parenting classes. A similar evaluation of Mr. Shophar by Dr. George Athey, Jr., a clinical psychologist in Kansas, came to the same conclusion in 2016. The purpose of the current follow-up is to reexamine these issues in light of updated developments since March 21st including Kansas Court proceedings, interviewing Mr. Shophar, again, and interviewing his attorney, Rebecca Zarzecki, again, and carefully scrutinizing various petitions and documents which may shed additional light on Mr. Shophar's history with his biological children, J [REDACTED] and B [REDACTED], and their "journey" through the Kansas Court system.

Detailed Document Review and Updated Developments

Although this examiner previously reviewed the 2015 and 2018 Johnson County, Kansas Children in Need of Care Petitions for B [REDACTED] Shophar and J [REDACTED] Shophar, these petitions were never directly

discussed with the examiner's March 21, 2020 report. It is also assumed that Dr. George Athey Jr., 2016 evaluation of Jorel Shophar reviewed the 2015 petitions. At the time the September, 2015 petitions were reported, B [REDACTED] chronological age was about 2-years 8 months and J [REDACTED] was about 3-years 9 months. At the time these children were initially taken into custody by Kansas authorities, both children resided with their biological mother, Krissy Gorski. In August, 2015, the Kansas Department for Children and Families (DCF) received a report involving allegations of physical abuse and a lack of supervision. The DCF worker was Kara Nicholson. The 2015 Court Petitions for both children stated that each parent accused the other being physically abusive with children although Ms. Gorski admitted that she had never actually witnessed Mr. Shophar hit the boys. In particular, Ms. Gorski leveled a litany of allegations toward Mr. Shophar including that he threatened to kill her. Ms. Nicholas interviewed both children together after Ms. Gorski's interview concluded. The petition reports of both children, including a follow-up interview concluded. The petition reports of both children, including a follow-up interview on September 3, 2015, where J [REDACTED] was interviewed by Erin Miller-Weiss, suggested that they said lots of nice things about mother but accused their father of variety of abusive behaviors. In carefully reviewing these interviews,

this examiner believes that J [REDACTED] had been coached by Ms. Gorski and was also the victim of alienation efforts by her toward Mr. Shophar. Not surprisingly, there apparently was not clear and convincing evidence in either case so the cases were unsubstantiated on both parents. On September 28, 2015, the children were placed into DCF custody by a Kansas judge due to the fact that Mr. Shophar and Ms. Gorski filed Protection from Abuse actions against each other in regards to the children. The boys were referred to a foster care contractor for out of home placement.

The following is a partial chronology as detailed by the April 12, 2018 Children in Need of Care Petition for J [REDACTED] Shophar by the Johnson County, Kansas Court System and DCF.

- Krissy Gorski worked with Kansas officials on the reintegration process and complete her reintegration plan on June of 2016 at which time the children were released from DCF custody and placed into her home.
- On April 27, 2017, DCF received concerns for J [REDACTED], age 5, being a child without parental control. Concerns included that J [REDACTED] had been talking about “peepee in the butts” and when asked about this, J [REDACTED] stated that he had learned this from a man. It is highly significant to note that although the 2018 report does not mention this, the

DCF concerns that they had received on April 27, 2017 came about due to the visits that Jorel Shophar had with B [REDACTED] and J [REDACTED] on March 29, 2017 and April 26, 2017. During these two visits, Mr. Shophar became very alarmed when the boys started speaking in sexually explicit ways and J [REDACTED] “got naked” in his vehicle as well. It was on April 27, 2017 the next day, that Mr. Shophar reported his concerns to the Topeka Police, the Kansas Bureau of Investigation, Ben Cleaves, the co-parenting therapist, the children’s therapist, and others.

- On May 3, 2017, Mr. Shophar filed a Protection Order against Krissy Gorski in the Shawnee County Court System, he also sent an email to Judge Gyllenborg to notify her of this filing, and he visited the Topeka Police Department in person for the second time. Although Judge Mattivi from the Shawnee Court refused to issue the Order of Protection on May 3, 2017, she did set a hearing date for May 24, 2017, to rule on the matter. On May 24, 2017, the hearing took place before Judge Mattivi. She refused to issue the Order of Protection and dismissed the case. This occurred despite the DCF investigation that was launched on April 27, 2017 and as second concern that DCF received on May 15, 2017 with similar accusations of sexual and emotional abuse of J [REDACTED] and B [REDACTED] by their mother, Krissy Gorski. The 2018 Need Petitioner Report suggest that upshot of the complaints received by DCF from April 27, 2017 and

May 15, 2017 was a referral made at some unspecified later date for to Family Preservation Services. The same date that Jorel Shophar's request for an Order of Protection was dismissed, he went to the FBI in Kansas City to make a report. However, despite all of Mr. Shophar's efforts, apparently no one did anything to protect these children from their mother until nearly a year later April, 2018. In fact, if anything, the Kansas Courts moved aggressively against Mr. Shophar to block him from his children's lives.

- On May 10, 2017, after practically shouting from the rooftops to anyone who would listen that his children were in grave danger, Mr. Shophar had his last visit with B [REDACTED] and J [REDACTED]. It was during this visit that he contacted the Topeka Police Department again and communicated with Sergeant Arensdorf. In his communications with this officer on May 10th and 11th, Sergeant Arensdorf suggested to him that he should not return the children to their mother if he felt that they would be in danger there (two audio recordings were provided to this examiner).
- On May 12, 2017, after having the children for two days, Mr. Shophar decided to bring the children to the Topeka Police Department so the police could verify that the children were being kept safe by their father. At the police station on May 12th, another police officer notified Mr. Shophar that Ms. Gorski had gotten a Court Order directing him to return the children to her immediately.

Subsequently, he obeyed the Court Order and left the children with the Topeka Police on May 12, 2017. Ms. Gorski then picked up the boys and the police station. He has never seen or had any contact with J [REDACTED] or B [REDACTED] since then.

All of these details regarding Mr. Shophar's alarming concerns and his attempts to protect his children were never mentioned in the April, 2018 Need Petition Report. Instead, that report noted Mr. Shophar in May, 2017, "absconded with the children and did not return them after his visit." "In Johnson County, Kansas,...he was ordered to only have supervised parenting time after this occurrence, which he has not exercised. Jorel Shophar is alleged to have moved out of state and has not availed himself to any follow-up court hearings that have been held." In other words, the April, 2018 Need Petition Report suggested that he had abandoned his children. Mr. Shophar's narrative backed up by corroborating evidence suggested what really happened. Twelve days after he turned his children over to Topeka Police, Judge Mattivi in Shawnee County dismissed his Order of Protection case (on May 24, 2017) which then cleared the path for Krissy Gorski to disappear with the children. For nearly the next year, Mr. Shophar believes that Ms. Gorski was traveling between Michigan, Kansas, and Missouri to keep his children hidden from him all while filing more false allegations against him. Instead of abandoning his children, he had been continually trying to locate the whereabouts of his children. From

May, 2017, to April, 2018, it was Krissy Gorski who was hiding the children from Mr. Shophar. Since April, 2018, after the State of Kansas again removed the children from Ms. Gorski's care, it has apparently been the State of Kansas that has kept his children's whereabouts a secret and has even blocked Mr. Shophar from communicating with B [REDACTED] and J [REDACTED].

By April, 2018 Kansas authorities finally caught up with Krissy Gorski based on a fresh litany of horrendously egregious parenting behaviors and removed the children from her home again. However, instead of recognizing that Mr. Shophar had been trying to expose Mr. Gorski to protect his children and return the children to Mr. Shophar, they appointed a permanent custodian for his children. The April, 2018, Need Petition Report detailed how this came to be. That report noted that Krissy Gorski has a history of prostitution and both her children told the authorities that "...she is gone all night long, and other people what them." DCF received these concerns on April 27, 2017. On May 15, 2017, DCF received a concern for emotional abuse of J [REDACTED], age 5 and B [REDACTED], age 4, by their mother, Krissy Gorski, and alleged sexual abuse of J [REDACTED] by an unknown perpetrator. The allegations included that Ms. Gorski is teaching the boys sexually mature behavior and they are exhibiting unusual sexual knowledge. In addition, J [REDACTED] had talked about tasting and eating private parts and stated he has kissed a penis. The 2018 Petition went on to state that the children denied any sexual conduct of any form but it did not

state exactly how or who investigated these allegations in 2017 or what was concluded from this "investigation". On March 30, 2018, DCF received a concern for physical neglect of J [REDACTED] and B [REDACTED], ages 6 and 5, by their mother, Krissy Gorski. Allegations included that she may be using drugs, she had been observed as appearing inebriated or high, and was repeatedly using former foster parents to babysit the boys. The DCF case worker requested a complete urinalysis on Ms. Gorski five days later. It was positive for opiates, methamphetamines, benzodiazepines, and oxycodone. Amazingly, the children remained in mother care until April 12, 2018. By then, she left multiple messages to DCF which suggested she was under the influence of drugs and/or alcohol, a follow-up urinalysis was again positive methamphetamines, she was arrested for driving under the influence and child endangerment, she was abusing Xanax, and leaving bizarre, paranoid messages with DCF and police.

Ironically, the concerns that Jorel Shophar had expressed to the Kansas authorities in the 2015 Children in Need Petition, which suggested that Krissy Gorski was an abusive and neglectful parent with lengthy history of prostitution, drug abuse, and multiple felony convictions, were at that time apparently not believed by Johnson County, Kansas officials. However, the April 2018 Children in Need Petition clearly supported his allegations toward Ms. Gorski, which included that she is a chronic drug abuser, a long-time prostitute, and a mentally unstable individual who is clearly not capable of

parenting any children. On April 12, 2018, a Kansas judge removed J[REDACTED] and B[REDACTED] from her home the second time.

Throughout Mr. Shophar's involvement with the Kansas Courts, the only allegations leveled by anyone that he was an abusive and/or neglectful parent toward J[REDACTED] or B[REDACTED] came from Krissy Gorski, the chronic drug abuser, prostitute, and convicted felon who should have had absolutely no credibility. Her allegations were never corroborated by anyone else including the State of Kansas. In 2019, according to Mr. Shophar, there was Kansas judge's order that J[REDACTED] and B[REDACTED] be reunited with Jorel and Angel Shophar and be reintegrated into their family's lives. On June 7, 2019 there was a telephone conference with the Kansas KVC people and Jorel to presumably develop a "care plan" to accomplish this reunification goal. Inexplicably, according to Jorel, Kansas officials have since reneged on this commitment. Neither he nor his wife Angel have seen or had any contact with J[REDACTED] or B[REDACTED] since May 12, 2017 despite his unrelenting efforts to track down their whereabouts. The last they had heard, B[REDACTED] was in a foster home and J[REDACTED] was struggling in a psychiatric hospital and occasionally was put on restraints there. An internet search by Mr. Shophar for the past two years suggests that Krissy Gorski has continued to evidence her criminal and drug addled path including the following:

- March 28, 2018 – Johnson County, Kansas – arrested for DUI under the influence of Meth.

- April, 2018 – Johnson County, Kansas – arrested for Theft at a Target Store.
- February 19, 2019 – Clay County, Missouri – arrested for criminal drug possession.
- March 6, 2019 – Johnson County, Kansas – convicted for Identity theft.

This examiner continues to maintain the position that Jorel Shophar is well-adjusted adult who has a long history of being an excellent parent to the three children that he and Angel have raised since their birth. In sharp contrast to Krissy Gorski, he has no criminal history, has never abused any drugs or alcohol, and is a law-abiding citizen who runs his own business. He has submitted to in-depth Forensic Mental Health Evaluations by Dr. Georg Athey Jr. in 2016 and to this examiner in 2020 and neither of these evaluations suggested that he has ever exhibited or been predisposed to any inappropriate anger or domestic violence issues toward his partner or any of his children. Despite the narrative contained in the April, 2018 Children in Need Petition by Johnson County, Kansas, he has not abandoned J [REDACTED] and B [REDACTED] Shophar but instead has remained on an unwavering course in the past three years to attempt to discover their whereabouts and become their permanent parent despite all the road blocks that he has encountered. The most recent block occurred on April 14, 2020 in a hearing in a Johnson County, Kansas courtroom. Judge Sloan presided over the hearing. According to Mr. Shophar, the main purpose of this hearing was to determine if he had complied with this examiner's initial Forensic

Mental Health Evaluation which was completed in March, 2020. This topic was never brought up at the 10-minute hearing. Instead, Richard Klein, J [REDACTED] and B [REDACTED] Guardian Ad Litem, recommended to Judge Sloan that both children needed to be immediately moved out-of-state to an undisclosed location. No reason was given for this recommendation but Judge Sloan approved it. All of the participants at this hearing including Jorel Shophar and Krissy Gorski took part via a Zoom-like technology. Only Judge Sloan was physically in the Johnson County Courtroom which was, due to the Covid-19 Virus, closed at the time. There was also nothing mentioned by the judge or GAL regarding the length of this placement or whether it would ever be reviewed by anyone.

On May 27, 2020 Jorel Shophar was served by local sheriff's deputy with a request by Krissy Gorski for an Order of Protection to be issued against him. The hearing to determine whether an Order of Protection should be issued was set to be heard by Judge Gyllenborg for June 4, 2020 in the Johnson County, Kansas Courthouse. Among a host of allegations by Ms. Gorski, she reportedly has claimed that Mr. Shophar has been stalking her for the past few months. According to Mr. Shophar, he has had absolutely no direct contact with Ms. Gorski since May 10, 2017 and doesn't have the slightest clue where she lives nor does he have any of her current contact information. He also has no desire to contact this person.

What is particularly perplexing to this examiner is that Kansas, like every other state in the United States, has countless children that are their wards due to being the victims of egregious parental abuse and neglect. In most states, the child welfare agency cannot find enough quality homes that are willing to permanently raise such children. In the case of J [REDACTED] and B [REDACTED] Shophar, it is clear to this examiner that Krissy Gorski should have had her parental rights permanently terminated in favor of being raised in 2015 by what should have recognized as their rightful parents, Jorel and Angel Shophar. Yet it would seem that the State of Kansas would prefer to leave these children in the care of a string of foster homes and even in institutional settings.

/S/ Jack Joseph

Jack Joseph, Ph.D.

Licensed Clinical Psychologist

Illinois License No. 071.005132

Appendix 8: All Seven of the Petitioner's 3 hour visits with his children in 2017. Documented and witnessed on 4 occasions by a Court ordered therapist and Parenting Instructor; Janet Mitchell.

1. <https://www.facebook.com/jorelrshophar/posts/1482300731789099>
2. <https://www.facebook.com/jorelrshophar/posts/1489615544390951>
3. <https://www.facebook.com/jorelrshophar/posts/1498585083493997>
4. <https://www.facebook.com/jorelrshophar/posts/1502718319747340>
5. <https://www.facebook.com/jorelrshophar/posts/1524965050856000>
6. <https://www.facebook.com/jorelrshophar/posts/1525056220846883>
7. <https://www.facebook.com/jorelrshophar/posts/1527144833971355>

Appendix 9: The Petitioner documented events through audio and video to protect himself and his other family from the beginning. He classified each video evidence as **Part 1, Part 2, and Part 3**. There is more evidence that the Petitioner has not made public. This evidence has been used by State and Federal Courts concerning this matter.

Part 1: <https://www.vimeo.com/279097759>

Part 2: <https://www.vimeo.com/278003779>

Part 3: <https://www.vimeo.com/279064934>

Appendix 10: Krissy Gorski has practiced prostitution in the State of Missouri and State of Kansas, and State of Michigan, even to this day in the dangerous times of COVID-19, using the name **KAYLA KRISSY KAYCE**, publically soliciting herself for prostitution with strangers, which resulted in children being sexually abused in her home. All Courts in State and Federal are aware of the online attachments, which were used in Court as evidence.

<https://sumosear.ch/images/phone/913-265-1764/5>

<https://eccie.net/showthread.php?p=1061575590>

Appendix 11. This is evidence that the Petitioners home was a place of events for the entire neighborhood, with no problems with children.

<https://www.vimeo.com/279097759> Time 2:57 – 4:04

Appendix 12 online evidence of audio recording of Krissy Gorski, who contrive falsehood in the Court of Law, in State and Federal Courts in Michigan, Kansas and Illinois, for over 5 ½ years, even to this day, and never being penalized for perjury.

<https://www.vimeo.com/279097759> Time 9:05 –9:28

<https://www.vimeo.com/279097759> Time 9:57 –10:09

<https://www.vimeo.com/279097759> Time12:30 –13:18

<https://www.vimeo.com/279097759> Time13:49 –15:21