

20-452

NO.

IN THE UNITED STATES SUPREME COURT

IN THE INTEREST OF

N. S. , a minor

Appeal of S. S. Mother

ORIGINAL

PETITION FOR WRIT OF CERTIORARI

Appeal From the Supreme Court of Pennsylvania Middle District
Denying Petition For Allowance of Appeal
Entered on April 13 , 2020
Docket No 53 MAL 2020

FILED

SEP 09 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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PROCEEDINGS TO THE CASE

1)Involuntary terminations parental rights No 161 of 2018

granted by

the Order of Lancaster County Court of Common Pleas

Feb14,2018 where Petitioner is Lancaster County Children and
Youth Agency and Respondant is Savilla Stoltzfus (mother)

2)Appeal In The Superior Court of Pa No 551 MDA2019

denied on memorandum of opinion Dec27, 2019

3)Petition for Allowance of Appeal In The Supreme Court of Pa

No 42 MT 2020

denied as NO 53 MAL 2020

April 13,2020

QUESTIONS PRESENTED FOR REVIEW

Is the decision to terminate parental rights Constitutional ,where the court determined that adoption to an Amish home is in the best interest of the child , excluding certain legal requirements for education , and the child's Constitutional Protections for the sake of adoptive parents religion .

STATEMENT OF JURISDICTION

Minors who are citizens of the U S have a right to protection of Discrimination by the 14 th Amendment of its Constitution ,and in termination of parental rights parents have a commanding interest as to the justice of the decision ; under which this court has jurisdiction to review the case. Given 90 days plus 60 in accordance with extending of time given during covid-19 shut down.

IN THE SUPREME COURT OF PENNSYLVANIA

MIDDLE DISTRICT

In Re: N.S. A minor

No. 53MAL 2020

Petition of S.S., Mother

Petition for Allowance of Appea from the Order of the Superior Court

ORDER

Per Curium,

And now this 13th day of April, 2020 the petition for Allowance of Appeal is DENIED

CONSTITUTIONAL PROVISIONS

1. 14th Amendment, No State shall enforce or make any laws which shall abridge the privileges or immunities of citizens of the United States nor deny to any person within its jurisdiction the equal protection of the laws.

2. Santosky v Kramer 455 US 745 March 24 1982

The fundamental liberty interest of natural parents in care and custody of their children is protected by the fourteenth Amendment of the Constitution and does not evaporate simply because they have not been model parents or have lost custody of their child to the state. When the State moves to destroy weakened bonds it must provide the parents with fundamentally fair procedures.

A parents interest in the accuracy and justice in the termination of his or her parental status is a commanding one.

STATEMENT OF THE CASE

Petitioner, S. S. , (hereinafter 'Mother') is the mother of (daughter) child N. S. born January 17 , 2007, and is the subject child of the case.

The Lancaster County Court of Common Pleas (Orphan's Court Division) ruled on Feb.14 , 2019 to terminate Parental Rights as to both Parents , and that it is to N. S.'s best interest to be adopted to Mother's sister and husband who are of the Amish faith.

On June 16 , 2016 both parents were incarcerated in Bucks County , Pennsylvania. Mother was then 45 and father was 46 years of age. Mother lived in Bucks County , Pa at that time and father lived in Lancaster County , Pa. N.S. had been living with her Father and several of her brothers in Lancaster County. All of N.S.'s nine sisters lived with Mother in Bucks County, Pa.

The Parents had been through financial crisis (11/8/2018

N.T.18-22) and had been relying on help from now co-def. Kaplan , where mother lived. Both parents and Kaplan were arrested at the home where Mother lived and plead guilty to charges endangering the well -fare of children. Kaplan was convicted of sex crimes with minors living at the home.

On January 19 , 2018 the Lancaster County CYA petitioned the Court to involuntarily terminate Parental Rights as to Mother and Father. Testimony was given during the evidentiary hearing that N.S. had undergone hardship/punishment while in her fathers care. It is also evident that all of N.S.'s minor siblings have been in custody of Bucks County CYA and have not been adopted to homes of Amish relatives. Except for one brother D.S. who is in care of Lancaster County CYA and has chosen neither to be adopted nor to live with Amish relatives .

Mother offered testimony as to her concerns that , because N.S. is placed with an Amish family , her daughter is not receiving the education that Mother believes is appropriate. Mother offered as exhibits two letters from the child to her that

demonstrate the bond between parent and child. (Respondant Mother Exhibits 2 and 3; 11/8/2018 N. T. 54 -55)

When asked on cross-examination whether the relationship between Mother and Child were healthy and nurturing the case worker responded that she was not equipped to judge the relationship having never seen interaction between the two. The letters between Mother and Child were appropriate. (7/18/2018 N. T. 61)

At the hearing the guardian ad litem offered no testimony, but reported to the court that he spoke with the Child who told him she wished to be adopted by her maternal Aunt and Uncle.

When N.S. was taken into care of the Agency she was nine years old. Upon her wishes and the court's findings the court decided that to adopt her to a warm amish home serves her best interest. Mothers concerns about education for her Daughter are left unheard. According to Wisc. V Yoder the Amish education is

for the integration of the child into way of life of the Amish faith community and by definition has no concern about the child's education in civics or civil freedoms or advancement as to the child. The testimony of the parents is evident to the court what may await N.S. if she does not continue in unquestioned obedience to the amish religion which the maternal aunt and uncle hold ; that the warmth of family relationship rests upon the upholding of the religious tradition..

See in statement of the case for Allowance of Appeal and notes of testimony on 11/8/2018 N.T. 18-22 Father and Mother owned a home in Lancaster County and operated a metal working business that at one time employed 10 workers. Father began to pose questions about the operations of his church and in 2003 Mother and Father were kicked out of the Amish church. As a result Mother and father were shunned by the Amish community. The workers ,all amish, of the business operated by father were forced to quit their Jobs , customers of the business stopped doing business with Father and stopped paying accounts receivable. By early 2009 Father and Mother had lost their business and home to a foreclosure by the Old Order Amish

Helping Program, an Amish loan company.

Testimony was also given that Mother was incarcerated at the time of the hearing. Within the time frame to appeal Mother was then released from prison and applied to supplement the record with the fact that she has been released on her minimum. The application was denied .

The trial court Judge contained allegations in his opinion that are not part of the testimony. See Pet. for Allow. of Appeal

The Superior Court Judge has also maintained the same allegations in his Memorandum Opinion , appeal denied

On Petition on Allowance of Appeal p.13 REASONS RELIED UPON FOR ALLOWANCE OF APPEAL , Mother submits that the lower courts have not decided what is in the child's best interests. And that Mother is understandably concerned for the child's future that the child will be deprived of education necessary to live a competent life in society.

Finally the Supreme Court of Pennsylvania denied the Allowance of Appeal

REASONS RELIED UPON FOR REVIEW

1. Is the decision to terminate parental rights Constitutional , where the court decided that adoption to an Amish home is in the childs best interest excluding certain legal requirements of education and the childs Constitutional Protections from religious discrimination.

AMENDMENT XIV

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life , liberty or property without due process of law ; nor deny to any person within its jurisdiction the equal protection of the laws.

SANTOSKY v KRAMER 455 US 745

A parents interest in the accuracy and justice of the decision to terminate his or her parental status is a commanding one.

Parental Rights may be involuntarily terminated where the requirements of any one subsection of Section 2511 (a) is satisfied along with the consideration with subsection (b).

Section 2511 (b) requires that the court engage in a best interests of the child analysis .

This case is unique because the adoptive parents hold a standard of religion that precedents the Constitutional Freedoms and Protections given to individuals by the Constitution of the US.

In Wisc v Yoder 406 US 205 Dec.15 1972, the education is preserved for the sole purpose of preservation of the Amish religion. Today the court has made exceptions to the general education requirements for the child on behalf of the adoptive parents Amish religious beliefs subsequently altering the life of the child very substantially from her siblings not in Amish homes. If, returning to Mother the state would then require the child N.S. to engage in a very different outlook

because Mother does not hold the Amish religious tenants.

The Amish Education mentioned in Wisc v Yoder , which the court has accepted to be in the best interest of the child is solely for the sake of religious advancement and subsequently the best interest of the child is not solely or individually considered .

Testimony is clear that the parents experienced that there is no

room for individual advancement and or interests of individual curiosity. The Court has heard these things many times over but then turn a deaf ear to the reality that N.S. has no more individual freedoms to develop and advance in life than what is accepted as upbuilding to the ways of Amish religion.

The way and culture and education of the adoptive parents is forwarding her life to unquestioned obedience. Therein she will make commitments for life as a minor . The community by its firm beliefs hold it scriptural and as their active duty to discriminate against those individuals no longer holding their commitments. (as mentioned in testimony provided)

The court has at one point stated that she has a choice , which is evident that the other choice is then to accept the discrimination by her adoptive parents just as her parents now endure from their family. The Mother strongly argues that it is unconstitutional for the court to adopt her Daughter into a home where the education and lifestyle is void of studies and teachings on civics and where individual freedoms as by the Constitution of the US are not upheld.

CONCLUSION

For the foregoing reasons Mother presents the case of her Daughter to this Honourable Court . The Protections of the liberties involved may be exercised to the benefit of its citizens in justice thereof.

Respectfully submitted

S. S. --

Pro se

Date July 9 , 2020