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No. 18- - - -

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SUPREME COURT OF THE UNITED STATES

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Catrina Turner,

*Petitioner,*

vs.

Orange County Social Services,

*Respondent.*

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On Petition for a Writ of Certiorari to  
the United States Court of Appeals  
for the Fourth Appellate District,  
Division Three

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**PETITION FOR A WRIT OF CERTIORARI**

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Catrina Turner

*Pro Per*

228 Park Avenue S PMB 55828

NEW YORK, NEW YORK 10003

Fax: (888) 672-7835

[ct@justiceforourpeople.com](mailto:ct@justiceforourpeople.com)

*Appellant*

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## **I. Question Presented**

1. Does the act of forcefully administering psychotropic medications to a child before trial violate the IV and VI amendments in the absence of a court order and without notice to a parent?
2. Does the act of requesting a one-year class for child endangerment two years after the initial court ruling specifying a defendant's punishment violate the VIII amendment?
3. Does the limitation of a parent's speech by a state agency citing privacy violate the first amendment when the parent is speaking of matters of public concern regarding a child's safety and liberty interests?
4. Is the dismissal of new evidence that is exculpatory in nature violate the V, VI and XIV amendments?
5. Can the exposure of an individual's medical record which is a violation of HIPPA also be an infringement upon the XIV amendment?

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#### **IV. Petition for Writ of Certiorari**

C.T. parent of the children and sole custodian guardian of the children listed in this petition files this Writ of Certiorari based upon an appeal submitted to the Fourth District Court of Appeals Division Three.

#### **V. Opinions Below**

The California Supreme Court denied the petition without comment. The California Court of Appeals Division Three denied the petition stating assertions of no arguable issues.

#### **VI. Jurisdiction**

The petitioner's request for hearing to the California Supreme Court was denied on March 30, 2021. Ms. Turner invokes this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within ninety days of the California Supreme Court's denial.

#### **VII. Constitutional Provisions Involved**

##### **United States Constitution, Amendment I:**

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

United States Constitution, Amendment IV:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

United States Constitution, Amendment VI:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

United States Constitution, Amendment XIV:

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

United States Constitution, Amendment VIII:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### **VIII. Statement of the Case**

This case initiated in 2015 with allegations of physical child abuse brought by the respondent against petitioner despite the children being in daycare 40 hours a week with mandated reporters continuously from birth. During the procedural phase of detention, a physician prescribed D.L. petitioner's child with psychotropic medications without a court order in violation of the VI and XIV amendments of the U.S. Constitution and without notice to the petitioner under the due process clause. This court held in Riggins v. Nevada that an individual had a right to freedom from unwanted psychotropic medications. In addition, it was further ascertained that the administration of antipsychotic drugs "can significantly alter the demeanor of the defendant during the trial and on the stand, it can amount to a manipulation of evidence by the state." D.L. was under the influence of these antipsychotics during the trial and exhibited bizarre behavior as evidenced by the trial record as a witness. Furthermore, the physician prescribed the antipsychotic without reviewing D. L's medical record and history. An employee of the respondent testified under oath as managerial supervisor that she had not given clearance for the antipsychotic to be given. Despite this the antipsychotic has continued until this date despite D. L's medical record prior to showing no need for the medication.

The petitioner in August 2020 submitted a JV180 requesting return of the children, presented new evidence that showed the district court record had significant material factual errors that were in refute to recorded documents and litigated on record as to exculpatory evidence that revealed that the respondent had maliciously

been aware of the factual inaccuracies. The district court in its decision agreed that changed circumstances had been proven as a legal proponent of the request, but that the “best interests of the children” had not been presented.

Petitioner disagrees with this assessment that the “best interests of the child” had not been proven. Petitioner in the JV180 submitted factual evidence in which some incidents were in the court record which revealed physical abuse that had occurred to the children under the respondents’ care. This abuse consisted of medical malfeasance, physical injury resulting in one the children being admitted to a hospital, neglect in allowing one of the children to continue a relationship with a child pedophile from the initiation of the case until 4 years later, refusing educational supports requested by the petitioner and copious other examples which have significantly affected the life, liberty and happiness of the children. The petitioner submitted explicit examples of a consistent pattern of racial discrimination exhibited by the respondent that included emails, documents, and perjured testimony. These incidents were submitted to the district court in the JV180 consisting of over 180 documents that revealed a direct danger to the children of the petitioner while in the physical custody of the respondent. The petitioner still retains sole legal custody of the children and is the educational holder of the children as well. The respondent has failed to notify the petitioner of significant dangers that has occurred to the children.

This is a matter of public concern as the respondent is a government agency that should be operating under Welfare and Institutions Code of the State of California. Statutes are in place directing the agency in all aspects of Juvenile Dependency from case initiation to federal compliance notice exemplary of the VI

amendment due process clause. However, the record shows that the respondent has materially omitted following key provisions of Welfare and Institutions Code and violated constitutional amendments not only for this petitioner, but in countless other cases before federal courts. This is an operational maneuver of the respondent and exemplifies their logistical policies as evidenced in Hardwick v. County of Orange in which the respondent declared a “specific granular right to be free from deliberately fabricated evidence in civil child dependency proceedings where a parent's or child's protected familial liberty interest is at stake had not yet been "clearly established". The issue in this case is equivalent to the situation at hand in this case. The fabrication of material evidence and factual omissions presented into the case record have created irreparable harm to the petitioner and my family. The continued detainment of the children under false pretenses has caused significant emotional pain to the petitioner and children. In addition, the enormous retaliation the petitioner has experienced from the respondent in violation of the VIII amendment at this juncture appears irreconcilable. In Rhodes v. Chapman it was established that punishments for perceived infractions have constitutional limits.

When surveying and reviewing the California Community Licensing Complaint database CDSS.CA.GOV for many of the foster care facilities listed for the respondent it is quite clear that the actions that the petitioner has experienced from the respondent is commonplace for other parents. This is a matter of public record and transparency. The issues as stated previously have all occurred before with other children and families within the foster care system of the State of California. The complaints process is inadequate and fails to derive solutions to policy issues.

The petitioner was subjected to cruel and unusual punishment at the behest of the respondent and its representatives. Initially, the respondent requested petitioner adhere to parenting classes, domestic violence education, psychological review and anger management. Despite petitioner's objections to these requests all services were completed in 2016. The respondent later requested in 2017 two years after the initial complaint that the petitioner complete a 52-week child abuse program in violation of the VIII amendment. This subjected the petitioner and children to an extended timeline for completion and prevented any reunification while violating statutory limits for the juvenile dependency guidelines. Petitioner objected to this request as retaliatory as pending complaints against the respondent and representatives were submitted to several administrative agencies including The California Bar Association, DEA and the complaints division of the California Social Services.

In Hope v. Pelzer the court held that some conduct should be clear that it is unconstitutional, antithetical to human dignity or offended contemporary conceptions of decency. The respondent and the district court were notified two days after the initiation of the case that one of the children was in direct danger from a pedophile. The inaction of the agency in dealing with this threat and the long-term occurrence of inappropriate communications stemming five years was a violation of the respondent's affirmative duty of care as defined in Nicini v Morra the court held that when children are placed "in state-regulated foster care, the state has entered into a special relationship with that child which imposes upon it certain affirmative duties. The failure to perform such duties can give rise, under sufficiently culpable circumstances, to liability under section 1983." Nicini v. Morra, 212 F.3d 798 (3rd Cir. 2000). Children in state-regulated foster care are rendered dependent upon the

state for his or her basic needs. The inaction allowed a criminal act to continue without the state investigating or impeding its continuance. This level of "negligence" seems to rise to the level of liability where it "shocks the conscience" as defined in Miller v City of Philadelphia and encompasses deliberate indifference reaching a "level of gross negligence" as petitioner had contacted the Federal Bureau of Investigation and submitted to the trial court text messages that displayed an adult male speaking of sado-masochistic acts with the petitioner's underage child. Furthermore, the agency allowed the communications for an extensive period of time when petitioner requested the respondent call law enforcement, and the requests were refused. In Wallis v Spencer it was stated ""In cases of alleged child abuse, governmental failure to abide by constitutional constraints may have deleterious long-term consequences for the child and, indeed, for the entire family. Ill-considered and improper governmental action may create significant injury..." Wallis v. Spencer, 202 F.3d 1126 (9th Cir. 2000). The respondent administered psychotropic medication to the petitioner's child without notice and a caseworker admitted on record during trial that the medication had not been reviewed or approved by the department. The district court had not provided a court order for the medication or noticed D. L.'s parents- the petitioner. In "Wallis v Spencer..." Wallis v. Spencer, 202 F.3d 1126 (9th Cir. 2000) it was held that the

"Constitution assures parents that, in the absence of parental consent, [physical examinations] of their child may not be undertaken for investigative purposes at the behest of state officials unless a judicial officer has determined, upon notice to the parents, and an opportunity to be heard, that grounds for such an examination exist

and that the administration of the procedure is reasonable under all the circumstances..." Wallis v. Spencer, 202 F.3d 1126 (9th Cir. 2000)

The petitioner questions whether there was an investigative function to the administration of psychotropic medication at all due to the respondent's employee admitting at trial that D. L's medical record had never been reviewed by any of the dispensing physicians.

Finally, this petitioner presented to the district court direct retaliatory incidents in which when the petitioner submitted to administrative agencies state and federal complaints seeking investigation into the respondent's actions regarding psychotropic medication administration, inappropriate communications on 12/14/15 in the presence of CAST and police, calls to DEA regarding medication to D.L, California Medical Board in complaint of medication administration without contacting petitioner and California Bar Association attorney complaints and even emails to the executives of California Social Services the respondent retaliated in each case against the petitioner with the assistance of countless individuals of different capacities as CASA's, attorneys and many others. This petitioner believes that these individuals have violated 42 U.S. Code §1985(3) in conspiring against the petitioner in preventing the children's return. In one example presented to this court a child psychologist who was present with petitioner's child in an incident in which the N. T's arm was broken and he sustained significant injury while in the care of the respondent was allowed to submit a report stating the children should not return despite the fact of conflicts of interest in relation to open complaints of abuse against, he and the respondent.

Most recently, in an educational meeting regarding D.L. petitioner advised respondent that D. L's medical record which was shared by respondent with the school psychologist was available with his educational record in its entirety against HIPPA law. The respondent displayed complete and deliberate indifference to this fact and have failed to respond to the petitioner's request to safeguard D. L's private medical record. These acts and more have availed this petitioner to believe that respondent has acted not in its official capacity, but in direct violation of petitioner's and children's constitutional rights with malice, indifference and impunity. Furthermore, representatives of the respondents including CASA has reacted in ways antithetical to the Bill of Rights, International Human Rights law and the U.S. Constitution. This is not stated lightly, but after countless experiences with the individuals in this record the petitioner is convinced of the prior statement.

## **1. Presentation of New Evidence**

On August 31, 2020, the petitioner submitted to the trial court emails, previous court reports expanded with emails from social workers, requests from the respondent completed by the petitioner with dates showing completion of the family reunification plan. The petitioner submitted a letter from California Bar Association in which a determination disclosed negligence on the behalf of petitioner's attorneys in the case after investigation and countless documents showing petitioner's compliance with orders.

The petitioner argued before the court that due to a myriad of complex issues that violated the constitutional rights of the petitioner and children reunification had been prevented through deliberate and malicious actions of the respondents Orange County Social Services. The petitioner argued that due to historical implications of the pandemic that the trial court allow the petitioner to reunite and expand visitation. The petitioner had advised that one of the children C.W. had flown to New York which was ordered by the trial court and stayed for over a week with petitioner. Petitioner argued that there was never a danger to petitioner's children who were with mandated reporters 40 hours a week from birth and that the statements of these mandated reporters were on record before this court. In fact, during police interviews with neighbors and countless others there was never any individual that expressed a danger to these children. The trial court agreed that changed circumstances were shown, but as stated before that the best interests of the children had not been shown. The petitioner once again disagrees with this assessment and finds the respondent is totally

and significantly biased against this petitioner and children. That their representatives should be investigated based not only on this case, but countless others in which the same incidents have occurred. The respondent has even tried to prevent the petitioner from speaking regarding this case and bringing to public attention the corruption that is evident within the respondent's actions in violation of 1<sup>st</sup> amendment of the U.S. Constitution. This petitioner wants to be clear that not every individual that has had contact with this case is in violation of the offenses as described before, but specific individuals over the space of time has deliberately violated this petitioner's and children's rights. This included submitting reports to the district court that were inconsistent with documents outside of the court's review but was available to the respondent. The court record in reports has testimony from psychologists and others in which the petitioner was found to be highly competent and saw no reason as to why reunification should not occur. One report stated correctly that the petitioner described constitutional violations and the petitioner would submit to the courts in pursuit of justice. The petitioner has paid for services the respondent has never supported this petitioner towards reunification. The petitioner has scheduled visits delegating times for visits that should have been facilitated by the respondent. The petitioner never agreed to a 52-week class and submitted complaints to the California Bar Association proving this. This petitioner has gone above and beyond the realms of any court of law in compliance towards reunification in the face of discrimination and extreme malice to reunify the family. All of this was submitted to the trial court. The petitioner under coercion was forced into Nolo Contendere pleadings despite petitioner wishing to go to trial.

The petitioner has watched as countless families that were supervised under the respondent were reunified. However, the petitioner who had maintained consistent housing, started businesses, completed degrees and continued to comply with excessive orders was refused reunification. Every action that the petitioner made was in advancement of the children's return this included driving over 100 miles per weekend for a year, attending every visit, but two since the initiation of this case, providing food, clothes and other necessary items for the children non-stop, advocating for the children's safety, education and basic needs to the respondent and others. Despite all this reunification has not occurred and the petitioner still is retaliated against to this date from the respondent.

So, it is with this in mind that the petitioner asks that this court review and allow for a remedy in these matters.

## **2. Direct appeal**

On direct appeal, the petitioner submitted the Fourth Appellate District Division Three a copy of the original pleadings in the district court, but against petitioner's request a Sade C. brief was filed stating no arguable issues. The district court originally filed a response of denial with incorrect information, but immediately corrected the defect with a new denial.

The petitioner requested a rehearing and was denied. The petitioner submitted a brief with the original complaint with a small portion of documents which consisted over 100 pages to the California Supreme Court. The court accepted and issued a denial with no comment.

This petitioner is now submitting the request to this court for review in a timely manner.

## IX. REASONS FOR GRANTING THE WRIT

### **A. Legitimacy is a powerful element in any democracy and this court has ruled that speech regarding disclosures of corruption of public officials or misconduct is secured by the first amendment and is a matter of public interest.**

In Hyland v. Wonder, 117 F.3d 405 (9<sup>th</sup> Circuit.197), Courts adopted the view that the loss of a valuable governmental privilege or benefit due to speech is a pertinent question in first amendment infringement cases. The petitioner experienced limitations as posed by the trial court and respondent requesting not to speak about elements of this case. The request is prejudicial towards the petitioner in that it limits a fundamental right to speak on matters that are pertinent to the children and allows misconduct to continue without third party review. The petitioner experienced excessive intentional emotional distress due to extreme cases of abuse of the children while in the respondent's care. In each instance where this petitioner sought to remove the threat to the children retaliation occurred in which the respondent would manipulate court reports, unjustly use coercion in stating the children did not return, but not allowing the children to testify as to their needs and desires in open court on the record, intentionally did not inform petitioner of serious incidents in where one of the children was missing until hours after the child was missing, intentionally did not inform petitioner that the child D.L. was in the emergency room with cuts that would need 10 stitches, intentionally did not inform petitioner when N.T. sustained serious injuries of broken bones from a "fall" obtained during custody with the respondent and countless other examples. In each incident when the petitioner became aware appropriate complaints were filed to protect the children from further harm.

When such incidents are not addressed by a public official question of the legitimacy of their positions within government become paramount. Most would agree that public officials should maintain some protection of liability from frivolous claims. However, never should misconduct and corruption be cloaked under claims of immunity in which an individual can create such a hostile and torturous environment for any individual.

**B. The California Supreme Court denied rehearing on an important question regarding the constitutionality of administering antipsychotic medication that conflicts with this court's previous assessment.**

In Riggins v. Nevada this court ruled that the forced administration of antipsychotic medications before trial violates the VI and X1V amendments of the United States. Although, this had already been established the California Supreme Court and the Fourth Appellate District Division Three were moot regarding these points. There was no ruling as to the constitutionality of this act and how it continues to adversely affect D.L. to date due to the erroneous administration of the drug without notice to the parents and without a court order. The medical record if reviewed had shown that to the very date of detention D.L. had saw a plethora of physicians and not one had prescribed antipsychotic medication.

In United States v. Ruiz-Gaxiola that stringent review is necessary ascertaining the facts before forced administration of psychotropic medication which infringes upon a fundamental liberty interest. The trial court had not made any factual findings in this regarding administration and the prescribing physician did not review the child's medical record to provide any factual finding to the court. The information stated in a later report after the error for forced administration were subjective and did not involve

scientific or medically appropriate standards which require reviewing a patients' medical history for safety. A later trial date a physician under the employ of the respondent reviewed the medical records and spoke on record of the numerous doctor's notes that indicated "no abuse" and no history of mental illness. "Antipsychotic medications are designed to cause a personality change that, "if unwanted, interferes with a person's self-autonomy, and can impair his or her ability to function in particular contexts." United States v. Ruiz-Gaxiola, 623 F.3d 684 (9th Cir. 2010) The continual administration of this antipsychotic without proper review presents a significant danger to D.L and to his liberty interest under the XIV amendment of the Constitution.

Children should enjoy the same liberty interests as adults under the U.S. Constitution and Human Rights Law. In fact, the Convention on the rights of the child emphasize freedom from physical abuse, injury, mental violence and negligent treatment as emphasized in Article 19. These rights are further emphasized in the Declaration of Independence "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. --That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

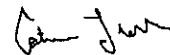
## **X. CONCLUSION**

For the foregoing reasons, Ms. Turner respectfully requests that this Court issue a writ of certiorari to review the judgment of the Fourth Appellate district Division Three and The California Supreme Court.

*ll*

DATED this 27th day of May 2021.

Respectfully submitted,



Catrina Turner  
Pro Per  
228 PARK AVENUE  
NEW YORK, NEW YORK 10003  
Fax: (888) 672-7835  
E-Mail: ct@justiceforourpeople.com