No. 20-849

In the Supreme Court of the United States

P.F.,

Petitioner,

v.

J.S. and L.S.

Respondents.

On Petition for Writ of Certiorari to the Kansas Supreme Court

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Between 1972 and 1989, this Court decided five unwed biological father cases. None of those decisions, however, discussed constitutional rights regarding an infant placed for adoption at birth. With this fact being perverted for unscrupulous gain, the salience is undeniable.

When an unwed father demonstrates a full commitment to the responsibilities of parenthood, "due process entitles him to substantial protection of that interest." This father, not fitting the mold of any archaic gender stereotype, has demonstrated that commitment tenaciously.

However, as gender assumptions and open-ended construction render adoption statutes vulnerable across the country, Father's substantive due process and liberty rights were overtly violated as the bond he shared with his child had been coldly severed. As written, he had reasonably satisfied the statute's demands. Father has maintained a fervent desire to raise his child, being sensibly fit and percipient to do so.

1. With the familial landscape having evolved over the last thirty years, neither parent fitting assumed roles and a bond formed between father and child as a case in point, can the "biology-plus" standard still be considered constitutional when it can no longer be justly applied?

2. Ultimately having a negative impact on the children, does it serve the ends of justice if fundamental rights afforded to parents by the U.S. Constitution are unethically contemned when contesting adoption?

3. As federal laws provide encompassing standards with which state adoption laws comply, any action based on the implemented statute, which a broader definition of support is to be affixed, requires that all relevant surrounding circumstances be considered. Once accurately interpreted, is there clear and convincing evidence that Father did not provide support to Mother for the last six months of pregnancy?

PARTIES TO THE PROCEEDINGS

Since this case involves a child, initials have been used to identify the parties.

Petitioner is Paul Fiscus III, (P.F.),
Baby Girl G.'s father.

Respondents are Joe Salazar and Laci Salazar,
(J.S., L.S.), adoptive resource.

(A.G.), Andrea Gile,
Baby Girl G.'s mother.

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The opinion of Kansas Supreme Court to review the merits appears at App. 1 in the appendix to this petition and is published at 466 P.3d 1207 (2020).

The opinion of Kansas Court of Appeals appears at App. 28 in the appendix to this petition and is published at 452 P.3d 881 (Kan. Ct. App. 2019). The ruling of 18th Judicial District Court appears at App. 20 in the appendix to this petition.

STATEMENT OF JURISDICTION

The date on which Kansas Supreme Court decided on petition for review is July 10th, 2020. A timely petition for rehearing was denied by that Court on Aug. 27th, 2020 and a copy of the order denying rehearing appears at App. 48.

This Court has jurisdiction to review issues of denial of due process by the State Court, *e.g., Chambers v. Mississippi 410 U.S. 284 (1973)* and under 28 U.S.C. § 1257(a). 28 U.S.C. § 2403(b) may apply and a copy shall be served on the Kansas Attorney General. Notice had been served challenging K.S.A. 59-2136(h) on March 9th, 2020. Copy appears at App. 62.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The constitutional provisions involved are Title 18, U.S.C. §§ 241, 1001, Title 28, U.S.C. §§ 453, 1257, Title 42, U.S.C. § 1983 and the 14th Amendment to the U.S. Constitution, §§ 1, 2 which are set forth in Appendix E, *infra*, starting at 51a.

The statutes involved are Kan. Stat. Ann. chapter 59, Probate Code § 59-2136 and chapter 60, Procedure, Civil §§ 60-211, 60-212 which are set forth in Appendix E, *infra*, starting at 53a.

STATEMENT OF THE CASE

Due to the nature of this case, discussing select merits and errors is consequential as a vade mecum.

Parents were involved until Jan. 2018. On Feb. 14th, Mother (A.G.) confirmed to Father (P.F.) that she was pregnant. After an appointment on Mar. 14th, A.G. said she was certain he was the father. Paternity had been a looming issue. Eventually, she admitted to relations with two other men during the time of conception. Notwithstanding, P.F. immediately expressed avidity to be the father and they began planning based on that assumption. A.G. moved in with her boyfriend, (Z.H.), in May. His testimony, "Did you charge her rent when she moved in with you?" "No." "So, she had free [housing]?" "Basically." "Did she pay any [bills]?" "No, not really." See *In re Baby Boy N.*, 19 Kan. App. 2d 574, 588 (1994) ("It is possible that the mother's needs and requirements are a relevant circumstance in determining whether a natural father acted reasonably . . . .")

In June, Father made a hardship withdrawal from his 401k for a down payment on a house to accommodate the baby, advising A.G. and others that he wanted enough space for her if she ever needed shelter. For reasons assumingly related to her mental health, this sparked a change in her demeanor.

7/1/18, 5:55 p.m. Father, "I just bought a house with my main intention to accommodate my daughter . . . [I] am not saying that to make you look bad, I am saying that is the effort I have put in. I ask you constantly if you need something. I also want to give you space and I want to respect you."

5:56 p.m. Mother, "And I have told you 100 times, I do not need nor want anything from you. Also, are you saying I am lesser of a parent because I do not have the financial means to buy a house?"

Later that month, Father expressed willingness to bear an immensity of parenting after she spoke with an air of trepidation. Soon after, she suddenly stopped responding. Confused, he gave her space, periodically reaching out and continuing to anticipate the due date. Unbeknownst to P.F., this silence coincided with an appointment regarding adoption.

After learning of an induced birth and adoption plan by Mother's stunned aunt, Father claimed paternity on Oct. 11th. He provided a check to the adoptive resource, offering help with anything on Oct. 18th. On Dec. 10th, he submitted a paternity action. By Feb. 12th, 2019, he had completed infant CPR and first aid classes, located a day care provider, a pediatrician, and had attempted to add his child to his health insurance, continuously pressing for more time with his daughter during proceedings. After a three-day trial, District Court ruled to terminate his rights despite a showing of the statute being met and an established bond with his child.[1] He immediately filed intent to appeal. Kansas Court of Appeals heard oral argument on Oct. 15th, releasing an obstinate opinion on Nov. 22nd. He filed a petition for review on Dec. 23rd, being granted on Feb. 25th, 2020.

While *C.L.*, in 2018, opened with "When a natural father assumes his parental responsibilities, the right to raise his child is entitled to constitutional protection,"[2] the same consideration had been oddly absent with a glib affirmation on July 10th. P.F. submitted a motion for rehearing on July 31st, and a petition to file a pro se supplemental brief on Aug. 17th. Both had been denied by Aug. 27th.

REASONS FOR GRANTING THE PETITION

"And for over 30 years now, [this] Court has remained silent on this topic."

"The best person to bring up a child is the natural parent . . . For [unwed fathers of infants], this principle is not readily accepted. Further, when a father has established his [interest], the courts disadvantage the natural father-child relationship by granting *pendente lite* custody to preadoptive parents during the legal proceedings. These statutes and procedures [do not] adequately protect a father's interest in gaining custody of his infant child."

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[1] U.S. Const. amend. XIV § 2

[2] C.L., 427 P.3d 951, 953 (2018)

"In extreme cases, [they] violate fathers' constitutional parental rights by relying on the presumption that unwed fathers are unfit parents." See *Gonzalez, The Rights of Putative Fathers to Their Infant Children in Contested Adoptions: Strengthening State Laws that Currently Deny Adequate Protection, 13 MICH. J. GENDER & L. 39, 40 (2006)*

Kansas Supreme Court's opinion, "Appellant's briefs do not [explain] why the issue was not presented [below]." However, rule 6.02(a)(5) states, "If the issue was not raised below, there must be an explanation why the issue is properly before the court." *Rule 6.02 - Content of Appellant's Brief, Kan. R. App. P. 6.02*

"Given the burgeoning and still developing case law nationally and in Kansas on parentage and family formation, it is wrong, in my judgment, to leave unwed biological fathers languishing in the 'stunningly anachronistic' world of gendered roles and traditional family formation (a world this court has generally striven to put in our past) without even considering the merits of this case."[3]

This is not simply an erroneous ruling or misapplication of law; this is a matter of national concern that should be addressed.

Under the Due Process clause of the 14th Amendment, this Court has held that natural parents have a fundamental liberty interest in the care, custody, and management of their children. Considering this, decisions in state proceedings to terminate parental rights must be based on clear and convincing evidence; findings based on a preponderance of the evidence standard are insufficient. Under the Equal Protection clause of the 14th Amendment, this Court found unconstitutional a state law that differentiated between the unwed parents of an illegitimate child with respect to their right to consent to the child's adoption, where the father had shown a significant paternal interest in the child.

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[3] Adoption of Baby Girl G., 466 P.3d 1207 (2020) (Stegall, J., dissenting)

This Court ruled that there was no substantial relationship between the law's gender-based discrimination and the state's interest of providing for the well-being of illegitimate children, and therefore the discrimination was impermissible under the Equal Protection Clause. The *sine qua non* of constitutional rights and contested adoption is Due Process and Equal Protection, each being derided here.

K.S.A. 59-2136(h)(1)(D) "The father, after having knowledge of the pregnancy, failed without reasonable cause to provide support for the mother during the six months prior to the child's birth."

K.S.A. 59-2136(h)(4) "For the purposes of this subsection, 'support' means monetary *or* non-monetary assistance that is reflected in specific and significant acts and sustained over the applicable period."

59-2136(h)(2) "In making a finding whether parental rights shall be terminated under this subsection, [the court shall] consider all of the relevant surrounding circumstances . . . ."

Father reverentially comes before this Court as a pro se litigant by virtue of severity and progeny.

The invoked statute does not reflect "particularly financial support" in its language. There has been a pertinacious focus on an exchange of cash when the statute has broader standards. Sensibly, giving a mother unwarranted money for her own discretionary spending completely unrelated to a pregnancy does not equate to a father providing support for that pregnancy. Providing, discussing, planning, sharing excitement, encouragement, feedback, nurturance, sustenance, shelter, ensuring medical coverage, transportation, love for the child, respect, and a sustaining offer to help with anything in relation to the pregnancy, however, does. P.F. carried out these actions while never refusing to provide support within reason. See *In re Adoption of B.M.W.*, 268 Kan. 871, 882 (2000) ("Adoption statutes are to be strictly construed in favor of maintaining the rights of natural parents . . . .")

Mother did not have needs in relation to the pregnancy that Father failed to provide. For most of the relevant timeframe, she had no financial obligations. This misplaced ostracization divulges of ulterior motive, indolence, or ineptitude as the evidence does not jibe with the result or opprobrium.

Father has been lambasted for acting responsibly while Mother has been incorrectly portrayed as destitute. Common sense and rationality has been disturbingly absent in each decision, as if the staidness were inscrutable. Without ramification, similar actions will continue across the country, leaving undeserving citizens woeful beyond convalesce.

This case circumstantiates the inexactitude in adoption statutes across the nation that has been repeatedly exploited for unascertained benefit.

Z.H., when asked, "You [did] not want the baby, correct?" "I already have a son of my own that I was working on raising, so..." . . .

"[If] she was going to [be with you] and you did not want her baby, she had to do something else?" "I suppose, [yes.]" See *In re Adoption of Baby Girl P.*, 291 Kan. 424, 430 (2010) ("A court is to consider all of the relevant surrounding circumstances in an action based on [59-2136(h)(1)(D)].")

The adoptive resource gained a culpable advantage by filing to terminate the unsuspecting Father's rights without factual basis after Mother deceptively induced birth. Knavish maneuvers of this shade are often dependent on a father trusting a mother and go ceaselessly unchecked.[4]

The utilized statute does not specify what is considered satisfactory. As suggested, it matters not the effort, any action can be deemed insufficient.

[4] See, *e. g.*, Strickland v. Demke et al, *online at https://brunchrecipeszawiy.wordpress.com/2014/01/09/get-over-yourself-lady/*

This is boldly unamerican. See *Novak, Blood over Bond? A Call to Define Kansas's Requirements for Biological Fathers to Retain Parental Rights. Kan. L. R., Kan. L. R. Inc. 6/1/2013: vol. 61(5), 1141 (2013)* ("The statute should clearly specify the requirements biological fathers must meet to preserve their parental rights, particularly in regard to what is meant by the word 'support' in sections 59-2136(h)(1)(C) and (D).")

When challenged, appellate courts often uncloak a parti pris by sidestepping and responding farcically. Here, the clear and immediate issues had been litigated. Based off the statute, case law, testimony, and evidence, challenging constitutional infractions in superior courts should not have been on the horizon.

Court of Appeals responded obstructively on that which should have remanded the case, with Supreme Court following suit.

At each stage it had been reiterated that Father has a constitutional right to parent his child. The appendix to this petition holds these instances. There is a vast amount of overlooked case law, as P.F. has been answered with a confoundedly cold repudiation.

No matter the motive, it does not usurp fundamental rights or a child's best interests. See *Stanley v. Illinois*, 405 U.S. 645, 651 (1972) ("It is plain that the interest of a parent in the companionship, care, custody, and management of his or her children 'come[s] to this Court with a momentum for respect lacking when appeal is made to liberties which derive merely from shifting economic arrangements.'")

The efforts taken to thwart and cause anguish to P.F. and his child have been immense. If unbridled, near 405,000 citizens could potentially be affected on an annual basis. See *The Adoption Network (Nov. 24, 2020), online at http://www.adoptionnetwork.com/adoption-statistics*

The propensity of exponents to take an adversarial stance, violating the Equal Protection and Due Process Clauses while "making assertion of parental rights a Herculean task,"[5] distorts the integrity of adoption and the Constitution. With sensitive components fused within, advocates have an inherent responsibility to uphold the rectitude that adoption demands. Adoption statutes are 'strictly construed' in favor of maintaining the rights of natural parents, however, the weight they are to hold is frequently obviated. This case has an unjust outcome with instances across the country[6] resembling the aesthetic.[7]

Ethical and mental health issues tend to intertwine with adoption. Per the AFFCNY, there are seven core issues for adoptees. **Loss:** Their loss can feel more prominent at various developmental stages. **Rejection:** They often feel rejected by their birth parents and subsequently avoid situations where they might be rejected or provoke others to reject them to validate their negative self-perceptions. **Shame:** They often believe there is something intrinsically wrong with them and that they deserved to lose their birth parents. **Grief:** There is no ritual to grieve the loss of a birth parent. Suppressed or delayed grief can cause depression, substance abuse, or aggressive behaviors.

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[5] Adoption of Baby Girl P., 291 Kan. 424, 433 (2010) ("We do not find in the statutory scheme a legislative call to make the assertion of paternal rights a Herculean task.")

[6] See, *e. g.*, Lemley v. Barr, 176 W. Va. 378, 343 S.E.2d 101 (W. Va. 1986), Smith v. Malouf, 826 So. 2d 1256, 2000 CA 465 (Miss. 2002), Kessel v. Leavitt, 204 W. Va. 95, 511 S.E.2d 720 (W. Va. 1998), Osborne v. Adoption Center of Choice, 70 P.3d 58, 2003 UT 15 (Utah 2003), In re C.L.S, 252 P.3d 556 (Colo. App. 2011), Wyatt v. McDermott, 283 Va. 685, 725 S.E.2d 555 (Va. 2012), Manzanares v. Byington (In re Adoption Baby B.), 308 P.3d 382 (Utah 2012), In re Krigel, 480 S.W.3d 294 (Mo. 2016), Frank R. v. Adoptions, 402 P.3d 996 (Ariz. 2017), Kimberly Rossler and her son James Elliott (Alabama 2015), online at https://www.huffpost.com/entry/wrongful-adoption-return-_b_7739426, Petersen, former AZ official, sentenced to prison for running an illegal adoption scheme (Ariz. 2020), online at https://www.fox10phoenix.com/news/ex-maricopa-county-assessor-paul-petersen-sentenced-to-74-months-in-prison-for-adoption-scheme), et al.

[7] 42 U.S.C. § 1983 - Civil action for deprivation of rights.

Identity: They often feel at a loss regarding their identity because of gaps in their genetic and family history. **Intimacy:** Adoptees tend to be more reserved with developing relationships. **Control:** Whether placed at birth or as an older child, they were not given an option. See *Seven Core Issues of Adoption (Oct. 16, 2017), online at http://www.affcny.org/7-core-issues-of-adoption/* For adopted adults, many of these issues can carry over from childhood. See *What Problems Do Adopted Adults Have? (Nov. 18, 2019), online at http://www.centerforanxietydisorders.com/what-problems-do-adopted-adults-have/* For parents who contest adoptions but are wrongly defeated, there is perennial heartache. For adoptees, adoption can be a trauma of loss and separation that results in PTSD. Parents who unconscionably lose children to adoption can also experience that trauma, but in addition they can also suffer from "moral injury." See *Riben, Adoption-Related Trauma and Moral Injury (Dec. 6, 2017), online at http://www.huffpost.com/entry/adoption-related-trauma-a_b_10492058*

"State judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights." *Goss v. State of Illinois*, 312 F.2d 257, 259 (1963) This Court has noted that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a remedy sought in opposition to them, even prior to a reversal. They constitute no justification; and all persons concerned in executing such judgments, or sentences, are considered, in law, as trespassers." *Elliott v. Peirsol*, 26 U.S. 328, 329 (1828)

Due process requires that the procedures by which laws are applied must be evenhanded.[8] The Courts of Kansas cannot be considered evenhanded with the disregarded evidence, ignored procedural and case law, misconstrued testimony, misemployed statutes and mendacious concoction of events and character in this case.

[8] 28 U.S.C. § 453 - Oaths of justices and judges.

Father and daughter are victims of wrongful family separation. See, *e. g., Yick Wo v. Hopkins*, 118 U.S. 356, 373-74 (1886); *Seymore, Adopting Civil Damages: Wrongful Family Separation in Adoption, 76 Wash. & Lee L.R. 928-929 (2019)* (citations omitted)

Clear and convincing evidence is an intermediate standard of proof between a preponderance of the evidence and beyond a reasonable doubt. See, *e. g., Williams Telecommunications C. v. Gragg*, 242 Kan. 675, 676 (1988); *In re Adoption of B.B.M.*, 224 P.3d 1168, 1173 (Kan. 2010) (citations omitted)

Courts have reviled Father, stood firmly with statute ambiguity, created false truths, and responded with a baffling tone.[9] See *In re Adoption of G.L.V.*, 286 Kan. 1034, 1048 (Kan. 2008) ("[B]ecause parental rights are fundamental rights that deserve constitutional protection, any ambiguity in the statute must be resolved in favor of the natural parents.") Antiquated gender stereotypes should not have been applied as indicated, with parents here substantially swapping assumed roles.[10]

The rehearing response, "[T]hat would negate the statute's purpose, which is to provide a measure by which to gauge a father's commitment for his child during pregnancy . . ."

"The test is to foster support for the child, but it also serves as a measure of the possible father's commitment to the child . . ."

"If he grasps that opportunity and accepts some measure of responsibility for the child's future, he may enjoy the blessings of the parent-child relationship . . ." See, *e. g., In re Adoption of D.M.M.*, 24 Kan. App. 2d 783, 789 (1997); *Lehr v. Robertson*, 463 U.S. 248, 261 (1983) (citations omitted)

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[9] 28 U.S.C. § 1257 - State courts; certiorari.

[10] See, *e. g., Sakal, "Dad wins sole custody of missing Baby Gabriel," (Oct. 8, 2011) online at https://www.eastvalleytribune.com/news/dad-wins-sole-custody-of-missing-baby-gabriel/article_0ca7f246-b690-5235-8916-1d88a2809f8b.html*

P.F.'s commitment to his child before and after her birth has been recognized by each appellate court. See *Craig, Establishing the Biological Rights Doctrine to Protect Unwed Fathers in Contested Adoptions, 25 FLA. ST. U. L. REV. 391, 392 (1998)* ("When the father has been unable to assume parenting responsibilities because the child has been placed at-birth with prospective adoptive parents, the biological connection and the father's asserted willingness to assume his parenting role should be sufficient to trigger full constitutional protection . . . .")

Somehow, this parallelism has been lost. Parents who express consistent interest in their children deserve the chance to parent and an active desire to raise their children should establish a primary right to custody. See, *e. g., Zinman, Father Knows Best: The Unwed Father's Right to Raise His Infant Surrendered for Adoption, 60 Fordham L. Rev. 971, 988-991 (1992); Adoption of C.L.,* 2018 WL 1022887, at *8 (Malone, J., concurring) (citations omitted)

Father should have been granted such custody, just as his actions pre-birth should have voided the adoption. See, *e. g., Matter of Adoption of Halloway*, 732 P.2d 962, 972 (Utah 1986); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *In re Baby Girl B.*, 46 Kan. App.2d 96, 108 (2011); *In re Adoption of Baby Girl P.*, 291 Kan. 424, 430, 433 (2010), et al. (citations omitted)

Several decisions by these Courts show an empathy that is strikingly absent here. See *Baby Boy F., C.L., Baby Girl P.,* et al. There is conflict with an abundance of case law. In *Baby Boy B.*, "As the father correctly points out, the legislature did not state that it must be shown that the father failed to support the mother but rather that he failed to provide support for her . . . A father who contributed to the support of the mother but failed to fully support her before the birth of the child would not seem to be in the same category or to deserve the same sanction — having his parental rights terminated — as those who raped and abandoned and were unfit." See *In re Adoption of Baby Boy B.*, 254 Kan. 454, 463 (Kan. 1994)

In *Baby Girl P.*, "We find nothing in the adoption statute requiring that a parent must make extraordinary displays of financial support . . . [Father's] efforts were clearly more than incidental. He retained counsel, he filed court actions to obtain visitation, he gave gifts, and he offered to give anything that was needed for his daughter's support . . . It demonstrated a commitment to assuming the role of a father."

"A mother's refusal of support offered constitutes reasonable cause for an alleged lack of support." See *Interest of K.D.O.*, 20 Kan.App.2d 559, 561-62, 1160 (1995) While Court of Appeals acknowledged that "Father made several offers of financial help that Mother did not accept," that Court did not acknowledge Father's appeal citing that case law. Brief of Appellant, p. 27. Where a court finds that a father has "failed to provide support but has a reasonable cause, [59-2136] may not serve as a ground for terminating his parental rights."

Mother in *K.D.O.* testified that father offered to provide support, but she "did not want to be bothered by his offers." Comparably, A.G. testified, "I declined his offer . . . ."

In June, *C.J.C.* answered "an important question about the constitutionally mandated presumption that a fit parent acts in his child's best interest, holding that the presumption applies not just in an original suit affecting the parent-child relationship but also in a proceeding by a nonparent . . . we hold that it does." See *In re C.J.C.*, No. 19-0694, 3 (Tex. Jun. 26, 2020)

"Parents who assume their responsibilities have a fundamental right, protected by the Constitution to raise their children." *Baby Girl P., supra,* at 430.

The U.S. considers an act an infringement if it violates the spirit or the letter of the written Constitution. Actions on behalf of the government that prevent an individual from exercising constitutionally protected rights is exactly that.

Highlighting furtive conjuncture, on Oct. 24th, 2018, Father submitted a motion for immediate custody.[11] He had been ordered to take a urinalysis and a hair follicle test, an extensive request for someone without a criminal record. The next hearing had been scheduled on a date where hair follicle results could not have yet been returned. This cost Father an additional ten days before he could meet his child.

On Nov. 6th, P.F. submitted a motion for a more definite statement as the petition to terminate rights made sweeping allegations without factual basis. On Nov. 15th, adoption counsel stated that an amended petition would be filed. Per K.S.A. 60-212(e), the deadline to file had been 14 days from that date.

On Dec. 4th, Father filed a motion to dismiss as that deadline quietly passed. Per K.S.A. 60-211(b)(3), the factual contentions required evidentiary support when originally submitted as a reasonable opportunity for further investigation had not been identified. District Court simply extended the deadline by 14 more days. In *C.L.*, Justice Biles harangued the attorney during oral argument for using similar tactics. "These alleged grounds for terminating Father's parental rights were made without prior factual investigation." *C.L., supra*, at 954.

On Jan. 17th, 2019, once the petition had finally been amended, a psychologist hired by the adoptive resource had peculiarly diagnosed P.F. with a dependent personality disorder after only conducting three simple tests (WAIS-IV, MMPI-2, MCMI-IV) and a brief two-hour interview. District Court had been well aware of the motion to dismiss and the need for an amended petition, yet "chose to believe" this farce as fact. Father does not exhibit even one of the diagnostic features,[12] the intent being obvious. Even still, there is little published connecting this to parenting.

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[11] U.S. Const. amend. XIV § 1

[12] American Psychiatric Association. Diagnostic and Statistical Manual of Mental Disorders. (5th Edition), 675 (2013)

In contrast, many studies show that those with bipolar disorder, A.G.'s diagnosis, can be found unfit due to erratic behaviors. See *Van Brunt, Zedginidze, A.A. and Light, P.A., The Unfit Parent: Six Myths Concerning Dangerousness and Mental Illness. Family Court Review, 54: 18-28, 20 (2016)* ("Individuals experiencing schizophrenic symptoms or bipolar disorder may not make appropriate parenting decisions or could become consumed by the illness.")

P.F. is undeniably fit to parent. If he had actually failed to provide support or were mentally impaired, an amended petition would have never been an issue.

It takes a duplicitous mind to proclaim that a person supposedly with this disorder would buy a house "solely for himself" while someone is most likely pregnant with his child.

P.F. motioned to have his child stay overnight at the house purchased primarily for her. Instead, he had to travel a three and a half hour drive every weekend to see her for only four hours each day.

Having no valid reason to deny the request, this exposes a concurrent partisanship. See *Zinman, Father Knows Best: The Unwed Father's Right to Raise His Infant Surrendered for Adoption, 60 Fordham L. Rev. 971, 981 (1992)* ("When an infant is placed for adoption at birth, the natural unwed father can have no more than a biological link to his child. [This] Court has yet to rule on what this unwed father must do to protect his parental rights, effectively leaving the states free to find their own answers.")

Corruption undermines the core of the administration of justice, blockading the right to an impartial trial. It takes little effort to see prejudice in District Court "choosing to believe Mother's version" over three separate testimonies and a plethora of evidence.[13]

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[13] ABA Model Code of Judicial Conduct, Rule 1.1: Compliance with the Law

"He was not emotionally supportive but instead verbally abusive, self-centered, mean, and sarcastic and not responsive to [Mother's] needs. It is not in the child's best interests to deny the adoption."

This is contrary to the manifest weight of the evidence. Circumstances were not considered, nor were these conclusions delineated. There is nothing compelling to suggest that District Court perused the text messages, admitted evidence, past the first month of assumed paternity. They reveal over 170 instances of emotional support from Father to Mother and over 70 supportive comments he had made about their daughter. Reading sarcasm in text can only be subjective.

The ROA does not support termination being in his child's best interests. See *In re Waters,* 195 Kan. 614, 617 (1965) ("[W]here the absolute severance of the relation is sought without the consent and against the protest of the parent, the inclination of the courts is in favor of maintaining the natural relation.") The last time that he has seen his child, she cried for him as he reluctantly walked away. L.S. was witness to this, as well as Mother's teenage cousin, who had been accompanying Father. Reunification with Father will be a much easier and gentler transition compared to her discovery of a childhood that existed within a spurious context. See *Lumme, 5 Reasons Dads Are So Important to Their Daughters (October 18, 2020), online at https://redtri.com/5-reasons-dads-are-so-important-to-their-daughters/*

"He gave her no means of transportation, but to be fair, he did give her a couple rides when it also benefited him."

The ROA shows that transportation sustainably provided without ever somehow being "beneficial" to Father.[14]

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[14] Code of Conduct for U.S. Judges, Canon 2A - An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired.

He had stated, "If you need to go somewhere and it is too hot I will . . . take you because we need you to not be too hot," on June 11th and, "If you need a ride somewhere in the meantime . . . I can help." on June 22nd.

"He gave her no home or residence."

The ROA features a sustaining offer of shelter. Father stated, "Aside from saying you can stay with me . . . ." on Mar. 21st, after offering shelter on Mar. 14th, which she reacted impassively towards. The fact that she lived with Z.H. is not acknowledged in the ruling. On May 4th, P.F. said, "I will help anyway that I can. You can keep your stuff at my house . . . you could stay there too . . . ."

His real estate agent testified, "He was getting ready to be a father and wanted a place for his daughter to grow up and also for the mother of the child to have a place to stay."

A former coworker testified that P.F. had said, "I [offered shelter] until she has the baby, even after if need be, regardless if she's in another relationship or not." See *Mayeri, Foundling Fathers: (Non-)Marriage and Parental Rights in the Age of Equality, Faculty Scholarship at Penn Law 1657, 2292 (2016)* ("As nonmarital parenthood becomes the American norm, recovering its constitutional history illuminates how and why marital status still delimits the boundaries of equality law.")

"[P.F.] had money for anything he wanted. He was never overdrawn."

Father's balances at the end of each relevant month were **$334.25** in Mar., **$41.41** in Apr., **$10.30** in May, **$104.70** in June with $1,371.24 of 401k deposited, **-$27.98** in July with $3,036.91 of 401k deposited, **$46.28** in Aug., and **-$37.34** in Sept. as $350 had returned to his account in error. In July and September, P.F. had indeed been overdrawn.

His bank records were never decorously reviewed.

"And the statements were, quote, 'I was not going to give her money,' end quote and the second one was, quote, 'I was not going to give her money unless she asked for it,' end quote."

Willfully misconceived testimony. P.F. testified, "I offered something that would have been more beneficial because I wanted to provide shelter, food, storage, and transportation . . . I wanted to take care of a child," and, "I wanted to do something that I knew was going to benefit her and the child."

There is much to the inclination of a preordained agenda, as District Court's confirmation bias suggests. See *Santosky v. Kramer*, 455 U.S. 745, 754 (1982) ("When the State moves to destroy weakened familial bonds, it must provide the parents with fundamentally fair procedures.")

"He was able to buy a house. He reduced his income in May or June of 2018 when he quit [job] because 'it just wasn't worth it.'"

Portraying Father in this light for purchasing a house for his child is absurd. P.F.'s testimony, "I did not make a significant amount of money to continue working 60 hours a week and I wanted to prepare for my child, to be available for my child."

"She had no job. She had no means of transportation. She had no way to get to job interviews. There were times that she was without a residence and was couch surfing with family and others."

This is a blunt falsification of facts.

By Apr. 21st, she had been employed and, in addition to P.F.'s support, had access to three different vehicles during pregnancy. A.G. had never been without residence or had to "couch surf."

"That was more important, at least he believed, than the child that was being carried by the woman."

P.F.'s testimony never reflects disregard for his child.[15] The reference occurred on June 30th. On June 28th, he had said to A.G., "I hope she is active next time I see you. I would love to feel her moving around . . . If you need anything, let me know. I have been thinking about her all day."

"It has affected his everyday life and work and without therapy [P.F.] will not get better . . . ."

Along with the incorrect diagnosis, there has been an unabating misconception in the difference between "recommended" and "required." Father has never wavered from being a rational and responsible adult. See *In re Lathrop*, 2 Kan. App. 2d 90, 96 (Kan. Ct. App. 1978) ("[A] putative father who appears and asserts his desire to care for his child has rights paramount to those of non-parents, unless he is found to be an unfit father in a fitness hearing. The trial court found that he was a fit parent; therefore, his right to have custody of his child is clear.")

"*Not giving her any cash was an excuse by [P.F.] just to not give her any money.* Candidly, it is not [his] call. The statute does not let you make that decision." (Emphasis added.)

The statute distinctly states "support means monetary or non-monetary assistance."[16]

Father's testimony, "You were going to provide for her in other ways?" "Yes."

District Court "failed" to properly apply the clear and convincing standard.[17] That court also "erred" by not honoring the strict construing of statutes to favor maintaining parental rights.

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[15] 18 U.S.C. § 1001 - Statements or entries generally.

[16] Code of Conduct for U.S. Judges Canon 2A. - Respect for Law. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

[17] ABA Model Code of Judicial Conduct, Rule 1.1 - A judge shall comply with the law, including the Code of Judicial Conduct.

Being thoroughly egregious, the decision to terminate Father's rights seems to have been made before trial began. See *In re Baby Girl B.*, 46 Kan. App.2d 96, 108 (2011) ("When applying [59-2136], Kansas appellate courts have strongly endorsed the parental preference doctrine, required strict compliance and diligently enforced the clear and convincing evidence standard.")

The last 40 hours Father and his child spent together were unsupervised where supervision had never been necessary. He naturally parented quite well. "Supervision" is another maneuver infringing upon rights with "supervisor" creating false narratives. P.F. does not have a history of violence or instability. The first visitors brought to meet his child were members of Mother's family.

This Court should feel compelled to exercise review as these slanted actions go against the Constitution and have inequitably deprived a child from her father and her family, a ringing alarm on a national scale. "No [judicial officer] can war against the Constitution without violating his undertaking to support it." See *Cooper v. Aaron*, 358 U.S. 1, 18 (1958) Kansas Court of Appeals had taken dialogue from the start of the texts out of context to imply that Father did not provide emotional support, though the reference had been outside the statutory timeframe and inapplicable. This lends support to the notion that evidence in the record had not ever been carefully reviewed.

"Mother also told Father that she did not want or need anything from him. But Mother did accept other offers of support . . . ."

Accepting varied offers does not abrogate offers not accepted. A.G. never testified that she had significant financial difficulties during the pregnancy. See *In re Adoption of Baby Boy S.*, 22 Kan.App.2d 119, 130 (1996) ("Where a trial court finds that a father's reasonable efforts to provide for his child's welfare failed because of interference by the mother, adoption agency, or adoptive parents, the statute should not operate to terminate his parental rights.")

"Father notes he offered to let Mother live with him twice. *But Mother testified she did not think the offers were genuine and this was not a realistic option.*" (Emphasis added.)

Janus-faced remarks do not nullify verifiable intentions. There is a perceivable lack of substance to all her subjectiveness.

Nearly every shred of testimony was manipulated to imply negativity towards Father. He testified, "She would have had safe haven at my house anytime."

"She asked for Father's address so she could have one piece of mail sent there . . . Father provided her a ride home . . . *but he did not give her a ride there.* As for Father's offer to allow Mother to store her belongings at his home, *she never took him up on this offer.*" (Emphasis added.)

She selected healthcare coverage he suggested, covering all medical expenses. It is irrelevant that she only requested a ride home or that "she never took him up on this offer." See K.D.O., 889 P.2d 1158, 1160 (Kan. Ct. App. 1995) ("The trial court found that although the father failed to provide support to the mother during her pregnancy, he had a reasonable cause for his failure, namely, the mother's refusal to accept his offers of support.")

"The supervisor testified she found it unusual that Father would fall asleep during the . . . time he had for the visit."

The "supervisor," a licensed social worker, found it unusual that a father and daughter napped together?

Father's testimony, "Was she comfortable enough to fall asleep on your chest?"

"Yes." "Did you close your eyes when that was happening?" "Yes." "Why did you do that?"

"Because it was amazing. I love her."

"While on the one hand society has recognized that a father's interest in having a child is a fundamental right, society still imposes outdated stereotypes on what a father wants, or is willing to do, based upon his legal relationship with the mother when the child is born. This is fundamentally unfair. With each passing year, researchers have documented how fathers are more involved in their children's lives than fathers of previous generations." *Kolinsky, The Ties That Bind: Reevaluating the Role of Legal Presumptions of Paternity, 48 Loy. L.A. L. Rev. 223, 266 (2014)*

"He later testified he started using illegal drugs when he was 16 and had used them for the past 25 years."

Testimony does not support this statement. The ROA reflects only casual use at any time. As with responsibly utilizing professional help, drug use has been terribly blown out of proportion. Three clean urinalyses and a voluntary intake assessment not recommending treatment had been submitted. He has abstained from use since before his child's birth, having no criminal record.

"[H]e was paying down his debt, and he acquired baby items for his home. But Father did these things for his own benefit . . . ."

Focus of support is another weapon wielded against unwed fathers, with Courts completely ignoring the circumstances.

"He spent hundreds of dollars on credit card payments and withdrew hundreds of dollars in cash."

Kansas Courts have puzzlingly miscomprehended the framework of consumer credit. His testimony had established that most withdrawn funds were for financial obligations.

Court of Appeals even confirmed that P.F. had indeed satisfied the statute. "Father intended to parent . . . and *provided some support.*"

Father has only been viewed with a jaundiced eye, absent any defined valid cause. These unreasonable stances are against the Constitution and bring to light how ethically vulnerable the statutes truly are. See *Troxel v. Granville*, 530 U.S. 57, 66-67 (U.S. 2000) ("In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the 14th Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.") Disregarding a child's future is an alarming issue of national concern.

"In 2018, [Kansas] replaced [best interest] with a mandatory assessment of the [relevant circumstances]. On appeal, the parties have not invited us to look at the [amendment]—they have not even mentioned it. *(Father's briefs mention it at least seven times.)* [District Court] did [not] apply the new statutory provision . . . the [consideration] in [59-2136] replicates [Care of Children, 38-2201]."

In the appendix to this petition, App. 63, is transcript of P.F.'s counsel objecting to a fraudulent trial brief that spoke of chapter 38, presented at 5:00 p.m. on Friday before a Monday morning trial. That Court quickly overruled, further signaling prearrangement. Considering relevant circumstances has been a provision of the statute since at least 2009, even if temporarily removed. See *Bell v. City of Milwaukee*, 746 F.2d 1205, 1244 (7th Cir. 1984) ("The state may not separate the parent from the child, even temporarily, without according them due process of law to protect their liberty interests.")

"[District Court] pointed out Father's . . . chronic depression and personality disorder, both of which were . . . resistant to quick treatment or resolution."

Plainly, his character and actions do not match the massive slander. It is very disturbing to discover the unjust tactics employed by those that society typically sees as arbitors of justice, all in the effort to, bluntly, steal this child's family away from her.

From that Supreme Court's opinion, "[He complains] that undue weight was placed on the mother's subjective experience . . . it did not base its legal conclusions on her reactions."

"But Mother testified she did not think the offers were genuine . . . ." (Emphasis added.)

"Father's brief [pointed] out that the right to parent [is a] protected constitutional right. But [he] acknowledged that the right to raise a child is tempered by the extent to which the parent has assumed parental responsibilities."

Constitutional liberties are not antithetical to parental responsibilities, they are woven within. This is another of many sophisms. Naturally, Father wanted and attempted to help in any way he reasonably could. See *In re Gentry*, 142 Mich. App. 701, 705 (Mich. Ct. App. 1985) ("A parent's right to the custody of his or her children is an element of 'liberty' guaranteed by the 5th and 14th Amendments to the Constitution of the United States.")

"[Giving] her occasional rides, accompanying her to some classes and medical appointments and encouraging text messages, were inconsistent and of dubious value . . . ."

It is unbefitting to depict a loving father's efforts in a diminishingly dismissive manner. Rebarbatively, the testimony and evidence support the diametrical opposite of these conclusions. Each Court has been inappropriately obdurate.[18] Further, A.G. had made many intentionally inaccurate statements while under oath. When asked, "Isn't it true that he offered to allow you to store your items at his place?" "Correct and I was going to, but when the day came around to move them, he had made other plans." "He was at work, wasn't he?" "No. It was a Saturday." A Sunday, May 20th, Mother, "I talked with my aunt [and] I can store it all there . . . I super appreciate your offer to help I just feel like I am asking a lot of you by doing this."

[18] 28 U.S.C. § 453 - Oaths of justices and judges.

"He didn't ask you . . . how everything is going?" "He asked me that, yes. He did not specifically ask me how I was feeling, no."

The ROA says otherwise. On Mar. 16th, "Feeling good, nothing different?" Apr. 10th, "Feeling well?" Apr. 15th, "Hope you feel better soon." May 6th, "I hope you are figuring things out for the move and you feel ok." May 29th, "How are you feeling," June 18th, "How are you feeling?"

"It is not that I want to keep her from him . . . [I] do not want him to be able to do anything to *take her.* I do not want some [joint] custody arrangement. I do not want him to be able to make decisions. I want it to be on my terms when he sees her." Mother is demonstrably unfit to parent but that is not coalesced to Father, who has devotedly held a proclivity to parent. Her mental health and disconcerting actions have not been addressed. Not only has she been very cruel to Father, but she has also regarded her own family with similar malice and betrayed her own child. The initial petition to terminate rights, "[A.G.], of lawful age, being first duly sworn on oath, states that she has read the foregoing petition, knows the contents thereof, and that the statements and allegations contained therein are true and does further swear they are correct."[19]

"You knew he was willing to support her if he turned out to be the father?" "Correct." See *In re Adoption of G.L.V.*, 286 Kan. 1034, 1057-58 (2008) ("[59-2136(d)] implicitly expresses Kansas' public policy that the best interests of children are served by fostering their relationships with their natural parents in cases where the parents have assumed parental duties toward their children.")

"He was expressing that he was upset that he was not the father, not that he was upset that he wanted to be the father even though she might have developmental delays."

[19] ABA Model Rules of Professional Conduct Rule 3.4(b) - A lawyer shall not: falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law.

This statement is incongruous with logic and sensibility. "[Y]ou had not told him about guy number three at all at this point?" "As I previously stated, no, because I did not remember."

"And why would you not have remembered having sex with someone? Were you under the influence of something at the time?"

"No. It was just insignificant to me, I guess."

Responding to the petition for review, "The gist of Father's argument was that his incessant texting to Mother and his decision to purchase himself the house he always wanted . . . ."[20] p. 1

Lacking probity, these tactics are discernible. "Father took steps to prepare for parenthood by purchasing a house, attending parenting classes, making sure Mother was doing alright, and offering any service she might require at any given time–despite her having another man as her boyfriend and Mother's resistance to his offers to help." See *Langton v. Maloney*, 527 F. Supp 538, 549 (D. Conn. 1981) ("The liberty interest of the family encompasses an interest in retaining custody of one's children and, thus, a state may not interfere with a parent's custodial rights absent due process protections.")

"The fact that Father was not found to be unfit *does not magically make him fit.* [Trial] court clearly indicated it was prepared to find Father unfit, but it declined to do so 'to *avoid any potential adverse impact* on [Father's] life in the future." p. 7 (Emphasis added.)

If P.F. were indeed unfit, he would have been found unfit.

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[20] ABA Model Rules of Professional Conduct 3.3 Advocate: Candor Toward the Tribunal - ". . . A statement is material if it 'had the potential to mislead' the court. A lawyer who knowingly misrepresents the trial record in appellate filings or at oral argument 'make[s] a false statement of fact,' and if the misstatement is material, the lawyer violates Rule 3.3(a)(1). Under Rule 8.4(c), it is professional misconduct for a lawyer to 'engage in conduct involving dishonesty, fraud, deceit or misrepresentation.'"

Any alluding dialogue was intended as a threat not to appeal. The scenerio that counsel suggests is utterly irrational and would be beyond irresponsible if the slightest bit accurate.

"The clear and convincing evidence was that when Mother tried to accept Father's general offers . . . Father refused to follow through." p. 41

Prevarication, the appeal response states "clear and convincing" 77 times. Not merely censure, District Court and counsel hold positions on the Kansas adoption law committee. Actions taken soundly imply a conflict of interest.[21] The ROA holds irrelevant and duplicate components, while many pages have additional markings penned post-trial.[22] In the transcript of evidentiary hearing, specific words are omitted. To identify each example of unethical conduct would be redundant. Had Father failed in any manner, there would be no need for these actions. It is quite perceptible that impartiality and neutrality, required of each Court, had been absent with an unprincipled intent. Nearly every aspect of this case is unethically tainted. A "supervisor" report from Jan. 26th, 2019 stated, notably, "[P.F.] was recording the visit on a small personal voice recorder." What purpose could it serve to have a recorder on his person other than false statements having already been made?

Justice Stegall observed, "This duty clearly flows from a world of assumptions about gender roles [this] Court has called obsolescing and stunningly anachronistic. And it is indisputable that this duty falls unequally on unwed biological fathers and not on any other class of parent now recognized under Kansas law. In my view, whether this discriminatory rule can survive the heightened scrutiny demanded by equal protection jurisprudence is something this court has a duty to consider."

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[21] 18 U.S.C. § 241 – Conspiracy against rights.

[22] Federal Rules of Appellate Procedure, Rule 10 - The Record on Appeal (a) Composition of the Record on Appeal. The following items constitute the record on appeal: (1) the *original* papers and exhibits filed in the district court.

"Where the father's right is purely biological and there has been no family formed, no bonding, no support, and no love, that right seems to be obviously less deserving of support."[23]

There had been support, there had been bonding, there is love. He explicitly loves his daughter, as evident in his unwavering pertinacity. See *Matter of Cozza*, 163 Cal. 514, 524 (Cal. 1912) ("The law is solicitous toward maintaining the integrity of the natural relation of parent and child, and in adversary proceedings in adoption, where the absolute severance of that relation is sought, without the consent and against the protest of the parent, the inclination of the courts, as the law contemplates it should be, is in favor of maintaining the natural relation.") As a constitutional matter, when government seeks to impose parental obligations on a man, such as support, proof of biology alone suffices. Yet, when a man seeks to protect rights to his child, he only enjoys constitutional protection if he can meet the biology plus standard. See *Oren, Thwarted Fathers or Pop-Up Pops? How to Determine when Putative Fathers Can Block the Adoption of Their Newborn Children, University of Houston Law Center No. 2007-A-23, 153-154 (2007)*

An adoptive resource having *pendente lite* custody over a parent is an infringement on parental rights. They each witnessed the bond between father and daughter but have shown no hesitance in dissevering it. See *Carson v. Elrod*, 411 F. Supp. 645, 649 (E.D. Va. 1976) ("No bond is so precious, and none should be more zealously protected by the law as the bond between parent and child.") It is unreservedly in his child's best interests to be in her Father's custody. They have a bond that only a parent and child could have, and it has been unjustly ripped away. See *J.B. v. Washington County*, 127 F.3d 919, 925 (10th Cir. 1997) ("The forced separation of parent from child, even for a [time,] represents a serious infringement upon the rights of both.")

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[23] Baby Boy N., 19 Kan. App. 2d 574, 584 (Kan. Ct. App. 1994)

Justice Stegall, "[T]he equal protection implications raised by Father are sufficiently important to warrant this court hearing the case. [T]he Court noted that 'such laws may disserve men who exercise responsibility for raising their children. This is precisely the claim made by Father here. He asserts that he is fully prepared to exercise his rights and responsibilities to raise Baby Girl G. Indeed, the Court of Appeals agreed." See *Daniel, Dads are Capable of Raising Daughters on Their Own (2018) online at https://www.professorshouse.com/dads-are-capable-of-raising-daughters-on-their-own/; Vaughan, Focus on the Family (2010) online at https://www.focusonthefamily.ca/content/the-impact-a-fathers-love-has-on-his-daughter*

When adopted children learn that a parent fought valiantly to raise them but were unethically thwarted, they gain a bitter weight of betrayal.

Father's rights were only viewed as a roadblock before a transaction could be finalized. Mistreating any fit parent heinously is exceedingly violative of their rights. See, *e. g., Franz v. United States* 707 F 2d 582, 599 (1983); *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Meyer v. Nebraska,* 262 U.S. 390, 399 (1923)

"This period of separation between the child and [father] may not be attributed to any lack of interest on the petitioner's part. Rather, it is due to the unfortunate pace of these court proceedings." *Matter of John E. v. Doe*, 164 A.D.2d 375, 394 (N.Y. App. Div. 1990)

This case should be remanded with the adoption being ordered reversed and physical custody being granted to Father by-way-of immediate transfer. See *Ryznar, A Curious Parental Right, 71 SMU L. Rev. 127, 130 (2018)* ("A uniform or predictable level of scrutiny in parental right cases will not appear without being addressed by [this] Court. On the contrary, selecting a level of scrutiny grows more complicated as courts encounter a wider range of parental right cases and as said regulate more on issues implicating parents.")

Father and family have created a loving and appropriate environment for his child. This case is preeminently a proper vehicle with which to address these fallacies. "[W]hen this unique opportunity comes along, the Court should seize this moment by defining, constitutionally, the term parent and incorporating unwed fathers into that definition." See *Potash, Unequal Protection: Examining the Judiciary's Treatment of Unwed Fathers, Touro Law Review: Vol. 34: No. 2, Article 16, 686 (2018)*

Respondents should have moved forward in their pursuit, instead they actively participated in separating this child from a father who has been fighting since day one to protect and care for her. See *Oren, The Paradox of Unmarried Fathers and the Constitution: Biology "Plus" Defines Relationships; Biology Alone Safeguards the Public Fisc, 11 Wm. & Mary J. Women & L. 47, 59 (2004)* ("The Court did not accept the argument that unwed fathers could never be as close to their [children] as were unwed mothers. Indeed, the Justices found that the facts of this case amply refuted that stereotypical generalization.")

"A parent who is deprived of the custody of [their] child, even though temporarily, suffers thereby a grievous loss and such loss deserves extensive due process protection." *In re Cooper*, 621 P.2d 437, 438 (Kan. Ct. App. 1980) "It needs no further discussion to conclude that the right of parents to the care, custody, and nurture of their children is of such a character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions." *Doe v. Irwin*, 441 F. Supp. 1247, 1250 (W.D. Mich. 1977)

Adoption should be reserved for children who need loving homes, not to abduct them from parents who love and want them. Father's child has never been eligible for adoption. Statutes should not be written in a manner where a loving parent can be exiled from their child for any reason not pertaining directly to the parent-child propinquity. This father has love for his child that many would attribute only to a mother.

These case specifics are to show how overwhelming every state can be. Father prays that this Court will mend this affliction.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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