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No. 20-

20-50

IN THE

**Supreme Court of the United States**

Dora Renee Shean,

*Petitioner,*

v.

State of Florida, Et. Al.,

*Respondents.*

**ON PETITION FOR A WRIT OF CERTIORARI  
TO THE FLORIDA SUPREME COURT**

**PETITION FOR A WRIT OF CERTIORARI**

Dora Renee Shean  
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## **QUESTIONS PRESENTED FOR REVIEW**

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1. Should the Government, with assistance of family courts, have the sole and final say on the Frankensteining of the American Family? Does this deny basic human rights set forth in the Fourteenth Amendment of the Constitution.
2. At what stage of termination of parental rights, do parents actually lose their parental rights? Removal of children, trial to terminate parental rights, during search for appropriate adoptive families or a year(or set time) after adoption has commenced?
3. Did Florida fail in its difference in treatment, between the petitioner (and her family) and its similarly situated comparators and does it conflict with the Court's well-established standards which are applicable to equal protection claims? The state is required to demonstrate a rational basis when it's treating similarly situated persons differently.
4. When a parent retains legal rights, even if children are not in their care is their consent for adoption still valid. Can a judge revoke for other reasons than duress or fraud?
5. Should a government employee be granted leave to ignore criminality of another to perpetuate their end game?
6. Should AFSA be legal and allowable to sell children by putting a ransom on every American and foreign child's head. Rewards are given to adopt but not keep intact. Should ASFA be found unconstitutional against basic human rights?
7. Should our states be allowed to monetize our most vulnerable citizens, children, and elderly, by judges and their crony lawyers and legal guardians?
8. Did Florida violate and discriminate in equal rights in interstate commerce.

9. Should grandparents have rights? Considering they begat their children who begat their grandchildren. Should these be inalienable rights? Isn't being a grandparent the quintessential "life, liberty and pursuit of happiness". Especially when a parent encourages a relationship?

10. Per curium affirmed in lieu of a legitimate opinion. Is this showing bias for the state and violating rights of due process and is a PCA denying a person's equally protected rights, especially when they raise the question that they are? Is it not the state court's responsibility to interpret the laws and be a true separation of powers? Most importantly it is not a check and balances for states and their actors to do the right thing. It is not self-serving and a conflict of interest. Are they unconstitutional?

**LIST OF PARTIES TO THE PROCEEDING**

Dora Renee Shean  
Maternal Grandmother

State of Florida  
A state held to the United States Constitution

Judge Ana Maria Garcia,  
trial judge

Judge Brantley Clark,  
trial judge

Daena Patrice Haun Legacy,  
paternal grandparent of 2 of 4 grandchildren

Robert Legacy,  
spouse of Mrs. Legacy, no biological relation

Florida Department of Children and Families

Guardian Ad Litem Program of Florida

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## **PETITION FOR A WRIT OF CERTIORARI**

Petitioner, Dora Renee Shean, is respectfully submitting for review, this petition for a writ of certiorari, from the final judgment of the Florida Supreme Court.

### **STATEMENT OF THE BASIS OF THE JURISDICTION**

#### **OPINION BELOW**

The ruling of the Florida First District Court of Appeals in 2019 was a per curium affirmed, opinion, rehearing and rehearing *en banc* was denied.<sup>1</sup> Case #ID18-02111 and Supreme Court case SC21-102.

When petitioner found out children were moved out of state prior to Brianna's termination of parental rights, petitioner filed a second motion to intervene and was denied based on a definition rule<sup>2</sup> Request for reconsideration to lower tribunal has been ignored to this date and was filed in February 2020.

Writ of Mandamus, case #1D20-2996, was denied by Florida Supreme Court without legitimate opinion and ability to be reheard. Submitted as appendix 1.

#### **JURISDICTION**

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<sup>1</sup> Petitioner has requested via email and certified letter her entire case file and billing records but still has not received them from adoption intermediary's law firm.

<sup>2</sup> His ruling wasn't based on an actual law but what was a definition of a participant. Fla. R. Juv. P.8.210(b) "Participant means any person who is not a party but who should receive notice off hearings involving the child"...

The Florida Supreme Court's final judgment was entered on February 3, 2021 and denied a rehearing. Petitioner has raised the constitutional violations in the trial court, the First DCA and the Florida Supreme Court. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

### **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The Fourteenth Amendment to the United States Constitution provides: "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."

### **INTRODUCTION**

Precedents have set that parents have a right to choose how to parent their children and does not evaporate if they have not been model parents or temporarily lost custody of their children. *Santosky v. Kramer* 455 U.S. 745 (1982). Precedents have also been set in *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944); *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978); *Meyer v. Nebraska*, 262 U.S 390, 399 (1923) *Pierce v Society of Sisters*, 268 U.S. 510,, 534-535 (1925); When the petitioner's daughter(aka Brianna) signed consents for the petitioner to adopt her children,

which was submitted with two approved home studies <sup>3</sup> Mother never rescinded consent and the trial court never found it to have been done in duress or by fraud. Bay County, just ignored the consent, home studies and petition for private adoption Case #2018DR00442DRXXXX. They denied petitioner's motion to intervene despite clearly established laws and precedent that supports her legal right to do so Y. G. v. Dep't of Children and Families 246 So. 3d 509 (Fla 1<sup>st</sup> DCA 2018) states "upon a parent executing a consent for adoption, the trial court must permit the adoption entity to intervene in the dependency case" and in FL 63.082(6)(b) which states the same and in re S.N.M. 912 So.2d 368, 372 (Fla 2d DCA 2005) was also reversed as it question FL 63.082(b)(6) Florida's F.R Civ. P. 1.540(b) and F.R. Civ. P. 24(a)(2) also allows petitioner to intervene and at this time she has been denied thrice. In Board of Regents of St. Coll v. Roth, 408 U.S. 564, 571 (1972) "grandparents can receive preference and notice in adoption proceedings" and in Moore v City of East Cleveland, 431 U.S. 494. 499 (1977) and Johnson v City of Cincinnati the courts have deemed the roles in the lives of grandchild-grandparent relationships equally worthy of constitutional protection. That the rights are not just limited to the nuclear family but may extend to those who perform parent like functions and in an important precedent in Florida, the courts found in re Adoption of a Minor Child 593 So. 2d 185, 189 (Fla. 1991) "the grandparents were legally interested parties entitled to notice and an opportunity to be heard regarding the

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<sup>3</sup> First approved home study was done by Tara Lassi, DCF investigator. Second home study was done in 2018, by Debra Hewitt, M.S. of Sunshine State Adoption and Home Study Services. Ms. Hewitt holds both an undergraduate and graduate degree and has been licensed with the State of Florida for 20 years.

petitioner's petition to adopt the "child". DCF and lower tribunal judges consistently filed falsified records which has been clearly documented in all court records. Bay County denied motion to intervene based on four factors:

- a. Petitioner's spouses one-time nolle prossed misdemeanor strike from 2009.<sup>4</sup>
- b. Petitioner, in or around 2002, had to temporarily allow DCF custody in Massachusetts, to place her son into a group home to treat intermittent explosive disorder, fire starting and bi-polar disorder. Since 1996, petitioner was voluntarily involved with DCF to receive services for two disabled children. From 1996 to 2006, she had an amicable and trusting relationship with DCF and her rights were never terminated to any of her four children.
- c. Falsified document that the Shean's were evicted five times.<sup>5</sup>
- d. Allowing petitioner's former spouse and son of minor child to rent a room.

Petitioner and Mr. Hayes have had an amicable, platonic relationship/friendship since 2008.<sup>6</sup>

The Fourteenth Amendment also secures the right to equal protection when others are similarly situated, and this is two pronged for petitioner:

- a. With other Floridians

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<sup>4</sup> Incident was disclosed to both Ms. Lassi and Ms. Hewitt. Neither was concerned as it was never repeated, and the case was dismissed.

<sup>5</sup> Petitioner immediately submitted documentation to court to disprove the allegations. The Shean's were never evicted, and these allegations were brought to the attention of Ms. Lassi and Hewitt and was informed that even if they had been it was moot as the Shean's owned a 2200 square foot home on five acres.

<sup>6</sup> Mr. Hayes' quarters are separated from the main house's bedrooms and has a separate entrance off the back of the home. This is not a brother-husbands situation. The trial court also erred in stating that he was the father of an adult son, the son is and was in high school. He will be a senior in the 2021 – 2022 school session.

b. With fairness regarding the other paternal grandparents.

Ignoring the consent for adoption, Judge Garcia and DCF proceeded with terminating Brianna's rights to her children in April of 2019, unbeknownst at this time, the courts had approved an ICPC<sup>7</sup> for the children to move out of state. This clearly showed bias from Judge Garcia and a pre-determination nearly a year prior to her terminating Brianna's rights<sup>8</sup>

In August of 2019, Judge Garcia terminated Brianna's rights by order. Despite Brianna's calls and emails to her attorney in Bay County, assigned by Judge Garcia, he did not notify her of her termination until January 2020.

<sup>9</sup>Immediately in January 2020, Brianna filed numerous motions to vacate the order, ineffectiveness of counsel, etc. They were all ignored in Bay Co by Judge Clark. Brianna filed a Writ of Mandamus case #1D20-2703 which was sent back to Judge Clark. Brianna then filed a Writ of Habeas Corpus to Judge Clark who denied based on it was too late. Brianna filed another Writ of Habeas Corpus and Writ of Mandamus to Florida's First DCA case #1D20-3612 and they were denied. She appealed to the Florida Supreme Court which was denied the day after petitioner's was<sup>10</sup>. Her mistrust in the judicial

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<sup>7</sup> Interstate Compact for the Placement of Children.

<sup>8</sup> This has been a vicious and cruel game of cat and mouse that DCF has played against the petitioner and her daughter, that the attorneys hired or assigned to represent have joined in as well as the judges. Petitioner believes that DCF, lawyers and judges have taken pleasure in the torment of the petitioner.

<sup>9</sup> All documents proving was submitted to trial court and appellate. Copies of emails and certified letters were included in documentation.

<sup>10</sup> Petitioner also feel it necessary to mention that the PCA from the First DCA decision came the day prior to Brianna's pre-trial hearing for the TPR trial.

system, her disabilities and unsureness have her declining to submit a Writ of Certiorari to this Court although she has justification to.

In persuasive cases Alabama courts have found and recognized that the possibility of placing a child with a relative is a viable alternative to terminating parental rights in *Ex Parte T.V.* 971 So. 2d 1 (Ala. 2007) and in *V.M. v. State Dep't of Human Res.*, 710 So. 2d 915, 921 (Ala. Civ. App. 1998). Also, in *Ex Parte T.V.*, *Id*, found that T.V. improved conduct needed to be noted, as for Brianna she has accomplished much prior to her termination: has not violated her five-year probation that will expire in a few months, she has maintained the same job and has been promoted several times. She did her court ordered community service with in the first month or two. She has obtained her license and a car and has a four-bedroom home. It also noted in *Ex Parte Beasley*, 564 So. 2d 950, 952 (Ala. 1990) "a court should terminate parental rights only in the most egregious of circumstances".

Judge Garcia stated in her order that terminating Brianna's rights was the least restrictive, wouldn't the least restrictive have been signing long term guardianship to the petitioner, the biological maternal grandmother? Despite Judge Garcia's ruling denying petitioner's motion to intervene and in opposition to Florida statutes and rules:

None of her reasonings met the threshold to deny the petitioner's motion to intervene, placement and adoption.

For many years, the petitioner was the *de facto* parent and in *loco parentis* due to the abandonment of the fathers caused by repetitive violations of parole and stints in prison. Black's Law Dictionary (10<sup>th</sup> Ed 2014) defines as "A non-parent acting in *loco parentis* is an individual acting as a temporary guardian or caretaker of the child, taking on all or some of the responsibilities of a parent". In Coons-Anderson v. Anderson, 104 S.W. 3d 630 (Texas 2003) the court finds that "a person standing in *loco parentis* to a child could have, under appropriate circumstances, standing in a custody suit...." "...the purpose to create standing for those who have developed and maintained a relationship with a child over time". In Weinand v Weinand, 260 Neb. 146, 152-153, 616 N. W. 2d 1,6 (2000) that court found "a person standing in *loco parentis* to a child is one who has put himself or herself in the situation of a lawful parent by assuming the obligations incident to the parental relationship, without going through the formalities necessary to a legal adoption, and the rights, duties and liabilities of such persons are the same as those of the lawful parent". To Brianna's chagrin, the children also called the Shean's "mommy and daddy"<sup>11</sup>, most of their lives The first three children were born while living with petitioner, she acted as their Lamaze and birth coach and fully financially supported them. The second born father has not been identified to this day. She lived with the petitioner from September 2010 until April 2010 (with her mother) and then from June 2010 until January 2011 (without mother), then again from November 2013 until August 2014 (without mother) and then from August 2014

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<sup>11</sup> This has been witnessed by numerous family members. As well as the fact that they have lived with the Shean's for most of their lives up to March 2016.

until January 2015 (with mother) and then from January 2015 until March 2016 with petitioner which falls into the Florida law that grandparents have priority to adoption.<sup>12</sup> (add law here) This law here also gives the petitioner standing. In Geibe v. Geibe, 571 N. W. 2d 744 (Minn. Ct. App. 1997) the court states “We find sound practical reasons to adopt the view that common residency is a prerequisite to *in loco parentis* status.”

The Legacy's at some point in 2019 or 2020 gave the children back to DCF and they were adopted in July of 2020. Despite Florida law and precedents, petitioner was not noticed of the adoption hearing Fla R. Jud. Admin 2.545(d)(1)(A)"Related Cases. The petitioner in a family case as defined in this rule shall file with the court a notice of related cases....A case is related when: it involves any of the same parties, children or issues and it is pending at the time the party files a family case....". She had a private petition pending in Bay Co since 2018. We suspect the Bryan's have adopted the children and they as the Legacy's have had their home studies illegally approved.

## **STATEMENT OF CASE**

## **BACKGROUND**

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<sup>12</sup> DCF falsified document, which by law must list last five addresses, knowing that most of those five years was living with petitioner, they omitted them intentionally. They only listed the Legacy home and the home they lived in Fountain, FL for four months, going back approximately one year.

In the spring of 2011, Brianna, with her two children moved in with Bobby F Norris after just meeting.

Brianna was diagnosed with disabilities as a young child and was deemed legally disabled and suffered with a severe learning disability and has not reached a mental maturity. Her first child was born whilst living with petitioner and her spouse. Her second child was born the following year, also while living with petitioner and her spouse. Petitioner and spouse did not only financially support her and her children, but they were also her Lamaze and birth coaches for her first three children.<sup>13</sup>

In early 2011, petitioner and her spouse went to Pennsylvania as her spouse (aka Mr. Shean) was given a great opportunity to build military helicopters at Sikorsky in Coatesville. Brianna was left at petitioner's home with Shean's paying all bills.

This was a six-month contract that would have paid a 15,000-dollar longevity bonus. About a month into contract, Mrs. Legacy called petitioner and told her that her son, who was babysitting while Brianna was working, had left the infant child strapped into a car seat, in a dark room all day. she was hoarse from

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<sup>13</sup> The third child is Mr. Norris' and a shared granddaughter with the Legacy's, baby was born while father was incarcerated. Mr. and Mrs. Legacy had no desire to be a part of this child's life from when she was born in October 2014 until DCF removal in August of 2016. When DCF dropped the children off at the Legacy's RV, having no legal proof that she was related, Mrs. Legacy state to the petitioner that she did not know the four children's full names and birthdates until the documents she received from DCF.

\_\_\_\_\_ crying and her diaper area was raw. She informed petitioner that they needed to return to Florida and get that child from her son.<sup>14</sup>

Petitioner's son, daughter and Mr. Hayes drove through the night back to Florida to pick up said child. Mr. Shean needed to stay another week or two to close out that position.

The child thrived in our care and petitioner and family commenced a first birthday party for the child in October of 2011. The party was perfect and in attendance was The Shean's, Mr. Hayes, and the Shean's extended family. Who was not in attendance was her elder brother, her mother, Mr. Norris, Mr., and Mrs. Legacy (although they were all invited to this gathering and many more future gatherings through 2016)<sup>15</sup>

In late 2011/early 2012 Brianna and Norris unannounced picked up the baby. In tow was the eldest son who had some injuries we were concerned about. DCF was contacted,<sup>16</sup> who clearly was not concerned about Mr. Norris' abuse towards the children, including his two elder children who were abandoned by their mother, Carly Marie Borkowski Norris Grice Bryan (aka Carly)<sup>17</sup> She had to have known Mr. Norris was an abusive drug addict as it has been documented since his

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<sup>14</sup> Petitioner is uncertain if Mrs. Legacy contacted DCF, if so they neglected to open a case despite Mr. Norris' lengthy documented mental health and drug history.

<sup>15</sup> At some point it appeared that the Petitioner would have her grandchild for some time and had Brianna sign a letter stating petitioner had guardianship of the baby girl, this was signed by Brianna, petitioner, and another adult. This document was submitted into trial court and to this date has never been rescinded or revoked.

<sup>16</sup> Once again Bay County DCF failed to open a case for my grandchildren who were CHINS.

<sup>17</sup> Ms. Bryan, per court documents filed for divorce from Mr. Norris on 2/3/12, against Christopher Grice on 3/19/13, she then in early 2013/late 2014 had a child with Mr. Bryan all prior to turning 30. Petitioner finds the quick rebounding as unstable, unhealthy, and high risk.

teens. Also concerning that she knowingly left her two boys to be raised by Mr. Norris, Brianna, and the Legacy's for many years. Petitioner would also like to make note that approximately once a month through 2011 and 2013, petitioner and her spouse would travel six hours each way to pick up the children for days to weeks. Each time the Shean's would arrive to the Norris' trailer, to pick up the children, Carly's two boys would be sitting on the couch under the window by the front door, with their bags, lamenting that their mother never picked them up as promised. Rumor had it Carly was at Paradise Bingo<sup>18</sup>

In late 2013 Mr. Norris' had become a methamphetamine addict and Brianna no longer wanting her children around Mr. Norris, had petitioner pick up her children to live with the Shean's. Mr. Norris met petitioner north of Panama City to give us the children. With him was his fifteen-year-old neighbor that he was having an affair with.<sup>19</sup> Petitioner informed Brianna who was with Mr. Norris and she decided for the Shean's to have her children long term to keep them away from Mr. Norris.

The children spent all holidays and birthdays with petitioner. The Legacy's never showed up for any celebrations, nor called or sent cards and presents the entire time the grandchildren were with the Shean's.

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<sup>18</sup> It was told to petitioner by Norris and Mrs. Legacy that Carly had gambled over ten thousand dollars Mr. Norris received in a Social Security settlement.

<sup>19</sup> It is believed that Mr. Norris has two other children in addition to the two he has with Carly and the two he has with Brianna.

Despite the numerous lies in court by Mr. and Mrs. Legacy, the Legacy's had a minimal relationship with the four children. They never once attended any holidays, births, or birthdays from 2011 to 2016. In fact, the Legacy's and Carly forbade at times for Brianna's children to attend Carly's children's birthday parties that they hosted.

In mid to late summer of 2014, the Shean's returned to Sikorsky in PA.<sup>20</sup> While in PA, the petitioner received a call from DCF in Bay County. When the Shean's went to PA, Brianna allowed her daughter to go with the Shean's but wanted her son with her as she was staying home with a pregnancy. On an August night, Brianna was at the hospital with pregnancy complications and Mr. Norris, hating hospitals, left with her son. Sometime later, on the hot August night, Mr. Norris passed out high at a gas station with the windows rolled up and child in the back seat asleep. The attendant knocked on the window as Mr. Norris had fallen asleep and not able to be awaken, attendant notified the police. The police searched the car and found drugs, paraphernalia, and illegal weapons, including a loaded gun.

DCF informed petitioner of the arrest of Mr. Norris and that if they did not pick up Brianna and her two children, that they would be removing the children. Petitioner spoke with Brianna and told her that she could move into her house, with

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<sup>20</sup> It is quite common for summer layoffs in the aviation field as obviously planes usage is in its height in the summer. Many summers the Shean's would go out of town. Usually, their granddaughter and son would travel with them. Brianna would never let petitioner take her grandson, always just the granddaughter. Petitioner for all intents and purposes raised her granddaughter for most of her life.

the children on the grounds that when Mr. Norris was released from jail that she would not reconcile.

In August, the three moved into the petitioner's home again. A few months later, Brianna and Mr. Norris' daughter was born. Petitioner once again was the birth coach as Mr. Norris was still incarcerated. The Legacy's nor Carly showed up to see the baby at birth. The biological grandchild of Mrs. Legacy and the half-sister of Carly's two sons. In fact, they denied that the child was Mr. Norris and wanted no relationship with her.

Petitioner's home has always been open to Mr. Norris and his family despite she despised Mr. Norris. Petitioner never verbally assaulted Mr. Norris and especially not in front of the children although The Legacy's and Carly have done the opposite to Brianna and in front of her children. Mrs. Legacy and Carly have stalked the petitioner's social media, verbally attacking her, and on multiple occasions calling her the horrific word that begins with the letter "c" and ends with a "t". Petitioner had submitted copies of stalking and verbal assaults to the trial court.

The eldest grandson was enrolled in the same elementary school as petitioner's minor son. In early 2015, the Shean's were able to find a two-bedroom trailer for Brianna and her three children and they assisted her with down payments, utilities, et cetera. The home was fortunately around the corner from the Shean's home and zoned for the same school for petitioner's grandson. Things were going quite well and the Shean's were assisting Brianna and the children with rides

to and from appointments and shopping needs. Shortly thereafter, Brianna allowed Mr. Norris to move in.

As the school year waned in 2015, the school called DCF and retained the eldest child due to a frisbee sided bruise on his side. The grandson was removed from the home and given to the petitioner for some time while they did an investigation. The Shean's met all his needs while in their care. DCF closed the cases for some odd reason without services, once again.

At this time, the eldest daughter came to live with us and visited her mother one or two days a week. She lived with us most of her life and her father was not known, so in *loco parentis*, we acted as her father. Late in 2015, my daughter gave birth to a son with Mr. Norris, the Legacy's nor Carly cared.

Christmas eve of 2015, Brianna, Norris, and children came to the Shean's home to spend the night. Norris had an early dinner of rib roast with the family and then proceeded to go to his mother's house alone. My daughter begged Mr. Norris and Mrs. Legacy to go with and bring the children that they never met, Mrs. Legacy and the other children, Mrs. Legacy adamantly refused to have Brianna and her children in her home. Mrs. Legacy was raising Carly's children. She used the boys as a pawn to have a relationship with her son and in so dictated that Brianna and her children do not accompany Norris for Christmas or he could not see his sons. Petitioner witnessed this call as Norris had the call on speaker for Brianna to hear that it was his mother's decision. Norris was gone for approximately four days.

In March of 2016 as Norris' probation was getting closer to the end, Brianna informed petitioner that they were wanting to return to Bay County. Petitioner warned her DCF told her not to return and that Norris was wanting to return to his drugs and friends. Brianna retrieved her daughter from petitioner's house and ended all communication.

Petitioner immediately drafted a lengthy letter<sup>21</sup> to Bay County DCF and school department about the fears and dangers she believes the family to be in. Once again DCF failed this family and did not open a case and in a several months, petitioners worst fears came to pass.

Almost two years to the date in 2016, Norris struck again. He was estranging from Brianna and while visiting he told Brianna that he had put some Tylenol in a drink for her, it in fact was methamphetamines. Brianna went in distress and nearly died. She was found by her friends, who were paramedics. She barely had a pulse and admitted into the hospital.<sup>22</sup>

DCF removed the children and the following day Mrs. Legacy and Molly Potter, the DCF investigator, called the petitioner. They were adamant about the Shean's taking the children. Petitioner loves her grandchildren and would do

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<sup>21</sup> Letter dated March of 2016 was submitted into trial court. It always seemed as if the Legacy's never notified DCF or law enforcement knowing all the time that their son was abusive, and drug addled.

<sup>22</sup> Brianna alleges that Mr. Norris raped and mutilated her. Mr. Norris was never charged with these crimes. Brianna also alleges that Officer Brent Patrick told her she deserved it because she was a bad mother. It is also concerning that this police office also in his late 20s parlayed this job into a COO position at Gulf Coast Children's Advocacy. Not only was he involved in this case but also Kathleen Graminski who was the CPI Supervisor at DCF is now their Victim Services Program Coordinator and Dr. Julian Salinas is the Child Protection Team's Medical Provider. It seems as if in Bay Co, it's a pay to play quid pro quo.

anything for them. This was mid-August 2016. For several days, petitioner conversed with Mrs. Legacy and Ms. Potter via phone, text, and email. At the time, the Shean's were in their condo in South Carolina as it was summer, and Mr. Shean was working manufacturing the Dreamliner.<sup>23</sup>

Mrs. Legacy and Ms. Potter insisted that petitioner return to her Florida home immediately to do a home study. At the time the children were removed, Mr. Norris did not have legal paternity in the Florida courts and paternity was not established until sometime after the children were placed into DCF custody. Mrs. Legacy also could not be in any relation to the first two children, nor did she have a foster care license, or a required home study done when the children were ultimately placed with her the same night they were removed.

Ms. Potter had no real proof that there was any relation to the children, they just dropped the children off with her, with her word. It is quite documented with DCF in Bay Co., that the petitioner is the mother of Brianna and the full biological grandmother of her children. There was no legal foundation for Ms. Potter to leave and place the petitioner's grandchildren with Mrs. Legacy.

The following morning was the 72-hour required hearing, it was at that time that Mrs. Legacy and Ms. Potter told the petitioner to get home to do the home study. Petitioner informed them that she had to wait until her husband got home

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<sup>23</sup> These communications were submitted to trial court.

from work and then would drive the six hours home<sup>24</sup> the Shean's returned home late that night and awaited the home study.

For the next few days, petitioner was in contact with Mrs. Legacy and Ms. Potter in planning on having the children brought to her as the only biological grandparent to all four of the children and the only constant in their lives. The home study was commenced the following day for Mrs. Legacy and the day after for petitioner. Both were approved rapidly. During these conversations Mrs. Legacy was telling the petitioner that she is the best person to have the children that she raised. While the petitioner was spending a thousand dollars on new baby gear, clothing and most necessities needed for the children, Mrs. Legacy was asking for handouts from friends, the community, and social media. Mrs. Legacy not only indicated that she was too old and of poor health to raise all four children but that she was destitute from being out of work and marked AWOL for seven months. <sup>25</sup>

At about day four, Mrs. Legacy asked the petitioner if she could "keep the two youngest children" and petitioner stated that Ms. Potter told her that she wanted to keep all four children together as an intact family. Mrs. Legacy retorted that she would "keep them all". Petitioner was greatly concerned as she believed that Mrs. Legacy wanted the children just to procure them for Norris' in the eventuality that he would be released soon from prison<sup>26</sup>. Petitioner emailed Ms. Potter for two

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<sup>24</sup> When Mr. Shean contracts, he does not get paid for days he misses from work, so he returned to S. Carolina to give his notice. While in S. Carolina, Mr. Shean did his required finger printing (which he passed).

<sup>25</sup> Texts and social media posts were submitted into trial court.

<sup>26</sup> When Mr. Norris was eventually released, it is believed that he lived in one of four sheds or an RV on the Legacy's property. Despite Mr. Legacy has a license and lived in the same county, the Legacy's still transported Mr.

weeks and they went unanswered. Home study was done, fingerprinting was done and approved.

Petitioner finally heard back from Ms. Potter who stated the case was transferred to Children's Home Society (aka CHS) and that the case manager was Jennifer Smith and to contact her. Petitioner spoke with Ms. Smith and was informed that all the children would be staying with the Legacy's and that the Legacy's wished to adopt all four children. I informed her that I was the biological grandmother to all four and that I would be filing a complaint<sup>27</sup>. Petitioner filed a complaint with CHS and was told that the decision is up to the judge and that petitioner would need to speak with the judge about her intentions. Petitioner inquired from Ms. Smith the next court date, and she refused to tell petitioner. Petitioner went back to CHS and she then gave petitioner the information.

Court was approximately two weeks later in September 2016, in front of Judge Clark in Bay County. Ms. Smith and DCF attorney Steven Barclay lied to the judge<sup>28</sup> and stated on record that not only was their no home study for maternal grandparents but that they had been evicted five times<sup>29</sup>. Petitioner stood to motion to intervene and to represent herself against the falsified records, but Judge Clark

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Norris to and from court. DCF admitted that they never investigated if Mr. Norris was living there. Mr. Norris' license listed his mother's address as his.

<sup>27</sup> As of this date, petitioner has never received notice that she was not selected as placement for her grandchildren. Legally she could have Administratively appealed this decision.

<sup>28</sup> Ms. Smith was aware of the approved home study as she initially told petitioner that she could have unsupervised visits, until she filed a complaint did it change to supervised. Emails to the effect were submitted into trial court.

<sup>29</sup> As mentioned prior, the Shean's were never evicted. The Shean's have been in a monogamous relationship since 2008.

denied her to speak, violating petitioner's due process in the first of many. Judge Clark ordered supervised visitation and drug testing prior to each visit despite no criminal record nor drug history with the Shean's violating their rights to privacy and unwarranted search and seizure.

This is where the petitioner's battle began to maintain her God given right to a relationship with her grandchildren. In 2017, despite being together since 2008, the Shean's legally got married, purchased a 2200 square foot 4-6-bedroom house<sup>30</sup> bought just for the children.<sup>31</sup> The Shean's also changed their name from Kiep to Shean, which is the children's surname, to maintain their identity. Petitioner also hired an adoption intermediary and Brianna signed her parental rights to the petitioner. Petitioner obtained an approved home study, required by Florida law.

In late 2017 the Shean's and Brianna lost visitation of the children for absolutely no legal reason despite Florida law. The Shean's drove six hundred miles round trip monthly for a supervised visit. The only way they could have this visit, was a passed drug test, which the Shean's passed every drug test<sup>32</sup>

By 2018 (and through 2020) petitioner having no criminal or drug history and an upstanding citizen is not allowed unsupervised visits, supervised visits, letters and cards (despite Florida law that clearly states she allowed all of these provisions) and allowed only gift boxes mailed to the children, not able to send them to the

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<sup>30</sup> The Shean's did not need a house of this size for them and their minor son. To this date the grandchildren have never stepped foot on the property that was bought for them.

<sup>31</sup> DCF and GAL testified in court that Mrs. Legacy shared a bedroom with the non-related female child and that Mr. Legacy shared a room with the non-related toddler boy and girl. This is in violation of Florida Foster Care Laws.

<sup>32</sup> DCF was aware that Mr. Shean was an FAA repairman and passed all drug testing for FAA.

Legacy's home free from Amazon, she had to repack each monthly box at her cost and mail it to DCF, who in turn with tax payers money resent the box to the Legacy's. Petitioner believes this is cruel and unusual punishment for her filing complaints.

In 2018 petitioner was once again denied intervening despite clear legal Florida laws, despite an approved home study and despite petitioner's daughters clear consent. Judge Garcia's reasons were not within Florida laws and guidelines. Petitioner appealed the decision and despite this is an important national matter, denying grandparents adoption over strangers, the First District Court of Appeal (aka 1<sup>st</sup> DCA) ruled per curium affirmed despite Judge Garcia violated every Florida law that was in the petitioner's favor. The 1<sup>st</sup> DCA refused a reconsideration, an opinion, and a hearing *en banc*. Petitioner's attorney failed to appeal any further.

In 2018 Bay County was devastated by Hurricane Michael, which damaged the Legacy's home wherein they never returned to Florida. It is believed that between 2016 and 2020 that the children have lived in four different (Florida, Alabama, Texas, and Tennessee) and numerous homes. With the Shean's the children would have lived in one state, one home, one school and one family as the Shean's still own their Lake City home and never would have given the children up to be adopted elsewhere.

In 2019, Brianna's had a trial for a termination of parental rights. Her lawyer did not meet with her or her witnesses and did not allow them to testify.

Judge Garcia for no legitimate reason forced the Shean's to turn over their smart phones to the bailiff, despite they were not in the court room. They were not able to lock their phones despite the petitioner had legal files, emails, and other communication on said phone. Brianna's lawyer at this time was directly asked where the children were, he lied knowing that an ICPC was done and submitted into the court.

August of 2019, Judge Garcia terminated Brianna's rights; however, the courts nor her attorney notified her of this order until January of 2020. At this time the trial court, 1<sup>st</sup> DCA and the Supreme Court of Florida is denying her her protected rights to an appeal, claiming she surpassed the toll of time. She put in her motions immediately, in January, for an appeal and notice of ineffectiveness of counsel, yet the State of Florida is not allowing her an attorney nor an appeal.

In 2019, petitioner aware that the children were no longer in Florida and in transitional housing, submitted numerous motions to Judge Clark who was back in dependency court in Bay County as mentioned it was denied by rule and reconsideration has been ignored.

#### **REASONS FOR GRANTING THE PETITION**

1. The Petitioner believes that she (and her daughter) should be provided the same provisions as everyone regarding the United States Constitution and statutes The Florida Constitution and statutes. Why are they singled out where nothing applies to them? Why aren't they and hundreds of thousands of Americans in family

court, not given the rights to equal protection and privacy? Why do some laws apply, and some do not? How can the state pick and choose? In theory if the laws don't apply to the petitioner is she absolved of all penalties for not abiding by the laws. Is petitioner allowed if pulled over for a traffic violation a get out of jail free card, laminated to use in perpetuity? This is happening to thousands of families across the country, these same judicial tactics.

The petitioner is also entitled to judicial fairness, even if despised, for no legitimate reason by the trial court judges. Judge's should not be self-serving for the state's financial interest only. They should be fair and not biased for the state.

2. This petitioner has standing, it is ripe, and she is suffering great injury daily. This is probably the most important matter to humanity. Families are what makes most people want to do better, be better. Families are what makes people want to maintain employment and abide by laws. The Government is Frankensteining<sup>33</sup> families at a rapid rate.

3. ASFA should be repealed and found not constitutional because it puts a monetary amount on each child for the government to reap, it has no incentive to stabilize and keep families intact. It frankly is a violation of human rights.

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<sup>33</sup> In Mary Shelly's Frankenstein, The Modern Prometheus, Dr. Victor Frankenstein took body parts from different bodies and put together to make a monster. The Government is doing this to families and foster adopters have many children from different families. Just like in Frankenstein, this is a recipe for disaster.

Statistics are that children have a 6x more likelihood to be murdered in foster care than with biological family<sup>34</sup>. We must stop this atrocity on our children. When will the government learn that taking children from families is devastating?

This matter must be addressed in our highest court. If we don't we are repeating the same mistake Australia made with the "Stolen Children" from 1905 until 1970s.

Leaving the matters of abuse in civil court does not fix the offender, it just damages the children. Not finding a crime of abuse and allowing an abusive parent to go on and create more children is a dereliction of duty to society.

4. We must also find that the family court judges need to be aware of and make sure that these families' ADA and Civil rights are being maintained, as they currently are not. Petitioner advocated strongly, with all involved, that Brianna needed, an ADA advocate and plan situated for her mental disability and none had been offered her.

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<sup>34</sup> The National Center on Child Abuse and Neglect reported that six times as many children died in foster care than in the general public and the number is nearly 90% more likely to be abused in DCF custody than general public. "Child Protection – Abduction Services: The Modern Mafia by Dr. Eric Keefer, D.D.

**PERSONAL LETTER FROM A GRANDMOTHER FOR ALL**

**GRANDPARENTS UNNECESSARILY ALIENNATED**

Dear Supreme Court Justices,

It is of great importance to me and other grandparents to have a relationship with their grandchildren for the remainder of their lives. This is an inherent love that not many in the animal kingdom have. Bonding. Why does the court have to choose just one set of grandparents, why can't they have two, three or four? Why should love of a child(ren) be limited or restrictive? I am a firm believer that the more love and nurture a child has, the more rounded a human being will become in society.

I am pleading with your to please address the travesty of the governments destruction of families in Frankensteining new, damaged families for profit. Judges must see that extended families are better than strangers.

My grandchildren were the world to me and taken from me for no reason. I spent most of my life striving for my children and grandchildren to have the best life. I have worked with mental health and educational professionals since 1995, I know how to raise children, and how to advocate and meet their needs appropriately.

I have gladly sacrificed for my children and grandchildren. My husband and I with our daughter drove 600 miles round trip once a month to see the children, the visits were supervised and drug tested, which was mortifying in the presence of a stranger. Those were stopped not because we were doing anything wrong but because our grandson was telling us of the abusive and toxic home he was in which he believed he was being horribly treated and abused. I called the hotline after one visit as he was in great fear of a “beating” for losing a spelling card, in the summer on the transportation bus. The State of Florida threatened me with possible jail and fines if I were to contact them again with my concerns.

Mrs. Legacy consistently lied in documents to the court and under oath that she had a six-year relationship with the children, this is not the truth and there are many witnesses to this fact. As mentioned prior, Mrs. Legacy did not know these children’s birthdates or full legal names.

When all is done as required by DCF, visitation should increase, not decrease, and then vanish. This was a concerted effort by DCF and the judges to punish me for fighting for my grandchildren. In America, this is horrifically wrong. For a judge to be so biased is an outright violation of the canons and oaths they swore to. This wasn’t a concerted effort by just the trial court judges alone but judges of the higher court. This is evident in the Per Curium affirmation when I was denied the right to intervene despite well-established Florida laws and precedents.

It’s a horrible day, when you are a dedicated mother and grandmother and looked at by the judicial system as someone who deserves to be hanged instead at

the gallows. I will never pretend to be the perfect person, but I have always strived to do best for them. I was a single mother for seven years who put her children first, I did not date much if at all and was not in a serious relationship until I met my first husband (of 2). I dedicated my time to make sure that my children have the best education and mental health treatment available to them. I stayed home most weekends and nights with my children and grandchildren and always did special outings with them and created special birthdays and holidays with traditions for them, traditions that they are being denied. I have one remaining child still in high school. This child not only has been on the honor roll for most of his life, but he is also in the Beta Club and National Honor Society. I consistently receive raves of how much my son is a genuinely great kid by all his teachers. I am proud of him, so very. I have always enjoyed helping him with his projects such as ABC's of history and building a replica cotton gin.

This son has Tourette's disorder, he has had to overcome some difficulties. He has still achieved great academic success because of his parents dedication and his extended family. When he was in the 6<sup>th</sup> grade he was one of 400 from his entire school district of thousands chosen for a special academy in middle school. When he left the academy to move to Lake City, FL, he was the only 8<sup>th</sup> grader in 9<sup>th</sup> grade math, 9<sup>th</sup> grader in 10<sup>th</sup> grade math and so on. I mention this because, it takes good parents to encourage a child to excel academically. I mention this because, I was the mistreated grandmother and not given equal rights verses Mrs. Legacy, Mrs. Legacy chose to pursue what she says is four degrees and continued to date and

marry while she neglected her only child while he was in crisis growing up. Her only child has been a drug addict and has a lengthy criminal record. I dedicated myself to my children, one of who has bipolar disorder with intermittent explosive disorder. He has never done drugs and has no criminal record. He has learned at his private schools how to maintain the best life for him and without my ardent fight for him, he could be another prison statistic like Mr. Norris.

I would like the courts to answer why wasn't I given equally protected rights from grandparent v grandparent? The Legacy's were given everything and I was given nothing despite my history with the children, despite what the unmarried mother wishes for her children. I was their secondary caregiver, the other parent in their life. My husband and I was their constant.

I come to you not to just preserve my lineage but every other in America. This case and the poor handling of it by the State of Florida, is a serious matter for all citizens. These tactics of taken children from parents for a financial benefit to the state also goes on with the elderly. We must stop allowing judges to break relationships between children and parents for not the best interest of but to line politicians and lawyer's pockets.

No human atrocity stays silent for long, this too shall go down in the history books such as: Georgia Tann, Native American's, African Slaves, Orphan Trains, Australia's Aborigines. All off these had children, their beloved children, stolen from them for greed, bias, hate, prejudice, and only plain ignorance. We must stop destroying our species offspring for the better "good" and the better "greed"

I will search for my babies until the day I die, they are my heart and soul. I love them as much as any mother loves a child. We have driven to Texas twice and my grandchildren are no longer with the Legacy's. I fear they are with Carly Bryan, who I witnessed abandon her children to an abusive, drug addict. I went dozens of times to my daughter and Mr. Norris' trailer in Panama City from 2011 through 2014 and never once did I see Mr. or Mrs. Legacy or Carly. My youngest daughter has a wonder fiancé and family. They have been together for a year and a half. I have met and seen his immediate family many times, at my home, at their homes and around town. I swear, on my honor, that Mr. Legacy nor Mrs. Legacy nor Carly Bryan ever attended one of the family gathering, including birthdays. They were always welcome, and they knew they were always welcome.

I believe that Mrs. Legacy wanted nothing to do with the children prior to removal and decided that she wanted to procure the children for her son. She also did not want Brianna to have her children, she did not want me to raise them. They are not with her in Texas, and she did not adopt them despite it was a prerequisite for placement. Once she realized that her son was going to jail for seven years, she gave up on them. It wasn't hard as she never wanted them to begin with, this is sad as this was just a game of chess to her and my beloved grandchildren just a pawn.

Not only by Florida law was I first choice for adoption, but I was also never notified per law of the adoption hearing. I had a petition for adoption and by law I am supposed to be noticed and part of the hearing. Not only has DCF and the Legacy's been underhanded and sneaky in this entire matter but so has the trial

court, the appellate court, and the Florida Supreme Court. I am angered with the judicial system and can no longer trust them. I know my rights and I know the laws; I am just not a lawyer. That is my only downfall.

The Florida courts website states: "The purpose of Florida's District Courts of Appeal is to provide the opportunity for thoughtful review of decisions of lower tribunals by multi-judge panels. District Courts of Appeal correct harmful errors and ensure that decisions are consistent with our rights and liberties. This process contributes to the development, clarity and consistency of the law". I did not see a foot note that states (excludes Dora, Richard, and Brianna Shean). Yet, we never received, not once, a thoughtful review, a correction of harmful errors, clarity, or consistency of the law. I want these courts to tell me why doesn't the laws of Florida apply to us. Why doesn't the constitution apply to us?

Let's also think of these poor children ripped away from the only families they've ever known. Imagine it was your child or grandchild to never be seen again. To go to bed every night wondering where your precious babies lay their head. Imagine you being stripped from the life you have only known and put in a greater chance of a home that abuses you or makes you an indentured servant. How would you feel? Chances are the only time you were separated from your family, the life you knew was going off to college, but were you still able to see and maintain a relationship with that family? Do you still know who you are and where you came from? Do you or will you ever suffer from adoption trauma?

Due to the tactics at Brianna's trial, I returned home due to the sadness and stress with my first bout of psoriasis I have ever had in 50 years. This has caused me a painful auto-immune disease.

### CONCLUSION

Petitioner believes that these children that she helped facilitate to raise are legally her children, illegally being kept from her, just needing a judge's signature not for approval but to make it legal. This entire case has been on the far end of government overreach and intrusion. The mother says, "I still maintain my legally rights, and I want my mother to raise my children" and the trial court says, "I am going to defy every precedent and statute and just say no because I CAN" and the higher courts just look the other way, ignoring petitioners Fourteenth Amendment rights. This is poor judicial discretion and abuse of power. *Santosky v Kramer*, *supra* cannot be ignored, parents have a right to their children's over all wellbeing. Petitioner believes the Legacy's and Bryan's would have been the last persons she would have chosen to raise her children. In Mr. Norris' batterer assessment that was submitted into court, he stated that his mother and her husband were alcoholics that abused him with ping pong paddles, until they broke on him. This was ignored by the trial court. It is believed that Daena Jacks Haun Legacy has

been married at least three times, her current relationship is volatile. Mr. Legacy in Haskell, Texas needed the local police's assistance in moving out<sup>35</sup>

This endeavor is remarkably close to the petitioner's heart. She is not only attempting to save her family but the nation's. Rehoming children to add to the economy is a sad and pathetic way of doing it. Every politician in every state is aware of this practice yet is hesitant to do the right thing because it puts billions of dollars into the economy and creates jobs for the state. Our children and our taxpayers cannot brunt this devastation on their future and we cannot keep using social security funds to fund this with an open and unchecked wallet.

Petitioner believes that every wrong that was done to her daughter affects her relationship with her grandchildren and the adoption that should have been legalized. "The absence of dispute reflected this Court's historical recognition that freedom of personal choice in matters of family life is a fundamental liberty interest protected by the Fourteenth Amendment", Little v. Streater, 452 U.S. 1, 13 (1981) as referenced in Santosky, *supra*. She had first priority per FL §63.0425(1) "When a child who has lived with a grandparent for at least 6 months is placed for adoption, the agency or intermediary handling the adoption shall notify the grandparent of the impending adoption before the petition for adoption is filed. If the grandparent

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<sup>35</sup> In January 2021, the Shean's drove to Texas to bring their grandchildren Christmas gifts as without warning, DCF started returning the boxes we could send packed with gifts for the grandchildren. In requesting assistance to the house, Haskell PD stated that they no longer believed the Legacy's were together or that there were children residing there. We were informed that several days prior the police had to go there due to a domestic violence call and had to assist Mr. Legacy in moving out of the residence.

petitions the court to adopt the child, the court shall give first priority for adoption to that grandparent".

"When the State moves to destroy weakened familial bonds, it must provide the parents with fundamentally fair procedures" Santosky, *supra*.

**For these reasons, The Court should grant the petition for a writ of certiorari.**



Respectfully submitted,  
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