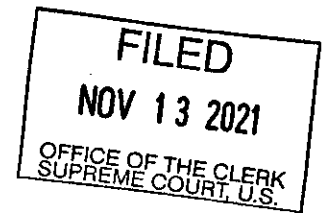


No. **21-6303**

**ORIGINAL**

In the SUPREME COURT OF THE UNITED STATES

November 2021



Cheryl Kristy Jenkins, Petitioner,

v.

State of Pennsylvania, Respondent.

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On Petition for a Writ of Certiorari to the Supreme Court of Pennsylvania

Western District

PETITION FOR A WRIT OF CERTIORARI

Cheryl Jenkins

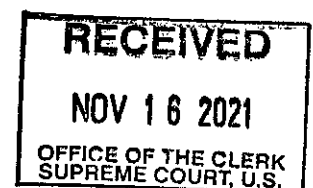
Petitioner

424 Reagan Street (P.O. Box 186)

Sunbury, PA 17801

570-765-8552

Cheryl Jenkins, Counsel of Record Pro Se



## QUESTIONS PRESENTED

1. Is it a violation of the Constitution for a judge to evaluate their own judge recusal and if they do should the case be vacated?
2. Is it unconstitutional that the State of Pennsylvania or any State not allow evidence to be entered at the Superior Court or Supreme Court Level and relies solely on the lower court's record?
3. Is it unconstitutional for a judge to assign a lawyer, in Pennsylvania a Guardian Ad Litem, to a child and for there to be no review or complaint board or a way for the child to ask for a new lawyer to represent their choice and their voice?
4. Is it unconstitutional for a Protection from Abuse Order or similar protective order, whether temporary or final, to be lifted, amended, or in any way limited to allow custody, a custodial arrangement, or a custody order to be made or adjusted to allow the named abuser to gain custody or exercise custodial rights?
5. Should it ever be lawful for a judge to deem the need to protect from domestic violence as parental or familial alienation ever?
6. Is it unconstitutional for the State of Pennsylvania, or any state, to require a referral to the Attorney General, such as from a District Attorney or State Trooper, and not allow a citizen to file a complaint even in the event of an emergency?

8. Any Judicial Misconduct violates the Constitution and therefore should vacate the case(s) affected?
9. Superior/Supreme court should be answered in county opposing jurisdictions to safeguard against corruption?
10. Protection Orders, Restraining Orders, Injunctions, or similar protective Order being superseded for any reason, even custody, is unconstitutional?
11. Does G.B. v. M.M.B., 670 A.2d 714 allow for abuse of power and is it unconstitutional?
12. Is it unconstitutional to allow the Judge to decide if a Child Advocate is allowed presence in a Custody Hearing or to allow a Judge to force a party to use a particular guardian ad litem, doctor, or other type of legal or medical personnel and not have the choice to choose another instead?
13. Genovese v. Genovese, 550 A.2d 1021 (Pa. Super 1988), Is the improper loss of a child through change of custody a sanction and is that not unconstitutional?
14. Is it unconstitutional for a Judge to make medical assumptions or form opinions outside that of a Doctor's written report or doctor's recommendation and still be covered under judicial immunity and/or for judge to not allow 2<sup>nd</sup> opinions and/or all medical opinions on said matter to be considered and entered?

15. Is it unconstitutional to have custodial arrangements that are grossly unequal when there is no danger present to the child and both parents have the ability to care for the everyday needs of the child?
16. Is it unconstitutional to not require a risk assessment on all parties with any arrest or history of domestic violence or child abuse in custody proceedings?
17. Is it unconstitutional for Pennsylvania Superior and/or Supreme Court to refuse to read or limit its ability to review transcriptional record?
18. Is it unconstitutional to hold pro se clients or clients acting on their own behalf to the same standards as other attorneys and not be given room for error in all filings?
19. Is it unconstitutional that in custody cases in Pennsylvania a parent is not always awarded a lawyer if they do not already have one before a custody case can proceed forward or be forced to represent themselves?
20. Is it unconstitutional for a Judge to deem the need to protect a child from domestic or sexual abuse as parental alienation from the abusive parent?
21. Is it unconstitutional for a Pennsylvania judge or any State judge to order supervised visitation, create or change a custody order, and/or limit access to a child for a parent based on a mental health diagnosis or neurological condition that does not negatively affect the child(ren), does not prevent the parent from taking care of the basic needs of the children, and for which the parent has not been abusive to the child(ren)?

?

†

List of Parties to the Proceeding in the Court whose judgement is sought to be reviewed:

Supreme Court of Pennsylvania, Western District

Superior Court of Pennsylvania, Western District

Westmoreland County Court of Common Pleas Pennsylvania, Judge Michele Bononi

Northumberland County Court of Common Pleas Pennsylvania, Judge Harold Woelful Jr.

List of all Proceedings in State and Federal Trial and Appellate Courts

Supreme Court of Pennsylvania, 16 WM 2019, C.K.J. v. M.J.T., April, 9, 2019

Supreme Court of Pennsylvania, 67 WM 2019, C.K.J. v. M.J.T., September 17, 2019

Supreme Court of Pennsylvania, 267 WAL 2020, C.K.J. v. M.J.T., October 02, 2020

Supreme Court of Pennsylvania, 210 WAL 2021, C.K.J. v. M.J.T., August 16, 2021

Superior Court of Pennsylvania, 1416 WDA 2018, C.K.J. v. M.J.T., November 15, 2018

Superior Court of Pennsylvania, 101 WDM 2019, C.K.J. v. M.J.T., July 24, 2019

Superior Court of Pennsylvania, 77 WDA 2020, C.K.J. v. M.J.T., August 20,  
2020

Superior Court of Pennsylvania, 1364 WDA 2020, C.K.J. v. M.J.T., January 27,  
2021

Superior Court of Pennsylvania, 1352 WDA 2020, C.K.J. v. M.J.T., June 10,  
2021

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph  
Tengowski vs. Cheryl Kristy Jenkins, April 19, 2018

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph  
Tengowski vs. Cheryl Kristy Jenkins, August 28, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph  
Tengowski vs. Cheryl Kristy Jenkins, February 25, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D Mark Joseph  
Tengowski vs. Cheryl Kristy Jenkins, May 20, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D Mark Joseph  
Tengowski vs. Cheryl Kristy Jenkins, June 20, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D Mark Joseph  
Tengowski vs. Cheryl Kristy Jenkins, June 21, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D Mark Joseph  
Tengowski vs. Cheryl Kristy Jenkins, August 16, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph

Tengowski vs. Cheryl Kristy Jenkins, December 16, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph

Tengowski vs. Cheryl Kristy Jenkins, October 28, 2020

Northumberland County Court of Common Pleas, No. 19-1205, Cheryl Jenkins  
vs. Mark Tengowski, June 18, 2019

Northumberland County Court of Common Pleas, No. 19-1205, Cheryl Jenkins  
vs. Mark Tengowski, July 3, 2019

Northumberland County Court of Common Pleas, No. 19-1205, Cheryl Jenkins  
vs. Mark Tengowski, August 6, 2019

Northumberland County Court of Common Pleas, No. 19-1205, Cheryl Jenkins  
vs. Mark Tengowski, September 25, 2019

C.K.J. v. M.J.T., No. 19-8496, Supreme Court of the United States, October 5,  
2020

## Table of Contents

Question Presented .....	i-iii
Table of Contents .....	vii
Table of Authorities .....	vii-viii
Petition for Writ Of Certiorari .....	1
Opinions Below .....	1
Jurisdiction .....	2-3
Constitutional Provisions Involved .....	3-4
Statement of the Case .....	4-29
REASONS FOR GRANTING THE WRIT .....	29-33
CONCLUSION .....	30-33
APPENDIX .....	A-L
(1A-XXXXX2)	

## III. Table of Authorities

### Cases

Choplosky v. Choplosky 585 A.2d 340 400 Pa. Superior Ct. 590 (1990).....	24
Everett v. Parker 998 A.2d 1003 (PA Super. Ct.2010).....	24
G.B. v. M.M.B., 670 A.2d 714 (Pa Super 1996).....	31
Gonzalez v. Gonzalez, 337 Pa Super Ct. 1, 486 A.2d 449 (1984).....	26



Jordan v. Jordan, 302 Pa. Super. 421, 425, 448 A.2d 1113, 1115 (1982).....	25
Genovese v. Genovese, 550 A.2d 1021 (Pa. Super 1988).....	31
Langendorfer v. Spearman, 797 A.2d 303, 308-309.....	24
Rosenberg v. Rosenberg, 350 Pa.Super.268, 504 A.2d 350 (1986).....	24

### CONSTITUTIONAL PROVISIONS

U.S. Const. amend. V .....	3, 30-33
U.S. Const. amend. VI .....	3, 30-33
U.S. Const. amend. VIII.....	3, 30-33
U.S. Const. amend. X.....	4, 30-33.
U.S. Const. amend. XIV.....	4, 30-33

## Index of Appendices

- A. Supreme Court of Pennsylvania, August 16, 2021, denial of Mom's Petition for Allowance of Appeal No. 210 WAL 2021
- B. Superior Court of Pennsylvania, June 10, 2021, 1352 WDA 2020 Denial
- C. Westmoreland County Court of Common Please 1948 of 2017D October 29, 2020 Order
- D. Supreme Court of Pennsylvania No. 267 WAL 2020
- E. Superior Court of Pennsylvania 77 WDA 2020, August 20, 2020
- F. Westmoreland County Court of Common Pleas 1948 of 2017 D December 12, 2019 Order
- G. Supreme Court of Pennsylvania 67 WM 2019
- H. Superior Court of Pennsylvania 101 WDM 2019
- I. Westmoreland County Court of Common Pleas 1948 of 2017D, June 20, 2019 and June 21, 2019 Order(s)
- J. Supreme Court of Pennsylvania 16 WM 2019
- K. Superior Court of Pennsylvania 1416 WDA 2018
- L. Westmoreland Court of Common Pleas 1948 of 2017D August 28, 2018 Order

## Table of Contents

- 1A. August 29, 2018 successful Mailing from Judge Michele Bononi to Mom Cheryl Jenkins, at mailing address P.O. Box 149, Lewisburg, Pa 17837
- 1B. Mother's USPS address forwards to mailing address 1540 Oakland Avenue #164, Indiana Pa 15701-4059 from 2303 Locust Street, Greensburg, Pa 15601 and 29 2<sup>nd</sup> Street, Irwin, Pa 15642
- 1C. Letter from Mother's Ex-Boss, Jeff Spitz, address used for Mother's service was incorrect on March 28, 2018 as Mother was no longer employed there and he doesn't recognize the Fed Ex Signature by S. Tidwell of supposed delivery
- 1D. Affidavit of Service for Mom at Ex-Employer, Spitz Auto, which was unsuccessful on March 26, 2018 pertaining to Original Order April 19, 2018, hearing held on April 16, 2018
- 1E. Affidavit of Service, March 26, 2018, at Spitz Auto, Fed Ex Signature by S. Tidwell (unknown person to Spitz Auto CEO Jeff Spitz)
- 1F. 2<sup>nd</sup> Incorrect service to Spitz Auto for an August 2018 hearing, signed by ex-coworker Mitchell Sikes, Mother no longer worked there and Mitchell did not receive any paperwork in exchange for his signature
- 1G. -1 Father's apartment at 481 Browns Lane Apt B27 Pittsburgh, Pa 15237, only 1 person on lease, year 2013  
-2 Northway Apartments Address and Father's address of 481 Browns Lane again
- 1H. -1 Closing of Allegheny County Paternity Order to Father, January 22, 2014 (Opened on June 30, 2013), Father did not show for Paternity, child in Snyder County Pennsylvania  
-2 Child Support request for Child living in Snyder County Pennsylvania by Allegheny County to Father at 481 Browns Lane Apt B27, Pittsburgh, Pa 15237-2574
- 1I. Westmoreland County Prothonotary Verification of Mother's address on File, P.O. Box 149, Lewisburg, Pa 17837 on February 15, 2018 (see A also)
- 1J. Affidavit of Service for Mother at incorrect addresses by Father's counsel for February 25, 2019 hearing, Westmoreland County
- 1K. 1-4 Court Case History Fayette County Pennsylvania, sent to Fayette County too early from Westmoreland County
- 1L. 1-3 Mom's Parent Information form, Westmoreland County, January 2018
- M. 1-2 Father's Parent Information form, Westmoreland County
- N. 1-3 Father's Criminal Abuse History Form, Westmoreland County, missing all information
- O. Father's DUI arrest in Newspaper December 4, 2011
- P. 1-5 Father's Criminal Record and Arrest History by FBI through year 2011

X

- P. 1-5 Father's Criminal Record and Arrest History by FBI through year 2011
- Q. 1-2 Father's Domestic Arrest, Aspinwall Pennsylvania (Allegheny County)  
3-12 Father's DUI Arrest 11/29/2011
- R. 1-5 February 1<sup>st</sup>, 2018 Order for Genetic Testing on February 28, 2018 at 10am
- S. 1 Pittsburgh Women's Shelter Domestic Violence Counseling  
2 Mom, Cheryl Jenkins (Alias Sarah Jacobs) call history to Domestic Violence Shelter 03/2015 to 01/08/2018  
3 Women's Center Verification of Stay (Under Alias last name Jacobs)
- T. Paternity February 28, 2018, Westmoreland County
- U. 1 Father's self reported Locations and Rehabs  
2 Father's self report of use types, drugs and alcohol, uses and ages started  
3 Father's rehab treatment plan 2009  
4 Father's frequently used Mobile Therapist, Jeneen Asque, according to his mother  
5 Father's Washington County Pennsylvania DUI hearing date August 21, 2012  
6 Father's Hospital Record, Resolve Crisis Team involvement, December 01, 2012  
7 Father's Gateway Pleasant Hills description of alcohol symptoms  
8 Father's treatment plan April 11, 2013 by David Haynor, counselor Greenbriar Treatment Center  
9 Book provided to Father as part of treatment from David Haynor, Greenbriar Treatment Center, Title "Understanding Personality Problems and Addiction  
10 Father's page of problems and objections, "past episodes with limited sustained sobriety" and behavior difficulties by David Haynor, B.A.B.S., Peggy Oniel, M.A., and John Six, M.D.  
11 Picture of Father's Apartment Floor, 481 Brownsville Lane B27, Pittsburgh, PA  
12 Father's weekly self report, for Batterer's Intervention  
13 Father's DUI lawyer convincing officer
- V. 1 Mother's Parenting Class Certificate 10/2013  
2 Mother's 2<sup>nd</sup> Parenting Class online 08/15/2013
- W. 1 Father's Note that Mother was never abusive to him  
2 Father's Note, signed, that he pulled Mother's hair in front of the child  
3 Father's Note, signed, that he will not have contact with Mother or child because he is unfit, 03/ 29/2013  
4 Father explaining how his abuse will impact his son

- 5 Father's Note that he is going to counseling for being abusive
- 6 Father's Note saying he is going to see Paul Bernstein for abusing Mother for 2 years and a Note that Mother asked him, Father, to go to abuse classes and he made no effort to go
- 7 Mother's Call log, as an example, of Father's calling habits, at times, 9 times on 4/25, 5 times on 4/26, and 10 times on 4/27
- 8 Father's Text Messages to Mother
- X. 1 Father's Letter to Mom apologizing for calling her names
- 2 Father's Note stating he won't abuse Mother anymore
- 3 Father's Note to Mom stating that he is sorry for Screaming at her
- 4 Father's Letter telling Mother to Move on with her Life
- 5 Father's Letter that he feels he treated Mother too bad to ever be forgiven
- 6 Father's Note that he was abusive and that Mother had to leave to go with her Mom, Maternal Grandmother of child, 4 days after the child was born
- Y. 1-3 Mother's emails to herself regarding Father's abuse and threats before Father's Domestic Violence Hearing in Aspinwall Pennsylvania, 9/10/2013, 06/02/2016, 12/13/2016
- Z. 1-2 Westmoreland County Custody Conciliation Court Scheduling Order for February 1, 2018
- AA. Westmoreland County DNA ordered for February 28, 2018
- BB. 1- Child's Dog Allergy Confirmed by Skin Prick Test UPMC Children's hospital
- 2- May 5, 2019 Shows Dog Allergy
- CC. 1-4 Westmoreland County Complaint of Custody
- DD. 1-4 Westmoreland County April 19, 2018 Order
- EE. 1-2 Westmoreland County August 28, 2018 Order
- FF. 1 Transcript Excerpt August 28, 2018 Mom does not Reside in Westmoreland County
- 2 Transcript Excerpt, Father not violent because in Public
- GG. 1-2 Justice Works Visitation Center- Mom Put on a Waiting List on 09/04/2018
- HH. 1 Child's Note while Mother was working on Superior Court Appeal #1 1416 WDA 2018, Nicholas Nicholas
- 2 Filed on September 27, 2018, Appeal, Superior Court of Pennsylvania Pittsburgh
- 3-7 Mom's Superior Court of Pennsylvania, Child's Fast Track Appeal, docketed as 1416 WDA 2018
- II. 1-4 Superior Court of Pennsylvania Docket Sheet, Page 3 October 18, 2018 Appellant's (Mother's) address changed per information provided by

- Appellee's (Father's) counsel, in Big Bold Letters
- JJ. Child's Report Card 2018-2019 Shikellamy School District, Northumberland County Pa (Sunbury Pa)
- KK. 1 Mother's Doctor Note, couldn't work January 22, 2019- April 30, 2019  
2-4 Statement of Incapacity for Vertigo, Mom (Temporary- ended May 1, 2019)
- LL. 1-2 Domestic Violence Shelter Mother and Child Stayed 2/8/2019- 3/8/2019 and Letter from the YWCA, Williamsport Pennsylvania (Lycoming County) stating a PFA was denied in Lycoming County Only because of Mom and Child's Permanent Residence being in Northumberland County
- MM. 1-2 Judge Recusal submitted by Mom, February 21, 2019
- NN. 1-2 Child's Doctor Visit in relation to CYS at the Child Advocacy Center in Sunbury, Pa  
3-7 Detective Jacob Brownshields Transcript Testimony, CYS case, involving suspected sexual abuse
- OO. Mother's Psychological Evaluation scheduled with Jamie Wagaman for March 2019. Judge Bononi said Jamie Wagaman was not a psychologist and did not have a license when she does.
- PP. February 22, 2019, Mother's Drug and Alcohol Evaluation showing no recommendation for treatment, West Branch Drug and Alcohol (submitted to Court on February 25, 2019)
- QQ. 1-2 Westmoreland County Court Order February 25, 2019
- RR. 1 February 25, 2019 transcript excerpt, part deleted, threatened to jail Mother and place child in CYS in Westmoreland County to integrate father  
2 Transcript excerpt, 3, "The Court has not displayed impartiality or fairness..."
- SS. 1-2 Mother's Petition for Emergency Custody, February 25, 2019, Westmoreland County
- TT. 1-2 Mother's Petition to Assume Jurisdiction March 18, 2019
- UU. 1-3 Justice Works Visitation Center (Father's supervised visits) March 9, 2019, worker Pam had a family emergency and had to reschedule after Mother and child already traveled to and arrived at visitation center and Justice Works Note 03/09/2019, had to reschedule custodial parent's orientation
- VV. 1-2 Pennsylvania Judicial Conduct Board, March 13, 2019, No. 2019-110
- WW. 1-2 Supreme Court of Pennsylvania, 16 WM 2019, April 9, 2019 Order, denial of Mother's Petition for Allowance of Appeal
- XX. 1-2 Supreme Court of Pennsylvania, May 10, 2019, Motion for Reconsideration Denied, No. 16 WM 2019

- YY. 1-5 Child's Sports and Swimming while in Custody of Mom  
1 Child's YMCA Swimming  
2 Child's T-ball  
3 Child's Pool Bday Party YMCA, he won  
4 Child's Soccer  
5 Child's Baseball
- ZZ. 1-2 Westmoreland County, May 29, 2019 Order
- AAA. 1 Justice Works record May, 29, 2019 "Judge Bononi informed JWYC that she would be scheduling a hearing and advised JWYC not to have any further contact with custodial parent
- BBB. Petition for Contempt against Mother by Father's Counsel on May 30, 2019, 1 day after order was written, Westmoreland County, Pa
- CCC. 1-4 Justice Works Visitation Center Policy information including "Reports will not be submitted to the custodial or non-custodial party"
- DDD. 1-10 Justice Works Texts with Mom and Mom's unanswered texts to Justice Works  
11 Mother's Note at the Time as things unfolded with Justice Works  
12-21 Calls log, Mom's, Highlighted Calls made to Justice Works, unanswered  
22 Justice Works text Father is not cancelling (Visit June 30, 2019)  
23 No Response from Justice Works, Mom's Texts  
24 Erin Director Justice Works, Mom's Texts  
25 Justice Works, Jody will call you at 4:30  
26-28 Mom's emails to Justice Works Director Mr. Hiet, not responded to
- EEE. May 20, 2019 transcript excerpt: The Court "Ma'am, I'm not taking your child off you."
- FFF. May 20, 2019 Mother's Petition for Modification of a Custody Order, requesting drug and alcohol testing of father that was denied
- GGG. January 6, 2019 Westmoreland County Order for Father's Civil Contempt, Mom's Petition for Special Relief, and Mom's Petition to Assume Jurisdiction
- HHH. 1-5 Mother's Petition for Special Relief, alcohol and drug testing of father, child's dog allergy and asking to not have dander on clothing as visits, Penile Plethysmography for Father, and Father's smoking habit in and out of his home
- III. Petition to Assume Jurisdiction by Mother, June 7, 2019, Westmoreland County
- JJJ. Mom's email to Dr. Bush May 28, 2019
- KKK. Mom's continuance for June 20, 2019, Westmoreland County
- LLL. Pennsylvania Judicial Conduct Board May 30, 2019, No 2019-110

MMM. 1-15 Northumberland County PFA case No 19-1205  
 NNN. 1-2 Pictures of Child during the last month he was in Mom's custody  
 OOO. 1-4 June 20, 2019 transcript excerpt, Westmoreland County  
       5 Picture of Father smoking in his residence, 481 Brownsville Lane,  
       Pittsburgh, Pa  
 PPP. Westmoreland County June 20, 2019 Order  
 QQQ. Dr. Bush Recommendation for Mom after June 20, 2019 Order, looked  
       over by Judge Bononi in Court (August 16, 2019)  
 RRR. Superior Court of Pennsylvania, 101 WDM 2019, Interlocutory Appeal  
 SSS. 1-4 Disciplinary Board of the Supreme Court of Pennsylvania, July 31,  
       2019, 1 for Nancy Madeya and 1 for William Manion  
 TTT. Shikellamy School District, Grace S. Beck Elementary, Child's School  
       in Northumberland County, August 5, 2019, instructions for 2019-2020  
       school year  
 UUU. Mother's Therapist Letter (Counseling), August 14, 2019, Illene  
       VanGilder  
 VVV. 1-7 PFA case CV No. 19-1205, Witness Testimony August 6, 2019 to  
       vehicle(s) following mother and friend in Sunbury, Pa  
 WWW. 1-2 District Attorney Complaint, John Peck of Westmoreland County,  
       August 5, 2019  
 XXX. Mom's Drug and Alcohol updated evaluation August 13, 2019 showing  
       mom has no need for treatment and no substance abuse issues  
 YYY. 1 Pa Judicial Conduct Board, August 16, 2019 complaint No. 2019-400  
       2-3 Pa Judicial Conduct Board July 8, 2019 No. 2019-400  
 ZZZ. 1-4 Transcript Excerpts Westmoreland County, August 16, 2019  
 AAAA. 1-4 Westmoreland County Court Order, August 16, 2019  
 BBBB. 1-2 Pennsylvania Office of the Attorney General, Mother's complaint,  
       Cheryl Jenkins V. Judge Michele Bononi  
 CCCC. Raystown Development Center, Huntington Pa, Receipts  
 DDDD. 1 Child's Mental Health Evaluation, Axiom Family Counseling, after  
       being moved to Father's residence, Adjustment Disorder  
       2—5 Mom's Mental Health Evaluation, Alan F. Pertchuk, M.D., Attention  
       Deficit Disorder  
 EEEE. Mom's Not at Fault Car Accident, rear-ended and car totaled on  
       September 16, 2019  
 FFFF. 1-2 Supreme Court of Pennsylvania, No. 67 WM 2019, denied  
 GGGG. 1-4 Disciplinary Board of the Supreme Court of Pa, Anna Ciardi for  
       mailing first complaint to 8<sup>th</sup> street instead of 5<sup>th</sup> street where mom lived and  
       closing the case, Bill Manion for being Father's uncle and acting as his



attorney and Nancy Madeya, Father's Attorney for Obstruction of Justice for changing Mother's address with the Superior Court of Pa for case 1416 WDA 2018

- HHHH. 1 Airplane Ticket, Mom's to Massachusetts for training  
2 Airport/ Gas Receipts Mom leaving BWI (Baltimore/Washington Thurgood Marshall) Airport on October 1, 2019
- IIII. 1 Pa Department of State Dr. William Bush Complaint 11/08/2019  
2 Pa Department of State Dr. William Bush Complaint 11/14/2019
- JJJJ. Supervised Visitation Offer Indiana County, November 15, 2019
- KKKK. Mom's Counselor Letter, counselor VanGilder left practice and mom was being reassigned to a different therapist
- LLLL. Picture of Father, Knife on Floor during a homicidal incident against Mother and Child, offered at Trial November 20, 2019 and ignored (called irrelevant and blurry and the Judge refused to Zoom in on Mom's Computer to see the Weapon), should appear on record from Mom's earlier submission to Prothonotary though
- MMMM. 1-4 November 20 2019 Transcript Excerpts
- NNNN. 1-5 Transcript Orders for November 20, 2019
- OOOO. 1-4 Office of Disciplinary Counsel, January 2, 2020, Supreme Court of Pennsylvania # C4-19-691 and # C4-19-692
- PPPP. 1-31 Westmoreland County December 12, 2019 Order, Explanation of Decision
- QQQQ. 1-5 November 20, 2019 Transcript costs, change of Transcriptionist
- RRRR. Judge Bononi Letter to Nicholas Corsetti (Superior Court of Pennsylvania)
- SSSS. Mother's Letter to Court regarding the Ohio Visits and lack of Pa Visit site thus far
- TTTT. Judge Bononi's Letter to Superior Court's Nicholas Corsetti, Transcriptionist, Lisa Haluski, no longer works for Westmoreland County
- UUUU. 1 Mother's Negative Drug and Alcohol Screening January 11, 2020  
2 Mother's Negative Pap Smear for HPV on March 17, 2020
- VVVV. 1-2 Letter from Father's Attorney that they will not do Ohio visits and also again falsely alluding to a change of address for mom again
- WWWW. 1-7 Superior Court of Pennsylvania Denial of 77 WDA 2020, August 20, 2020, Child's Fast Track Appeal
- XXXX. Supreme Court of Pennsylvania No. 267 WAL 2020, Denied Petition for Allowance of Appeal
- YYYY. 1 Writ of Certiorari filed October 28, 2020 receipt to a Washington D.C. party in the matter  
2 Receipt of dropped of Writ of Certiorari to the United State Supreme Court

in Person on October 28, 2020

ZZZZ. 1-2 Westmoreland County October 29, 2020 Court Order to transfer 1948 of 2017D case to Fayette County, Pennsylvania

AAAAA. 1 1<sup>st</sup> Page of Child's fast track Appeal 1352 WDA 2020

2 Westmoreland County Prothonotary, returning Appeal to me on December 10, 2020 because file has been transferred to Fayette County (too early)

3 Certificate of mailing returned also on 12/10/2020

4-5 Certified mail for Child's fast track Appeal

6 Mom's Letter to Jack Panella, President Judge of Superior Court of Pennsylvania, in regard to the case

7 Letter to Superior Court of Pennsylvania about mix up on filing appeal by Superior Court

8-10 Superior Court of Pennsylvania Docket Sheet 1364 WDA 2020 and related case 1352 WDA 2020

10 Receipt Superior Court-incorrect filing date on my appeal (should be November 27, 2020 not December 30, 2020, had certificate of mailing)

BBBBB. Receipt Superior Court of Pennsylvania Order for 1364 WDA 2020 called a "duplicate" and dismissed and incorrect case number on document as Westmoreland County case # 2116 of 2020G

CCCCC. Superior Court of Pennsylvania Order for 1352 WDA 2020, Judge Michele Bononi's January 8<sup>th</sup> Letter in lieu of opinion (January 4<sup>th</sup> was the date of the letter actually) Superior Court of Pennsylvania

DDDDD. Westmoreland County, certificate of remittal of record 1364 WDA 2020 (Wrong case number) says 03/08/2020 (already sent file too early to Fayette County)

EEEEEE. Fayette County case history filed 11/30/2020 "All File Papers received from Westmoreland County at 1:18pm

FFFFFF. 1-4 Superior Court of Pennsylvania, June 10, 2021, 1352 WDA 2020 Denial

GGGGG. 1 Mom's Northumberland County Drug and Alcohol Evaluation showing no need for Drug and Alcohol treatment again 09/27/2021

2-4 Mom's Psychologist Evaluation, July 2021, Keith Toaln, M.D.

HHHHH. 1-20 Mom's Superior Court of Pennsylvania 1352 WDA 2020 Reply Brief

IIIII. Supreme Court of Pennsylvania, August 16, 2021, denial of Mom's Petition for Allowance of Appeal No. 210 WAL 2021

JJJJJ. 1-4 Example of a Guardian Ad Litem Review Board Complaint Form, for Maine

KKKKK. 1-43 Memorandum of Opinion, for Mom's Child Fast Track Appeal 77 WDA 2020

LLLLL. 1 Father's House, Zillow, is a 1 Bedroom  
2 DACC abuse classes or batterer intervention classes (Not Anger  
Management)

MMMMM. 1-6 United States Constitution 5<sup>th</sup> Amendment

NNNNN. United State Constitution 6<sup>th</sup> Amendment

OOOOO. United States Constitution 8<sup>th</sup> Amendment

PPPPP. United States Constitution 10<sup>th</sup> Amendment

QQQQQ. United States Constitution 14<sup>th</sup> Amendment

RRRRR. 1-4 Violence Against Women Act 1994

SSSSS. 1-6 Some of the Psychologist and Psychological Association email  
examples of the PHD supervised visitation is not available ( I have contacted  
Many more)

TTTTT. 1-5 Pittsburgh City Paper "Children Advocates say Family Court  
Favors Fathers even when they're the Abusers"

UUUUU. Mom's Negative Pap Smear, Negative for HPV March 17, 2020

VVVVV. Supreme Court of the United States No. 19-8496, denial

WWWWW. Mother's continuance filed for the February 25, 2019 hearing to  
have counsel present

XXXXX. 1 Superior Court of Pennsylvania 1416 WDA 2018 Order to Show  
Cause  
2 Superior Court of Pennsylvania 1416 WDA 2018 Order Quashed

#### IV. Petition for Writ of Certiorari

#### V Opinions Below

- A. M.J.T. v. C.K.J. No. 210 WAL 2021 240 A.3d 95 (2020) [www.leagle.com](http://www.leagle.com)
- B. M.J.T. v. C.K.J. Superior Court of Pennsylvania June 10, 2021 J-A09003-21 (Pa. Super.Ct. Jun. 10, 2021) [www.casestext.com](http://www.casestext.com)
- C. Mark Joseph Tengowski vs. Cheryl Kristy Jenkins 1948 of 2017D Westmoreland County Court of Common Pleas, October 29, 2020
- D. M.J.T. v. C.K.J. Supreme Court of Pennsylvania 267 WAL 2020 [www.law.justia.com](http://www.law.justia.com)
- E. M.J.T. v. C.K.J. Superior Court of Pennsylvania 77 WDA 2020
- F. Mark Joseph Tengowski vs. Cheryl Kristy Jenkins 1948 of 2017D Westmoreland County Court of Common Pleas, December 12, 2019
- G. M.J.T. V. C.K.J. Supreme Court of Pennsylvania 67 WDM 2019
- H. M.J.T. v. C.K.J. Superior Court of Pennsylvania, 101 WDM 2019
- I. Mark Joseph Tengowski vs. Cheryl Kristy Jenkins 1948 of 2017D Westmoreland County Court of Common Pleas, June 20, 2019 and June 21, 2019
- J. M.J.T. V. C.K.J. Supreme Court of Pennsylvania, 16 WM 2019
- K. M.J.T. v. C.K.J. Superior Court of Pennsylvania, 1416 WDA 2018
- L. Mark Joseph Tengowski vs. Cheryl Kristy Jenkins 1948 of 2017D Westmoreland County Court of Common Pleas, August 28, 2018

## VI. Jurisdiction

The United States Supreme Court has jurisdiction to review on Writ of Certiorari the judgement of the Supreme Court of Pennsylvania, M.J.T. v. C.K.J. 210 WAL 2021 because it is filed within 90 days of the denial, August 16, 2021. The Superior Court of Pennsylvania M.J.T. v. C.K.J. 1352 WDA 2020 was denied on June 10, 2021 and within 30 days a Petition for Allowance of Appeal was filed with the Supreme Court of Pennsylvania. Cheryl Jenkins began this appeal process by appealing Westmoreland County Court of Common Pleas, Mark Joseph Tengowski vs. Cheryl Kristy Jenkins, 1948 of 2017D, Order date October 28, 2020 within 30 days by filing a Child's Fast Track Appeal. The Superior Court of Pennsylvania had in error produced 2 Court Docket numbers, 1352 WDA 2020 and 1364 WDA 2020, 1364 was dismissed against Mother's request for a combining of the cases, on January 27, 2021.

M.J.T. v. C.K.J., 267 WAL 2020, Supreme Court of Pennsylvania, Decided on October 2, 2020 was brought to The United States Supreme Court's attention on Writ of Certiorari within 90 days and mistakenly sent back as thought to be a duplicate of a previously denied Writ of Certiorari, No. 19-8496 and Mother sent it back again on December 23, 2020 and it appears that the Supreme Court of the United States' copies are at an unknown location within the mail system. M.J.T. v. C.K.J., 77 WDA 2020, Superior Court of Pennsylvania was denied on August 20, 2020. Cheryl Jenkins appealed Westmoreland County, 1948 of

2017D, Order dated December 12, 2019 within 30 days by Child's Fast Track Appeal.

## VII. Constitutional Provisions Involved

United States Constitution Amendment V: "No person shall be held to answer for capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law..."

(MMMMMM1-6)

United States constitution VI: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been previously ascertained by law, and to be informed of the nature and cause of accusation; to be confronted with the witness against him; to have compulsory process of obtaining witnesses in his favor, and to have the Assistance of counsel at his defense." (NNNNN1)

United States Constitution Amendment VIII: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." (OOOOO)

United States Constitution Amendment X: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." (PPPPP)

United States Constitution XIV: "All 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 a 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." (QQQQQ)

#### VIII. Statement of the Case

Cheryl Jenkins did not receive notice for the Court hearing held on April 16, 2018. Ms. Jenkins' ex-boss, Jeff Spitz drafted a letter (1C.) that states that Cheryl Jenkins no longer worked at Spitz Auto on March 26, 2018, the day of supposed service for the April 16, 2018 court date, see Affidavit of Service(1D). Jeff Spitz explains that he has reviewed the affidavit of service and the Fed Ex signature of a S. Tidwell who supposedly signed. S. Tidwell is not a current or previous employee of his, and he reviews his mail policy. Father sent a private investigator to Mom's previous residence and was unsuccessful instead of mailing service as required by Pennsylvania code. Mother had mail forwards through the USPS (1B.) to a UPS box at 1540 Oakland Avenue #164, Indiana, Pa 15642 from 2303 Locust Street, Greensburg, Pa 15601 and 29 2<sup>nd</sup> Street,

Irwin, Pa 15642. Mother argued this on appeal to the Superior and Supreme Courts of Pennsylvania but her evidence was not considered due to current Pennsylvania law as it did not appear on county record. An original Order was created on April 19, 2018 giving Mother primary custody and father supervised visits and was to be final after 30 days since neither part filed for a Pretrial conference . Mother, did not receive the April 19, 2018 order until 2019.

Explanation of Decision (PPPP) on page 2 reads, "Father had to serve mother at her place of employment because he was unable to obtain a good address for her". Judge Bononi says in Opinion, the April 19, 2018 Order, "... it was sent to the appellant at her address at 2303 Locust Street, Greensburg...", she continues, "The court has no way of proving or disproving whether or not Appellant received her copy of the order in the mail."

The second incorrect service is signed by an ex-coworker of Mother's, Mitchell Sikes, also at her ex-employer (1F). Mitchell verbally disclosed to mother in 2021 that he did not receive any paperwork in exchange for his signature.

Explanation of Decision (PPPP) on page 2, "The court met with Father's counsel on August 1, 2018 and was advised that the plaintiff was unable to effectuate service on Mother. Upon confirmation of Mother's location, the court would immediately reschedule the Pre-trial conference and Petition for contempt."

Opinion (KKKKK) on Page 14, "inability to effectuate service on Appellant on August 3, 2018, Appellant contacted the court by telephone but refused to provide a correct address for service." Judge Bononi is referring to the Women's



Center and Shelter of Pittsburgh and the correct mailing address of P.O. Box 9024, Pittsburgh, Pa 15224 that she was provided. Explanation of Decision (PPPP) page 3, Judge Bononi states, "...It is further noted that Mother had indicated that she could be served through a domestic violence shelter in Pittsburgh Pennsylvania...mailed a paper copy of said Order to the Shelter address she provided which was really only a partial address." On page 25, Judge Bononi lists addresses that were never given by Mother and some that were, you will see the P.O. Box 9024, Pittsburgh Pa in it's entirety proving it was not a partial address (KKKKK25). Opinion, on page 15 Judge Bononi states, "The court also mailed a copy of the order to the domestic violence shelter where the appellant claimed she could receive mail. This court later was told by the domestic violence shelter, that they had no reason to accept mail for the appellant." Domestic violence shelters are not permitted to disclose the residency of a client. Explanation of Decision, page 25, Judge Bononi writes. "Due to the appellant's lack of cooperation, the Court was forced to orally notice Appellant.", for August 27, 2018. This prevented her from obtaining a lawyer. The court held Ms. Jenkins in contempt for April 19, 2018 order that she never received and hearing she wasn't invited to. An amendment, August 28, 2019, was successfully mailed to Mother at her new mailing address on file, P.O. Box 149, Lewisburg, Pa 17837 by Judge Bononi (1A) but it lacked the April 19, 2018 Order. February 25, 2019, the Judge claimed that "Mother was hard to find" and denied Mother a continuance to

have either of her two lawyers present for court but her address was the same (1I). Westmoreland County still had the P.O. Box 149, Lewisburg, Pa 17837 mailing address on file, stamped with a date of February 15, 2019 (1I). Mother was not notified at her address on file. The affidavit of service for February 25, 2019 (1J) says it was mailed to Mother at a business, mother was not working, see medical excuse KK from January 23, 2019 through May 1, 2019, and another address that was not her address. Westmoreland County Court and Father's counsel played an address game to disable Mother's case. Father's previous address at 481 Browns Lane Apt B27, Pittsburgh, Pa 15237 states one person was on lease (1G1 and 1G2).

The Case History can be viewed at 1K. In January 2018, Mother filed her Parent Information form and included the risks that father posed to the child (1L). Father did not indicate any risk with Mother in his Parent Information form (M). Because this information was filled out the Judge said this meant that mother knew about the custody conciliation conference that happened without mother months later, transcript Page 5 lines 14-24. Father also incorrectly filled out his criminal history form (N.). Father's DUI arrest appeared in the Newspaper on December 4, 2011 (O.) and Father's criminal arrest record through 2011 (P). Transcript August 27, 2018, Father confirms on page 11, lines 8-11 that domestic violence charges were filed against him and on Page 28, Father says he was on probation for a DUI in 2011, had criminal

conspiracy in 1997 and "Maybe Public Drunkenness...." Father's Domestic Violence was on 11/29/2011 (Q.).

At the first conciliation conference on February 1<sup>st</sup>, 2018, father was provided Mother and Child's confidential address. Genetic Testing was also ordered (R) for February 28, 2018.

Judge Bononi kept denying throughout her Orders, Opinions, and Explanations that domestic abuse or child sexual abuse occurred and wouldn't accept evidence of or in defense against contempt. When Mother tried to enter this information as attachments during her appeal to the Superior or Supreme Courts of Pennsylvania, they weren't considered because they are not in the county record.

Mother received Domestic Violence counseling from Women's Center, under alias her call history about abuse 02/2015 to 01/08/2018, and a verification of stay under alias Sarah Jacobs is attached (S1-3). Father wrote admissions to abuse that Mother tried to show to the court which they would not accept including: that he pulled mom's hair in front of the minor child and signed (W2), explaining how his abuse will impact his son (W4), Father's note that mother was never abusive to him (W1), Saying he will not have contact with mom or son because he is unfit and signed (W3), Father's note that he is going to counseling with Paul Bernstein because he has been abusive to mom for 2 years (W5-6). Father has had calling habits of many calls a day (U7) and disturbing or threatening text messages (U8). Father has written statements

such as apologizing for calling her names (X1), stating he won't abuse Mom anymore (X2), saying he is sorry for screaming at her (X3), telling her to move on with her life (X4), note that he treated mom too bad to be forgiven (X5), and that he was abusive to mom and she and the minor child had to leave with Mom's mother 4 days after the minor child was born (X6). Mother emailed herself regarding threats made to her during father's domestic violence arrest and hearings (Y1-3). Mother completed two parenting classes, one in October 2013 (V1) and the 2<sup>nd</sup> online in August 2013 (V2) Paternity was established on February 28, 2018. Father was previously ordered to do Paternity in Allegheny County when the child lived in Snyder County and was open from June 30, 2013 through January 22, 2014 (1H1). A child support request was also sent to father (1H2) at 481 Browns Lane B27, Pittsburgh Pa 15237-2574. He did not respond.

Mother was only able to get a small amount of information into the record via the Prothonotary. Father was in various rehabs over the years with periods of sobriety and relapse (U1-2), Father's rehab plan in 2009 (U3), Father's frequently used mobile therapist, Janeen Asque (U4), Father's DUI hearing in Washington County on August 21, 2012 (U5), Father's hospital record resolve crisis team December 1, 2012 (U6), Father's Gateway Pleasant Hills description of alcohol symptoms (U7), Father's treatment plan April 11, 2013 by David Haynor (U8), Book provided to Father by David Haynor "Understanding Personality Problems and Addiction," Father's page of problems and objectives

“past episodes with limited sustained sobriety” and behavior difficulties that contribute to relapse by David Haynor/Peggy Oniel/John Six M.D., Father’s apartment floor 481 Brownvilles Lane B27, Pittsburgh, Pa (U11), Father’s weekly Batterer’s Intervention self report (U12), and Father’s DUI lawyer letter (U13).

The Child’s Dog Allergy was confirmed by a skin prick allergy test by the children’s hospital and is on doctor’s record, May 5, 2019 (BB). In Opinion (KKKKK) page 20 states, “Appellant makes a host of addition allegations including the child suffering from bowel damage, the child having genital warts and a children and youth investigation that was not completed. The court received no evidence regarding any of these alleged medical conditions or investigation of children, youth, and family...” (KKKKK)

The complaint of custody was filed in 2017 before paternity was established (CC1-4). Court Order April 19, 2018 (DD1-4) established Mother having primary custody. On August 28, 2018 an amendment (EE1-2) to the April 19, 2018 order was made. Judge Bononi has admitted to having direct conversation with Mother via telephone which should have caused her to recuse. Mother and child did not live in Westmoreland County, in transcript August 27, 2018 (FF1). Father also did not live in Westmoreland county. Mother was prevented from having a lawyer due to no notice and forced her to represent herself. Mother’s testimony was cut very short and laughed at when she tried to describe Father attempting to commit homicide against her and her infant son with a knife.

Mother alleged domestic violence, transcript page 7 lines 7-8, and Father admits to having domestic violence charges against him, transcript page 11 lines 8-11. In transcript, lines 15-19 and lines 24-25, Father's attorney William Manion discusses father taking DACC classes (LLLLL2), batterer intervention classes. Father gained abuse tactics in those groups. Father states on Page 12 of transcript, that he last saw the minor child in 2014 but continued to see mother through 2016 and on page 16, lines 3-6, father states that mother did most of the child rearing. Improper mail service appears in detail in the Reply Brief for M.J.T. v. C.K.J. 1352 WDA 2020 Superior Court of Pennsylvania (HHHHH). Mother describes stalking at the Westmoreland Courthouse by father, domestic abuse, and threatening behavior in transcript pages 26 through 27. On page 31, lines 2-9 of the transcript, mother describes an incident by father where he tried to stab Mother and child with a steak knife. Mother had concerns regarding pedophilia toward the minor child from father saying that she has seen father get an erection around her son and there was "discussions of incest...in therapist meetings." Page 31, lines 18-24 August 27, 2018 transcript. Page 33, lines 24-25, "I'm concerned about his mental health and him getting erections around my son and him stating that," Page 34 line 1, "...he always got erections (around other boys) when he plays sports."

On page 34 of the transcript, Father says he was in 4 inpatients and 3 outpatients, lines 8-11. Mother raises concern that father may have done

something to her son and that she has a video of her son's reaction the day after, Page 36 lines 14-17.

Mother had filed for a Protection from Abuse Order in the PFA office of the Westmoreland County when Judge Bononi called in and told the PFA office that Mother was not allowed to file for a PFA. Judge Bononi denies this. The following transcript appears on page 37 lines 19-25, in response to Mother's second attempt to file for a PFA in Westmoreland County, speaking directly to William Manion, father's attorney, The Court: "She can pursue—I can tell you right now she's planning on getting temporary. So if it goes before Judge Silvis, who's doing them, you may want to appear at that, and I will call Judge Silvis—". On Page 38 lines 20-25, Mom states "I'm telling you if he becomes homicidal for no reason if my son ends up dead, it is on the record, I'm holding you accountable." Father says he was not violent because he was in public (FF2).

While Mom was working on appeal 1416 WDA 2018 (HH3-7), the minor child created a note (HH1) "Lawyer Nicholas Nicholas". The Docket sheet for 1416 WDA 2020, filed on September 27, 2018, on page 3, October 18, 2018, in bold letters, says appellant's address was changed by Appellee's (Father's) counsel. Mother never received correspondence from the Superior Court asking to show cause. "Sean" allowed this change. Mother filed Nunc Pro tunc to the Supreme Court of Pennsylvania.

The Child attended, 2018-2019, the Shikellamy school district, see his report card (JJ). Mother developed vertigo that required therapy and was placed on a

driving restriction (KK1-4). Mother and child, primary residency still their Sunbury home, had to temporarily stay at the domestic abuse shelter in Lycoming County, 02/08/2019-03/08/2019. The Child still attended school in Sunbury. Mother and child's PFA was only denied in Lycoming County because mother still had permeant residency in Northumberland County as described by Erin's letter from the YWCA domestic abuse shelter (LL1-2).

In February 2019, CYS became involved after the child's doctor found a rash that was genital warts (NN1-2). Mother does not have genital warts as proven by her negative Pap Smears (UUUUU). Father was named the suspect by detective Jacob Brownshield, transcript from the 2019 case (NN 3-7). The origin of the warts was never determined, and case was never completed.

February 25, 2019 affidavit of service is incorrect (1J). A hand delivered notice with no postmark was left at Mother's residence, 131 N. 5<sup>th</sup> Street, Sunbury, PA 17801, 9 days before court while mother and child were in the abuse shelter. Mother filed for a continuance to have counsel present (WWWWW), but was denied because she "was hard to find" when her mailing address, on record for 6 months, was not served. Mother was left without counsel. Opinion, "The appellant has been "pro se" throughout the proceedings and the court believes her request to continue due to lack of representation was an attempt to further delay the proceedings." This was the first hearing that Mother had been given any written notice.



Detective Brownshields contacted Judge Bononi, there was a Child Advocacy Center appointment on February 25, 2019, in Sunbury that took a lot of coordination. The Allegheny county case worker couldn't make it to Northumberland county the next day. On page 5 lines 2-25 of the transcript and in her Opinion on page 29, says, "This court spoke with the detective for approximately 45 minutes." Detective Brownshields testimony in CYF court named father as the suspect (NN3-7).

Ms. Jenkins submitted a Judge Recusal for Judge Bononi on February 21, 2019 (MM1-2). It was read aloud in court by Judge Bononi on page 6, lines 7-14 of the transcript. On Page 4, Explanation of Decision it says, "It is noted that sometime prior, mother served on this judge a motion to recuse...the court issued a sealing order sealing the exhibit that contains Mother's address...the court issues an order denying Mother's Motion for recusal." (PPPP)

Judge Bononi said Father last had contact with the Child at 2 years old, on page 6 lines 8-10 of the transcript, Judge Bononi says that Father did not see the Child, and that Father had last seen the child at 1 year old and on page 6 line 46, that father had no contact with the child.

Mother submitted her February 22, 2019 Drug and Alcohol Evaluation, not recommended any treatment (PP). Father did not bring his Drug and Alcohol Evaluation, transcript Page 6 line 17. Page 6, line 19 of the transcript, Father was arrested on domestic violence charges in 2011.

Judge Bononi did not order the visitation report for the February 25, 2019 Contempt hearing against Mother from Justice Works showing that they placed Mother on a waiting list at the beginning of September 2018 and had just begun to have openings. Justice Works has a policy as well, that neither parental figure may order the notes. In the Opinion, "As previously stated, while the appellant was held in contempt of court, she was not sanctioned." Judge Bononi appears to be saying that it is okay to falsely hold someone in contempt without evidence if they are held in contempt with "no sanctions". The judge also had said during the hearing, that she was going to place mother in jail and put the minor child in foster care. "The Court advised.....she could go to jail until she was willing to comply." She said she was putting Mother in jail that day. In the partially edited transcript, Mother is pleading with Judge Bononi to not put her in jail and to not do this to her son.

Dr. Bush and Mother were 4 hours apart, he had weekday hours, the child was enrolled in Kindergarten, and Mother was doctor ordered restricted driving, Dr. Bush advised Mother to see someone else. A letter from Jamie Wagaman was provided at the February hearing. Judge Bononi said Jamie was not licensed when she is. Mother ended up paying for both evaluations, one \$500 and one \$550.

Father's counsel, Nancy Madeya, addresses that she gave the wrong address to the Superior Court of Pennsylvania for Mother in lines 41-42 on page 6.

Explanation of Decision, "Mother filed a second handwritten document on February 25, 2019 which alleged that Father's lawyer changed her address in the Superior Court's system and obstructed justice..." (PPPP)

On page 3, Explanation of Decision, "On February 25, 2019 Mother filed a handwritten document...claiming she was unaware of the April 19, 2018 hearing and that she just received the paperwork at the end of February 2019. She alleged that mail forwarding was active during domestic abuse. UPS had authorization to sign for certified mail even." (PPPP, 1B)

Mother filed a Petition for Emergency Custody on February 25, 2019. That was ignored.

Father never lived in Westmoreland county. Mother and child lived in Northumberland County. Mother reviewed Pa Code thoroughly in her Reply Brief for case number 1352 WDA 2020 (HHHHH1-20). Judge Bononi ignored Mother's issue of venue, made mother and child travel 8 hours round trip to custody court. Explanation of Decision, "on March 18, 2019 Mother filed "Petition to Assume Jurisdiction"...requesting this Court relinquish jurisdiction to Northumberland County because Mother and the Child have not resided in Westmoreland County since March of 2018."(PPPP) The document actually reads since January of 2018 and are victims of domestic violence.

Due to the Child being in school in Sunbury, Mother could only schedule visitation for Saturdays. Justice Works only had 2 staff members and only Pam worked on Saturdays. Orientation was scheduled for March 9, 2019, a

Saturday, Mother arrived at the scheduled time, the lights were out, the door was locked (UU). The visit was ultimately cancelled, Pam had a family emergency. Mother and child had church the next morning.

Opinion (KKKKK) page 20-22, "The Court notes that Appellant alleges that her driving privileges were restricted from January 21 through May 1, 2019. The appellant did not advise the Court of her restricted driving until May 20, 2019." Mother did contact the Judicial Conduct Board (VV).

On April 9, 2019, Mother's Petition for Allowance of Appeal, 16 WM 2019, was denied (J and WW). On May 10, 2019, Mother's Motion for Reconsideration was denied, 16 WM 2019 (J and XX).

In the Explanation of Decision (PPPP), it states, "the minor child reported and Mother's testimony corroborated that while in Mother's Custody, the minor child was enrolled in Tball, baseball, swimming, soccer, and basketball. Being involved in team sports had to provide some stability for the minor child with regard to community." The child attended the same school, played his sports, went to church, and was happy child for 7 years in Mother's care. Judge Bononi falsely stated life with Mother was "chaotic" without evidence. Domestic violence caused some outside factors of chaos and a purpose of the Protection from Abuse Order.

May 20, 2019, another false contempt case is brought against Mother. Mother was cleared from restricted driving and to work. She had completed the

orientation with Justice Works, after having to travel there twice. Pam did not have any Saturdays available in May, her coworker Jen did the visitation.

Explanation of Decision (PPPP) Page 6, "Mother filed a Petition for Modification of Custody Order asking that Father submit to bi-weekly drug and alcohol screenings for "visitation"" and that Mother was denied due to there being no final Order (FFF). Mother still argues that April 19, 2018 was a Final Order after 30 days..

She continues stating that Mother filed a handwritten "Praeipie" with Petition for Support, Drug and Alcohol Facilities that Father had been in, text messages from father, letters from father, etc. and an additional Petition to Assume Jurisdiction. The only way Mother was able to enter any evidence was through the Court Prothonotary.

On page 3, lines 17-18 of the May transcript, Judge Bononi falsely says that Mother filed the Pretrial motion. On Page 5, lines 17-18, the Guardian Ad Litem, Patricia Elliot Rentler had stated that Mother kept her visit with Dr. Bush. Mother had reviewed Father's mental health evaluation in the court record. It said characteristics of Anti-Social Personality Disorder. Judge Bononi claimed Father's evaluation was not on file, May 20, 2019 hearing page 14 lines 21-25 and on page 15, lines 1-5, she says that it does not say anti-social and continues on to then admit that she has the entire document. On Page 30, lines 4-6, Mark's evaluation is in the file and on Page 30, lines 16-19, Patricia Elliot Rentler confirms that the envelope for Dr. Bush's evaluation Mother was

sending elective. Mother's evaluation was complete. Judge Bononi says of Father, "Appellee performance...with no significant correlation to any degree of psychopathology."(KKKKK9-10) Father's evaluation says Anti-Social Personality Disorder which is the closest diagnosis one can get to Psychopathology on a Mental Health exam. Psychopathology is not a Mental Health diagnosis.

Mother's Drug and Alcohol Evaluation was provided February 25, 2019, Page 35, lines 6-8 of the transcript.

Supervised visitation was ordered for Saturdays, Page 19 lines 8-10 of the transcript. Mother was held in Contempt of Court falsely again. Mother's ability to testify, be heard, or submit evidence was blocked.

Judge Bononi on Page 27 lines 8-11, "Ma'am, I'm not taking your child off of you." (EEE)

Mother took the child to his supervised visit. He was upset that his father blocked him from exiting the door until he gave him a hug that he didn't want to give him. On May 29, 2019, a Custody Order was entered that Mother should take the child to the May 20, 2019 visit and schedule the next supervised visit. Mother had already scheduled a June 29, 2019 visit that father confirmed but then wanted to change it. On the same date, May 29, 2019, Judge Bononi creates the Order, but also contacts Justice Works Youth Center and tells them to not speak with Mother anymore. That prevented Mother from being able to comply with the court order she had just written. These notes are

available in Justice Works Youth Center notations. Judge Michele Bononi orchestrated the next contempt charge against Mother (AAA). Judge Bononi allowed Father's counsel to file a Contempt charge against mother the following day, May 30, 2019 (BBB) before Mother could even receive the May 29, 2019 Order. Justice Works' Pam stopped communicating back with Mother (DDD1-10 and DDD11). Mother had call logs of unanswered calls Mom made, a text from Pam that Father was not cancelling the June 29, 2019 (DDD22), no response from Justice Works via text message (DDD23), Justice Works director Erin texts (DDD24), and Jodi didn't call Mom. Mother sent 6 unanswered emails to the Director of Justice Work Youth Centers, Dan Heit (DDD 26-28). Mother was trying to get the child to his second supervised visit. None of this was allowed as evidence.

Mother sent an email on May 28, 2019 to Dr. Bush (JJJ). Mother filed a Petition for Special Relief, asking that dander is not on clothes during visits because of child's dog allergy, a Penile Plethysmography for Father, and Father's smoking Habit in (OOO5) and out of his home (HHH1-5). Mother also filed another Petition to Assume Jurisdiction on June 7, 2019. On January 6, 2019 a hearing for Father's civil contempt, Mom's Special Relief, and Mom's Petition to Assume jurisdiction was scheduled (GGG). Mother filed a continuance for the June 20, 2019 hearing after receiving 11 days' notice and was denied (KKK).

The Child was living a very fun and stable life with Mother as can be seen by his school records, his sports records, and photographs (NNN1-4). Mother did have to get a Protection from Abuse Order against father in Northumberland County on June 18, 2019, case No. 19-1205 (MMM1-15).

Lycoming county denied mother's PFA because of Mom's primary residence in Northumberland County. Judge Harold Woelful, Northumberland, called it attempted ex parte communication when Judge Bononi tried to communicate directly with him.

On June 20, 2019, Mother woke up ill. No continuance caused Mother to be traveling alone with the child. Mother did reach Rita Hathaway's office, the President Judge to give updates on how late she would be. Mother began to shake very badly and felt she needed to go to the hospital. When she communicated this to the Court, they told her that she would be arrested if checked in at a hospital. Mother explained that she may need to use the restroom at times if she made it and they said that would be okay but Judge Bononi used Mother's temporary illness and visits to the restroom to call Mom's behavior erratic. Judge Bononi can be seen speaking about Mother calling in ill on page 11 lines 4-8 of the June transcript. Page 38, line 16 of the transcript, "Once again she said she was very ill."

Patricia Elliot Rentler claims she did a home visit to Father's home, she never did one to Mother's, and claimed he had 2 Bedrooms, transcript page 91 lines 23-25. On Zillow (LLLLL1), father's house is a 1 bedroom, 2 bath. Patricia



Elliot Rentler once said the child had his own room, said the living room was converted to a bedroom, and that the child had a small room or closet off of father's room. The child later stated that he slept in Father's bed and was pressured to answer differently on November 20, 2019. Father has a dog on page 85 lines 6-13 of the transcript.

Patricia Elliot Rentler smelled cigarette smoke in Father's house but it "wasn't overwhelming", on page 91 lines 9-22 of the transcript, and that father had a dog, page 92 lines 8-10. The child is allergic to dogs, confirmed by a skin prick test and even ended up in the ER asphyxiated before. On page 5 lines 2-4 of the August 16, 2019 hearing, the child says he is living with "Mark and his dog", line 8, "he's a pit bull and a lab", lines 12-14 Ms. Elliot: Are you allergic to dogs?" (OOO1-4)

The Witness (The Child); "I guess—I guess—I guess—just Sneeze"

Patricia Elliot-Rentler tries to explain that there was a "miscommunication" that father thought it was May 29, 2019 and Mother, June 29, 2019. The text messages with Justice Works confirm that Mother made that visit correctly before Judge Bononi made Justice Works Youth Center stop communicating with her (DDD1-28). On page 57 of the transcript, lines 24-27, "Did the Judge Order your services not to speak with me any further?" Mother asked. Jodi Cramer, supervisor Justice Works answered, "We were advised that we did not have to continue at that point. Dr. Bush said, page 27 line 5, "obviously we had one compliance...she took him there in May." Jodi Cramer, Justice Works

Youth Center, is questioned page 44 line 1-2, "And that period of partial custody did mom comply?" Jodi Cramer "Yes." Jodi also said, lines 19-20, "Once father had left he stated that he didn't like him and he was a bad man."

During the June 20, 2019 hearing page 12 lines 6-7 "Father has not seen the child since he was 1 year old."

On Page 22, lines 1-4 of the transcript, Dr. Bush says Father admitted to hitting her and lines 5-8, Dr. Bush also said "She alleged he threatened her with a knife, had a significant alcohol problem during the course of the relationship. I think that was verified by his history at the time." That confirms the domestic violence. On Page 22, lines 9-11 of the transcript, Dr. Bush said "She was adamant regarding her belief that she and her son are in danger should Mr. Tengowski be permitted to have unsupervised contact with her son." Mom's PFA witness' partial testimony is attached (VVV).

Explanation of Decision, Judge Bononi on page 8, "Mother filed for and received a temporary Protection from Abuse Order on June 19, 2019 from the Northumberland County Court of Common Pleas. A hearing on the final Protection from Abuse Order was scheduled for July 3, 2019. The matter was continued numerous times and was ultimately dismissed on September 25, 2019. The temporary Protection from Abuse Order initially named the minor child as a protected party. This Court attempted to contact the Judge in Northumberland County to provide a current copy of the custody order but he refused to speak with this Judge claiming it was ex parte communication. The Court was informed by counsel for Father that the

child's name was eventually removed from the temporary order but this Court took additional steps to indicate that its current orders superseded the temporary protection from Abuse Order." Mother had custody of the minor child, all of his life, the child was almost 7, and she obtained a temporary Protection from Abuse Order after a long history of domestic abuse. Father had supervised visits. June 20, 2019 hearing is a contempt hearing, not a modification hearing, see *Choplosky v. Choplosky* 585 A.2d 340 400 Pa. Superior Ct. 590 (1990) and *Langendorfer v. Spearman*, 797 A.2d 303, 308-309. The judge superseded the PFA, creates a new custody order to give father custodial rights he never had, and allows the child to go unsupervised with the abuser, see *Everett v. Parker* 998 A.2d 1003 (PA Super. Ct.2010), *Rosenberg v. Rosenberg*, 350 Pa. Super.268, 504 A.2d 350 (1986), 1994 Violence Against Women Act, and *Jordan v. Jordan*, 302 Pa. Super. 421, 425, 448 A.2d 1113, 1115 (1982). In contrast to the Explanation of Decision, in Judge Bononi's Opinion page 19, "The Court contacted the court in Northumberland county to advise them of the ongoing custody case in Westmoreland County, but never spoke with the Judge assigned to the Protection from abuse matter. The Appellant willfully failed to disclose the ongoing custody case on her Protection from Abuse and the Northumberland County court decided that this Court's Custody Order superseded the Temporary Protection from Abuse Order. This Court had nothing to do with the decisions of the Northumberland County Court." In one response, Judge Bononi says she superseded the PFA and in another she says Northumberland County did.

The Judge admitted she had no evidence against Mother and was not concerned with the child unsupervised with Mother on August 16, 2019. The judge orchestrated the contempt against Mother on May 29, 2019 to have the contempt hearing on June 20, 2019 and create the Orders June 20, 2019 and June 21, 2019.

Judge Bononi would not consider other mental health evaluations. Alan Pertchuk's evaluation of just ADD is attached (DDDD2-5) It was also not considered at the appellate level in the Superior or Supreme Courts of Pennsylvania. Mother was evaluated in July of 2021 to have adjustment disorder with anxiety from what the court did (GGGGG). The child was diagnosed with adjustment disorder after the change of custody as well in September of 2019 (DDDD1).

The Court claimed that Mother had Borderline Personality disorder, when she doesn't, as being a reason for the change of custody, and later retracted those statements and saying it was because Mother didn't cooperate with Justice Works visitation, which the judge herself caused. Dr. Bush did a diagnostic impression and verbally admitted that the section pertaining to personality disorders for Mother's is erroneous but has yet to fix it. Judge Bononi has admitted that Mother provides for the child and is not a threat to the child one on one. Mother had done nothing but bring the child up to have good grades, play sports, go to church, and be a nice boy. Judge Bononi admitted that she has no substantiated evidence against Mother, see *Gonzalez v. Gonzalez*, 337

Pa Super Ct. 1, 486 A.2d 449 (1984). Judge Bononi made and gave custodial rights to the named abuser during an active PFA and assured the PFA would be superseded. Mother was ordered supervised visits of 4 hours a week, without evidence or reason on June 20, 2019. Father was given primary custody during a contempt hearing not a modification hearing. Judge Bononi's Opinion, page 8, accuses Mom of trying to stall or derail the custody proceedings by filing for a PFA. Opinion on page 3, there is law that allowed her to do this drastic and dangerous decision "under appropriate circumstances" and on page 2-3, she falsely claims that there was an emergency. She mentions mother went to the bathroom twice. There was no indication on June 20, 2019 or before that or in any hearing after that, that Judge Bononi was concerned that Mother had any substance abuse issue. Mother submitted 2 evaluations showing no substance abuse issue. In her Opinion roughly 7 or months after changing custody to father and it reads "the appellant's behavior was so concerning the court believed she might have an active substance abuse problem." Mother tried to have this reviewed on appeal, Pennsylvania Superior Court says they're "limited" in their ability to review transcript.

Mother filed an Interlocutory appeal, 101 WDM 2019 (RRR). Mother turned in Nancy Madeya, for changing her address in the Superior Court on October 18, 2018. A response was sent to 8<sup>th</sup> street not 5<sup>th</sup>. She filed again. They said this issue will remain closed (GGGG1-4).

The child was supposed to return to Beck elementary for 2019-2020 (TTT).

Mother handed in a letter, August 14, 2019 from her therapist (UUU). Mother filed a complaint against District Attorney John Peck. The Sheriff told Mother to go to the District Attorney's office until they do something, and John Peck would not help Mother.

Mom's Drug and Alcohol evaluation, no treatment recommendation, August 13, 2019 was submitted (XXX). On page 31 of the August 2019 transcript, "The reason for supervised visits is because Dr. Bush testified that under no circumstance did he feel that you would allow a relationship between the minor child and the father. Okay. And for that reason alone, my job is to try to have both you have a healthy relationship with the child." Mother responds, "You're blocking me from seeing—" The Court interrupts and says .... "And my basis for the supervised visits here, there were allegations that were unsubstantiated by all accounts that you were trying to alienate the child from having a relationship with the father here. And that was —and he said under no circumstances would you allow that relationship to occur." Parental alienation is allowed when domestic violence is present. On Page 32, lines 4-11, Judge Bononi states while speaking to Mother, "I would agree with you that you are not a threat one-on one to the daily taking care of your child. You love your child, I have no doubt in my mind. Your child loves you. I have no doubt in my mind." Mother tried to describe sexual abuse investigation on page 33 of the transcript and Mother does not have HPV (UUUUU). Page 35, lines 21-25 of

the transcript, Judge Bononi says about Mother "...I've never found that his daily needs weren't taken care of." . Mother's legal rights were temporarily taken away. The Judge's fear is not evidence. Westmoreland County Court Order August 16, 2019 is attached (AAAA).

Mother complained to the Attorney General of Pennsylvania. (BBBB) Father was only offering 2 hours instead of the 4 hours at the Raystown development center. Mom was rear ended and it totaled her vehicle on September 16, 2019 (EEEE). Supreme Court of Pennsylvania case No. 67 WM 2019 was denied.

Mother flew out to Massachusetts from Baltimore/Washington Airport (HHHH1-2). Mother's last visit was the week before. Mother also filed 2 complaints against Dr. William Bush for his erroneous evaluation.

A trial was finally held after several months. Mother had an offer for another supervised visit place in Indiana Pennsylvania (JJJJ). Mother's counselor left the practice and issued a letter that Mother would be reassigned to a different therapist (KKKK).

Mother presented a picture of Father with a knife when he tried to stab Mother and son (LLLL). Mother had offered Judge Bononi to zoom in on her computer, she refused. Judge Bononi wrote, "The photograph presented to the Court was unable to identify a knife in the picture...the court declined to admit it into evidence."(KKKKK)

"However, with regard to the alleged stalking, Appellee's counsel resorted to personal service on Appellant due to her purposed evasion of service throughout

this matter” Judge Bononi wrote on page 20, Opinion. The people following Mother were not serving her papers.

The Court asked the Child, “When you get in trouble, how does dad handle it?” and the Child answered, “ He handles it by screaming (indicating).” The Court, “He screams at you. Do you listen after he screams?” The Child answered, “Yes absolutely”, page 72 lines 5-10 of the transcript for November 20, 2019.

Page 72, lines 23-25, “...And when you were with mom, you played T-ball and baseball?” The Child, “I played T-ball, baseball, soccer, sometimes basketball at the YMCA.” The Child continued, “I’d go swimming. I did all of that.” (YY1-5) The Court also asked the Child, “You just really didn’t talk about him when you were with mom?” The Child, “I didn’t really talk about him.” The Court, “When you had it with mom, how was life?”, the Child answered, “Good”, page 70 lines 14-24 November 20, 2019 transcript. The child’s custody wishes were not considered.

“He was removed completely from everybody he knows, his school, his friends, his church, his mom, his grandparents,” page 104 lines 14-16 and lines 20-24 of the transcript, “What religion?” asked the Court, “Lutheran and Catholic” Mom answered.

Mother expressed the following in Court, page 77, lines 3-10 of the transcript, “...I saw that you were under the impression that I was in multiple counties and the multiple counties listed. And I was not in those counties.... I didn’t move around. My family is all out there.”



Mother is the favored on all 16 factors of custody by evidence regardless of what was lied about. Westmoreland county never addressed the factors themselves.

#### IX. Reason for Granting the Writ

Judges' having the ability to review their own recusals is a violation of the United States Constitution and due process.

In needing appellate review for Judge Bononi of Westmoreland County Pennsylvania blocking and ignoring evidence, Cheryl Jenkins, Mother, has found that the Superior and Supreme Courts of Pennsylvania will not allow the submission of evidence at the Superior or Supreme Court level during the appeals process. This seems to be in violation of the Constitution of the United States and States. States may not "make or enforce law which shall abridge the privileges or immunities of citizens of the United States." Therefore, incorrect Orders and unfair cases will most likely stay incorrect and unfair. When one does not receive a fair case, an appellate court should be there to determine the factual nature of the case. To do this, they will need to review evidence available to them, by blocking the addition of evidence, the Superior and Supreme Courts of Pennsylvania may be upholding unjust Orders.

It is unconstitutional for a judge to assign a specific Guardian ad litem or lawyer and not have a way for the child to obtain a different lawyer for themselves or create a complaint because a review board does not exist in Pennsylvania.

Pennsylvania judges having the ability to supersede a Protection from Abuse Order is a violation of the Constitution and it places woman and/or children in harms way and could result in death. A named abused party is not to have unsupervised custodial rights when a protective order is in place.

Protecting your child from abuse of any kind should never be considered parental alienation.

If a Pennsylvania resident has a complaint to be filed with the Attorney General they should not have to get a referral from a District Attorney or State Trooper.

Judges or any Judicial official knows when they are committing judicial misconduct and it creates an unfair case, so any case where a judge is found to do any misconduct should vacate the case.

It would more properly safeguard our constitution to have higher courts in opposing districts answer appeals and other filings as it protects against corruption and helps assure everyone gets a fair case.

G.B. v. M.M.B., 670 A.2d 714 (Pa Super 1996) is a violation of the Constitution It only allows final orders to be appeallable which could result in an unfair case remaining unfair for a lengthy period of time.

Allowing a Judge to force a party to use legal or medical personnel and not have the choice to choose another instead is unconstitutional and could allow for the abuse of power.

Genovese v. Genovese, 550 A.2d 1021 (Pa. Super 1988), improper loss of custody of a child, less, or limited contact with a child is actually a sanction.

Judges are not doctors or psychologists and therefore they should not be able to use their judicial immunity to make incorrect comments or incorrect diagnoses of any party. That should be left up to the specialists and it is unconstitutional to take away rights to someone's children with cruel and harsh inaccurate statements about someone's mental or physical health that does not affect the child, the parent has no history of abuse, and it does not prevent the parent from caring for the basic needs of the child.

Is it unconstitutional to have custodial arrangements that are grossly unequal when parents have the ability to care for the basic needs of the child and they don't have a history of abuse of the child, child's parent, or other member of the child's family.

The right to not be abused is constitutional and therefore a risk assessment should be required in custody cases where a person has a history of any kind of abuse.

It is unconstitutional for Pennsylvania Superior and/or Supreme Court to refuse or limit its ability to review transcriptional record as transcriptional record would help them determine the credibility of the parties.

It is unconstitutional to hold pro se clients or clients acting on their own behalf to the same standards as other attorneys and not be given room for error in all filings.


It is unconstitutional that in custody cases in Pennsylvania a parent is not always awarded a lawyer if they do not already have one because it denies equal protections for both parents and the children and can allow wealth to be a factor in custody.

It is unconstitutional for a Judge to deem the need to protect a child from domestic or sexual abuse as parental alienation.

It unconstitutional for a Pennsylvania judge or any State judge to order supervised visitation, create or change a custody order, and/or limit access to a child for a parent based on a mental health diagnosis or neurological condition that does not negatively affect the child(ren), does not prevent the parent from taking care of the basic needs of the children, and for which the parent has not been abusive to the child(ren).

## X. Conclusion

Cheryl Kristy Jenkins, November 12, 2021

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a horizontal line extending to the right.