

No. \_\_\_\_\_

**21-6474**

IN THE  
SUPREME COURT OF THE UNITED STATES

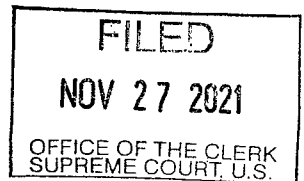
Kristie Sluder Foster Mother PETITIONER  
(Your Name)

vs.

R. Patrick Bentancourt, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

**ORIGINAL**



United States Court of Appeals for the Fourth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kristie Sluder  
(Your Name)

60 Blackberry Inn Rd  
(Address)

Weaverville, NC 28787  
(City, State, Zip Code)

(828) 333-3609  
(Phone Number)

### QUESTION(S) PRESENTED

1. Did Macon County Department of Social Services Violate federal law when they neglected to notice me, as a Foster Parent, for the permanency planning review hearing conducted two weeks prior to my foster daughter's placement in a group home?
2. Do Foster Parents have a federally Protected right to be noticed and heard according to the Adoption and Safe Families Act of 1997, specifically 42 U.S.C. § 675(5)(G)?
3. If so, then does this law establish a liberty Interest for Foster Parents in the United States of America?
4. Does violation of this law create an oppressive restraint undue hardship and burden on foster Parents in the United States of America? /
5. Does 42 U.S.C. § 675(5)(G) Place an affirmative duty on the trial court to provide foster Parents with notice of hearings and ~~and~~ <sup>an</sup> opportunity to be heard.
6. Does a liberty Interest exist due to the psychological and emotional ties that exist in long-term non-biological family relationships?
7. If so, then does that necessitate the enforcement of the due process and equal Protection clause of the U.S. Constitution?

### QUESTION(S) PRESENTED

Are states and county Departments of Social Services responsible for ensuring the uniform application of federal statutes that are tied to major funding streams?

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

R. PATRICK BENTANCOURT, Director Macon County DSS;  
STACEY JENKINS, Social Worker III, Macon County DSS;  
LISA CAULEY, Director Division of Social Services  
NCDHHS; MACON COUNTY DEPARTMENT OF SOCIAL  
SERVICES, BOARD OF DIRECTORS

## RELATED CASES

Kristie Sluder v. R. Patrick Bentancourt, et. al. No 1:20-cv-135-moc-  
wcm  
U.S. District Court for the Western District of North Carolina  
Asheville Division. Judgment entered Nov. 10, 2020

Kristie Leanne Sluder v. R. Patrick Bentancourt, et. al.  
No. 20-2345, U.S. Court of Appeals for the Fourth Circuit.  
Judgment entered Aug. 27, 2021

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APPENDIX C Out of the shadows and into the courtroom: An Analysis  
of Foster Parents Legal Rights

APPENDIX D Foster Parents Have Right to be Heard at Permanency  
Hearing

APPENDIX E Photo Book of V.A.M.'s life in our home.

APPENDIX F Letters (Pediatrician, school)

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Foster Parents Have Right to be heard at Permanency Hearing Kristopher V. Mazzone, 2011 WL 508415 (W.Va.)	221-234
Out of the shadows and into the courtroom: An analysis of Foster Parents' legal rights. Seth A. Grob, JD	1-3

## STATUTES AND RULES

Adoption and Safe Families Act of 1997  
Specifically 42 U.S.C. § 675(5)(G)

The Constitution of The United States  
Amendment XIV  
Section 1

## OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES  
  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 27, 2021.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The constitutional Provision to ensure domestic Tranquility,  
... promote the general Welfare and secure the  
blessings of Liberty ...

Amendment XIV, section 1 ... 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 any person  
within its jurisdiction equal protection of the laws.

The statutory Provision of the Adoption and safe families  
Act of 1997, specifically 42 U.S.C. § 675(5)(G) which  
states that, the foster parents (if any) of a child and any  
preadoptive parent or relative providing care for the  
child are provided with notice of, and a right to be  
heard in, any proceeding to be held with respect to the  
child, except that this subparagraph shall not be  
construed to require that any Foster Parent be made  
party to such a proceeding solely on the basis of such  
notice and right to be heard.

## STATEMENT OF THE CASE

V.A.M. was in our home for 18 months. Parents rights had been terminated Five years prior to placement. V.A.M. had been drifting in foster care for five years and had experienced two failed adoptive placements. V.A.M. became a part of our family. we were seeking guardianship of her. V.A.M.'s Guardian Ad Litem had a violent altercation with the child's mother and was in a conflict of interest with the child. V.A.M. progressed very well in our home as noted by her longterm pediatrician. V.A.M. had obtained an educational opportunity scholarship and was participating in Duke T.I.P. program. V.A.M. wanted to stay here and protested the move. Macon County SW Stacey Jenkins obtained court order and with law enforcement forcibly removed child from home. There were no complaints or allegations of any kind against our home.

Two weeks prior to the move / disruption a permanency planning review hearing was held regarding V.A.M. and her placement with us. Social worker and GAL presented an addendum to a clinical assessment by a therapist that recommended a higher level of care / institutional care / group home. The social worker and adoptive worker and placement worker knew that V.A.M.'s primary medical doctor had written a letter advising against disruption. That letter was never seen by the court or given to the judge, due to the fact that we were intentionally uninformed of the hearing

## Statement of the Case

that took place two weeks prior to the move / disruption. The social worker did not make the judge aware. The therapist wrote the addendum at the GAL's request. The group home services were funded through medicaid against medical advice.

V.A.M. had a total of ten moves in five years, experienced multiple rejections and the loss of her younger brother, who was adopted while in care.

V.A.M. had made her home here. She verbally + behaviorally, dramatically protested the move. She made a video statement and requested that the judge hear it.

V.A.M. was making good grades and beginning to normalize in the home demonstrating age appropriate behaviors. She was thriving by every measure. It was cruelly and arbitrarily taken from her and us. The disrupting of the secure psychological and emotional bond we shared was traumatic for all of us.

If the Court had made this decision fully informed of all the relevant facts, then the outcome could have been different. This child, and any other similarly situated, was put at greater risk being placed in institutional care rather than family care. The "least restrictive rule" was also ignored.

V.A.M. was in three different schools after being taken from our home. She tried calling and was reprimanded. V.A.M. will be fifteen in January. If she is still drifting, her risks continue to rise.

## REASONS FOR GRANTING THE PETITION

Foster Parent rights are a long contested subject of national importance.

A decision is necessary as to the uniform application of a Federal Statute that guarantees Foster Parents a substantive due process right, equal protection, fairness and equity. Biology does not equal secure bonding. The psychological, emotional and spiritual life are the unseen life blood of a family system.

Foster Parents are Parents and contribute significantly to stability of America's social fabric, yet are all too often arbitrarily dismissed as third class caretakers whose input and influence can easily be silenced by the decision of a random social worker to not provide notice and that of a clerk of court.

Opinions vary from court to court and justice to justice.

A decision is necessary as to whether protecting the rights of foster parents will aide in the safety, security and stable development of children in America's foster care system.

### CONCLUSION

For these reasons,

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kristie Sluder

Date: 11-27-21