

No: 21-6696

In the

Supreme Court of the United States

**LAUREN M. WILLIAMS, PETITIONER, PRO'SE**

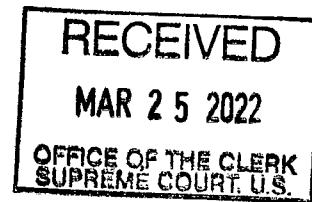
vs.

**TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE  
SERVICE, RESPONDENT**

**On Petition for Writ of Certiorari to the United States  
Court of Appeals for Fifth Circuit**

**PETITION FOR REHEARING**

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# **TABLE OF CONTENTS**

TABLE OF CONTENTS

TABLE OF AUTHORITIES

PETITION FOR REHEARING

REASONS FOR GRANTING REHEARING

- I. In a termination proceeding in a State that provide Equal Protection of the Law as a matter of right from decision terminating parent rights, does the State violate the Due Process Clause by denying substantial rights to fairness of Judicial Proceedings to parent facing termination without engaging in the due process analysis mandated in the Fifth and Fourteenth Amendment?
- II. Are parents facing termination of parental rights compelled to self0incriminate for the exchange of having their children returned?

CONCLUSION

CERITFICLE OF COUNSEL

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## **TABLE OF AUTHORITIES**

Archuleta 897 F.2d at 499 n.7

Arnold v. Board of Educ 880 F 2d 305, 312 (11<sup>th</sup> Cir. 1989)

Baer v. City of Wauwatosa, 716 F. 2d, 1117, 1123 (7<sup>th</sup> Cir. 1983)

Bd of Regents of St. College v. Roth, 408 U.S. 564, 570, 92 S. Ct, 2701, 2705 (1972)

Croft v. Westmoreland and County Children and Youth Services, 103 3d, 1123, 1125 (3<sup>rd</sup> Cir. 1997)

Duchesne v. Sugarman, 556 F 2d 817, 825 (2d Cir. 1977)

Dupuy v. Samuels 462 F. Supp. 2d 859 (N.D. Ill 2005) aff'd, 465 F. 3d 757 (7<sup>th</sup> Cir. 2006)

Glucksberg, 521 U.S. at 720, 117 S.Ct. at 2267

Holick v. Smith, 685 S.W. 2d 18 (1985)

In Re Gault, 387 U.S. 1, 47; 87 S.Ct. 1428, 18 L. Ed. 2d 527 (1967)

Kelley v. Johnson, 425 U.S. 238, 244, 96 S. Ct. 140 47 L Ed. 2d 708 (1976)

Malloy v. Hogan, 378 U.S. 1; 84 S. Ct. 1440, 47 L. Ed. 2d 653 (1964)

Paul v. Davis, 424 U.S. 693, 712-13, 96 S. Ct. 1155, 1166, 47 L Ed. 2d 405 (1976)

People v. Cheatham, 453 Mich. 1, 9; 551 NW 2d 355 (1996)

Reno v. Flores, 507 U.S. 292, 301-02 (1993)

Santosky v. Kramer, 455 U.S. at 749, 53-54

Troxel v. Granville, 530 U.S. 57 (2000)

United States v. Cox, 544 F. App'x 908 (11<sup>th</sup> Cir. 2013)

United States v. Miranti 253 F 2d 135, 139 (CA2, 1958)

Wallis v. Spencer, 202 F 3d 1126, 1136 (9<sup>th</sup> Cir. 2000)

## **CONSTITUTIONAL PROVISIONS INVOLVED**

The fifth and fourteenth amendments to the United States Constitution both provide pertinent part:

### **AMENDMENT V:**

“Nor shall be compelled in any criminal case to be a witness against himself, nor deprived of life, liberty, or property, without due process of law.”

### **AMENDMENT XIV:**

“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 law.”

## **PETITION FOR REHEARING**

Pursuant to Rule 44.1 of this Most Honorable Court Petitioner Pro'Se Lauran M. Williams respectfully petitions for rehearing of this Honorable Courts February 18, 2022, denial of Writ of Certiorari. Ms. Williams moves this Honorable Court to grant this petition for rehearing and consider her case with merits briefing and oral argument. Pursuant to Supreme Court Rule 44.1, this petition for rehearing is filed within 25 days of this Honorable Courts denial in this case.

## **RELEASE FOR GRANTING REHEARING**

A petition for rehearing should present intervening circumstances of a substantial or controlling effect or other substantial grounds not previously presented. See Rule 44.2.

"The Supreme Court has recognized that fundamental right includes those guaranteed by the Bill of Rules as well as certain liberty associational and privacy interests implicit in the due process clause and the penumbra of Constitutional Rights. See. Glucksberg 521, U.S. at 720, 1m17 S. Ct. at 2267; Paul v. Davis, 424 U.S. 693, 712-13, 96 S. Ct. 1155, 1166, 47 L Ed. 2d 405 (1976); Troxel v. Granville, 530 U.S. 57 (2000)

This court has also long recognized that freedom of personal choice in matters of marriage and life is one of the liberties protected by the Due Process Clause of the Fourteenth Amendment. Pierce v. Society of Sisters have consistently acknowledge a "private realm of family life which the State cannot enter." Moore v. East Cleveland 431 U.S. Const. Amend XIV § 1. In addition to guaranteeing fair process, the Court has held that this clause includes a substantive component that forbids the government from infringing upon "certain 'fundamental' liberty interest at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest."

### **Reno v. Flores 507 U.S. 292,301-02 (1993)**

Petitioner lost custody of her five children September 2018, with reunification being the goal for the family. The Department of Family and Protective Services provided a service plan which were to be completed before the one-year anniversary deadline.

Petitioner completed all her service plans before the one-year anniversary deadline, which included, maintaining employment, housing, and complete her recommended classes. Throughout Petitioners separation from her five children for Neglectful Supervision, the promise of reunification was still the goal. Before Petitioners trial date June 8, 2021, the Department of Family and Protective Services change their recommendation from reunification to termination, despite any evidence of harm afflicted upon either child. In the case of Wallis v. Spencer 202 F. 3d 1126, 1136 (9<sup>th</sup> Cir. 2000). "Parents and children will not be separated by the State without due process of law" Even in cases yielding divide opinions, this Honorable Courts Justices find common ground in their agreement that "the interest of parents in their relationship with their children is sufficiently fundamental to come within the finite class of liberty interest protected by the Fourteenth Amendment." Santosky v. Kramer, 445 U.S. 745, 744 (1982). The Court expressly held that the interest of a parent, who has temporarily lost custody of his child,

in avoiding elimination of his “rights ever to visit, communicate with, or regain custody of the child” is important enough to entitle him to the Procedural protections mandated by the Due Process Clause.”

**Santosky v. Kramer** 455 U.S. Ct. 749, 753-54. Without evidence of Neglectful Supervision, nor grounds on record that justifies government intrusion to terminate Petitioner’s parental rights, the Due Process Clause that requires a heightened evidentiary standard before permanently terminating parental rights, never existed, therefore, violating Petitioner’s Fourteenth Amendment. The Due Process Clause protects individuals from abuse of official power and therefore imposes substantive limitations on State activities. Due Process affords not only a procedure guarantee against deprivation of life, liberty and property but likewise protects substantive aspects of those interests. See e.g., **Kelley v. Johnson**, 425 U.S. 238, 244, 96 S. Ct. 1440, 47 L. Ed. 2d 708 (1976), also see **Bd of Regents of St. Colleges v. Roth**, 408 U.S. 564, 570, 92 S. Ct. 2701, 2705 (1972); **Archuleta**, 897 F. 2d at 499n.7., **Arnold v. Board of Educ.**, 880 F. 2d 305, 312 (11<sup>th</sup> Cir. 1989).

II. Are parents facing termination of parental rights compelled to self-incriminate for the exchange of having their children returned?

The Second Circuit held “[T]he right of the family to remain together without the coercive interference of the awesome power of the State.... encompasses the reciprocal rights of both parents and child.” The Court explained that children have the Constitutional Right to avoid dislocat[ion] from the emotional attachments that derive from the intimacy of daily association with the parents.” **Duchesne v. Sugarman** 566 F. 2d 817, 825 (2d Cir. 1977), **Croft v. Westmoreland County Children & Youth Servs**; 103 F. 3d 1123, 1125 (3d Cir. 1997); **Dupuy v. Samuels**, 462 F. Supp. 2d 859 (N.D. Ill. 2005) aff’d, 465 F. 3d 757 (7<sup>th</sup> Cir. 2006). The rights recognized by the Fifth Amendment of the United States Constitution includes the guarantee that “No” Person.... shall be compelled in any criminal case to be a witness against himself.” U.S. Const. Am V. This provision applies to the State through operation of the Fourteenth Amendment, **People v. Cheatham**, 453 Mich 1, b9; 551 NW 2d 355 (1996) (opinion by Boyle J.) Citing **Malloy v. Hogan**, 378 U.S. 1, 84 S. Ct. 1489; 12 L. Ed. 2d 653 (1964), and appears verbatim in the Texas Constitution Const, art 7 § 19.; See **United States v Miranti**, 253 F. 2d 135, 139 (CA 2, 1958), quoting **In re Gault** 387 U.S. 1, 47; 87 S. Ct. 1428 18 L Ed. 2d 527 (1967) (quotation makes and citation omitted). Any testimony “having even a possible tendency to incriminate is protected against compelled disclosure.”

Petitioners’ parental rights were terminated due to her refusal to win the Departments alleged allegations of “seeing physical child-abuse at the hands of an alleged perpetrator. By refusing to self-incriminate herself, the Department deemed Petitioner “unprotective” therefore terminating her rights. If Petitioner would have stated she seen the alleged abuse happen, done nothing to stop it, and contradicted her pleas of never seeing such abuse; Petitioner should have faced criminal charges beyond civil proceedings. Therefore, violating Petitioners Fifth Amendment Right.

## **CONCLUSION**

This great Nation have pride itself in the value and bondage of family. A mother carry's her child, bond with that child, give life to that child; just so a governmental entity can just take that child without evidence; and raffle that child to another family because parents are lame in law. This Honorable Court have placed Constitutional Amendments and set law cases to guide this government from violating the very people it took and oath to protect. This case should be looked at and granted because this isn't just the Petitioners case but the case for other states facing this injustice.

**CERTIFICATE OF COUNSEL**

I hereby certify that this petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2.

Respectfully Submitted,



3-19-22

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