

21-87

No. 20-3479

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

Jeffrey Campbell

Petitioner,

vs.

State of Nebraska, Sylvia Betta Cole, Department
of Health and Human Services Children and Family
Services, Jon Herdman, Melissa Smith
Reggie Ryder, Lisa Gonzalos

Respondent(s).

PETITION FOR WRIT OF CERTIORARI

8th Circuit Court of Appeals

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

A juvenile case began in 2013, followed by a Termination of Parental Rights trial in 2015. The case was presented to the Nebraska State Supreme Court of Appeals in 2015 and concluded in 2016. The errors in ruling of the Nebraska State and Family Court violated the father's 14th Amendment rights as well as other rights with both extrinsic and intrinsic fraud. The father filed a 42 U. S. Code 1983 complaint in 2019 under the Nebraska District Court to try and regain his children back.

In 2013, a social worker opened a case on the mother for the reasons unknown. During a counseling session, the mother agreed to voluntarily give up her 2 children under duress after being pressured by a counselor. The father was not contacted or notified and was unaware of the situation for 4 months. During this time, the father was living and working out of state, after being alienated from his children by the mother, who served the father with a protection order preventing him from physical or verbal contact with his children. The protection order was granted under errors such as false pretense using fictitious information provided by the mother. With the best interest of the children in mind, the father left the situation heartbroken that he would not see or be able to speak to his children.

When notified by the agency worker that the children is under state custody. The father did the best he could to do what needs to be done to be a parent. The father did not expect errors of the law understandably knowing he is not an attorney or a bar member. As the father dug into the constitution and other areas on what just occurred, he found out many errors that left many questions and disturbing finding in agency workers, departments, and the family court system.

The questions presented are:

1. *Kelson v. Springfield*, 767 F 2d 651, HN2, HN3, A child cannot be removed unless the child's life is in danger. If there is no proof of any life-threatening issues, does a parent have a right for visitation and a case plan?
2. Sometimes state courts unconstitutionally error on proceedings, when a state court errors, does federal court have subject matter jurisdiction?
3. In the Appendix it demonstrates crimes against humanity and or there is abuse of power from government actors. If a parent is ignorant on law which would indicate extrinsic fraud, does this mean fraud vitiates a case?

Rogers v. County of San Joaquin, 487 F.3d 128, 1297,1298 (9th Cir.2007)

PARTIES TO THE PROCEEDINGS

All parties appear in the caption of the case on the cover page except for Melissa Smith.

A list of all parties to the proceeding in the court whose judgment is the subject of this petition appear on the cover page.

A default judgement was filed against Melissa Smith, but the motion was denied in Nebraska District Court, page 36 Appendix C. 8.

RELATED CASES, EXHIBITS

Page 40,43

Over the last several years, on the topic of children being removed from their parents unconstitutionally, there has been a plethora of astronomical number of cases and court decisions related to child welfare agencies and social workers abusing their power that it is unimaginably too many cases. To follow the rules of being brief, the Petitioner has put together a partial list of news articles and case numbers of social workers highlighting examples of child welfare agencies or social workers charged for lying and or other nefarious criminal actions and violations. The reason why there is so many cases is because of the “kids forcash” scheme. Agency workers, courts etc. get Title V funding “42 U.S. Code SUBCHAPTER IV” page 43” for each child removed, which in turn can be considered kidnapping, trafficking and or crimes against humanity beings how there is an overwhelming abundance of cases due to constitution rights and other violations of law. Whether some of these cases are published or unpublished is unknown to the Petitioner.

AA. v. Ind. Dep’t of Child Servs.
51 N. E. 3d 1140,1143, 1144

Beltran v. Santa Clara County
514 F.3d 906,908, 909 (9th Cir. 2008)

Coleman v. Levandowski
2016 U.S. Dist Lexis 84689,3,4,5

Curry v. KY Cabinet
2020 WL 4820718, 13, 14

Holliday v. Leigh
2020, US Dist. LEXIS 103965,14, 15, 16,17)

Parkhurst v. Trapp
77 F.3d 707, 712 (3rd Cir. 1996)

Ram v. Rubin
118 F.3d 1306, HN3,1311 (9th Cir. 1997)

Weller v. Dept of Soc. Servs.
901 F.2d 387,392,393,394 (4th Cir. 1990)

Whisman v. Rinehart
119 F.3d 1303, 1312 (8th Cir. 1997)

Wood v. City. Of Contra Costa
2020 WL 1505717,12,13,14

EXHIBIT 1 – CASE NUMBERS

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1. 01101FECR074436
2. 2019CF005747A000XX
3. CP-23-CR-0001053-2020
4. 29242
5. 02171FECR028471

EXHIBIT 2 – NEWSPAPER ARTICLES

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1. www.11alive.com/amp/article/news/investigations/the-reveal/800-georgia-dfcs-workers-disciplined-for-violations/85-37ce7f6d-7c99-4a22-94db-fd711e53e794
2. <https://www.wftv.com/news/9-investigates/9-investigates-dcf-caseworkers-accused-of-falsifying-records/498567274/>
3. <https://cbsaustin.com/news/local/judge-fines-texas-50k-a-day-over-shameful-foster-care>
4. <https://carolinapublicpress.org/30665/indicted-former-dss-director-allowed-to-return-to-work-at-agency/>

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<i>Hardwick v. Orange County</i> 980 F. 3d 1112, HN5, HN7, 1119,1120,1121.....	20
<i>Hogan v. Cherokee Cty. (2021)</i> WL 535855,HN6,HN14, 28,29,30, 31, 32	18
<i>Interest of Aaliyah M. et al.,</i> 21 Neb. App. 63, 837 N.W.2d 98 (2013).....	15
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<i>Interest of Brook P. et al.,</i> 10 Neb. App. 577, 634 N.W.2d 290 (2001).....	15
<i>Interest of Isabel P. et al.,</i> 293 Neb. 62, 875 N.W.2d 848 (2016).....	16
<i>Interest of Keisha G.,</i> 21 Neb. App. 472, 840 N.W.2d 562 (2013).....	15
<i>Interest of Phyllisa</i> B., 265 Neb. 53, 654 N.W.2d 738 (2002).....	15

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<i>Interest of Xavier H.,</i> 274 Neb. 331, 740 N.W.2d 13 (2007).....	15
<i>Kelson v. Springfield</i> 767 F 2d 651, HN2, HN3, 654,655,656 (9th Cir. 1985).....	2
<i>Marbury v. Madison</i> 5 U.S. (2 Cranch) 137, 178, (1803).....	21
<i>Rogers v. County of San Joaquin</i> 487 F.3d 128, 1297,1298 (9 th Cir.2007).....	2
<i>Roska v. Peterson</i> 328 F.3d 1230,HN13, HN18, 1246,1251 (10 Cir. 2003)	20
<i>Schulkers v. Kammer</i> 367 F. Supp. 3d 626,637,638, 639	19
<i>Wallis v. Spencer</i> 202 F.3d 1126, 1138,1139(9th Cir. 2000)	20

STATUES AND RULES

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- 18 U.S. Code § 241 Conspiracy against rights
- 18 U.S. Code § 1621 Perjury
- 18 U.S. Code § 1201 Kidnapping
- 18 U.S. Code § 1512 Tampering with a witness, victim, or an informant
- 42 U.S. Code § 3617 Interference, coercion, or intimidation
- 18 U.S. Code § 1038 False information and hoaxes
- 18 U.S. Code § 1962 Prohibited activities
- 42 U.S. Code § 675a. Additional case plan and case review system requirements
- 42 U.S. Code § 1985 Conspiracy to interfere with civil rights
- 42 U.S. Code § 1986 Action for neglect to prevent
- 42 U.S. Code SUBCHAPTER IV

NEBRASKA STATE RULES

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Nebraska Revised Statute 42-364

1.

- a. In an action under Chapter 42 involving child support, child custody, parenting time, visitation, or other access, the parties, and their counsel, if represented, shall develop a parenting plan as provided in the Parenting Act. If the parties and counsel do not develop a parenting plan, the complaint shall so indicate as provided in section 42-353 and the case shall be referred to mediation or specialized alternative dispute resolution as provided in the Parenting Act. For good cause shown and
 - i. when both parents agree and such parental agreement is bona fide and not asserted to avoid the purposes of the Parenting Act, or
 - ii. when mediation or specialized alternative dispute resolution is not possible without undue delay or hardship to either parent, the mediation or specialized alternative dispute resolution requirement may be waived by the court. In such a case where waiver of the mediation or specialized alternative dispute resolution is sought, the court shall hold an evidentiary hearing and the burden of proof for the party or parties seeking waiver is by clear and convincing evidence.
- b. The decree in an action involving the custody of a minor child shall include the determination of legal custody and physical custody based upon the best interests of the child, as defined in the Parenting Act, and child support. Such determinations shall be made by incorporation into the decree of
 - i. a parenting plan developed by the parties, if approved by the court, or

- ii. a parenting plan developed by the court based upon evidence produced after a hearing in open court if no parenting plan is developed by the parties or the plan developed by the parties is not approved by the court. The decree shall conform to the Parenting Act.
 - c. The social security number of each parent and the minor child shall be furnished to the clerk of the district court but shall not be disclosed or considered a public record.
- 2. In determining legal custody or physical custody, the court shall not give preference to either parent based on the sex or disability of the parent and, except as provided in section 43-2933, no presumption shall exist that either parent is more fit or suitable than the other. Custody shall be determined on the basis of the best interests of the child, as defined in the Parenting Act. Unless parental rights are terminated, both parents shall continue to have the rights stated in section 42-381.
- 3. Custody of a minor child may be placed with both parents on a joint legal custody or joint physical custody basis, or both,
 - a. when both parents agree to such an arrangement in the parenting plan and the court determines that such an arrangement is in the best interests of the child or
 - b. if the court specifically finds, after a hearing in open court, that joint physical custody or joint legal custody, or both, is in the best interests of the minor child regardless of any parental agreement or consent.
- 4. In determining the amount of child support to be paid by a parent, the court shall consider the earning capacity of each parent and the guidelines provided by the Supreme Court pursuant to section 42-364.16 for the establishment of child support obligations. Upon application, hearing, and presentation of evidence of an abusive disregard of the use of child support money or cash medical support paid by one party to the other, the court may require the party receiving such payment to file a verified report with the court, as often as the court requires, stating the manner in which child support money or cash

medical support is used. Child support money or cash medical support paid to the party having physical custody of the minor child shall be the property of such party except as provided in section 43-512.07. The clerk of the district court shall maintain a record of all decrees and orders in which the payment of child support, cash medical support, or spousal support has been ordered, whether ordered by a district court, county court, separate juvenile court, or county court sitting as a juvenile court. Orders for child support or cash medical support in cases in which a party has applied for services under Title IV-D of the federal Social Security Act, as amended, shall be reviewed as provided in sections 43-512.12 to 43-512.18.

5. Whenever termination of parental rights is placed in issue the court shall transfer jurisdiction to a juvenile court established pursuant to the Nebraska Juvenile Code unless a showing is made that the county court or district court is a more appropriate forum. In making such determination, the court may consider such factors as cost to the parties, undue delay, congestion of trial dockets, and relative resources available for investigative and supervisory assistance. A determination that the county court or district court is a more appropriate forum shall not be a final order for the purpose of enabling an appeal. If no such transfer is made, the court shall conduct the termination of parental rights proceeding as provided in the Nebraska Juvenile Code.
6. Modification proceedings relating to support, custody, parenting time, visitation, other access, or removal of children from the jurisdiction of the court shall be commenced by filing a complaint to modify. Modification of a parenting plan is governed by the Parenting Act. Proceedings to modify a parenting plan shall be commenced by filing a complaint to modify. Such actions shall be referred to mediation or specialized alternative dispute resolution as provided in the Parenting Act. For good cause shown and
 - a. when both parents agree and such parental agreement is bona fide and not asserted to avoid the purposes of the Parenting Act, or
 - b. when mediation or specialized alternative dispute resolution is not possible without undue delay or hardship to either parent, the mediation or specialized alternative dispute resolution requirement may be waived by the

court. In such a case where waiver of the mediation or specialized alternative dispute resolution is sought, the court shall hold an evidentiary hearing and the burden of proof for the party or parties seeking waiver is by clear and convincing evidence. Service of process and other procedure shall comply with the requirements for a dissolution action.

7. In any proceeding under this section relating to custody of a child of school age, certified copies of school records relating to attendance and academic progress of such child are admissible in evidence.
8. For purposes of this section, disability has the same meaning as in 42 U.S.C. 12102, as such section existed on January 1, 2018.

28-710 Act, how cited; terms defined

1. Sections 28-710 to 28-727 shall be known and may be cited as the Child Protection and Family Safety Act.
2. For purposes of the Child Protection and Family Safety Act:
 - a. Alternative response means a comprehensive assessment of
 - i. child safety,
 - ii. the risk of future child abuse or neglect,
 - iii. family strengths and needs, and
 - iv. the provision of or referral for necessary services and support. Alternative response is an alternative to traditional response and does not include an investigation or a formal determination as to whether child abuse or neglect has occurred, and the subject of the report shall not be entered into the central registry of child protection cases

maintained pursuant to section 28-718;

- b. Child abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:
 - i. Placed in a situation that endangers his or her life or physical or mental health;
 - ii. Cruelly confined or cruelly punished;
 - iii. Deprived of necessary food, clothing, shelter, or care;
 - iv. Left unattended in a motor vehicle if such minor child is six years of age or younger;
 - v. Placed in a situation to be sexually abused;
 - vi. Placed in a situation to be sexually exploited through sex trafficking of a minor as defined in section 28-830 or by allowing, encouraging, or forcing such person to engage in debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or
 - vii. Placed in a situation to be a trafficking victim as defined in section 28-830;
- c. Child advocacy center means a community-based organization that
 - i. provides an appropriate site for conducting forensic interviews as defined in section 28-728 and referring victims of child abuse or neglect and appropriate caregivers for such victims to needed evaluation, services, and supports,
 - ii. assists county attorneys in facilitating case reviews, developing and updating protocols, and arranging training opportunities for the teams established

pursuant to sections 28-728 and 28-729, and

- iii. is a member, in good standing, of a state chapter as defined in 34 U.S.C. 20302;
- d. Comprehensive assessment means an analysis of child safety, risk of future child abuse or neglect, and family strengths and needs on a report of child abuse or neglect using an evidence-informed and validated tool. Comprehensive assessment does not include a finding as to whether the child abuse or neglect occurred but does determine the need for services and support, if any, to address the safety of children and the risk of future abuse or neglect;
- e. Department means the Department of Health and Human Services;
- f. Investigation means fact gathering by the department, using an evidence-informed and validated tool, or by law enforcement related to the current safety of a child and the risk of future child abuse or neglect that determines whether child abuse or neglect has occurred and whether child protective services are needed;
- g. Kin caregiver means a person with whom a child in foster care has been placed or with whom a child is residing pursuant to a temporary living arrangement in a non-court-involved case, who has previously lived with or is a trusted adult that has a preexisting, significant relationship with the child or with a sibling of such child placed pursuant to section 43-1311.02;
- h. Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol;
- i. Non-court-involved case means an ongoing case opened by the department following a report of child abuse or neglect in which the department has determined that ongoing services are required to maintain the safety of a

child or alleviate the risk of future abuse or neglect and in which the family voluntarily engages in child protective services without a filing in a juvenile court;

- j. Out-of-home child abuse or neglect means child abuse or neglect occurring outside of a child's family home, including in day care homes, foster homes, day care centers, residential child-caring agencies as defined in section 71-1926, other child care facilities or institutions, and the community. Out-of-home child abuse or neglect also includes cases in which the subject of the report of child abuse or neglect is not a member of the child's household, no longer has access to the child, is unknown, or cannot be identified;
- k. Relative caregiver means a person with whom a child is placed by the department and who is related to the child, or to a sibling of such child pursuant to section 43-1311.02, by blood, marriage, or adoption or, in the case of an Indian child, is an extended family member as defined in section 43-1503;
- l. Report means any communication received by the department or a law enforcement agency pursuant to the Child Protection and Family Safety Act that describes child abuse or neglect and contains sufficient content to identify the child who is the alleged victim of child abuse or neglect;
- m. Review, Evaluate, and Decide Team means an internal team of staff within the department and shall include no fewer than two supervisors or administrators and two staff members knowledgeable on the policies and practices of the department, including, but not limited to, the structured review process. County attorneys, child advocacy centers, or law enforcement agency personnel may attend team reviews upon request of a party;
- n. School employee means a person nineteen years of age or older who is employed by a public, private, denominational, or parochial school approved or accredited by the State Department of Education;

- o. Student means a person less than nineteen years of age enrolled in or attending a public, private, denominational, or parochial school approved or accredited by the State Department of Education, or who was such a person enrolled in or who attended such a school within ninety days of any violation of section 28-316.01;
- p. Traditional response means an investigation by a law enforcement agency or the department pursuant to section 28-713 which requires a formal determination of whether child abuse or neglect has occurred; and
- q. Subject of the report of child abuse or neglect or subject of the report means the person or persons identified in the report as responsible for the child abuse or neglect.

The interest of the parents in the care, custody, and control of their children is perhaps the oldest of the fundamental liberty interests recognized by the U.S. Supreme Court. In re *Interest of Angelica L. & Daniel L.*, 277 Neb. 984, 767 N.W.2d 74 (2009).

Whether termination of parental rights is in a child's best interests is subject to the overriding recognition that the relationship between parent and child is constitutionally protected. In re *Interest of Xavier H.*, 274 Neb. 331, 740 N.W.2d 13 (2007).

This section is not unconstitutional; adequate safeguards are provided to ensure that parental rights are not terminated based solely upon the length of time children are in an out-of-home placement. In re *Interest of Ty M. & Devon M.*, 265 Neb. 150, 655 N.W.2d 672 (2003); In re *Interest of Phyllisa B.*, 265 Neb. 53, 654 N.W.2d 738 (2002).

A defective adjudication does not preclude a termination of parental rights under subsections (1) through (5) of this section, because no adjudication is required to terminate pursuant to those subsections, as long as due process safeguards are met. In re *Interest of Keisha G.*, 21 Neb. App. 472, 840 N.W.2d 562 (2013).

In a hearing on the termination of parental rights without a prior adjudication hearing, where such termination is sought under subsections (1) through (5) of this section, such proceedings must be accompanied by due process safeguards. In re *Interest of Aaliyah M. et al.*, 21 Neb. App. 63, 837 N.W.2d 98 (2013).

In a hearing on the termination of parental rights without a prior adjudication, where such termination is sought under subsections (1) through (5) of this section, such proceedings must be accompanied by due process safeguards, as statutory provisions cannot abrogate constitutional rights. In re *Interest of Brook*

P. et al., 10 Neb. App. 577, 634 N.W.2d 290 (2001).

So long as a parent was afforded due process of law, a defect during the adjudication phase does not preclude consideration of termination of parental rights. In re *Interest of Isabel P. et al.*, 293 Neb. 62, 875 N.W.2d 848 (2016).

PRESIDENT TRUMP'S EXECUTIVE ORDER 13930

Appendix I, Exhibit 3, Page 43

President Donald J. Trump was aware of children being removed from their families and signed an Executive Order 13930 to keep families together.

President Trump EO 13930

Section. 5. Improving Processes to Prevent Unnecessary Removal and Secure Permanency for Children.

1. Federal Review of Reasonable Effort Determinations and Timeliness Requirements.
2. Within 2 years of the date of this order, the Secretary shall require that both the title IV-E reviews conducted pursuant to 45 CFR 1356.71 and the Child and Family Services Reviews conducted pursuant to 45 CFR 1355.31-1355.36 specifically and adequately assess the following requirements:
 - a. reasonable efforts to prevent removal;
 - b. filing a petition for Termination of Parental Rights within established statutory timelines and court processing of such petition, unless statutory exemptions apply;
 - c. reasonable efforts to finalize permanency plans; and
 - d. completion of relevant required family search and notifications and how such efforts are reviewed by courts.
 - i. In cases in which it is determined that statutorily required timelines and efforts have not been satisfied, the Secretary shall make use of existing authority in making eligibility determinations and disallowances consistent with section 1123A(b)(3)(4) of the Act (42 U.S.C. 1320a-2a(b)(3)(4)).

- ii. Within 2 years of the date of this order, the Secretary shall develop metrics to track permanency outcomes in each State and measure State performance over time.

Within 6 months of the date of this order, the Secretary shall provide guidance to States regarding flexibility in the use of Federal funds to support and encourage high-quality legal representation for parents and children, including pre-petition representation, in their efforts to prevent the removal of children from their families, safely reunify children and parents, finalize permanency, and ensure that their voices are heard, and their rights are protected. The Secretary shall also ensure collection of data regarding State use of Federal funds for this purpose.

FATHER'S RIGHTS AND THE EQUAL PROTECTION CLAUSE

Appendix I, Exhibit 5, Page 43

There are numerous legal issues litigated before many Courts as it pertains to "father's rights." A lot of this litigation has evolved over the last decade. For example, a father seeking custody of a child is not that uncommon today as opposed to twenty years ago. The issue of child support has also evolved. However, this evolution (child support) is generally a statutorily regulated area. Each state, through its elected legislators, establishes laws governing child support.

Our Constitution was designed to protect "we the people" from the government. It was not designed to protect the government from the people. Our Constitution also demands a balance as no right is absolute. Consider *Clark v. Jeter*, 486 U.S. 456 (1988).

Clark involves a Pennsylvania state law that touches on legitimacy and child support. Recall that the term "legitimate" historically refers to a child born between two people that are married. In contrast, the term "illegitimate" historically refers to a child born between two people that are not married. Today the term "illegitimate child" is commonly now referred to as a "child born outside of marriage."

In *Clark*, a Pennsylvania law required illegitimate children to prove paternity before seeking support from their fathers. The statute of limitations at the time on suits seeking to establish paternity was six years from the birth of the illegitimate child. However, the state allowed legitimate children to seek support from their parents at any time. Cherlyn Clark sought child support from Gene Jeter, whom she claimed was the father of her daughter, Tiffany. Blood tests indicated that there was a 99.3% probability that Jeter indeed was Tiffany's father. A state court dismissed Clark's suit because it was initiated after the statute of limitations had expired.

The case was brought before the United States Supreme Court. The ultimate issue in this case was whether Pennsylvania's law violated the Equal Protection Clause of the Fourteenth Amendment.

The Court found that the statute violated the Constitution. Justice O'Connor wrote the majority opinion and (the Court) held that the Pennsylvania law did not "provide a reasonable opportunity to assert a claim on behalf of an illegitimate child." Further, this case involved discrimination based on legitimacy. Discrimination based on legitimacy will receive strict scrutiny from the Court and will only be justified ("valid" or "Constitutional") if the government can show that its law serves a compelling interest, and the law must be narrowly tailored to serve that compelling interest. Accordingly, the Supreme Court held that the statute requiring a six-year statute of limitation period for illegitimate children and not legitimate children violated the Constitution.

BRIEF FOR PETITIONER

Petitioner Jeffrey Campbell respectfully prays a request for the Supreme Court of the United States to reverse the judgement of the the 8th Circuit Court of Appeals Nebraska State Supreme Court of Appeals.

Hogan v. Cherokee Cty. 2021 WL 535855, HN6, HN14, 28, 29, 30, 31, 32.

OPINIONS

For cases from federal courts:

The opinion of the UNITED STATES COURT OF APPEALS FOR THE 8TH CIRCUIT appears at AppendixD. 9 page 38 to the petition for rehearing and is [] has been designated for publication but is not yet reported; or, [X] is unpublished.

JURISDICTION

For cases from federal courts:

The date on which the UNITED STATES COURT OF APPEALS FOR 8TH CIRCUIT decided my case was April 11th 2021. and a copy of the order denying rehearing appears at Appendix D.9 page 38.

A timely Petition for Rehearing was denied by the UNITED STATES COURT OF APPEALS FOR 8TH CIRCUIT.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1). 28 U. S. C. § 1257(a).

TIME FRAME

From 2016 to 2021, there were many violations, abuses of power, law breaking, and constitutional offenses by the child welfare agencies and family court and maybe Federal Court amongst other court systems in the district.

The father, being unaware and uneducated on the law and his parental rights, he did not understand what was occurring in the state court. The moment the father learned of his right to an appeal in 2019, he immediately filed a complaint with the Lower Federal District Court, paying the \$400 filing fee and continuing the fight for his children. Had the father been aware of his parental rights in 2017 and the \$400 filing fee, he would have filed immediately and sought reunification with his children sooner. The father later learned about qualified immunity and the extreme amount of money it takes to hire a lawyer.

Schulkers v. Kammer 367 F Supp. 3d 626, 637, 638, 639 and in *Ram v. Rubin* 118 F. 3d 1306, HN3, 1311

Due to the Petitioner being deprived of the opportunity to be heard in a court of law and was ignorant on understanding the law and his parental rights during and after the case, deems the case as extrinsic fraud. The Petitioner respectfully prays that a Writ of Certiorari issue to review the judgment below.

CONSTITUTIONAL PROVISIONS INVOLVED

14th Amendment.

STATEMENT OF THE CASE

During the proceeding of the case, the mother and father were involved and actively participated in what the social worker and family courts required of them. The mother had a case plan, and the father did not, but both worked very hard to see and be a part of their children's lives, regardless of a case plan and or other verbal and or court orders. 42 U.S. Code § 675a. Both parents love their two children immensely, would do anything for them, and are ready and willing to do whatever the courts ask of them.

The father was informed verbally to have a mental evaluation performed before seeing or contacting his children by a social worker. The father has no medical record, criminal or child protection service record of any abuse or neglect. The father was unaware due to ignorance of law, that keeping children separated from a parent is illegal unless body injury has occurred or may occur.

In order to comply with the court and do everything possible to be reunited with his children, the father agreed to the mental evaluation, however no exam was

setup until a year and half later.

18 U.S. Code § 16212

Wallis v. Spencer, 202 F.3d 1126, 1138, 1139 (9th Cir. 2000).

When the father completed the mental evaluation, the doctor ordered a no-contact order between the parent and the children. The Judge granted the order. The Terminated Rights Trial transcripts in the Appendix clearly demonstrates the doctor did not have sufficient information to support a no-contact order between the father and his children.

Roska v. Peterson, 328 F.3d 1230, HN13, HN18, 1246, 1251 (10 Cir. 2003).

During this time, the mother was participating in her case plan and interacting with the children. The father also wanted to see his children, but the verbal and court no-contact order was still in place. The father began researching his parental right and searching to understand how and why their 14th Amendment rights were violated. The father researched the laws and discovered the intrinsic and extrinsic fraud upon the court and other constitutional errors that occurred.

Just before the Terminated right's trial began, the foster mother approached the father and stated, "If you sign your right's over. you can see them when ever you want but if you don't sign, you won't ever see them or have any future kids." Which is the same coercion the mother of the children received from the social worker. The father quickly denied.

In the Terminated Parental rights Trial, the doctor's diagnosis was not questioned as to why the error of asking for a no-contact order since he did not have adequate information needed to make such a drastic decision on the father. There was no discussion on this matter. Tragically, the family courts deemed the case as abandonment due to no contact.

Hardwick v. Orange County 980 F. 3d 1112, HN5, HN7, 1119, 1120, 1121.

The father's former employer testified in court that the father was let go from his job due to traumatization from desperately wanting to see his children. The mental stress on the father was so much, the father was not able to stay focused at work. Appendix A.3 page 29

Brokaw v Mercer County 235 F.3d 1000, HN25, 1007, 1008, 1009, 1010 (2000).

The mother relinquished her rights under duress. The father's rights were removed by the judge for abandonment because of no contact.

With documents indicating a contradicting case. these facts, the appendix shows 18 U.S. Code § 1201 kidnapping due to Title V funding.

SUMMARY OF ARGUMENT

Appendix, Page 25

The argument segment is tied to the appendix due to the Court documents shows the constitution errors the father had. The appendix shows the father had an unfair trial, no visitations, no contact, and no case plan until the end of the case. The father is confused on why the contradictory errors occurred.

Through examining the documents, the father noticed 15- 22 months which is Adoption Safe, and Families Act was cited in the case multiple times. The Adoption Safe and families Act (Exhibit 6 page 43) states that if a child is out of home up to 22 months the child is removed from the parent(s). Laws, Constitution, bill of rights, etc. protects the parent and children. This would state Adoption Safe and Families as unconstitutional bill and crimes against humanity because the father's case isn't the only case, as well as this bill was implemented in 1997. *Marbury vs Madison* 5 US (2 Cranch) 137, 178, (1803). At no time since 2013, or during any time during the case did the father wish to abandon his children, rather he desired reunification with his children and has done everything to fight for parental rights.

In 2019, when the father filed the complaint, he discovered errors and constitutional violations in each court process such as:

1. The Nebraska State, as well as Family Court, erred in violating the 14th Amendment, not granting due process, and refusing to review the information and other errors presented in the case.
2. The father appealed to the Nebraska State Supreme Court, where the errors and information presented were not reviewed including the verbal no-contact order, then abandonment.
3. The Nebraska District Court and 8th Circuit Court of Appeals erred in no discovery or a right to a trial.

REASONS FOR GRANTING THIS PETITION

Due to extrinsic and intrinsic fraud by the Court, constitutional and other rights violations, the Court and the case being contradicting, granting the petition will help with correcting these errors and in hope, help correct the errors of the heartbroken shattered relationship and bond between parent and children.

CONCLUSION

The petition for a Writ of Certiorari should be granted because of the contradicting errors and alienation with the case as well as falsified information towards the father. The father did not abandon his children, as ruled by the judge. The father loves his children and has always displayed the intent to be reunified with them. The appendix shows a contradiction case. There is no life-threatening threat between father and children. According to the 14th Amendment, statutes, and Nebraska State Rules, etc. the removal of children from parent is illegal due to errors in the court systems and other areas of government.

The ultimate goal is the father's reunification with his children.

Respectfully submitted,

Name: Jeff Campbell

Signature: Jeff Campbell

Date: 7-20-21

No. 20-3479