I. Questions Presented

The United States Constitution provides rights that include but are not limited to procedural due process rights and freedom from cruel and unusual treatment. The following are the list of questions presented to this court on petition for Writ of Certiorari:

1. Was the requirements of Due Process fulfilled?
2. Was the actions of the case parties unconstitutional practices that violated the rights to Due Process?
3. Was due diligence correctly established to satisfy Due Process rights?
4. Was the evidence of a risk of harm sufficiently provided to support a termination of parental rights on the ground of mental illness?
5. Does the duration and/or content of the case constitute 8th Amendment violation(s)?

II. Parties to the Proceeding

***In the* Supreme Court of the United States**

No. 22 _____

In the Matter of Baby Boy W., &c.

Jessica Wrobleski,

Petitioner,

V.

Little Flower Children and Family Services,

Legal Aid Society of New York,

Administration for Children's Services,

Corporation Counsel,

State of New York

Docket NN-42965-13 and B-43917-16

ON PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

III. Table of Contents

Appendix C: Decision of the New York State Court of Appeals to deny Motion for Leave to appeal to the NYS Court of Appeals

Appendix D: Bellevue diagnostic sheet & impression, Sidney Hillman letter, & Beth Israel discharge report

Appendix E: 2006 MHS history evaluation report

Appendix F: Cognitive Behavioral Services diagnosis sheet and psych eval results

Appendix G: NYS-OMH diagnostic sheet from record of service there

Appendix H: Appellate Division First Dept. 1st appeal denial decision report

Appendix I: Daniel Katz brief for Appellant

IV. Table of Authorities

Cases

Statutes

Constitutional Provisions

V. Opinions Below

The disposition pertains to a lengthy Article 10 of the Family Court Act Neglect allegation case matter presented beginning October 10th 2013 under docket NN-42965-13, and while ongoing was then conjoined to a Termination of Parental Rights docket B 43917-16, filed on approximately July 2016 and amended in approximately December 2018 with trial beginning February 19th 2019 and concluding on January 29th 2020.

Ms. Wrobleski's son, who was born on 10-09-2013, was taken shortly after his birth from the hospital into New York City Administration for Children's Services custody on or about 10-10-2013 over allegations of having mental illness, in an Article 10 of the Family Court Act neglect case filed by the above-mentioned agency and approved by the New York County Family Court. The first petition was amended to a different diagnostic impression of less serious mental illness after the records were obtained through NYC Family Court orders.

This petition is from an appeal filed to the Appellate Division First Department pertaining to the second docket and portion of the uninterrupted case matter in which a Petition for TPR was filed in approximately July 2016 (after approximately 33 months in foster care). The disposition matters on appeal pertaining to this petition matter covered the case timeframe from approximately December 2014 until June 2016 for the purpose of the TPR petition and continued to provide

discussion, coverage and timeline of 2016-2020 until the disposition rendered on January 29th 2020. In the latter coverage, dating past the timeline was in regards to mental health interviews of 2018 to a mental health cause of action for permanent neglect.

The decision of the lower court was to terminate parental rights. In that disposition reading the presiding judge determined that this plaintiff had schizophrenia despite no records diagnosing that, and even the courts own MHS office did not diagnose that. Whereupon she deemed that there was no foreseeability of improvement in my condition.

An appeal to the Appellate Division First Department was immediately filed on or about February 7th 2020. The Appellate Division First Department continued to hold the appeal matter until denial on December 28th 2021 despite concise rules of practice and the NYS Administrative Memorandum that all four NYS Appellates comply with the rules of practice to the Appellate Division Fourth Department rules of practice book.

A motion for leave to appeal to the NYS Court of Appeals was filed within the Appellate and higher court. Legal Aid Society NYC filed a brief to have the motion denied and the motion was denied on April 21st 2022. The opinions have not been published. Those orders are attached at Supp. Appendixes A-C.

VI. Jurisdiction

Jessica Wrobleski, a resident of New Castle, Pennsylvania, pro se, respectfully petitions this court for a Writ of Certiorari to review the case matter of a lower state court pertaining to a complaint of U.S. Constitutional violations and the judgment of the New York State Court of Appeals along with the original judgments of the New York County Family Court and Intermediate Appellate Division First Department decisions that denied the case and denied this Petitioner her 14th Amendment protected Parental rights, child custody and liberties and wrongfully denied in Due Process violations.

Ms. Wrobleski invokes this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for Writ of Certiorari within 90 days of the New York State Court of Appeals final decision issued on April 21st 2022.

VII. Constitutional & Statutory Provisions Involved

United States Constitution, Amendment XIV: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due

process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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

Adoption and Safe Families Act of 1997 Title 1 and Title 1 to Sections 105

VIII. Statement of the Case

The ACS case

The petitioner's son was taken into NYC-ACS Commissioners custody beginning on or about 10-10-2013 (born 10-9-2013) and placed into foster care. The NYC-ACS petition alleged that the petitioner had Schizophrenia and Bipolar disorder as the reason. The petition was amended within the same month but attached an extremely different and lesser diagnosis impression from a newly assigned psychiatrist from the hospital who met me twice, his impression was adjustment disorder w/ depression, Borderline Personality Disorder, and "cognitive problems". The amended still alleged schizophrenia and bipolar disorder separately.

The NYC-ACS case plan and court determined the petitioner eligible for a service plan and a court goal to reunification of custody was put in place. The service plan programs and mental health services were fulfilled or enrolled in and engaged in within the first year of the case, by 12/16/2014.

The hospital psychiatrist that NYC-ACS had give a diagnostic impression retracted such to a mere impression based on his very limited interaction with this petitioner. The psychiatrist of the record who did not impress any of such and cleared me to leave, was not called in to the trial. The court held, 2-3-2015, that "although the doctors could not agree to a diagnosis, the court is making a finding of neglect".

Both dispositions were appealed. Those appeals was held in the NYC Appellate Division First Department and denied March 2019, whereupon shortly after those denials the petitioner petitioned the U.S. Supreme Court in Petition for Writ of Certiorari that was granted and docketed to 21M15.

Little Flower Children and family Services (hereafter referred to as LFCFS) assigned another case planner named Sheila Johnson on or about 12/2014. After 2/3/2015, the court goal remained at reunification of custody until 2-2018. The visitation plan was reinstated and the order to have visits with Dyadic Therapy was re-issued from its original order determined at the 1028 disposition 4/10/2014, but signed on 7/2014.

On 12-16-2014, I handed all my certificates to Keisha Malphurs at court and signed HIPAA releases to the mental health records that I was enrolled at in CBS of Philadelphia located at 3257 North 6th Street, Philadelphia, Pennsylvania 19140.

Dyadic Therapy was continuously sought but was not achieved and was not relevant to the service plan but to the trauma of foster care separations after weekly visitations, and was supposed to ease that. LFCFS did not find a Dyadic Therapist, the petitioner did and had one intake session whereas St. Luke's Roosevelt Dyadic Therapy clinic provided they could not take the case because they could not fulfill the court security detail in the order, and LFCFS did not provide their security staff to that affect so the Dyadic Therapy was not fulfilled there.

The court ordered the court's MHS office to conduct a psych evaluation on this petitioner and due to objections, ordered that my assigned counsel Mr Gary Schults sit in on the entire evaluation. Despite that order and considering how I was previously treated by that office "evaluators" before in 2 previous meetings of 11/2013 and 1/2014, I decided to audio record the entire incident with my phone also.

The evaluator was not the male staff member from the previous two, one time meetings with court order to that office, and conducted an interview of questions pertaining to my youth. A computerized questionnaire was given afterwards of what if scenarios and you select from a limited option what you would do in those situations. Gary Schults read this report to me as not good and had various other diagnostic impressions that were not in the ACS allegations, but would not release the report to me for me to complain about it.

I began the anger management course in September 2014 and completed it on May 25th 2015 whereupon I was given a certificate of successful completion. That was the last program of the NYC-ACS designed service plan list. I was enrolled in outpatient clinic mental health services since July 2014 and continued that compliance until I was allowed to leave by the MHS clinic and given a positive case discharge in March 2016.

Paternity proceedings established in April 2015 that Joel Solomon was the biological father and began to have a supervised visitation plan, despite no history of NYC-ACS removal of his previous child, or being a party to the allegations. Joel Solomon's aunt was a NYC-ACS registered foster parent with active cases in her household residence in Brooklyn, NY.

Ms. Sandra Solomon signed onto the case matter and requested to be a kinship foster parent resource. Ms Sandra Solomon began with the supervised visitation plan and progressed quickly to weekend unsupervised visits that was approved by the court but was withheld by LFCFS.

Visits did not occur for this petitioner after that March 6th 2015 session until approximately July 2015 whereupon the agency found a program that was not dyadic and overridded the court order specified to supervised visits with dyadic and

in a secured location. The long separation was traumatic for the subject child and due to emotional distress it was said if the circumstances did not change of that then we would not be able to have visits. I was able to get my son situated where he was not displaying emotional distress, and we continued to do the optional program called Attachment, Bonding, Catch-Up by Jasmine Brenier.

Throughout the program my son displayed wanting to leave with me several times and LFCFS provided no agency to provide him with the support that he needed except they had separately scheduled him into an inadequate Play Therapy program conducted by a LCSW staff member of LFCFS, but occurred separately.

The foster parents began reporting in October 20th 2015 proceedings that the subject child was displaying trauma symptoms after he was returned to foster care from the visitation. The reports indicated crying, clinginess, co-sleeping behaviors that were not his usual.

LFCFS had me do a NYCHA application, that was given priority status due to having a NYC-ACS open case matter. Additionally, I case planned to go into the family shelter because of my non NYC resident status. I explained that I could go into the NYC PATH Family Shelter with referral from LFCFS or NYC-ACS and continue to comply until I receive a case discharge, whereas I had residence in my home state.

I fulfilled the NYCHA application, NYCHA staff refused it, so LFCFS NYCHA staff took the papers and was told they refused asking for renter history that I provided with also a notarized affidavit from my partner stating that I could not stay there because of not suitable for a child. I complied but staff did not process the documents.

During this time I was represented by court assigned counsel Gary Schults who did not really do anything to address any of my concerns, as was what occurred from 3 other court assigned counsel prior to him, one of which screamed at me when I expressed my concerns. Eventually I asked for new counsel to be assigned for that specific reasoning that I provided. After him, Joy Callingwood was assigned and rendered Anders Brief because of her lack of communication and attention to the case.

I had to stay enrolled in Mental health in order to have visitation services. If I did not stay in mental health services I was not allowed visits from the January 2014 court order that stayed in place. I was able to achieve discharge from mental health services in March 2016 and no review was given of the case matter to determine if I had to stay in mental health services, or if the case was still under Article 10 neglect criteria. I wasn't asked about being enrolled in mental health services in

2016, the requirement wasn't imposed nor did they report that I had an authorized discharge from the mental health service provider.

Up to this point, their MHS conducted 3 interviews and no testing. Each of the 2 evaluators opined different impressions under different spectrums. I had been through 2 of 3 MHS providers, and Mr Daniel Del Orbe testified and sent court reports to them against the NYC-ACS allegations and to the same unanimous degree that the first MHS providers, Sidney Hillman Clinic and Beth Israel concluded that I was traumatized, severely emotionally distressed about the loss of my son but under control and evaluated, tested and had no mental illness abnormalities.

In January 2016, I made a complaint to the NYS child abuse hotline that my son seemed to be suffering educational neglect at visits. That he didn't have enough words for his age, that he didn't know the ABC song, that he was eager to ask me whats this to things that he should know his age and that LFCFS wasn't doing anything about the complained concerns so I was contacting them. Additionally he showed up at the visit with a black eye. NYC-ACS was assigned to investigate and was told by LFCFS that I had schizophrenia and that the complaint was nonsense of a schizophrenic. The complaint was dismissed.

In January 2016, the court ordered MHS office assessment of the foster care parties and their interactions with the subject child took place. The subject child was 3 years old and for whatever reason 3 year olds have he began to cry around his kinship foster parent resource and cling to the non-kinship foster parents. The court MHS office took that against records and sided with the subject child not being transferred to kinship custody and recommended separately that he be given mental health services to address his trauma.

The Bellevue record pertaining to the allegation of schizophrenia and bipolar did not diagnose this petitioner with schizophrenia or bipolar and neither did any subsequent MHS clinicians. Still the NYC-ACS, Legal Aid Society, and LFCFS parties fabricated reports intermittently stating that these severe diagnostic impressions occurred, to the court record. No recommendations for medication pertaining to those diagnostic impressions were made or given.

Yusuf ElAshmawi was assigned, remained on the case for several months and then was removed because his partner was assigned to another party in the same case. Another female signed on after him and rendered Anders Brief after a few months also as a conflict of interest where she asserted her firm was in the opposition side of the case. The first judge retired in 4/2016.

Stacy Charland of the Neighborhood Defender Services of Harlem was assigned to my representation in the case matter by Administrative judge Douglas Hoffman who began presiding over the case matter when Susan Knipps retired.

On or about March 2016, the biological dad and paternal great aunt Ms Sandra Solomon was called into meeting with NYC-ACS, LFCFS, Legal Aid Society, and the foster parents and was told that they decided they would adopt my son out and offered a conditional surrender to both Joel Solomon and Sandra Solomon to be able to not lose contact with his whereabouts. Both parties agreed under fear for the subject child.

In June 2016, the court parties held a goal change conference with an NYC-ACS facilitator. As the Legal Aid Society, Stacy Charland and other parties of the court either sat in the waiting room with me or passed by, when my son was brought in he immediately was looking for me and ran to me upon finding me and gave me a hug. The court parties saw these interactions and continued in record to verbally say that I was a stranger to him, that he was in love with the foster parents and a part of their family.

During the goal change court conference, the NYC-ACS attorney mislead that reports of incidents that happened before the service plan programs were completed, happened after the service plan programs were completed and that she

did not believe that I benefited from the service plan programs. The court Connections reports acknowledged good visits, praised visit contents, that petitioner spoke well for my son and was very educated in childhood development and brought age appropriate toys and educational activities to all the visits and engaged him which contradicted the content of the 2016 goal change hearings.

LFCFS case planner was putting false information in her Permanency Hearing reports stating that I was diagnosed with schizophrenia. She also offered no detailed methoding in her reports on what exactly I was supposed to do to get my son back, or recommendations to case progress considering her other reports.

The Petition for termination of parental rights was filed by the LFCFS attorney Dwight Kennedy of the Carrieri and Carrieri firm. I continued with successful and good visits with my son until I began another LFCFS optional introduced program called Parenting with Love by Rana Ryan. The program began on 11/23/2016.

My son showed up at the visit and when he saw me he wanted to come to me but was being held back by the Foster parents to where he began screaming and crying traumatically. This is where Rana Ryan was introduced and during her program to ensure that I knew how to properly bond with my child and parent him with love, Rana Ryan explained to the case planner that he did not have enough words for his

age. At the conclusion of that visit, my son began traumatically screaming and crying no, no, no at being returned to the foster parents.

I filed another NYS child abuse hotline complaint detailing this and told them to check the agency cameras since they did not believe me the last time. The complaint went away and was not further addressed by any of the case parties. Also the foster mom called the police on me at the next visit and tried to have me arrested for contacting the NYS child abuse hotline whereas NYPD had to explain to her that I was within my right to file complaint about my concerns for my child. The court did receive the complaint and did nothing. Rana Ryan issued court report providing how well we did.

I was incarcerated from January 2017 until September 2019 on a separate felony conviction matter that was not related to this case nor in the same city. I received a list on what I was supposed to do to continue to case plan and comply with NYC-ACS while incarcerated. I had 4 visits in 2017 at the Bedford Hills Correctional Facility prisons that I was at.

I wrote letters to the court record in 2017, 2018 and 2019 pertaining to information I was provided by attorneys and LFCFS case plan staff. In these letters I explained that my son wasn't being given qualified services for mental health and the developmental delays that was impressed. The only services he was given by

LFCFS was a program from a LCSW staff member named Barbara Simon called Play Therapy. That program began in 2015.

I contacted the Office for People With Developmental Delays (hereafter OPWDD) and received a reply letter that I provided to the court that they needed a referral from NYC-ACS to get involved. None of the court parties did anything to facilitate that. The reports I was given around this time was that on 7-7-2017 my son was given a psych evaluation and the evaluator impressed that he had PTSD and was delayed.

Judge Hoffman dismissed allegations from some outside party who found out my court information and contacted the agencies saying that I was planning a terrorist attack on NYC. My attorney explained that Hoffman said it was impossible considering I was incarcerated for almost a year. Investigators came to the prison and interviewed me extensively and cleared me of wrongdoing. I later found out who made the allegation and that that person was diagnosed with severe mental illness but I was not afforded any time to address the matter on record.

He was continuously deprived of clinical mental health services to address diagnostic impressions of PTSD since diagnostic impression in 2016 and recommendation to clinical mental health services. He was deprived of appropriate

and adequate services to address developmental delays issues even up until the last reporting I was given in January 2020.

I received visits on 3/27/2017, 4/2017, and 6/1/2017 at Taconic Correctional Facility. During these visits my son and I were engaged in the play room with various toys. In 5/2017 court hearing the foster parents presented recycled reports that they had been alleging since October 2015 that he experienced trauma after visitation, so they asked the court to suspend my visits. At cross-exam my attorney relayed to me that the foster parents reports contradict their work schedule as the foster mom worked overnight yet stated from her previous reports that he had night terrors which couldn't be 1st party relayed. Judge Hoffman ordered the case planner to conduct a 3 day home study and observation of the subject child, the day before, during, and after visit. The next visit was June 1st 2017. The report concluded that no abnormal behavior was demonstrated from the subject child. Also the report stated that he had no meaningful reactions at visit, but fell asleep.

I asked NYS-DOCCS if the surveillance coverage of my visits could be subpoenaed as we were the only ACS visits scheduled. It was confirmed to me that my attorney could contact NYS-DOCCS in Albany and subpoena the surveillance so I asked my attorney Stacy Charland to subpoena the surveillance tape that LFCFS Sheila Johnson was lying. Nobody sought a subpoena of the NYS-DOCCS video surveillance coverage of my child visits. I journaled the visits contents and sent a

handwritten copy to the court and court parties. He actually did have meaningful visits.

The first visit, Sheila Johnson did not supervise, we played in the Hour Children playroom. We found some house with character dolls such as firefighters, police, mom, dad etc about a dozen or two and I identified them and explained who stays in the house and who doesn't unless there's an emergency etc. We also played with a pirate ship that catapulted balls. The second visit we played in the same play room. The third visit he did not play because he was tired so Sheila Johnson and I talked. At the end of the visit, Sheila asked him to give me a hug and he came to me and gave me a hug and refused to go back to her. He kept saying no. So I explained that I had to stay there for a while and that he could come back and visit me again but that he could not stay there with me at that time. Every visit we exchanged I love you's.

On 7-6-2017 there was a visit scheduled but the foster parents were allowed to bring him instead of the ACS CHIPPS service. When they pulled into the gate I noticed something was wrong because my son was refusing to get out of the car and was hysterically crying and holding onto the seat belt refusing to get out. The foster caregivers and the case planner along with a few officers tried to talk him out of the car but he refused so they left and Sheila Johnson came in to tell me but I had already watched the ordeal from the window.

On 8-3-2017 I was in illegal lock that was later removed and expunged by Albany, and transferred to Bedford Hills Correctional Facility so the ACS CHIPPS van service brought him to visit me there. I was under escort and separate visitation rules, so when I walked into the visit room I had to report to the officer desk and was told what I had to do. Sheila Johnson was at the vending machines with my son and ACS Ms Jackson was at tables in the middle of the room. The officer told Ms Jackson that because I was in lock I had to be seated by the officer desk.

So Ms Jackson moved her and Sheila Johnson's belongings to the table by the officers desk. Ms. Jackson sat beside me and my son sat beside Sheila Johnson at a square table with 4 chairs. I pulled my son to the side of the table to sit beside me and was talking to him about the cheez its he was eating and asked him about the handmade books I made and sent to him, if he liked them.

He was eating and then used the napkin to wipe the table and went to Sheila to hold him and take a nap: So Ms. Jackson said that she could stay if she wanted to so Sheila and I sat and talked and then she had a time to meet Ms Jackson at the van service. At the time to leave my son said "I love you, see ya later" as he usually did. Sheila Johnson reported adverse and completely different than this in her court report. Douglass Hoffman left the case in August 2017 and Ta-tanisha James took the case.

LFCFS case planner provided court reports that she fabricated that there was no meaningful relationship content in our visits in 2017. SHe also continued to lie about schizophrenia and no planning explained. I sent her a letter confronting her with profanity also.

In September and October 2017, Sheila Johnson came to the prison alone and said he was refusing visits just like in July 2017, yet I did not see him come into the prison gate. I confronted her about the court reports and then I asked the officer who was posted nearby to let me end the visit. I was not inappropriate. Sheila Johnson later reported to the court that I was abusive and threatening which if I was the officers would have taken me to lock.

I was transferred to Albion Correctional Facility October 31st 2017. Upon arrival I enrolled in the Osborne televisitting program to have televisits with my son and requested therapeutic support. LFCFS case planner and supervisor both refused the applications for televisits 3 times. I was transferred to Rikers Island for court in December 2017 and by order of the court visitation was attempted at Rikers island whereas Sheila Johnson told the court he refused there too.

Stacy Charland left the firm to another firm, but my case was still left to NDS of Harlem. NDS of Harlem assigned Jessica Brierly-Snowden to my case and met with me in December 2017. I wrote to NDS assigned staff consistently like maybe 2-3

times a month about my case concerns and what all I wanted and I maintained copies for myself. I also wrote to Sheila Johnson monthly to maintain planning for my son and case planning requirements.

In January 2018, I was transferred again to Rikers Island for court purposes whereas Sheila Johnson and Marcia Conyers were refusing my televisit applications. Jessica Brierly-Snowden presented to the judge and the judge ordered them to comply with the televisit program. Ta-tanisha James left the case in February 2018 and Patria Frias-Colon presided until TPR disposition 1-29-2020.

The televisit application was processed and the first visit was eventually held in approximately May of 2018. It was told to me by Osborne staff that he was taken out of the waiting room, by himself, and to a play room to grab some toys but after that he began to panic. I asked if any supportive services were there for him and it was said no. So Osborne refused to continue citing that he was traumatized and needed to have therapeutic support to continue. Patria Frias-Colon issued a no contact suspension.

David Usdan of the court MHS office was given the case order for that office to conduct an evaluation on me. David Usdan was the 3rd evaluator from that office to meet with me and his meetings were number 4 and 5. The fourth meeting, his first meeting took place on February 1st 2018. I sat in meeting with him for

approximately 6 hours from 11am until 5pm. Jessica Brierly-Snowden was ordered to be present. He had me explain my life from birth til that present day. I had to explain memories of my relatives as he asked, things I did as a teenager and questions pertaining to my criminal record.

I sent David Usdan a few letters of some things I wanted to tell him, from prison, and when I was asked to sign over mental health records from Pennsylvania which did not exist and I told them the only record I already put on the court record, Pennsylvania also has a file shredding law after 7 years so my very small history where I had counseling once was not available but I provided the therapists name. Mr. Usdan informed the court he needed another meeting with me.

In June 2018 a fact finding was held over 3 days. First the foster mom testified and gave an emotional plea to wanting my son. Then Sheila Johnson testified for 2 days where she contradicted her ACS Connections records reports content. She explained that in 2016 she supervised visits, which was not true, Barbara Reese supervised. Sheila then proceeded to explain that I was always abusive, and violent towards her at visits, in front of small children. Upon cross-exam, Sheila was asked if the police were called, ACS and Court notified to suspend visits and she proclaimed that she did not know. Sheila Johnson had reported all of the certificates, but not the letters where I was planning the return of my son, except one letter that I confronted her with vulgarity over the lies in her reports.

At David Usdan's second meeting, 9-22-2018, Mr Usdan re-questioned the contents pertaining to mental health history that I explained to him I had history as a teenager because my mom pushed that but then as an adult I did not except I sought counseling and had an evaluation which that was on the court record and I did not have serious diagnostic impression I had an Anxiety diagnosis, in which I completed the CBT program to work through that. He then questioned my decisions in my 2 criminal record incidents and I explained I carried mace because i use to carry self defense products, and in regards to my conviction matter I did the Aggression Replacement Training program so I know not to allow myself to be in situations that are a risk and to remove myself from problematic situations. That I would not repeat and do as what happened before. David Usdan threatened to diagnose me with bipolar and said the reports construed to be that I refuted him and said no they dont I know what's in those reports. I filed an Article 78 in NYC Supreme Court to overturn his administrative decision because he was the director of the MHS office. The NYC Supreme Court refused.

In December 2018, I asked Patria Frias-Colon to relieve Jessica Brierly-Snowden from representing me and explained that she was not presenting the items that I gave them to present to the court. In Discussion, I explained I did a lot of work. Patria Frias-Colon promised that the next assigned attorney Mr. Robert Rothman

would present my evidence given that I was requesting to be presented to the record. TPR Trial began 2-19-2019

I wrote letters to the NYC-ACS parties and their superiors to seek a review if the grounds were present to an Article 10 upon which I refuted and explained. NYC-ACS refused to review the article 10 matter criteria. The trial began with Sheila Johnson in testimony pertaining to the TPR timeline of December 2014 until approximately December 2016.

When cross-exam began, Mr. Rothman had Sheila Johnson read from the LFCFS reports in the NYC-ACS Connections records of all agency interactions contents to the case matter and parties. Which read and acknowledged good visits, praised visit contents, that petitioner spoke well for my son and was very educated in childhood development and brought age appropriate toys and educational activities to all the visits and engaged him. Also provided that all the services were completed successfully certificates were given and interactions were all mentally stable which contradicted the case parties previous content.

Darlene Ellison, Hyacinth Tyson-King was assigned to the case in or near 2019. It was reported to me by them that my son failed kindergarten, was put in special education, and further deteriorated to intellectual developmental disability that Legal Aid Society and other case parties blamed on "him having visits with me" as

the reason. They issued a letter from Barbara Simon saying that in her opinion, visitation after my 9-4-2019 release was not in the best interest of the subject child. The subject-child was still not receiving adequate mental health care from an appropriate clinical standard or services from the OPWDD to address assessing and treatment of developmental delays impressions.

I had contacted and filed complaints to the NYS-OCFS who contacted the NYC-ACS and had a Mr. Diego contact me telling me to prepare a file of the records that I wanted them to take into consideration pertaining to my complaints against their false reports, false information and false diagnosis. This record was given to the case planners who explained they were to give such to him to put with the case record. That was in December 2019. Relevant information to that that was given was all 3 qualified psychiatric clinical compliances I made and how their diagnostic impression was unanimous, standardized testing proving I had no mental illness and refuting NYC-ACS allegations, refuting the continued Permanency Hearing reports of diagnosed as schizophrenic.

Darlene Ellison, Keisha Malphurs, Hyacinth Tyson-King had a Family Team Conference meeting to address the content of the Permanency Hearing report and the case status. I provided refutation and directed to where they could find the information that I was never diagnosed with Schizophrenia. That same day, despite proving and having mental health reports, my prison record and various other

certificates, letters etc in my favor in a file at that meeting, we went into court afterwards and they presented their wrong Permanency Hearing report stating that I had schizophrenia.

I was not allowed to object when the parties were asked if any had an opposition. A complete copy of that file of over 100 pages of all the mental health reports from my 3 agency compliances, certificates, letters, prison records, parole program documents and workbooks copies from programs completed etc was provided to LFCFS staff who said they would put such on the case record to be presented to the judge and give a copy to the NYC-ACS who told me to put together what I wanted to be reviewed. They did not do that.

I retrieved the state prison record but Rothman refused to put on the record. Parties have proven throughout the case that even when I complied and did everything I was supposed to do they would misconstrue contents of mental health reports against their prognosis, take incidents from before compliances to portray ongoingness, take 2 programs that was not completed, but did not affect because I found replacement options, to portray noncompliance and problematic, to intimidate the attorneys assigned to me to not produce further my completions pertaining to mental health records and compliances to the case record by fabricating reports against their clear and concise actual content and removing the previous records and certificates from the case relevance and discussion because such did not suit

their prejudiced determinations to an adoption goal. Every action to the parent-child bond and custody was undermined by the case parties for years of the case matter.

An order of protection was granted in the Queens County Criminal Court in December 10th 2015 until December 2018. The foster parents sought that for themselves and my son upon which the case was put under seal and the order of protection pertaining to my son was subject to the NYC Family Court visitation scheduling discretion. The order of protection was up for review for an extension in December 2018 whereupon the foster parents declined it. In November 2019 during the TPR trial, the foster parents requested the NYC Family Court judge to issue an order of protection merely because I was out of prison. I was denied due process to present my achievements, content of changes made through programs and good record maintained proofs to my prison rehabilitation and that the content of the original order was only incidental to her actions of running at me during my visit and being maced in defense. Patria Frias-Colon who skipped allowing me to speak on the record and granted the order of protection. I filed an appeal but then the order was conjoined to the disposition on 1-29-2020 and was appealed again all together.

I testified, during my cross-exam, Legal Aid Society had to be reprimanded for their malicious behaviors towards me. I then had to have a second opinion expert do a

forensics evaluation as I was in opposition of the contents of David Usdan's 30 page report that was released 4-15-2019 to me that described nothing of the contents of our meetings. David Usdan began to testify in November - December 2019. In his testimony he portrayed that I had severe Borderline Personality Disorder and it was so complex that the treatments for it (that I gave certificates for having completed) would not likely work. Also asked, could such have been circumstantial considering that the respondent was incarcerated. David Usdan opined no.

Forensics psychiatrist Alan Ravitz, upon whom I met for the second opinion, testified in December 2019. Mr Ravitz was reprimanded by Patria Frias-Colon for not having a documented report providing impressions and prognosis information to the court. Alan Ravitz testified that the contents of our meeting was not what David Usdan diagnosed and that mildly maybe I had a personality disorder but not to any extent David Usdan described I was easily under control and during discussion if I was upset about something I was easily redirectable.

Upon cross-exam, the Legal Aid Society continued to coerce Mr Ravitz without the advantage of having a report of his own to rely upon to backtrack his decisions where he changed his content to agreeing with David Usdan, from the content of not agreeing with David Usdan in his direct testimony. He was sought by defense counsel to do the evaluation which ultimately was changed and coerced to be used to aid David Usdan's testimony. Nothing was proven substantially from the content

of David Usdan and the in depth content of Alan Ravitz contradicted anything substantially against this plaintiff and that was brought out in Appellate brief by assigned counsel to me.

At disposition, the report was read by Patria Frias-Colon that she diagnosed that I had schizophrenia and then ordered us to leave the courtroom and continued to engage the case to a next part. After the trial came to an abrupt end that did not afford me any time or way to address that my content was not presented to the record, my trial attorney mailed my content back to me. I was deprived of the promises to put such on the record and I was deprived of zealous representation and due consideration of facts by the assigned counsel.

The Direct Appeal matter

I filed an appeal and I did a joint brief with Daniel Katz. Mr Katz did an excellent job pointing out the content of events pertaining to the trial similar to as I described, had been refuted during the trial, and that they were not meeting the standard. The Appellate Division denied the appeal.

I filed a Motion for Leave to Appeal to the NYS Court of Appeals. John Newbery of the Legal Aid Society provided a brief in opposition of the motion for leave to appeal to the NYS Court of Appeals. The brief are contradictory to the truth and evidence, often fabrications of what the evidence all collectively and individually represented

or directly expressed records content. The content often misrepresented content to the court for the objectives of the case opposition parties. The respondent-mother was not diagnosed with schizophrenia and bipolar by Bellevue Hospital or prescribed and refused medication from them. They concluded to portray that the operative criteria of threat to the child's well being was present but nobody could explain how, they merely alleged that and used false (already completed treatment programs for) diagnoses.

They misrepresented the Dyadic therapy original order and placement as described herein and other sporadic character attacks to portray incidents when I was upset and mentioned appealing or walked out of the courtroom visibly upset whereas attorneys portrayed such as mental illness in misrepresentations to the Appellate Division.

They misrepresented the contents of the 2013 MHS compliance efforts that I made as instructed by the NYC-ACS service plan. They brought case timeline information that was not a part of the TPR docket timeline, on the TPR appeal. They brought information I wasn't afforded to address pertaining to 2013 and 2014 that was a part of the first appeals that had already been completed in the processes and my appeals and content was restricted amongst my attorneys to be of the TPR docket time period. As for their pieces of information to suit their objectives to win a TPR hearing, their content is fabrications against the evidence on record which is and

has been a common, malicious action from Legal Aid Society, NYC-ACS Law Dept. and other attorneys in support of TPR. Their brief contents lied against the reports and evidence and used the 2013 beginning of the case emotional distress that had been through treatment in the DBT program and other MHS clinical care since then, to support her malicious objectives.

Any time I needed to walk out because of the severe emotional distress from their words they depicted as Borderline Personality Disorder and a risk to child custody that I would neglect my child because of my emotions, yet in their own reports I managed well and they imposed restrictions upon my free speech to discuss anything of the case in front of my child, I eventually learned and complied.

They stated that I had poor insight into the hospitalization etc. but it did not state that or mean that, the problem at that time was that they was not giving me a direct path to reunification of custody and continued to that affect throughout the case planning that if I complied I would get my son back, so all I knew to do was comply to what was given in programs, housing initiatives etc. but I knew I was entitled to more than that. They withheld to case build and piece together anything they could to portray mental illness and adoption

While I was in post-partum bleeding I was in compliance with the NYC-ACS service plan MHS enrollment. I was emotionally distressed by the severe trauma of them

taking my son. In therapy during my postpartum bleeding and lactating, if I would become upset I lactated wetted my shirt. I said that I wish I would die and was crying from what happened to my son. Theresa Hsu Walklet and with my compliance had me stay at the Beth Israel Hospital. After this there was no further incident of sadness or "suicidal ideation" like that, naturally and not just because everything was being used against me.

John Newbery lied about the disposition of the Appellate Division First Department. The two reports of 2016 against the foster parents for abuse and neglect were not unfounded and the contents were not as he described. They were not investigated because LFCFS said that I have schizophrenia, that is in the ACS Connections record that I have a copy of (because I saved everything) but is numerous.

Appellant was not extradited ever. Also his new found terrorism hearsay allegations and content are false, not allowed to a TPR evidence standard, was used to taint and never was given due process in a court of law. In fact the former room mate was under my care as a home health aid contracted because she was diagnosed with severe mental illness and needed to be hospitalized at times when her medication was not working. She asked me to help her because she had no family in Pennsylvania. This all occurred in 2016 before I was to have sentencing February 7th 2017 upon which I missed the first sentencing with a doctor's excuse because I

had severe bronchitis and so I was detained and scheduled again for sentencing to my plea deal arrangement. David Usdan manufactured fabrications to mirror 2013-2014 allegations. Motion for Leave to Appeal was denied.

IX. Reasons for Granting the Petition

A. To determine Due Process Standards in matters regarding conduct of prosecutorial case parties and privy parties to a child protection services abuse/neglect case matter.

Provisions of ASFA of 1997 provide diligent efforts to kinship custody and family reunification, the case parties undermined the goal of that and the laws to that. The case parties did not offer the second portion of ASFA in section 103 pertaining to having a case 15-22 of the most recent foster care placement months to fulfill their case there in and either file a TPR or return to parent. Many cases involving abuse and neglect have procedurally been afforded a service plan, where they completed such within the first year of the case and they was given subsequent case progression, procedures where the court approves the gradual progression from supervised visits to unsupervised, weekend home stays, trial discharge to a safe discharge.

Instead of offering me procedural equalities, my case was left to max out a gradual progression to termination of parental rights and adoption agendas. They did not

file a TPR in the time specified by ASFA because I complied to complete the service plan, my reports to my visits were good, I was waiting for them to make a housing situation, plan, and whatever they needed for me to have my son transferred to my custody. Their actions caused the deprivations of my rights and deviations of due process.

The case parties violated ASFA of 1997 sections 103 pertaining to 15-22 months in foster care whereas I objected. I repeatedly brought this to their attention, the fabrications, etc but was stigmatized, silenced and censured on the court record pertaining to a case about me. I was threatened by the first and TPR judges on the record that if I spoke without my attorneys permission they would label me impulsive and consider it mental illness, and used malicious antics against me or having my evidence on the record but gave foster parents party the right to be heard. My manners and appropriate objections were labeled maliciously on the record as disruption and mental illness by the judges.

If I was obligated to know law and self represent or hire an attorney when civil matters occur, pertaining to important civil liberties such as child custody, with no relief, wouldn't it be obligatory to offer law classes in public schooling as a teenager. My point is nobody thinks that these things will happen to them when they are not guilty.

Ultimately after trial came to an abrupt end that did not afford me any time or way to address that my content mentioned in December 2018 and again given to LFCFS staff in December 2019 was not presented to the record in my presence or defense. Disposition was read to me and I was immediately ushered out of the courtroom and barred from access to the court. My trial attorney mailed my content back to me. I was deprived of this and I was deprived of zealous representation and due consideration of facts by the assigned counsel.

For these reasons, I could not share responsibility of blame with my assigned trial attorney or other attorneys who have failed in my case matter Because not only am I not responsible for their actions but also for legal knowledge and skills that I was not educated and trained in as a civilian who is not state bar licensed nor did I have the training to be able to differentiate matters of law in all the fields of law and to know what I needed to say and exactly when to say it in accordance to litigating against attorneys, especially in matters of importance to a loss of civil liberties and detrimental legal consequences such as Child custody removal that New York laws acknowledge to give court assigned counsel for defense to the accused.

Being an above-average civilian I did report and complain against case parties not only within the court record but to city and state agencies who did nothing. I exhausted all the remedies available to me and am now presenting at the highest court in the nation.

Does the 14th amendment due process not entail that all the laws, rules, ethics that are a part of the due process system to determine innocence, guilt, rights, procedures, standards, abilities, inabilities, liberties are to be utilized to establish truth and justice and not the mere superficial show of process of having hearings on time.

This right was deprived and other cases where children and families in New York City have been harmed by these deviations and systemic prolongations, deprivations, violations etc. during my case time period occurred and with the same city staff involved.

The gross deviations and conduct described pertaining to my case also has been an ongoing problem that Letitia James and A Better Childhood filed class actions against this ongoing behavior of the NYC-ACS and the NYC area Family Court system holding children beyond 15-22 months in long term foster care and its detriment, causing irreparable harm to children in New York City foster care in In ELISA W. V. THE CITY OF NEW YORK S.D.N.Y. case docket: 1:15-cv-05273.

The suit alleges that *"ACS and OCFS fail to protect children from maltreatment, fail to ensure that services provided are effective and of acceptable quality, and fail to ensure appropriate placements. According to the suit, the harms and risks that*

children in ACS custody suffer are a direct result of ACS and OCFS failing to properly address structural deficiencies in the New York City child welfare system."

"ACS has delegated foster care to 29 contract agencies, but has consistently failed to monitor these contract agencies – leaving thousands of children languishing in the system with no permanent home. Lives are being ruined during our children's most formative years, and our legal action seeks to put an end to this injustice." The lawsuit alleges that New York City is one of the most dangerous foster care systems in the country, with one of the highest rates of maltreatment of children who are under the city's protection in foster care. It also asserts that children remain in state custody in New York City far longer than children elsewhere in New York State and twice as long as children in the rest of the country. The lawsuit alleges a wide range of well-documented and long recognized deficiencies in the City's child welfare system."

"ACS and OCFS are failing to ensure meaningful case plans to put foster children in permanent homes and reunite families within a reasonable amount of time." ACS is failing to ensure that the caseworkers at the 29 contract agencies are properly trained and have caseloads within professional standards; and, ACS is failing to provide a system for making foster placements consistent with federal and state law and minimum professional standards."

These cases have proven the deviations and failures from the agency and administrative agencies have poured into the Due Processes of the state courts and should not be tolerated in deviations of the proper due process, laws, ethical standards, and discretion of the court to actually deal with these matters when agency administratives fail to address their own. This is why that is a matter of the court to address. The agencies and courts actions bring 8th & 14th Amendment violations, violate provisions of ASFA of 1997 and federal department requirements, and the syllabus of Santosky v Kramer as a guideline in functioning.

X. Conclusion

Wherefore, for all of the reasons supported herein, I have filed this petition to be under review pertaining to the fact that I am innocent and that due to the deprivations of constitutionally protected rights & the actions of the case parties in opposition of my reunification of child custody despite that I fulfilled the requirements of completing all services (twice),

I have had to file this petition to this court the highest court in the nation to seek the relief that the NYC Family Court case is reviewed, that judicial determination is made within this courts supervisory powers and other authorities that would overturn the lower state courts decisions against me within the case matter presented, that would hold the State Courts to due process standards that include all the legalities with the laws, ethics, discretion to be utilized in the determination

of truth and justice, and all other reliefs deemed appropriate to the ultimate return of my son to my custody and that would hold the NYS courts more accountable to have a properly functioning legal system that the government can lose in its own courts.

Respectfully,

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