24-5005

No.——

In the

Supreme Court of the United States

Daniel Scott Robinson

Applicant,

v.

Supreme Court of Hawaii

Respondent.

On Petition For Writ Of Certiorari To

The Supreme Court of Hawai'i

PETITION FOR WRIT OF CERTIORARI

Daniel Scott Robinson
233 Punahele Street
Hilo, Hawaii 96720
(808) 498-7234
Daniel.robinsonrn@hotmail.com
Pro Se Litigant

Anne E. Lopez
Attorney General of Hawai'i
Department of Attorney General
State of Hawai'i
425 Queen Street
Honolulu, Hawai'i 96813
(808) 586-1500
(808) 586-1239 (Fax)
Email Unknown
Attorney for State of Hawaii

Tamara Louise Robinson
16-2131 Sandalwood Drive #81989
Pahoa, Hawai'i 96778
(707) 683-9825
Tamararobinson1313@gmail.com
Pro Se Litigant

QUESTIONS PRESENTED

1. The State of Hawai'i abandoned its jurisdiction and state sovereignty in Domestic Relations and family court law when it willingly accepted federal grant funding that forces it to follow federal law. How then can the state of Hawai'i enact "best interest" laws in family courts when they have given up their jurisdiction and state sovereignty to the federal government by accepting federal grant funding that determines family law when those federal laws force them to follow U.S. Supreme Court Precedent and Federal Law that have already defined when a state may act in the "best interest" of a child and then refuse to allow a citizen to file a Notice of Unconstitutionality to challenge those laws?
2. How can a state use a simple "preponderance of evidence" to act in the "best interest" of children when U.S. Supreme Court precedent, the constitution, and federal law clearly call for a burden of proof of "beyond a reasonable doubt" for a state to act in the "best interest" of a child?
3. How can a state allow a child below the age of 18 to act in their own "best interest" when U.S. Supreme Court precedent, federal and state law states that a child is a child and cannot act in their own "best interest" until they reach the "age of majority" of 18?

PARTIES TO THE PROCEEDINGS

Parties to the proceedings are as follows:

Applicant Daniel Scott Robinson is the applicant in the Hawaii State Supreme Court.

Respondents are Hawaii State Supreme Court, Hawaii Intermediate Court of Appeals, Hawaii 3rd Circuit Family Court, Judge Jeffrey NG, Judge Mahilani Hiatt, Deputy Attorney General Lynn Youmans, Hawaii Department of Human Services Hearing officer Lane Yoshida, Hawaii Department of Human Services Child Welfare Services, Social Worker Cheryl De Lima, Tamara Louise Robinson

STATEMENT OF RELATED PROCEEDINGS

- In Re Daniel Scott Robinson No. SPCW-24-0000004, Hawaii State Supreme Court, Judgement entered February 2nd, 2024.
- DR V TR No. CAAP-24-0000066, Hawaii Intermediate Court of Appeals, Judgement entered February 7th, 2024.
- TR v DR No. CAAP-23-0000617, Hawaii Intermediate Court of Appeals, No judgement entered.
- Daniel Scott Robinson v. DEPARTMENT OF HUMAN SERVICES Child Welfare Services Branch, State of Hawaii, Administrative Hearing August 6th, 2023, with hearing officer Lane Yoshida, and Hawaii Deputy Attorney General Lynn Youmans, Judgement Mailed October 23rd, 2023.
- TR v DR No. CAAP-23-0000525, Hawaii Intermediate Court of Appeals, No judgement entered.

- Daniel Scott Robinson vs Tamara Louise Robinson, No. 3FDA-23-0000660, Hawaii 3rd Circuit Family Court, Judgement entered November 1st, 2023.
- Tamara Robinson, OBOM vs Daniel S. Robinson, No. 3FDA-23-0000643, Hawaii 3rd Circuit Family Court, Judgement entered November 1st, 2023.
- Daniel Scott Robinson v. Department of Human Services, Child Welfare Services Branch, State of Hawaii, Department of Human Services Administrative Hearing, Judgement mailed October 23rd, 2023.
- Daniel Scott Robinson vs Tamara Louise Robinson, No. 3FDV-22-0000801, Hawaii 3rd Circuit Family Court
- Tamara Louise Robinson vs Daniel Scott Robinson, No. 3FDV-22-0000786,

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES

CONSTITUTIONAL PROVISIONS

FEDERAL CASES

STATUTES

Introduction:

This case has a very high precedential value that will affect the entire country. Abraham Lincoln stated this government is "of the people, by the people, for the people", and if he and the founding fathers were alive today to see the constitutional crises that has become the family court system, they would revolt.

When this court granted states state sovereignty and jurisdiction in domestic relations in Barber v. Barber in 1858, it was more than one hundred years before the states willingly gave up their state sovereignty and jurisdiction in domestic relations by accepting federal grant funding through the Federal Grant Cooperative Agreement Act passed by congress in 1977 that dictates that states must follow federal and constitutional law in Domestic Relations to gain those federal grants. And it was more than one hundred years before this Court dived into domestic relations and decided roe v. wade, and same sex marriage through Obergefell v. Hodges as well as the other precedents set by this court concerning family rights.

The state of Hawai'i will argue that this is a divorce case that the federal government lacks jurisdiction over per Barber v. Barber :: 62 U.S. 582 (1858), In re Burrus 136 U.S. 586, 593-94 (1890), Sosna v. Iowa, 419 U.S. 393, 404 (1975) and Solomon v. Solomon 516 F.2d 1018 (3d Cir. 1975). However, those cases all happened before states gave up their jurisdiction and state sovereignty in 1977.

The applicant will argue the state of Hawai'i particularly, abandoned its state sovereignty in Domestic relations and gave this Court and the federal government jurisdiction when it enacted Family law based on federal law to obtain

federal grant funding after accepting the Federal Grant and Cooperative Act of 1977 that dictates that federal law must be followed.

The proof that the states have abandoned their state sovereignty and allowed this Court to take jurisdiction over state family law is in that they enacted family court laws that define "unfitness", "harm", and "best interest" defined in 42 U.S.C §§ 5101-5106 (1976), *and 42 U.S.C. § 672 per 42 U.S.C. § 671(a)(15)(D)(ii)(I)-(IV).* Eleven states apply a rule requiring a finding of unfitness before denying a parent visitation. Seventeen states apply an actual harm rule. And twelve states apply a judicial "best interest" rule. When states signed federal grant applications, they abandoned their state sovereignty in order to obtain federal grant funding by signing grant applications that forced them to follow federal law in order to obtain that federal grant funding that defines those terms under the above federal law. That gives this court jurisdiction over this case.

The state of Hawai'i abandoned state sovereignty in domestic relations and gave the U.S. Supreme Court jurisdiction over Hawai'i State Family Law cases when Hawai'i used 42 U.S.C §§ 5101-5106 (1976), *and 42 U.S.C. § 672 per 42 U.S.C. § 671(a)(15)(D)(ii)(I)-(IV)* to enact federal child protective laws to gain federal grant funding that allowed them to act in the "best interest" of children and then used those same laws as the basis for family court divorce cases in which Hawai'i uses a child's "best interest" to determine custody.

However, when Hawai'i enacted these laws, they left out the constitutional and federal protections that these laws inherently include such as the 4th and 14th

amendments as well as U.S. Supreme Court precedent that protects a family's inherent liberty and due process rights. And they outright admit to doing so in APPENDIX's I, J, K, and L. And I will prove that they did so to defraud the federal government in violation of 18 U.S.C. 371, racketeer in violation of 18 U.S.C. § 96, Obstruct Justice in violation of 18 U.S.C. § 1503, retaliate against witnesses in violation of 18 U.S.C. § 1512, and tamper with witnesses in violation of 18 U.S.C. § 1513. All of this can be seen in APPENDIX I, J, K, and L in which the state of Hawai'i openly admits it enacted its laws in order to obtain fifty million dollars in federal Health and Human services grant funding per the Social Security Act Title IV-E. And it does so by violating citizens federal and constitutional rights in violation of 18 U.S.C. 242, and 18 U.S.C. 241.

The U.S. Supreme Court and the U.S. Congress determined when a government may act in the "best interest" of a child in *Reno v. Flores, 507 U.S. at 303-05, 42 U.S.C. § 5106, and in 42 U.S.C. § 672 per 42 U.S.C. § 671(a)(15)(D)(ii)(I)-(IV),* and that is not unless a child is an unaccompanied minor, an orphan, or a law has been broken that includes murder, and or "serious bodily injury". This precedent and these statutes are constitutionally sound and pass the "strict scrutiny" test and do not violate the 4th, 5th, and 14th amendments. However, 40 states abused their power and discretion using the 10th amendment to enact laws that violate the above precedent and statutes and would not pass the "strict scrutiny" test and do violate the 4th, 5th, and 14th amendments.

This is an issue of national importance because 12 states use the "best interest" clause to remove the 4th, 5th, and 14th amendment constitutional rights of families in order to act in the "best interest" of children in divorce courts in which millions of children have been separated from their parents using nothing more than hearsay or false allegations. And in which family court judges abuse their discretion and remove custody from parents using these misinterpreted precedent and statutes in order to increase their caseloads and obtain federal grants.

These state courts lower the burden of proof from "beyond a reasonable doubt" used in this precedent and statutes to a "preponderance of the evidence" and allow children under the age of 18 to pick a parent to live with when federal and state law clearly states that a child cannot make legally binding decisions until the age of majority of 18. All so a state can gather federal Health and Human Services Social Security Act Title IV-E federal grant funding, and in the case of the state of Hawaii, do so fraudulently.

The *14th* amendment protects a parent's right to both procedural and substantive due process per *Troxel v. Granville, 530 U.S. at 57 (2000) and Prince v. Massachusetts, 321 U.S. 158, 166 (1944).* And *per Stanley v. Illinois, 403 U.S., at 658 (1972)* "all [] parents are constitutionally entitled to a hearing on their fitness before their children are removed from their custody." Per *Troxel v Granville, 530 U.S., at 69 (2000)* "the traditional presumption that a fit parent will act in the best interest of his or her child."

When giving the government the right to act in the "best interest" of children federal case law and public law only mentions the "best interest" of children in *Reno v. Flores, 507 U.S. at 303-05, 42 U.S.C. § 5106,* and *42 U.S.C. § 672* per *42 U.S.C. § 671(a)(15)(D)(ii)(I)-(IV).* In those federal cases and statutes, a law has been broken and or children are orphans and or unaccompanied minors therefore the government has the right to act in the "best interests" of children.

Those cases and statutes are constitutionally sound because they do not allow the government to act in the "best interests" of children unless there is no one else to do so, and or a crime has been committed that allows the government to use parens patria or public law and act in the "best interests" of children per the 5th and 14th amendment right to due process and through the "strict scrutiny" test that allow the federal and or state governments to enact said laws per *Reno v. Flores, 507 U.S. at 302.* However, in all of those laws, laws have been broken and a burden of proof of beyond a reasonable doubt has been satisfied so that the federal and or state government can legally act in the "best interest" of children.

However, the state of Hawai'i abused its power and its discretion and used the *10th* amendment to enact Hawaii Revised Statute (HRS) § 587A, HRS § 586, and HRS § 571-46 which misinterpreted the above laws and allowed the state to act in the "best interests" of children even when children have parents and or legal guardians, before a law has been broken, and before a burden of proof of beyond a reasonable doubt has been met. The 10th amendment only allows states to enact laws "that are not specifically given to the federal government, nor withheld from

the states, are reserved to those respective states, or to the people at large." Since the federal government already defined when a government may act in the "best interest" of a child and the 14th amendment already grants parents due process in raising and caring for their children the state of Hawai'i errored in creating these laws that allow it to act in the "best interest" of children in violation of the 4th, 5th, and 14th amendments as well as the federal case law and public law stated above.

The state of Hawaii will argue that its laws are "narrowly tailored" per Washington v. Glucksberg, 521 U.S. 702, 721 (1997) to infringe upon a fundamental liberty interest and meet the "strict scrutiny" test per Reno v. Flores, 507 U.S. at 302. However, the constitution through the 4th, 5th, and 14th amendments, U.S. Supreme Court precedent through *Reno v Flores, 507 U.S. at 303-05*, and public law enacted by the U.S. Congress *42 U.S.C. § 5106*, and *42 U.S.C. § 672* per *42 U.S.C. § 671(a)(15)(D)(ii)(I)-(IV)* have already defined when a federal or state government can act in the "best interest" of children. Therefore, the federal government has already "narrowly tailored" the ability of the state government to do so. A courts place is to decide which party is acting within the laws by following them and not to use the illegally enacted state public law to remove a parent's rights unless it has proven that a parent no longer has the right to act in the "best interest" of a child due to breaking the law.

In enacting these laws this allowed the state of Hawaii to take children and or separate children from parents using nothing more than hearsay in violation of the 4th, 5th, and 14th amendment for 90 days or longer, without a warrant using a

subjective "threat" of "harm" or "neglect" in violation of not only the above laws but also the *Hawai'i state constitution Article 1, Section 5*, and state law *HRS § 703-309*. In enacting these laws, the State of Hawaii decreased the burden of proof from "beyond a reasonable doubt" needed in the above-mentioned constitutional provisions, U.S. Supreme Court precedent and statutes to a "preponderance of the evidence" in violation of the 4th, 5th, and 14th amendments and the above-mentioned laws. That would not meet the "strict scrutiny" test.

The state of Hawai'i has stated that it used parens patria or public law to act in the "best interest" of children but according to its own laws did so not to act in the "best interest" of children but to gather $50,000,000/year in Social Security Act Title IV-E federal grant funding in violation of the above state, federal, and constitutional laws per its own statements in the enactment of the above laws, through senate bills submitted to the Hawai'i legislature (APPENDIX's I, J, K, and L), in Child and Family Services Plans (CFSP), and Annual Progress and Service Report (APSR) reports to the federal health and human services as well as the April 2024 State Audit of the Department of Human Services' Child Welfare Services Branch which states that the state of Hawaii is in violation of federal and constitutional law and federal grant funding requirements.

By enacting these laws, the state of Hawai'i also violated no less than 6 federal and state statutes including Social Security Act Title IV-A, B, D, and E as well as 42 U.S.C §§ 5101-5106, and (HRS) § 577-1 that state that a child is a child until the age of majority of 18 and therefor unable to make legally binding decision

to make decisions about who they choose to live with. These state laws violate the 14th amendment through *Troxel v. Granville, 530 U.S. at 68* (2000) which states that the due process clause of the 14th amendment "protects the fundamental rights of parents to make decisions concerning the care, custody, and control of their children." and *Parham v. J.R., 442 U.S. at 602 (1979)* which states that "The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience and capacity for judgment required for making life's difficult decisions."

Hawai'i family court laws' subjectivity and "vagueness" in Hawai'i Revised Statutes, HRS § 587A, HRS § 586, and HRS § 571-46 subjective use of a "threat" or "harm" or "neglect" contradict laws such as HRS § 703-309 as well as the 4th, 5th, and 14th amendments right to due process and unreasonable seizure of children and U.S. Supreme Court precedent. It makes it impossible for defendants to know when they have crossed a legal line. It makes it impossible for defendants to defend themselves, their rights, and most importantly their rights to their children, or their rights to raise their children.

This does not pass the "strict scrutiny" test. It allows states to abuse their power, judges to abuse their discretion, and it allows state agencies to write whatever reports they like without any evidence other than hearsay and remove children from a home in violation of the above stated federal and constitutional provisions. The state of Hawaii then uses "absolute immunity", "judicial immunity", and "qualified immunity" to defend its state agents who in the case of Hawai'i abuse

their power and their discretion knowing that less than 1 percent of people may have the opportunity to have an audience with the U.S. Supreme Court. The state then will use the 11th amendment to defend itself as well as the Rooker-Feldman abstention and Younger abstention as well as the appeal process through intermediate court of appeals and state supreme court in order to stop people from challenging laws. And if an applicant such as myself is blessed enough to get to the state supreme court, then the state supreme court simply reinforces the lower court's decision in order to stop its laws from being challenged as was done in this case.

The applicant believes that the state of Hawaii does all this to purposely violate citizens' rights in order to fraudulently gather federal grant funding in violation of 18 U.S.C. § 242, 18 U.S.C. § 241, and 18. U.S.C. § 371 Conspiracy to commit offense or to defraud the United States. In Hawaii state laws HRS § 587A, HRS § 586, and HRS § 571-46 any and all federal and constitutional protections have been purposely removed. This has allowed the state of Hawai'i to take more than 10,000 children without a warrant based on hearsay alone in violation of the 4th amendment. And it has allowed the state of Hawai'i to separate tens of thousands of children from their parents again based on hearsay alone in violation of the 4th, and 14th amendments. This exponentially increases the federal Health and Human Services Social Security Act Title IV-A, B, D, and E federal grant funding that Hawai'i receives while violating federal and constitutional provisions and while stopping a citizen from legally defending themselves. And the majority of

the families and children's rights who are violated have no more than a high school diploma, work minimum wage jobs, and have no way to fight an entire state in order to protect their children and their families.

The Hawaii State Supreme Court on three separate occasions refused to allow a notice of unconstitutionality in cases 3FDA-23-0000643, in Daniel Scott Robinson v. DEPARTMENT OF HUMAN SERVICES Child Welfare Services Branch, State of Hawaii, Administrative Hearing October 6th, 2023, and in case No. 3FDV-22-0000801 in violation of Federal Rules of Civil Procedure Rule 5.1 as well as Haw. Rev. Stat. § 602-58, and Haw. Fam. Ct. R. 24(d). The Hawaii State Judiciary refused to even acknowledge more than six Motions for Stay in violation of Federal Rules of Appellate Procedure Rule 18, and Haw. R. App. P. 8. The Hawaii State Supreme Court then allowed a petition for Writ of Certiorari (Appendix A), but then quickly dismissed the case stating that they had "no jurisdiction" even though the orders "appealed from" where from case 3FDA-23-0000643 (APPENDIX E) in which a "final judgment" was rendered that found the applicant innocent "with prejudice" (APPENDIX D). However, the applicant filed a Notice of Unconstitutionality to challenge the laws 3 times and he clarified this in his letter to the Hawai'i State Supreme Court (Appendix N). And yet they still refused to allow him to do so.

OPINIONS AND ORDERS BELOW

The Hawaii State Supreme court decision filed on February 2nd, 2024, IN RE DANIEL SCOTT ROBINSON (APPENDIX A), and the Hawaii Intermediate Court

of Appeals decision filed on February 7th, 2024, D.R., Plaintiff- applicant, v. T.R., Defendant-Appellee (APPENDIX B). Orders by Judge Jeffrey NG in case No. 3FDV-22-0000801 ordered on November 16th, 2023, and filed on November 22nd, 2023 (APPENDIX C), final order by Judge Jeffrey NG in case No. 3FDA-23-0000643 filed on November 1st, 2023, (APPENDIX D) and original orders by Judge Hiatt in case No. 3FDA-23-0000643 filed on August 15th, 2023 (APPENDIX E).

JURISDICTION

The Hawaii State Supreme Court entered its decision on February 2nd, 2024, and the Hawaii Intermediate Court of Appeals entered its decision on February 7th, 2024. A Motion for Stay Pending Appeal was submitted on February 13th, 2024, which was completely ignored by the courts. The Honorable Elena Kagan, Associate Justic of the Supreme Court of the United States, and Circuit Justice for the Ninth Circuit granted an Extension of Time on April 24th, 2024, Until July 1st, 2024. A second Motion for Stay of Proceedings Pending Appeal was filed on May 2nd, 2024, in the Hawaii 3rd Circuit Family Court since the above-mentioned Hawaii State Supreme Court Case has been closed and the Motion for Stay of Proceedings Pending Appeal to the U.S. Supreme Court again was completely ignored. A Motion for Stay Pending Appeal to the U.S. Supreme Court in case No. 3fDV-22-0000801 was received by the U.S. Supreme Court on May 20th, 2024. That Motion for Stay Pending Appeal to the U.S. Supreme Court was entered into case No. 3FDV-22-0000801 on May 21st, 2024, and requested to be heard at a status hearing on May 22nd, 2024. The court refused to hear any of the 3 Motions for Stay Pending Appeal

to the U.S. Supreme Court or the Extension of Time Granted by The Honorable Elena Kagan, Associate Justic of the Supreme Court of the United States, and Circuit Justice for the Ninth Circuit. This Court has jurisdiction under 28 U.S.C. 1254, 18 U.S.C. 1257, and 28 U.S.C. 2101(c), (e), and (f).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

This case calls into question a state's sovereignty and jurisdiction in domestic relations. The state of Hawai'i willingly gave up their jurisdiction over family court laws by enacting federal law to gather federal grant funding and agreeing to abide by federal law in doing so. The state of Hawai'i openly admits that it did so and that it gave up it's jurisdiction over family law in order to gather federal grant funding but in doing so also openly admits to not following the federal laws it subjected itself to by writing out the federal and constitutional protections that those laws contain.

STATEMENT OF THE CASE

1. On December 13th, 2022, the applicant and respondent in case 3FDV-22-0000801 agreed to a divorce agreement in which both parties gave up and retained certain rights to their children under the 1st, 4th, 5th, 6th, and 14th amendments.
2. On April 26th the respondent Tamara Louise Robinson filed a Motion and Declaration for Post Decree Relief because the respondent did not like the divorce decree after 5 months' time. This motion made accusations that contained no violations of law, the divorce decree, and was false allegations

that contained no evidence, and the court refused to dismiss it based off of the applicant filing a Motion to Dismiss stating his state and constitutional rights.

3. On July 6th, 2023, the applicant was forced to call the police after he was attacked by his son. Police report No. 23-064964 which stated that "No injuries were reported or observed" (Appendix M).
4. On July 7th, 2023, the respondent Tamara Louise Robinson filed a complaint with Hawaii Department of Child Welfare Services. Those complaints and false allegations contained no violations of laws and even if true were the protected rights of the applicant under Hawai'i Revised Statute (HRS) § 703-309, HRS § 350-1, and the 14th amendment and contained no proof other than hearsay and false allegations.
5. On July 13th, the applicant was contacted by PARENTS INC. case manager Debbie Wong. The applicant told her he didn't want to speak to her because he did nothing wrong, but Ms. Wong threatened him and told him that if he did not allow her to interview him, she would refer his case to Child Welfare Services. So, he gave her a 1-hour phone interview in which he told her he was innocent, that there was no proof he did anything wrong which he knew to be true because he did nothing wrong, and these were all false allegations made up by his angry ex-wife who was trying to take custody of their children. Ms. Wong then falsified information and wrote a report that stated that the applicant hit his son. She did this because the applicant is a man

which is a violation of his civil rights for gender discrimination and religious rights because the applicant tried to defend his actions that even if they were true it was not a crime, it was his protected religious and constitutional right to discipline his son and that is why she tried to frame me.

6. On July 15th, the applicant contacted the Hawaii State Child Abuse hotline and informed them that his ex-wife was abusing his children, and they completely and totally ignored his call because he is a man calling in a report about a women.
7. On July 24th the applicant was contacted by Child Welfare Services Social Worker Cheryl De Lima who stated that he had less than 90 minutes to show up to the Child Welfare Services office and allow her to interview him or she would write a determination letter stating that he was "Non-Compliant". He then arrived 90 minutes later along with his Child Welfare Services Advocate Joshua Franklin and his 3 small children who were interviewed against his will. He then performed an interview with social worker Cheryl De Lima and Joshua Franklin which was unbeknownst to the applicant audio recorded by Joshua Franklin. In that interview the applicant stated his innocence and provided more than 20 pieces of evidence that he and his children were being abused by his ex-wife including video's, pictures, text messages, and emails. he also informed her that his ex-wife was retaliating against him for providing evidence of abuse to the courts.

8. On July 25th, 2023, the applicant filed a motion to dismiss case No. 3FDA-23-0000643 based on HRS § 703-309, HRS § 350, and the 14th amendment defending his right to discipline his children even if what he was accused of was true. And at a trial in case number 3FDA-23-0000643 on July 25th, 2023, his motion to dismiss was completely and totally ignored. CWS Supervisor Mark Morikawa then requested more time to investigate. This was a violation of my 1st, 4th, 5th, 6th, and 14th amendments and my civil rights and was done because I was a white, Christian, male who was trying to use my state, federal, and constitutional rights to defend myself.
    a. It must be noted that the CWS will state that they were "ordered" by the court to investigate me. However, as evidenced by the report of abuse and investigation being opened on July 7th, 2023, as well as the interview by Case Manager Debbie Wong on July 13th, and interview by Social Worker Cheryl Delima on July 24th, 2023, the case was open long before the court ordered child welfare services to investigate the case.
9. Between July 25th, and August 15th, 2023, Both myself and my Child Welfare Advocate Joshua Franklin sent multiple emails trying to defend the applicants civil and constitutional rights and provided further evidence that his ex-wife was the one abusing his children. During that time child welfare services only responded by giving us the resume of Social Worker Cheryl De

Lima who has a bachelor's degree in Geology (Rocks of all things) and absolutely no college training in abuse, neglect, or any other forms of abuse.

10. On August 15th, 2023, Judge Mahilani Hiatt ordered the removal of the applicants son from his care as well as "therapeutic communication" after the Hawaii Island Department of Child Welfare Services submitted a report to the Hawaii 3rd Circuit Court in Case No. 3FDA-23-0000643 stating that the applicant was a "threat" of "abuse" and a "threat" of "neglect" based on what my ex-wife and my son stated with absolutely no supporting evidence and in spite of all the evidence the applicant submitted showing that they were lying. And the Hawai'i Child Welfare Services completely ignored more than 20 pieces of evidence the applicant submitted showing that he and his 3 smaller children were the ones being abused. Child Welfare Services then wrote a determination letter stating that my ex-wife was innocent of any wrongdoing.

    a. That report of abuse cost the applicant his job as a nurse for 3 months until he was able to prove his innocence at the trial. He not only suffered civil rights abuses but the loss of his income and ability to support himself and his family until he was able to prove his innocence.

11. On September 12th, 2023, the applicant filed his first Notice of Unconstitutionality within case No. 3FDA-23-0000643 which was wrongly

filed by the Hawai'i state judiciary as a petition for Writ of Certiorari in case No. CAAP-23-0000525 to the Hawai'i Intermediate Court of Appeals.

12. On October 6th, 2023, the applicant tried to appeal the determination of abuse within the Hawai'i Department of Human Services and had a DHS Administrative Hearing. In this hearing the applicant once again argued his innocence and civil and constitutional rights and Deputy Attorney General Lynn Youmans and DHS Hearing Officer Lane Yoshida used obscure DHS Administrative Rules in order to dismiss the appeal even though the applicant vehemently argued his state, federal, and constitutional rights.

13. The applicant filed a complaint with the Hawai'i Commission on Judicial conduct showing that Judge Mahilani Hiatt who signed the restraining order against the applicant was a board member of the Childrens Law Project of Hawai'i that is a non-profit "service provider" of the court who had a $300,000 contract with the court to provide free or low-cost legal services to children accused of abuse. The applicant also showed that Judge Mahilani Hiatt had a conflict of interest by having both direct and indirect professional relationships with the Hawai'i Child Welfare Social Worker who wrote the report of abuse against the applicant. APPENDIX F is a response from the Hawai'i Commission on Judicial Conduct stating that "appropriate action was taken" against Judge Hiatt.

14. On October 27th, 2023, the applicant filed a second Notice of Unconstitutionality within the Hawai'i DHS hearing case No. CAAP-23-

000067 and again the Notice of Unconstitutionality was turned into a petition for Writ of Certiorari to the Hawaii Intermediate Court of Appeals.

15. On November 1st, 2023, a trial happened in case No. 3fDA-23-0000643 in which the applicant was found innocent of all allegations of abuse (APPENDIX D). During this trial Social Worker Cheryl De Lima tried to testify against the applicant. However, he was able to fend off her false accusations and false report of being a "threat" of "abuse" and "neglect" mostly based on the fact that she has multiple civil rights cases filed against her for gender discrimination as well as the fact that she is not properly trained at a collegiate level to determine abuse as the applicant is as a registered nurse, and most importantly because he actually is innocent of all accusations.

16. On November 16th, 2023, Judge NG then simply reordered the illegal orders ordered on August 15th, 2023, in case No. 3FDA-23-0000643 into case No. 3FDV-22-0000801 when the respondent Tamara Louise Robinson filed the original determination of abuse from case No. 3FDA-23-0000643 and that report was once again used to remove the applicant's son from his custody. And to this day the applicant still does not have custody of his son or even the ability to speak to him. The written orders in that case were filed on November 22nd, 2023.

17. On December 21st, 2023, the applicant filed a third Notice of Unconstitutionality with the Hawaii 3rd Circuit Court and they refused to file

it. They forced the applicant to send the application into the Hawaii State Supreme Court through the U.S.P.S. who received it on December 29th, 2023 (APPENDIX A). They requested that I send in a letter explaining exactly what I wanted. I sent a 2-page letter explaining that I was seeking a Notice of Unconstitutionality (APPENDIX N). The Hawaii State Supreme Court instead of granting me a Notice of Unconstitutionality granted the applicant a petition for Writ of Certiorari.

18. On January 21st, 2024, the applicant requested a Motion for Stay Pending Appeal in which he filed more than 700 pages of evidence in what he believes proves the state of Hawai'i is in violation of defrauding the government 18 U.S.C. § 371, racketeering 18 U.S.C. § 96, obstructing justice 18 U.S.C. § 1503, retaliating against witnesses 18 U.S.C. § 1512, and witness tampering 18 U.S.C. § 1513.

19. On February 2nd, 2024, (APPENDIX A) The Hawaii State Supreme Court stated that they had "no jurisdiction" over his case due to the orders "appealed from" being "interlocutory orders" and remanded the case to the Hawaii Intermediate Court of Appeals case No. CAAP-24-0000066 which was opened the same day (APPENDIX B).

20. On February 7th, 2024, the Hawai'i Intermediate Court of Appeals also stated that they had "no jurisdiction" over the case and closed the case (APPENDIX B). However, since the orders "appealed from" were carried over from case 3FDA-23-0000643 (APPENDIX E) into case No. 3FDV-22-0000801

(APPENDIX D) they were not "interlocutory orders" and were in fact orders from case No 3FDA-23-0000643 in which a final judgment was rendered that the applicant was innocent of all charges.

REASONS FOR GRANTING THIS PETITION FOR WRIT OF CERTIORARI

Certiorari is warranted for four reasons. First, this case has a very high precedential value in that the state of Hawai'i unknowingly, but rightfully granted this Court jurisdiction over this case in using federal law to enact state divorce law and the state's ability to act in the "best interests" of children in divorce proceedings and then refused to allow the applicant to challenge those laws after he has filed 3 Notices of Unconstitutionality. Second the state has openly and admittedly removed any federal or constitutional liberty or due process interest and rights and lowered the burden of proof from a "beyond a reasonable doubt" required under federal and constitutional statute to a "preponderance of evidence" allowing hearsay alone to be used to violate the 4th, 5th, and 14th amendments. Third, the state has then allowed children to decide their own future in violation of this Court's precedents to allow parents to act in the "best interests" of their children as well as the laws it used to set up its divorce laws. Fourth, This case is an ideal vehicle for rewriting the family court system.

1. I. The State of Hawai'i abandoned its jurisdiction and state sovereignty in Domestic Relations and family court law when they willingly accepted federal grant funding that forces them to follow federal law. How then can the state of Hawai'i enact "best interest" laws in family courts when they

have given up their jurisdiction and state sovereignty to the federal government by accepting federal grant funding that determines family law when those federal laws force them to follow U.S. Supreme Court Precedent and Federal Law that have already defined when a state may act in the "best interest" of a child and then refuse to allow a citizen to file a Notice of Unconstitutionality to challenge those laws?

The state of Hawaii used 42 U.S.C. § 5100-5106 (Child Abuse Prevention and Treatment Act) and 42 U.S.C. § 672 and § 671 (Social Security Act Title IV-E) to determine when a child should or should not be placed with a parent and or separated from that parent in Hawai'i Revised Statute (HRS) § 587A, HRS § 586, and HRS § 571-46. In doing so it granted the federal government jurisdiction over the state's ability to act in the "best interest" of children through grant funding requirements, in doing so the state of Hawai'i has already granted this Court jurisdiction over this case. However, in doing so the state of Hawai'i also removed any and all federal and constitutional protections that are written into 42 U.S.C. § 5100-5106 and 42 U.S.C. § 672 and § 671 that a family and children have in violation of the 4th, 5th, 6th, and 14th amendments as well as this Court precedents and those laws themselves.

Constitutional law protects a citizen's rights. Federal case precedent and federal law do as well. And 42 U.S.C. § 5100-5106 and 42 U.S.C. § 672 and § 671 are constitutionally sound, pass the "strict scrutiny" test, use the proper burden of

proof, and protect a parent's rights to their children and to raise their children. HRS § 587A, HRS § 586, and HRS § 571-46 do not.

The state of Hawai'i has openly admitted in APPENDIX's I, J, K, and L that its laws are out of compliance with federal law and federal grant funding requirements and that it only created the laws to get federal grants and not to protect children and yet still does not allow citizens to challenge those laws as the applicant has tried to do. If a state can openly admit that it is not following the law and then use the awesome power of the state to stop citizens from trying to challenge the law, then what is the point of having law at all? And if the state agents are protected from any and all recourse no matter how illegal or egregious their actions are, knowing that they are breaking the law, then why must citizens follow the law?

The applicant has followed the law without fail and he has been falsely prosecuted, had his son taken away, had his name destroyed, and no matter who he tells or what state agencies he complains to no one cares. How is that legal? The applicant filed numerous motions to dismiss, numerous motions for a stay, and 3 separate Notices of Unconstitutionality and the state simply moves forward with removing his rights no matter how much evidence he provides proving that he is innocent, and the respondents are guilty. How is that legal?

I believe that I have proven in this case that the state of Hawai'i purposely enacted federal law through 42 U.S.C. § 5100-5106 and 42 U.S.C. § 672 and § 671 not to protect children but to defraud the federal government in violation of 18

U.S.C. 371, racketeer in violation of 18 U.S.C. 96, obstruct justice in violation of 18 U.S.C. 1503, Retaliate against witnesses in violation of 18 U.S.C. 1512, and tamper with witnesses in violation of 18 U.S.C. 1513. And I believe that I have proven that using their own illegal actions, their own state documents, and through this case in which the Hawai'i state Supreme Court purposely stated that they had no jurisdiction over this case due to the orders being "interlocutory orders" when in fact those orders where carried over from case 3FDA-23-0000643 into case 3FDV-22-0000801 in which a final determination was made (APPENDIX D). And the applicant believes they did so in order to retaliate against the applicant for exposing the crimes of the state.

II. How can a state use a simple "preponderance of evidence" to act in the "best interest" of children when U.S. Supreme Court precedent, the constitution, and federal law clearly call for a burden of proof of "beyond a reasonable doubt" for a state to act in the "best interest" of a child?

The constitution, federal case precedent, and federal law all use a burden of proof of "beyond a reasonable doubt" when acting in the "best interest" of children. However, HRS § 587A, § 586, and § 571-46 which are based on federal law in order to gather federal grant funding only use a burden of proof of "preponderance of the evidence". How is this possible? By allowing family courts to separate children from parents using only a "preponderance of the evidence" this allows states to use "hearsay" or false allegations to deny citizens their rights which does not pass the "strict scrutiny" test.

Court falsifies documentation and literally re-writes the published minutes in order to cover up their crimes and not have to be responsible if a citizen has the audacity to file an appeal or Notices of Unconstitutionality. How is that legal?

III. How can a state allow a child below the age of 18 to act in their own "best interest" when federal and state law clearly states that a child is a child and cannot act in their own "best interest" until they reach the "age of majority" of 18?

6 federal and state statutes including Social Security Act Title IV-A, B, D, and E which these laws are based on as well as 42 U.S.C §§ 5101-5106, and (HRS) § 577-1 state that a child is a child until they reach the age of majority of 18 and therefore cannot act in their own "best interest" until so. Federal case statute *Parham v. J.R., 442 U.S. at 602 (1979)* states that "The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience and capacity for judgment required for making life's difficult decisions." And unless a parent has been found "unfit" through a trial that includes a "finding of facts" or a "conclusion of law" then how can a court usurp a parents right to make decisions for their children and allow a child to act in their own "best interest" in violation of that parents' wishes?

IV. The family court system is broken. No one will deny that. It has separated millions of children from their parents. It has wasted billions of dollars in federal funding. And it has denied every citizen who enters its system their constitutional and federal rights. All so it can fraudulently gather federal grant funding. It is time for change. And this case presents the perfect vehicle for that and allows this court

finally be restored, and parents finally have the ability to legally defend themselves and their rights to their children.

I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Dated this 28th, of June 2024 Hilo, Hawaii

Daniel Scott Robinson

/s/ Daniel Scott Robinson

Daniel Scott Robinson Pro Se Litigant

Respectfully Submitted,

Daniel Scott Robinson
233 Punahele Street
Hilo, Hawaii 96720
(808) 498-7234
Daniel.robinsonrn@hotmail.com
Pro Se Litigant

Anne E. Lopez
Attorney General of Hawai'i
Department of Attorney General
State of Hawai'i
425 Queen Street
Honolulu, Hawai'i 96813
(808) 586-1500
(808) 586-1239 (Fax)
Email Unknown

Pro Se Litigant

Attorney for State of Hawaii

Tamara Louise Robinson
16-2131 Sandalwood Drive #81989
Pahoa, Hawai'i 96778
(707) 683-9825
Tamararobinson1313@gmail.com

Pro Se Litigant