



25-7385

IN THE SUPREME COURT OF THE UNITED STATES

SARAH YENCHA,
Petitioner

v.

JOSEPH RAMSDELL,
Respondent

On Petition for a Writ of Certiorari
to the Supreme Court of New Hampshire

PETITION FOR A WRIT OF CERTIORARI

Sarah Yench
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Dated: 5-5-26

QUESTIONS PRESENTED

The Fourteenth Amendment protects the fundamental right of parents to the care, custody, and control of their children. This Court has long recognized that the State may not interfere with that liberty interest without adequate procedural protections and evidence demonstrating that the parent is unfit or that the child faces a risk of harm.

In this case, a state family court issued temporary and ex parte custody orders removing a minor child from the Petitioner's care. The court expressly found that the Petitioner was not mentally ill, not unfit, and not a danger to the child, yet continued to restrict the Petitioner's parental rights "out of an abundance of caution" without evidence-based findings of harm. The state's highest court denied discretionary review.

The questions presented are:

1. Whether a state family court violates the Fourteenth Amendment's Due Process Clause when it continues ex-parte and temporary custody orders restricting a parent's fundamental custodial rights without issuing evidence-based findings of fact or rulings of law, even after expressly finding the parent is not mentally ill, not unfit, and poses no danger to the child.
2. Whether a state family court violates the First and Fourteenth Amendments by restricting a parent's custodial rights based on protected religious speech, including communications intended to comfort the child, absent any evidence that the speech causes harm.

LIST OF PARTIES

All parties appear in the caption of this case.

Petitioner:

- Sarah Yencha, mother of the minor child.

Respondent:

- Joseph Ramsdell, father of the minor child.

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TABLE OF AUTHORITIES

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- TROXEL V. GRANVILLE, 530 U.S. 57 (2000) – Recognizes parental custody as a fundamental liberty interest protected by the Fourteenth Amendment.
- SANTOSKY V. KRAMER, 455 U.S. 745 (1982) – State may not terminate parental rights without proof of unfitness; due process requires clear evidence.
- STANLEY V. ILLINOIS, 405 U.S. 645 (1972) – Noncustodial parents cannot be deprived of custody absent adjudication of unfitness.
- MEYER V. NEBRASKA, 262 U.S. 390 (1923) – Recognizes parental authority over education and child upbringing as a protected liberty interest.
- PIERCE V. SOCIETY OF SISTERS, 268 U.S. 510 (1925) – States may not interfere arbitrarily with parents' right to direct their children's upbringing.
- WISCONSIN V. YODER, 406 U.S. 205 (1972) – Court protects parental decision-making grounded in sincere religious belief.
- WEST VIRGINIA STATE BOARD OF EDUCATION V. BARNETTE, 319 U.S. 624 (1943) – The State may not coerce or punish individuals for their sincerely held beliefs or religious expression.

CONSTITUTIONAL PROVISIONS

- U.S. CONSTITUTION, AMENDMENT XIV, §1 – DUE PROCESS CLAUSE
- U.S. CONSTITUTION, AMENDMENT I – FREE EXERCISE AND FREE SPEECH CLAUSES

STATUTES (Federal)

- 28 U.S.C. §1257(a) – Grants Supreme Court jurisdiction to review state court decisions raising federal questions

STATUTES (New Hampshire)

- RSA 461-A:9
- RSA 169-C:6-b
- RSA 173-B:24

OPINIONS BELOW

The order of the New Hampshire Supreme Court denying discretionary review of the lower court's temporary and ex-parte custody orders was entered on March 5, 2026. See Appendix A.

The ex-parte orders issued by the Brentwood Family Division, 10th Circuit, New Hampshire, were entered on November 24, 2025. An ex-parte hearing occurred on December 1, 2025, and on December 2, 2025, the Family Division entered temporary orders continuing the restrictions on the Petitioner's custodial rights "out of an abundance of caution." These temporary orders remain in effect as of the date of this petition.

No other opinions, findings, or rulings addressing the constitutional issues raised herein have been issued by the New Hampshire Supreme Court.

JURISDICTION

The judgment of the New Hampshire Supreme Court denying discretionary review of the Brentwood Family Division's temporary and ex-parte custody orders was entered on March 5, 2026. See Appendix A.

This Court has jurisdiction to review the judgment of the state court under 28 U.S.C. §1257(a), which provides that final judgments or decrees rendered by the highest court of a State in which a decision could be had may be reviewed by the Supreme Court of the United States where federal questions are involved.

The present petition presents important questions under the U.S. Constitution, including the Due Process Clause of the Fourteenth Amendment and the Free Exercise and Free Speech Clauses of the First Amendment. This petition is timely because it is filed within 90 days of the March 5, 2026 judgment of the New Hampshire Supreme Court.

CONSTITUTIONAL PROVISIONS INVOLVED

This petition presents questions arising under the Constitution of the United States, specifically:

U.S. CONSTITUTION, AMENDMENT XIV, §1 – DUE PROCESS CLAUSE

“No State shall deprive any person of life, liberty, or property, without due process of law.”

- The Petitioner’s fundamental liberty interest in the care, custody, and control of her child is protected under the Due Process Clause. Temporary and ex-parte orders restricting her custodial rights without evidence-based findings or legal justification violate this constitutional protection.

U.S. CONSTITUTION, AMENDMENT I – FREE EXERCISE AND FREE SPEECH CLAUSES

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech...”

- The Petitioner’s communications with her child containing religious reassurance grounded in sincerely held Christian beliefs are protected under the First Amendment. Continued restriction of parenting time based on speculative concerns arising from these communications constitutes a violation of her freedom of religious expression.

STATEMENT OF THE CASE

The Petitioner, Sarah Yench (Condict), is the mother of the minor child. She has been the child's primary caregiver and primary attachment figure.

On November 21, 2025, the Respondent, Joseph Ramsdell, violated final orders from a mediated parenting plan by removing the minor child from school and withholding him during the Petitioner's scheduled parenting time. This action occurred after the Respondent relied on false information provided by third parties and refused the Petitioner's request to meet and discuss reasonable accommodations to the parenting plan. The requested accommodations were necessary due to ongoing violations of a final restraining order involving the other co-parent of the Petitioner's younger child and the Petitioner's lawful exercise of her rights under New Hampshire law to seek domestic violence shelter with her children.

On November 24, 2025, the Brentwood Family Division of the New Hampshire 10th Circuit Court issued ex-parte orders suspending the Petitioner's parenting time and restricting her custodial rights. The orders were issued without findings of abuse, neglect, or immediate danger to the child.

An ex-parte hearing was held on December 1, 2025. On December 2, 2025, the Family Division entered temporary orders continuing the restrictions on the Petitioner's custodial rights "out of an abundance of caution". These temporary orders remain in effect as of the filing of this petition.

In its December 2 order, the court acknowledged that the Petitioner testified she was not a danger to herself or to her children. The court record also reflects that there were no findings of mental illness, psychosis, or impairment affecting the Petitioner's parenting capacity. Therapy records from the Petitioner's treating provider confirm the absence of mental illness and indicate that the Petitioner did not require further therapy.

Despite these findings, the court continued restrictions on the Petitioner's parenting time pending an additional psychological evaluation requested by the Respondent. The restrictions were based in part on concerns regarding text messages sent by the Petitioner to her child containing religious reassurance grounded in her sincerely held Christian beliefs.

The continuation of these restrictions has disrupted the child's relationship with the Petitioner. A prior neuropsychological evaluation identifies the Petitioner as the child's primary attachment figure and notes the risk of harm that may result from disruption of that attachment relationship.

The Petitioner submitted an ex-parte motion to the court on 12/22/25 with exhibits attached displaying the inaccuracy of false reports made by third parties that led to the child's removal from the home.

The Petitioner filed a Motion for Findings of Fact and Rulings of Law on January 5, 2026, requesting that the court identify the statutory and evidentiary basis for the continued restrictions, including First and Fourteenth Amendment considerations. The court denied this motion on January 13, 2026, without explanation, leaving the Petitioner's rights unresolved.

The Petitioner sought appellate review in the New Hampshire Supreme Court through a Petition for Writ of Certiorari. On March 5, 2026, the New Hampshire Supreme Court denied discretionary review of the lower court's temporary orders (App. A).

The Petitioner filed an additional ex-parte motion on 3/9/26, with exhibits attached displaying imminent risk of harm to the child's mental health due to prolonged separation without cause. This was denied without explanation or a hearing.

As a result of these rulings, the Petitioner remains subject to ongoing restrictions on her custodial rights without findings of abuse, neglect, or immediate danger to the child. These orders continue to interfere with the Petitioner's fundamental liberty interests and protected religious expression.

REASONS FOR GRANTING THE WRIT

This case presents an important constitutional question regarding the circumstances under which a court may suspend a parent's custodial rights without findings of abuse, neglect, or immediate danger to the child. The orders below restrict the Petitioner's relationship with her child despite findings acknowledging that she was not a danger to herself or her children and despite documentation confirming the absence of mental illness. The restrictions were imposed in part based on concerns arising from religious messages sent by the Petitioner to her child. Review is warranted to ensure that temporary custody proceedings comply with the Due Process and First Amendment protections guaranteed by the Constitution.

I. THE DECISION BELOW CONFLICTS WITH THIS COURT'S PRECEDENT PROTECTING FUNDAMENTAL PARENTAL RIGHTS.

This Court has repeatedly recognized that parents possess a fundamental liberty interest in the care, custody, and control of their children. See *Troxel v. Granville*, 530 U.S. 57 (2000); *Santosky v. Kramer*, 455 U.S. 745 (1982); *Stanley v. Illinois*, 405 U.S. 645 (1972). These decisions establish that the Due Process Clause of the Fourteenth Amendment protects the relationship between parent and child from unwarranted government interference.

The orders at issue in this case suspended the Petitioner's parenting time through ex-parte proceedings and continued those restrictions without findings of abuse, neglect, or immediate danger to the child. The court's own findings acknowledged that the Petitioner testified she was not a danger to herself or to her children and that the record did not establish mental illness or impairment affecting her parenting capacity.

Despite these findings, the court continued to restrict the Petitioner's custodial rights pending a psychological evaluation requested by the Respondent. The continuation of these restrictions without evidentiary findings of harm conflicts with this Court's longstanding recognition that parental rights are among the most fundamental liberty interests protected by the Constitution.

II. THE ORDERS BELOW RESTRICT RELIGIOUS SPEECH BETWEEN PARENT AND CHILD IN VIOLATION OF THE FIRST AMENDMENT.

The restrictions imposed by the lower court were based in part on concerns arising from text messages sent by the Petitioner to her child that reflected her sincerely held Christian beliefs and offered religious reassurance.

The First Amendment protects the free exercise of religion and the freedom of speech. This Court has repeatedly recognized that the government may not penalize individuals for the expression of sincerely held religious beliefs absent a compelling justification. See *Wisconsin v.*

Yoder, 406 U.S. 205 (1972); West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943).

Communication between a parent and child regarding matters of faith and religious belief lies at the core of both the First Amendment and the liberty interests protected by the Fourteenth Amendment. Restrictions on such communication raise serious constitutional concerns, particularly when imposed without findings that the speech poses any risk of harm to the child.

Review is warranted to clarify the constitutional limits on government action that restricts religious expression within the parent-child relationship.

III. THIS CASE PRESENTS AN IMPORTANT CONSTITUTIONAL QUESTION REGARDING EX-PARTE CUSTODY RESTRICTIONS WITHOUT EVIDENCE OF HARM.

Ex-parte custody orders are intended to address situations involving immediate risk of harm to a child. When such orders are issued and then continued without evidentiary findings of abuse, neglect, or danger, the resulting restrictions raise serious due process concerns.

In this case, the ex-parte orders issued on November 24, 2025 suspended the Petitioner's parenting time without findings of abuse or neglect. The subsequent temporary orders continued those restrictions "out of an abundance of caution," despite acknowledging the absence of mental illness or danger.

The resulting restrictions have disrupted the relationship between the Petitioner and her child despite professional documentation identifying the Petitioner as the child's primary attachment figure and noting the risk of harm that may result from disruption of that attachment.

Despite the Petitioner's request for findings of fact and rulings of law, the lower court denied her motion without explanation, leaving unresolved both statutory and constitutional issues. This procedural failure prevents meaningful appellate review and creates a precedent allowing state courts to deprive parents of custodial rights absent factual or legal justification.

This case presents an opportunity for the Court to clarify the constitutional protections that apply when courts impose severe parental restrictions through temporary or ex-parte proceedings without evidence of harm.

IV. IMMEDIATE REVIEW IS WARRANTED BECAUSE THE ORDERS CONTINUE TO CAUSE IRREPARABLE HARM TO A PARENT-CHILD RELATIONSHIP.

The orders at issue remain in effect and continue to interfere with the Petitioner's relationship with her child. This Court has recognized that interference with the parent-child relationship constitutes a profound deprivation of liberty.

The ongoing disruption of the Petitioner's role as the child's primary attachment figure presents a risk of lasting emotional harm to the child. Because the challenged orders remain in force, the constitutional issues presented by this case are ongoing and cannot be fully remedied after the fact.

Review by this Court is therefore warranted to protect the constitutional interests at stake and to clarify the limits of governmental authority in restricting parental rights and religious expression.

V. FAILURE TO FOLLOW STATE STATUTORY PROTECTIONS

The court disregarded key New Hampshire statutes designed to safeguard children and parents:

RSA 461-A:9 — emergency or ex-parte restrictions may only be imposed if immediate and irreparable harm would occur before a full hearing.

RSA 169-C:6-b — courts must issue findings regarding the child's welfare and reasonable efforts to prevent removal.

RSA 173-B:24 — protects domestic violence victims and their children, affirming their rights to seek safety and shelter.

The continued enforcement of restrictions in clear violation of these statutes reinforces the federal constitutional concerns and demonstrates a systemic failure warranting Supreme Court review.

CONCLUSION

The lower courts' continued enforcement of ex-parte and temporary custody orders has deprived the Petitioner of her fundamental liberty interest in the care, custody, and control of her child without evidence-based findings of fact or rulings of law. The courts acknowledged that the Petitioner is not mentally ill, not unfit, and poses no danger to the child, yet imposed ongoing restrictions based on speculative concerns and religiously motivated communications with her child. This failure to provide procedural safeguards or to respect the Petitioner's First and Fourteenth Amendment rights underscores the need for this Court's review.

Moreover, the Petitioner remains the primary attachment figure for the child, and the prolonged disruption of that relationship presents a risk of irreparable harm. The lower courts ignored statutory protections intended to safeguard both children and parents, including those applicable to domestic violence survivors. The questions presented are of profound national importance, as they implicate the constitutional limits on state interference with parental rights, religious expression, and procedural due process.

For the foregoing reasons, the Petitioner respectfully requests that this Honorable Court:

1. Grant this Petition for a Writ of Certiorari;
2. Review the legality of the continued enforcement of ex-parte and temporary orders restricting the Petitioner's custodial rights;
3. Determine whether the lower court exceeded its statutory authority by continuing emergency restrictions absent evidence of immediate and irreparable harm;
4. Issue such temporary or other relief as necessary to restore the Petitioner's custodial and decision-making rights pending review; and
5. Grant such other and further relief as justice may require.

Respectfully submitted,



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