

Supreme Court, U.S.
FILED
FEB 16 2026
OFFICE OF THE CLERK

No. 25-889

IN THE SUPREME COURT OF THE UNITED STATES

GENA GREEN,
Petitioner

v.

ALLEGHENY COUNTY OFFICE OF CHILDREN, YOUTH AND FAMILIES, et al.,
Respondent

On Motion for Stay of Proceedings of the Petition, for a Writ of Certiorari to the
Pennsylvania Superior Court of Appeals

To the Honorable: Samuel A. Alito Jr.

Gena Green *-pro se*

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SUPREME COURT, U.S.

To the Honorable Samuel A. Alito Jr., as Circuit Justice for the 3rd Circuit of the United States:

Pursuant to Rules 21, 22, 23, and 33.2 of this Court, the petitioner is respectfully filing a motion requesting to Stay the Proceedings of her petition for writ of Certiorari. This request is being made on the grounds of; new evidence which changes the legal landscape of the matter before this Court but does not affect the questions before this court has come to light and the withdrawing of the minor, M.G.'s attorney. M.G.'s attorney noticed to the petitioner in late December of 2025. This new evidence is a new Delinquency proceeding, which was created by a State-Created Danger from the decision on appeal with this Court and this further shows the original Pennsylvania decision was on an inaccurate understanding of the risks involved. This new evidence and delinquency proceeding does not change the legal questions presented, but it enriches the record by offering a more comprehensive factual narrative for this Court's analysis. These findings are ancillary to the questions presented, they add to the surrounding facts, providing a clearer context without creating new legal issues. Finally, while it is understood this Court is not a fact-finder, this evidence is merely illustrative or contextual, not new, contentious proof that would require returning to a trial court. This evidence does not violate the rule against introducing new information on appeal, but rather it enchases the understanding of the record already made.

To remand the case would do irreparable harm to the petitioner due to the following. The agency put the petitioner on the Child Abuse registry unlawfully.

After the Superior Court upheld the lower courts decision without interpreting and expounding on the law, saying the legality of the issue at hand was irrelevant. The agency then, one year after the adjudication was finished, with no new incidents changed the Child Abuse report to founded. This status means the petitioner can not appeal it, the only chance to overturn it is if the original adjudication is overturned. The petition before this Court is the only chance to overturn the Child Abuse finding, since this is the appeal of the original adjudication. The petitioner has put the child abuse report appeal on Stay on October 30, 2025, pending the outcome of the determination of the petition, which is on appeal before this Court. The petitioner will include the motion for stay, the Brief included with the motion for stay for the ChildLine appeal and the approval of the stay by the court. (Exhibit A, B and Exhibit C)

Furthermore, in the Questions Presented before this Court is the violation of *Marbury v. Madison*, 5 U.S. 137 (1803), judicial review, when the lower court and the Superior Court failed to interpret and expound on the law. Both courts apparently just ruled the way they decided without providing proper interpretation and legal backing of how they came to their determination. The petitioner was arguing how she was within her legal rights and they did not show otherwise. If this were to be sent back down to the lower court before it is looked at by this Court the petitioner's rights would further be violated and cause further irreparable harm to the petitioner and her family in the process.

“Capable of Repetition, Yet Evading Review”
Whole Women's Health v. Jackson, 595 U.S. 30 (2021)

. The questions for Certiorari are all important and warrant this Court's review since they are, "capable of repetition yet evading review." Even if M.G. had not been taken or adjudicated in this case, all of the above questions still could have happened to the family and could happen again. These issues can cause significant harm to a family and violate their rights. The Questions Presented in this case hinge on larger systemic agency and court system failures, as such the Accardi violations happened in two different cases and the Marbury v. Madison, violations happened in two different courts. Moreover, they can happen anywhere in this country at any time and the next time they happen the outcome could be much worse for the family. These questions warrant this Court's review to clarify what the constitution expects from these agencies and courts in these situations. This will help protect the citizens of this country and help prevent the repetition of these errors in the future. **This Court has previously held that if a dispute becomes technically moot, it will not dismiss a case if the wrongful behavior is likely to recur. While this case is not moot but is very likely to reoccur, this case needs to be reviewed by this Court to protect the Constitution.** (*Whole Women's Health v. Jackson*, 595 U.S, 30 (2021))

Stay vs. Remand?

The petitioner is asking this Court for a stay in this petition for writ of Certiorari, until the newest CYF investigation and new lower court delinquency proceedings are decided., These new proceedings were triggered by the State-Created Danger, which was caused as a result of the initial CYF investigation and resulting

dependency ruling that is on appeal with this Court. To grant this stay will ensure the petitioners due process rights are protected, and allow the delinquency court to evaluate this new evidence that supports the petitioner's claim regarding her child's behavior and safety. As well as, to allow this Court to evaluate the significant questions of importance to society before the Court with the most accurate information possible. This pause allows for comprehensive investigation of the child's conduct and the State-Created Danger which allowed the behavior to get out of control. When the delinquency case is complete, this Court will be able to review the records of both the delinquency and dependency cases together as one, when deciding whether to grant Certiorari. This stay is being requested so this Court will have the "complete" factual information, to be able to most accurately review the case and come to a decision that will ensure to strengthen and uphold the values of the constitution.

This case should not be remanded to the lower court, as this will cause irreparable harm to the petitioner and the new case does not change the facts or procedures of the Questions Presented in the case before this court. The delinquency only brings forth new evidence from the State-Created Danger that helps to support the petitioners claims from the original case; it does not affect any of the fundamental procedures which were violated in the original case. This Court should not remand this case and should review this case to consider granting Certiorari in this matter.

This case is likely to be granted Certiorari by this court if it is reviewed. This case has Significant Questions of imperative notational concern thar are very important to society. These issues are happening every day all across this country.

As a direct result of the concerns being brought by the petitioner, these concerns (ex. the Accardi Doctrine), can block the ability to appeal to protect your rights. This can happen when: (the petitioner has been blocked or attacked the whole way. This is what actually happened with the petitioner, try to fight this injustice)

- the court violates the law and does not inform you of your right to appeal (violation of state law)
- the Respondent keeps attacking you in court saying you should not get your child back because of your defense in your appeal (which is your right) (against G.A.L laws governing ethics)
- your attorney or your spouse's attorney directly tells you that you cannot appeal the dependency courts decision.
- during appeal the G.A.L. put in a document that the mother needed to get out of the court and take care of her mentally ill child. (against G.A.L. laws governing ethics)

This is one example of the Accardi Doctrine, the above violations by the court, (there were many other violations in this case) the agency and the attorneys can make it so the families are not able to exercise their right to appeal an unconstitutional and unjust decision. The significance is, while the violations in this petition are happening all the time in this country, most parents do not have the money or the ability to bring these concerns before this Court for review and ultimate clarification and correction of these injustices. In too many cases, the agency's unconstitutional behavior goes uncontested, potentially causing repeat violations since there is no accountability. This is not because they did not do anything wrong it is simply because the family was unable to fight the injustice. This agency violated the Accardi

Doctrine in a previous case against the petitioner's family that ended three months before the start of the case before this Court. Then in another family's case in Allegheny County, that was going on around the same time, the Accardi Doctrine and Fourteenth Amendment questions were violated as well, and that case also had a significant discrimination claim as well.

This new delinquency case was caused by State-Created Danger under the State-Created Danger Doctrine. The agency came in with no investigation acting in a biased and prejudicial way and immediately ordered them to family they could not use their safety plan. No harm ever came to the child and he was not in imminent danger. This safety plan was keeping the child in control; and the home and the child safe. The child testified he wanted to use the safety plan and that he was happy in his home at fourteen-years-old. The state decided they did not like the plan and informed the family, they could not use it anymore. Twelve days after M.G. was returned home he assaulted his mother resulting in a concussion. He then went to a Residential Treatment Facility for one and a half years. When he was released, again after twelve days he committed a vicious assault on someone else in the home, resulting in a broken shoulder. This is what brought on this most recent delinquency.

If the state had not interfered in this petitioner's fourteenth amendment rights, the petitioner would have been able to control their unique situation at home. Their child would not have been out of the home for the six months he was in state custody, then the year and a half that he was in the hospital. He would have been able to remain in his home and work on his mental health from home, those removals

caused him more damage to his already fragile mental health. Additionally, despite the damage from the out of home removal, we now have two people who were seriously hurt and the child now has a criminal record. The safety plan never hurt the child. The agency not taking the time to understand the safety plan and help the petitioner with it or when the child said he wanted it, simply leaving the situation alone. The petitioner had an expert who testified, the parents were doing it safe and said it should be allowed to continue. (App 87-89, 92-95, 128-134, 137-141) As well as, a mental health professional, who signed off on the new safety plan and was in agreement with it, he had fifty-years' experience. (App 97-101, 105-110, 112-122) The agency reported the mental health therapist to the child abuse registry, for testifying in support of the petitioner's safety plan. (App 167). Despite all of this information and the fact that it was part of his mental health treatment plan. The agency still violated the petitioner's parental rights and forced the petitioner to cease the usage of this method, which helped M.G. to remain safe and calm.

This Court should not remand this petition because the questions the petitioner is bringing before this court are of an Imperative National Significance. They are all very important situations for this Court to rule on, which help to protect parental rights against agency abuses, farther than ever before. This is why this petition should be reviewed by this court and not remanded to back to the lower court:

- **The Accardi Doctrine – (*Accardi v Shaughnessy*, 347 U.S, 260 (1954) – Long Standing Recurring Issue of Constitutional and civil rights abuse - This Court does not currently have any recent precedent that directly**

connects the Accardi Doctrine to the Courts affirming Child Welfare agencies and the Courts ignoring of their own laws. The agency and lower court violated seventeen of their own state laws, two Federal laws, two constitutional provisions and multiple of this Courts long-standing precedents. Additionally, the Accardi doctrine currently is the subject of circuit splits. Certain circuits do not acknowledge this doctrine, others require the violation to have prejudiced the party and other circuits accept it as is. Having such a broad interpretation to a Doctrine that is very important, is leading to unequal application of the laws across the county. The Accardi Doctrine is a very important precedent of this court that if clarified by this court and upheld could help hold agencies accountable to follow the laws on the books before them, as well as the courts. Just as the Chevron Doctrine was determined to be unconstitutional because executive agencies should not be interpreting their own laws, the Accardi Doctrine should be strengthened and upheld in regards to Child Welfare agencies and the Courts because when they do not follow their laws it can result in significant constitutional violations on the public. This matter needs review by this Court, to help protect the children and parents across this country. *This is a very significant issues for this Court to review.*

- ***Marbury v. Madisson* – (*Marbury v. Madison*, 5 U.S. 137 (1803) – – established doctrine that the Supreme Court is the final interpreter of the law – if lower court(s) fail to interpret or apply its own law, the Supreme Court has the duty to clarify and enforce the law under the**

framework established in 1803. This Court needs to review the precedent of this Court, in direct relation to the dependency case. In this case and in many dependency cases the core component is the Fundamental Rights of Parents afforded under the Fourteenth Amendment of the Constitution. In the petitioner's case, the lower court violated the Accardi Doctrine and Marbury v Madison when it failed to interpret and expound on the law. This harmed the petitioner because she did not understand why he was actually adjudicated. It was brought up in court when the petitioner addressed it in the appeal, but the court still never actually did interpret and expound on the law (App 54) . The court never stated what allegation in the petition was supported and what evidence was used to support this allegation. The tether was the main allegations and it was not abusive and was withing the parents fundamental rights especially since the child consented. Then when the appeal got to the Superior Court, this court failed to interpret and expound on the law as well and it was taken one step further here when this court claimed, "The legality of the tether is irrelevant because M.G. "could" have been adjudicated anyway."(App 26) This is astonishing to see am upper court make a claim such as this. This question needs to be reviewed by this court to address the significant concern of the "Courts" acting outside of their laws and not interpreting the law. The lower court and the Superior Court ignored the principle of the precedent.

The actions of these courts in choosing to not interpret the law, was a choice to ignore their obligations to the law, not a harmless error. If this conflict is not addressed by this court, it will leave a precedent at the state level that undermines the legal system. This error was a judicial procedural error, an error of law, a judicial abuse of discretion and it impacted fundamental fairness. For a court to assert someone is guilty or adjudicated with no explanation, would be ignoring its legal authority and duty. To clarify this precedent will help to ensure that many individuals constitutional rights are protected going forward, as well as preventing random unjustified and unfounded rulings by the court. *This is a very significant question for this Court today.*

- **Fourteenth Amendment – Novel Question of First Impression** - This Court has multiple Fourteenth Amendment case precedents, that it has already decided on, but **this Court has not ruled on Unlawful Removal by Judicial Deception**, which amounts to a warrantless removal. The petitioner could only find a California law to support this claim for case law, in the court. If this Court clarity's this issues it will give everyone across the county clear law to support their case, in the event of a warrantless removal by Judicial Deception. In this case the agency used false, incomplete and missing information, in the application they used to obtain the removal order. Then in the Shelter Care they continued this with false, incomplete and missing information and the Court believed the agency over the parents. This resulted

in M.G. being removed from the home, with no showing of imminent danger or actual or alleged harm to the child. The agency even admitted to using hearsay.

There also was not any required showing of evidence to obtain the removal order or to keep him out of the home. The agency's word was good enough. This situation was a unique situation that is not well understood by people and the courts should have used the Strict Scrutiny test and the Matthews Standard to determine if a removal was necessary. There was never any showing, finding or allegation from the child of injury or pain.

Despite a person's feelings CYF must act impartially under the law, and does not have the right to act based on bias or fear. Separating a family because they do not like or agree with the methods they are using, when it is within their rights to the control of their child and was not harming anyone, is not acceptable. This topic is very important for this court to review and rule on. The issue before this Court is not about whether "what" the parents chose to do was right but whether the parents were within their Fundamental Parental Rights to "Choose" what they feel is right for their child if they are not hurting him and within the state CPSL laws which was the case here as well. This family had their Fundamental Parental Rights trampled on which created a State-Created Danger and caused the child much more harm in the end. If this Court clarifies case law on this topic, it will help future parents be able to protect and defend their families against this unconstitutional practice by these agencies. This is a very important step to help

protect family integrity and familial association and most important Fundamental Parental Rights.

The petitioner is asking this Court to issue an order to Stay this case pending the outcome of these new developments, which should be resolved and considered before the Certiorari petition is heard. This case before this Court is very important to parents being faced with the child welfare system in this country. A ruling by this Court will help to provide strong protections for families to use in their defense against unconstitutional actions by state actors. This will help to prevent this Court from deciding a legal principle based on an outdated, narrow factual record, while the Pennsylvania Court of Common Pleas is simultaneously addressing new, relevant facts in a delinquency case.

Reasons the Stay are Important to this Case

- The new delinquency case, where the child is accused of crimes may demonstrate that the youth's behavior, not parental neglect, caused the dependency situation. This would directly support the petitioner's arguments, supplementing the initial dependency findings. (there is no need to remand when this new information would just supplement the original case and this case is a result of State-Created Danger)
- If this Court waits until these new proceedings are completed at the state level, this Court would get a more complete record. This Court would be able to consider both the dependency and delinquency cases and the new material evidence from the delinquency case before a final binding decision was issued.

(There is no need to remand the original case, the delinquency case was a direct result from State-Created Danger and it should be allowed to be considered alongside the dependency case.) (this would ensure the parents rights are not deprived)

- Granting a Stay would help prevent irreparable harm from coming to the parents of this county, if they lose out on new binding case law from this court, which could help protect them from the unconstitutional actions of these agencies and courts. Furthermore, it could prevent irreparable harm from coming to the petitioner, resulting from her staying on the Child Abuse registry for life, if her case is not reviewed to help overturn her unlawful placement on this registry.

A stay allows the additional facts from the delinquency to be added to the dependency record, then this Court can review both records (ensuring due process) which will give the most accurate result which is in line with the constitution. This new case does not change any of the Questions Presented in the petition for writ of Certiorari which has been submitted to this Court for review. This new delinquency case only ADDS factual evidence to the first case, which was not allowed to enter the court during the dependency proceeding. This was because, it was asserted that the dependency proceeding was not about the child's behavior but the parents. The parent's claim was that their actions were a result of the child's behavior. M.G. was adjudicated because the parents were using the safety plan because of M.G.'s behavior, when the state removed the safety plan (State-Created Danger) the parents did not have what they needed to protect the child and the home and two people were hurt and the child now has criminal charges.

If this Court remands this case back down to the original Court, this is going to be harmful to the parent's due process rights. Since both the lower court and the appellate court both violated the tenants of Judicial Review under *Marbury v. Madison*. They did not uphold the law as this Court intended it to be upheld, proceeding through this process again could further violate the parent's rights and it could prove the "capable of repetition but evading review" of the mootness doctrine. If that happens then the petitioner may have to work their way all the way back to this Court. significantly delaying due process. The petitioner is trying to move the delinquency hearing to a new county. This is because the significant violations of law and judicial review, which the petitioner experienced during the dependency hearing. Additionally, given the conflict of interest with the current appeal of the decision it is felt it would be better to have a different county looking at this case. Since these issues have not even been reviewed to see if this Court is going to address them and rule on them.

Furthermore, the petitioner filed a Federal Civil Lawsuit against the Allegheny County CYF on January 28, 2026. This lawsuit is not in conflict with the petition in this Court. The civil rights lawsuit is directed at a couple employees on a §1983 Claim and the County for the Monell Doctrine or failure to train, discipline and supervise. It is also a §1985 Class of One Discrimination Claim. The petitioner had to file the lawsuit at this time to meet the statute of Limitations, but the petitioner was going to motion for a stay of this lawsuit, until the petition in this Court is finalized. This will prevent any potential conflicting issues, from the petition with this court.

Due to this lawsuit, this family cannot go back into the courts in Allegheny County or work with Allegheny County CYF, on an investigation due to a conflict of interest. Since this new case is a result of the State-Created Danger from the first case. This new case can validate their errors and validate the case, in this Court and the Federal Court. Either way there was a lot of mishandling of the case the first time around and even more reason to do so this time. The petitioner informed the agency she was going to file a federal injunction on February 12, 2026 if they did not move the case to a new county. On February 11, 2026, the Magistrate Judge “administratively closed” the case due to some missing paperwork (Exhibit D), there was never any attempt to ask the petitioner for this paperwork before the closure. The paperwork was turned in the next day but now the petitioner is unsure when the case may be reopened due to this uncharacteristic closure just before she planned to attempt to put in the preliminary injunctions. There was no communication with the County agency until February 12, 2026, when a worker showed up on the family’s porch and left a note written in sharpie. The petitioner has requested a response in writing which the county absolutely refuses to do. If this case opens back up, the petitioner will submit a motion to stay the case pending the outcome of this Court’s case and will send you a copy of the action when it is carried out.

Another reason to grant a stay of this case is, it directly aligns with a pending bill in Congress at this moment. The motion to Supplement the Record, will show some of the alignment. If this case is reviewed for Certiorari and Granted, this case could have an effect on helping that bill pass in Congress. S.204 119th Congress –

Families Rights and Responsibilities Act. If this act had been passed before our case happened, it might have helped our family have a different outcome. If this case can help that bill to pass, it would give a Federal Law which outlines many of this Court's precedents as well as the Fourteenth Amendment into law. This would help people to access the Federal Courts easier to help protect and preserve their rights if they are being violated at the state level. This will help to preserve more parent's rights while also ensuring that the constitution is being upheld for people, across this country not just in states which have good legal support afforded to them.

M.G., the minor's Attorney Conflict

Furthermore, the attorney that M.G. had notified the petitioner in December of 2025, that she was no longer M.G.'s attorney (Exhibit D). The petitioner filed the initial extension on September 12, 2025 and Ms. Spurr was served with this extension. She never said anything to the petitioner about not being able to be M.G.'s attorney. It was not until the petitioner asked her to please make sure she filed a reply brief after the petition went in, on behalf of M.G. She failed to during the Pennsylvania Supreme court proceedings. The petitioner also sent out a request for an additional extension of time in October of 2025. The petitioner did not hear anything from this attorney until December 11, 2025, informing her that she would not be able to represent M.G. any further in this case. She was the public defender for the lower court proceedings. She did not offer any other options to help M.G.

The petitioner has been looking for another attorney, but she has not been able to find one just yet. Some reasons for not being able to locate one is: the petitioner has been very short on time since the notification. The month after being notified of Ms. Spurr's recusal the petitioner was fighting with M.G.'s hospital trying to prevent a premature and unsafe discharge. This required a lot of meetings with the hospital and trying to prepare for M.G. ultimate arrival back home. Additionally, the petitioner's husband was in a hospital late December and due to error, he was almost killed. This has been a very hard time and emotional consuming issue.

The petitioner was going to try and not request a stay for the attorney and was trying very hard to obtain one as soon as possible. Since this situation happened with the minor M.G. regarding the new CYF investigation and subsequent delinquency hearing which is going to need a stay as well. The petitioner is notifying this Court of the issue regarding M.G.'s attorney as well. This will allow some extra time to locate and obtain an attorney for the minor child. Finally, a stay will allow the most Fundamentally Fair chance for the petitioner, which will also serve to protect her constitutionally protected due process rights. If the parent's fundamental rights had not been violated with the State-Created Danger, this other proceeding would not even be happening at this time.

Conclusion

In the interest of justice, this Motion for Stay of Proceedings of the Petition for Writ of Certiorari should be granted. This stay should be granted until the new CYF investigation and the new delinquency hearing that is resultant from the State-Created Danger is finalized, so this Court can have a full and complete record when they review the case. Ensuring all parties rights are upheld and that this appeal adheres to the Fundamental Fairness Doctrine.

02/16/2026

Date

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