No. 25-889

In the Supreme Court of the United States

G.G.,
Petitioner

v.

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

Response Brief for Respondent in Support, of Writ of Certiorari to the Pennsylvania Superior Court of Appeals

RESPONSE TO PETITION FOR WRIT OF CERTIORARI

Timothy Green

3 Parkview Dr.
Clinton, PA 15026
(412) 722-5843
Pro se Respondent

February 24, 2026

QUESTIONS PRESENTED

The case presented before this Court presents several very significant issues which are of national importance to this country. Too often agencies misinterpret or omit the facts when attempting to remove a child, this causes significant long-lasting harm to families. Additionally, you have the courts which fail to interpret and expound on their rulings violating the law and the case law, *Marbury v Madison*, 5 U.S. 137 (1803). When this happens, the parents do not understand what reason the court found their child dependent or why their rights were taken away. Finally, if the court if a court issues a removal or upholds a removal under Judicial Deception, the families can have a hard time understanding how the court came to this life altering traumatic decision for their family.

The questions the petitioner presented in this case are: (restated by respondent)

.1. Did the court exceed their statutory authority when they confirmed the agencies and courts actions of acting outside their own statutory laws, when determining the outcome of families while in direct conflict with this Court's precedent the *Accardi* doctrine?

2. Did the state courts by failing to interpret and expound on the law, in turn violate this Court's long-standing precedent in *Marbury v Madison*?

3. Did the courts fail to apply Strict Scrutiny and the Matthews Standard to substantiate the determinations alleged by the state; when they moved to remove a child through Judicial Deception, in an unusual situation that did not rise to the level of abuse or neglect, violating the family's Fundamental due process rights?

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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 any person within its jurisdiction the equal protection of the laws.

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Statement of the Case

This case started in late July 2023, when CYF opened a case on this family for a home check. When the agency contacted the family during this interaction, the family let the agency come in and was trying to complete this interview with the agency. The family did have a representative on the phone, to protect their rights during the meeting with the agency. This was no different than if someone had hired a lawyer, to talk with the agency or the police. After the agent talked with the family for twenty minutes, he got upset and wanted to leave. He came to this decision because he saw the family had cameras in the home and the person on the phone was not letting him freely ask questions, he did not have the right to ask. When the family went back into the living room the mother was asking him to please cooperate and finish the interview, he stated that he could not continue under these conditions. She told him that any attempt to finish the interview, would include either an attorney or their representative who was currently on the phone. He stated he had to go back and talk to his supervisor, which was Caitlin Miller.

The agent told the family that he needed to get medical releases and a consent to talk to M.G. signed, but he left before this was accomplished. After he left the family's home, he proceeded to go down to the hospital where M.G. was currently resided to talk to him. He did not obtain parental consent to do this. While at the hospital, he talked to M.G and the staff of the hospital. He also talked to M.G. about his bed and M.G. told him if he wanted a new one his parents would buy him one and he liked his bed. After the discussion with M.G. and the hospital, the agent concluded

that he did not think M.G. was being abused or neglected. After this encounter the family did not hear from the agency, until close to the sixty-day mark. At which time the supervisor came to the home to see the child one last time, before closing the case out. The family met the supervisor at the door, they stayed inside and the supervisor was on the porch for this encounter. After a short talk this supervisor, Caitlin Millr went back to the office to close the case down, unfounded on September, 23, 2023.

One thing that is notable about this investigation, is the agent did not even complete the verbal investigation with the family, since he did not like the representative the family had on the phone, which was their right. The agency also did not pull any medical records during this investigation to see if the minor was missing any important medical needs. The agency knew M.G. was just in a psychiatric facility, yet they did not attempt to see if the family was able to get M.G. appropriately set up for mental health services, when he was released from the hospital. If they had checked on this, the agency could have helped the family so that M.G. would have been assured to have had adequate mental health care, to meet his needs and the family would not have been struggling in a system that is very difficult to navigate. The agent also did not look in the refrigerator or any cabinets, to see if the family had adequate food available to feed their child. He was more concerned with the person on the phone and the cameras, than the actual welfare of the child and the family as a whole, which he was there to investigate.

After this case was closed down and M.G. was out of the hospital, the services that M.G. was referred to from the hospital fell through, because of the aggression

concerns. The family and M.G.'s Spiritual Counselor/Mental Health Coach were trying hard to get new services in place. A lot of places were turning away because of aggression and the rest were turning away because they were full and did not have the space to accommodate. The family was continuing to have aggression problems in the home, during this time while they were looking for new services.

Since the family was continuing to have problems with the aggression in the home and had not been able to find an additional service provider outside of the Spiritual Counselor/Mental Health Coach, the family created the safety plan that is described in the petition. This was only for the safety of the home and the child's safety and it was agreed to by the child[1] and was compliant with the CPSL laws[2],[3],[4] and other Pa. State laws[5], as well as within the parent's fundament rights to the care and control of their child under the Fourteenth Amendment. It was not unreasonable given the fact, that M.G. had a tendency to get aggressive and had tried to attack people in the home on several occasions. During this time to M.G. was actively involved in several activities that were very important to him. Each week he attended church on Sunday morning, Kids Club at Church on Wednesday evening and was in the boy scouts. This was all important to him. This was helping him socially and was giving him exposure outside of the home, which if any abuse was occurring would have helped it be detected by an outside source. He was not isolated.

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[1] Act 65 of 2020 (1.1) (a.1) (d) – Pet App 64a
[2] 23 Pa C.S. § 6304 (c) (d) – Pet App 65a
[3] 23 Pa C.S. § 6303 (b.1) (8.ii) – Pet 2
[4] 23 Pa C.S. § 6303 (c) – Pet 2
[5] 18 Pa Code § 509 – Pet 3

The parents had to take M.G. for another hospitalization in late October 2023 due to another aggressive episode. He was admitted again and spent ten days at this hospital for evaluation. When he was released from this hospital in early November he was referred to a partial hospitalization program. He started this program just a few days after getting back home. He was enrolled in this program from November 10, 2023 till December 6, 2023. The family did inform the therapist in this program about the safety plan. It is unclear why she testified differently, since the Spiritual Counselor took her a copy of the safety plan and she discussed it with him. The parents were also informed that she talked it over with M.G. and I she had further discussions with the mother. She did not appear to have any concerns with this safety plan. M.G. was doing better while he was in this program and actually rarely needed to use the safety plan, including at night while he was in this program. The agency testified, M.G. used the safety plan over night everyday but since they never really investigated, they did not know how often it was actually used. Pet App 143 In this excerpt from the appendix the agent testifies that no one gave an indication to how often the safety plan was actually used. Different agents stated differently at the next hearing. The family did not feel M.G. was ready for discharge when he was discharged but as was testified by the therapist, she said the insurance decides when this time is for the child to be discharged. Despite this, the judge stated in his opinion, " He did not know why M.G. was taken out of this program."

M.G. had a rough few weeks after being discharged, as the family was still trying to locate a therapist for M.G. He was on two waiting lists; one for Western

Pa. Behavioral Health Resources (where he got medication management) and with John Vinay who is now the assistant director with Southwood RTF but also has a private practice in the evening. It was difficult getting into psychiatric places during the holiday season.

After school let out, just before Christmas on December 22, 2023, the family took M.G. to Niagara Falls, NY for a family Christmas trip. On this year given how things had been with M.G. and his struggles, the parents wanted to focus on presence not presents. The parents wanted to help M.G. have a chance to relax, and the family as a whole a chance to bond and get closer. That was so much more important than presents, and M.G. was old enough to understand that at this time. The family took a small tree with them to put up in the hotel room for a couple small gifts and to keep things festive. The family went to the falls every day, tried new food (M.G.'s favorite thing), went the Buffalo Museum, the Niagara Falls Aquarium and saw the fireworks by the falls on New Years Eve. This was truly special trip for this family. The family came home on January 1, 2024.

On January 2, 2024, the Spiritual Counselor/Mental Health coach was having a session with M.G. and during this session, M.G. did not like the questions he was being asked and he started getting aggressive. Another member of the household called the police down to help with the situation, and to facilitate transfer of M, G. to be evaluated at a psychiatric hospital. The agency has also testified that the police never witnessed any aggressive behavior, but on this day when they were in the home, M.G. was pounding the shower doors hard. When the police officer was told

that he was trying to break the shower doors, M.G. replied, "I have not broken them yet, but that can be accomplished." He also was refusing to move out of the door so his mother could close it to use the bathroom, the officer had to get him to move. The police called Children Youth and Families (CYF), because they said CYF has more resources to help in these situations than they do (getting therapists, and such). They were not calling in an abuse allegation. The parents did share the safety plan with the officers, because they were tying to be upfront about it with everyone involved, so they could get feedback on any necessary improvements.

CYF ENTERS THE PICTURE

On January 4, 2024, CYF shows up to the family home. I was not there when they first arrived as I was still at work. I drove up about half way through and saw the scene that looked like a swat scene. This was definitely an excessive showing of force. The police were just at the home two days prior and saw the child was safe, and the family cooperated fully with them, so why the need for this kind of response. I was met at my car by Miller who questioned me at my car. She stood outside the car and I was sitting inside the car during the interview. I saw my son was over with some of the police officers. I answered the questions the agent asked and was not uncooperative. To my knowledge, no one was uncooperative with the investigation, but it was testified to by the agency, that the family was not cooperative with the investigation in the Shelter Care Hearing. The agents had promised to provide some help at this interview which the parents were hoping would be helpful.

THE REMOVAL

After the agents originally came on January 4, 2024, there was no other contact with the agency by phone or in person, until January 26, 2024, when the agency showed up to removed M.G. I was again at work, when the agency showed up and I did not understand why they were there. The parents had not been using the safety plan, since the agency requested of the parents to stop. The child had used it one time, after the last time the police were there. No one told anyone that had happened, so the parents did not know why the agency was even here this time. Even before when they first came in, they made it out like the safety plan's usage had been so long, but it was not created until late October. Then after creation M.G. was in the hospital and the partial hospital. During both of these programs it was almost never used. The only time the family really had to use it before the agency came in was between December 6, 2023 and December 22, 2023. The removal order (Appendix B) presented by the county did not have any signatures from a judge on it (this order was never placed on the docket) (I am including the reformatted copy and the original (Appendix E) so you can verify the legitimacy of this document).

The mother asked the agents if they could wait ten minutes for me to get home to say goodbye to my son. This appeared to be a problem and caused a concern for them. It was testified to in court by the agent, that he wanted to come inside on this day. This is inaccurate because they did not even want to wait for me to get there, they were in what seemed to be a hurry to get M.G. and leave after they arrived at the house. No one was uncooperative, except M.G., but that is because he did not

want to go with them. He did not understand it anymore than anyone else did. M.G. finally went down the steps and went with them, at the encouragement of his mother.

THE SHELTER CARE HEARING / FOURTEENTH AMENDMENT VIOLATION

During the shelter care hearing, the CYF agent had more "I don't know" answers than answers, that actually proved facts. He also testified that the agency removed M.G. with hearsay information, no one actually witnessed any harm coming to the child. It was also testified to that the children's hospital exam, M.G. had after removal was good and did not turn up any signs of abuse. There was other testimony on the record, the agency did not have any other parental concerns other than the safety plan usage. The casework supervisor also testified that the home was not deplorable and that there were no safety concerns with the home. Pet App 143a-146a

The hearing officer appeared biased during these proceedings. First, she stated to me that the CYF agent Riley was the most non-confrontational person that she knew. Pet App 146a Then when I was discussing the safety plan in the middle of the hearing before everything has been heard, she interrupts and states" Do you understand that restraining M.G. is a crime?" Pet App 146a I replied, no. She replied to me, "I am telling you that's a fact.". Then when the mother's attorney stated the agency did not provide any reasonable efforts. The hearing officer stated, Well the parents did not to give much cooperation. The father's attorney asked to show a picture of the bed that the agency was claiming was a bench. The hearing officer refused this image from being shown, but allowed the agency to pass the safety plan around to everyone in the room.

At the end of the shelter care hearing the hearing officer ruled that M.G. should stay in shelter care and that reasonable efforts were not necessary due to the emergency nature of the situation. During closing statements, M.G.'s attorney testified, "She was M.G.'s legal counsel and it was his position that he would like to return home today. He feels that this is something that has worked better than other interventions he has tried." Pet. App 147a

Despite the home not being deplorable just messy and there were no safety concerns with the home. The fact that the agency did not have any other parenting concerns in this situation. Additionally, when the agency took M.G. to the hospital for evaluation there were no concerns from the medical personnel and no evidence of abuse. It was also testified to that M.G. was not truant and was up to date in school with good grades. The agency testified that the only evidence they had for removal was uncorroborated hearsay evidence from a police officer in the home. (which the parents have repeatedly testified that they did not say that to the officer) Finally, M.G. a fourteen-year-old who can legally consent to his mental health treatment, stated through his attorney that this was the best method that has worked for him. When M.G. was taken from the home, he was working on homework, watching tv and playing with his cats.

How does anything in the above situation say that M.G. should have been removed from his home in the first place. Let alone the removal be upheld by a judge and they judge claiming that reasonable efforts were not needed due to the emergency

nature of the removal. This child does not seem to be a child in emergency need of removal. M.G.'s attorney testified that he consented and wanted to go home.

Also how do you have a removal order on January 26, 2024 (the real one by the Judge that is on the docket, this was only discovered after the adjudication when the mother got access to the docket through PacFile) (Appendix C) that states, the agency had permission to investigate further and if imminent danger was found then they could proceed with removal. There was no additional investigation, they wanted to get him and leave as fast as possible while bringing a different order not signed by the judge. Furthermore, on this removal order it stated that Reasonable Efforts were provided to the family. How do you have Reasonable Efforts were provided on the removal order which requires additional investigation, that was not completed. Then in the actual hearing when it comes out that there really is not any danger to the child and no proof of harm. After it is proven the agency did not provide reasonable efforts after all, the finding is changed this to cover their lack of providing the help they promised to the family. On top of this the child stated that he wanted to be at home and this method was the best intervention to this point that has worked for him. At fourteen-years-old this child has the right to make that decision. The child was in distress when he was out of control and this was helping him to control himself better and was fully within his rights and was not hurting him at all.

JUDICIAL DECEPTION – PET – QUESTION #3

When the county put together the emergency removal application (Appendix A), they used false information and omissions of information in the application to the

court. The application also was not filled out fully, it was mostly blank and the person who signed under caseworker was the same person who signed under supervisor. This was unilaterally signed off on by one individual in the agency who went to the judge on her own. In the application the agency put the following:

- M.G. was locked in a room
- The family was using wrist restraint(s) on M.G. when he slept
- He was being tethered to a wall by a medical grade cuff on a cord
- January 26. The family supposedly openly admitted to continuing to restrain after being told not to.

What was actually going on, that they agency knew through investigation

- M.G. was NOT locked in a room
- M.G. only had one wrist tethered at a comfortable length 4ft cable when he was having behavioral issues, occasionally overnight
- M.G. ALWAYS had someone with him
- M.G. always had food, activities and cats to keep him occupied
- M.G. had the TV to keep him occupied to
- M.G. was never denied release if he needed to go to the bathroom
- M.G. would put the tether on himself at night and when he felt out of control
- It was always for safety and never for punishment or convenience
- M.G. he could say he did not want it at any time as was written in safety plan

This should absolutely be considered judicial deception since if the judge had been given all the facts, it is unlikely that they would have issued the emergency removal order for M.G. *Stanley v. Illinois*, 405 U.S. 645 (1972), has established that parents are entitled to a hearing on their fitness before children are taken, with exception only for immediate, irreparable harm and imminent danger. None of which applied in the case before this Court. In *Sharwline Nicholson et al. v. Nicholas Scoppetta et al.*, 3 N.Y. 3d 357 (2004), this case highlighted that a "blanket presumption" favoring removal, especially in cases involving domestic violence victims (or a bias presumption that the parents activity is abusive with no proof of abuse), is illegal,

requiring a balance of risk against the harm of removal. This absolutely should have been done in this case. The risk to the child with the safety plan was so minimal, the main risk was if there was a fire and even that was minimal. This risk was present whether the safety plan was in use or not (since the child slept so hard at times). Risk cannot be avoided in life, but no harm, not even a scratch or a bruise had ever come to this child using this plan. On the other hand, the harm of removal on this AUTISTIC child that was very close to his family, was very significant and was predicted to and had been proven to have caused significant harm to this minor M.G. The agency caused way more harm than they helped by unconstitutionally interfering into this child's life.

LEGALITY OF THIS SAFETY PLAN AND PARENTS FUNDAMENTAL RIGHTS

It was already asserted in the Shelter Care Hearing that the tether / safety plan was the only concern by the agency. Then at the February 28, 2024 hearing when the mother put in her motion to dismiss, which alleged the legality of the tether, the CYF attorney asked the judge to consider the motion a stipulation, since it covered everything in the dependency petition. Under 237 Pa. Code § 1409 in the comments it states, that the court is to make adjudication of dependency based upon the allegations in the petition not on alternative grounds. Pet. App. 64a Based on the above information it is clear the tether was the main and should be the only reason for this adjudication proceedings.

The law that the agency was alleging made the tether illegal was 23 Pa. C.S. § 6303 (b.1) (8.ii) – Unreasonably restraining or confining a child, based on

consideration of method, location or duration or the restraint or confinement. The agency claimed the family was guilty of this law, just because they admitted to using the tether. The hearing officer in the Shelter Care Hearing stated to the father that tethering the child was a crime. Then the Superior Court violated *Marbury v Madison* 5 U.S. 137 (1803) when they determined that the legality of the tether was irrelevant to their analysis, because M.G. "could" have been adjudicated anyway. How is this the case if the only thing in the petition was the tether, then the legality of that should be of utmost importance and he would not be adjudicated either way.

NIGHTTIME TETHERING AND SUPPORTING LAW EXPLAINED

The parents were tethering M.G. because of his aggression, out of control behavior and because he was developing an addiction to electronics where he was getting on the devices for what started out as pornography and was turning into a dangerous Ai chat bot addiction. This chat bot addiction was interacting with chat bots to discuss dangerous criminal and sexual topics including murder and rape. The night time tethering when it happened was to prevent M.G. from night roaming and locating and getting onto an electronic device, since this behavior was very bad for his brain and his development. Not to mention staying up all night was bad for his health and his school performance. This aspect of the tethering was covered under the Parental Discipline Exception law, 18 Pa. Code § 509 which states:

> **§509 – Use of force by persons with special responsibility for care, discipline or safety of others.**
> The use of for upon or toward the person of another is justifiable if
> (1) The actor is the parent or guardian ...responsible for the general care and supervision of a minor and...:

a. The force is used **for the purpose of safeguarding or promoting the welfare of the minor, including the PREVENTING or punishment of his misconduct;** and
b. The force used is not designed to cause or known to create **a substantial risk of causing death, serious bodily injury, disfigurement, extreme pain or mental distress or gross degradation.**

Looking at the law above considering the overnight tethering, there is nothing that was violated by the parents in the overnight plan. They were using the overnight tethering to safeguard M.G. from the dangers of this material he was getting on. They were trying to prevent this behavior to promote his welfare and protect his morals so he would not be harmed by the material, would get the required sleep and do well in school. This tethering never caused any pain, scratches or bruises to M.G. He definitely never had any of the dangerous things listed above. As far as mental distress he testified to the forensic interviewer in the forensic interview (Appendix D) that he helped create the plan, there was never a time he was not released when needed and he never received any injuries or pain from the system. There is no way that should have been considered abuse, neglect or a reason to remove an autistic child from his home or keep him out of the home.

The court in his opinion tried to say the family had not tried any other options, which was not correct. The parents told they court the tried other options and nothing worked. M.G. broke through the school's firewall on the school computer and during school hours while he was in CYF custody and this got him suspended for ten days and a police report. The parents told the hearing officer that M.G. could not have the computer, that he had a problem but she concluded that school computers

have protections in them to protect the children. The parents told her they do not work for M.G., this computer was ordered into his hands and the above incident happened once in the foster home nine days after he got the computer and again a month later on school grounds. Both of these incidents drew a police report each from a different department.

There are not any parental controls that can stop M.G. on the computer. In the home, the parents told the court that turning the internet off was not an option, because keeping the security cameras on for him was of high importance as well and they need the internet to operate. The family has tried to lock things up as the court suggests, but the parents need to keep their phone next to them in case of an important phone call. That is why he has a four-foot tether, because when it was longer initially and on his ankle, he was climbing over his mother in the middle of the night to obtain the phone. This one he could get into the bathroom freely it was only shortened to be able to keep him a safe distance if aggressive and for the electronic concerns. The concerns as well regarding this were, he was able to break through the smart tv's as well to access this material, he did this in a foster home to which caused him to be kicked out of that home after it happened. M.G. was absolutely always supervised when he was in the tether, if it was overnight then he was sleeping in the mother's room. In a separate bed that he was comfortable with which was two feet from her bed, and he could reach her while he was in the tether.

The parents tried everything as the father testified, it was a hard decision to come to this for their child. The parents wanted to keep the home and their child safe

and the child did not like being out of control. According to one of this Court precedents in *Troxel v Granville*, 530 U.S. 72, 73 (2000) states:

> "The Due Process Clause does not permit a State to infringe on the fundamental right of parents to make child rearing decisions simply because a state judge believes a 'better' decision could be made"

As this quote above states this Constitution does not give a state judge the right to infringe on parent's fundamental rights, just because they "believe" a better decision "could" have been made. In this case, in the judge's opinion he states he is "uncomfortable" with the tether and that it might be a "risk" in a fire, but being uncomfortable and a "possible" risk is not a reason to violate the parent's fundamental rights. The judge did not state any evidence or facts that proved M.G. was in fact in a "SUBSTANTIAL" risk of danger as the parental discipline exception describes. The hearing officer should not have kept M.G. out of the house and the agency should not have removed in the first place.

TETHERING FOR AGGRESSION AND SUPPORTING LAWS EXPLAINED

The next section that we will look at is any time he was tethered during the day, it was due to an aggressive issue or another out of control behavior issue. During the day it was only used to keep the home and M.G. safe, during behavioral issue incidents. In these incidents when M.G. was starting to get out of control or already out of control, either M.G. or someone in the family who was currently supervising M.G. would put the tether on his wrist. The duration for M.G. to be in the tether in this scenario was till he calmed down plus one hour.

During this time while he was calming down, he was in his mother's room with her and she was there at all times. He also was given activities to do, snacks and drinks, his cats to play with and the tv was on to watch. He was not being punished, this was employed to help him to calm down and not hurt himself or someone else or damage property. After he started hitting his head on the wall, the parents put padding on the wall to protect his head so he could not hurt himself while calming down. The padding was even under the cabinets on the wall to provide further protection. Let's look at how the law supports the daytime use of the tether for protection from aggression: 23 Pa. C.S. § 6304 (c) (d)

> (C) **Use of force for supervision, control and safety purposes.** Subject to subsection (d), the use of reasonable force on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse if any of the following conditions apply:
>
> (1) The use of reasonable force constitutes incidental, minor or **reasonable physical contact with the child or OTHER ACTIONS THAT ARE DESIGNED TO MAINTAIN ORDER AND CONTROL.**
>
> (2) The use of reasonable force is necessary:
>
> (i) **to quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property.**
>
> (d) **Rights of Parents** – Nothing in this chapter shall be construed to restrict the generally recognized existing rights of parents to use reasonable force on or against their children for the purposes **of Supervision, Control and Discipline of their children. Such reasonable force shall not constitute Child Abuse.**

Both of the reasons the parents used the tether, were supported well in the law. The mother put in a motion to dismiss on February 28, 2024, that outlined all of this to the court. Neither the agency nor the court paid any attention to this law

and how the parent's fundamental rights were being violated in this situation. The Shelter Care Hearing and especially the Adjudication Hearing should have used the Strict Scrutiny Standard and the Matthrew's Standard to evaluate this unique situation that was presented before them. Instead of evaluating it using bias, prejudice and stereotyping the situation they were presented with. Yes, at least 95 percent of the cases involving a tether that the agency would come across would be abuse, but they cannot assume that just because these cases usually are abuse that they ALL are abuse. That is what the Strict Scrutiny method and the Matthews Standard are there for, to look at these unique decisions so the appropriate decision is made by the court to minimize the risk of violating the Fundamental Parental Rights.

> **Persuasive Authority-** Reflecting Congress's understanding of the issue of Family Rights and Responsibilities
> **S.204-119th Congress- Families Rights and Responsibilities Act**
> (6) The Supreme Court has consistently recognized the primary role of parents in caring for children concluding the following:
> (F)" We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected." *Quilloin v Walcott*, 434 U.S. 246, 255 (1978)
> (G) The Supreme Court has explained that the liberty specially protected by the Due Process Clause includes the right "to direct the education and upbringing to one's children" *Washington v Glucksberg* 521 U.S. 702, 720 (1997)
> (H)"[W]e have recognized the fundamental right of parents to make decisions concerning the care, custody and control of their children... In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children. "Troxel v Granville, 530 U.S. 57, 66 (2000) (plurality op)
> (7) Some decisions of Federal courts have failed to recognize the fundamental rights of parents, resulting in an improper standard of

judicial review being applied to government conduct that adversely affects parental rights and prerogatives.
(8) **Government agencies have INCREASINGLY INTRUDED into the legitimate decisions and prerogatives of parents in situations that do not involve abuse or neglect but simply an agency's DISAGREEMENT WITH PARENTING CHOICES BASED ON HONORABLE religious or PHILOSOPHICAL PREMISES.**
(11) The strict scrutiny test used by courts to evaluate cases concerning fundamental rights is the correct standard of review for government actions that interfere with the right of parents to direct the upbringing, education, and health care of their children, and it appropriately balances the interests of parents, children and government.

With the tether being the primary and only complaint in the dependency petition and the parents having Fundamental Rights to their child. It is absolutely imperative to determine if it was "legal" for "the parents" to use this safety plan with their child. The agent said restraints are illegal in RTFs in the shelter care hearing. But this is irrelevant to this case because, as in the "parental privilege doctrine" which is a legal principle allowing parents to use reasonable, non-excessive physical force to disciple OR GUIDE their children without government interference. This force must be evaluated by the courts on a case-by-case basis: considering the child's age, physical/mental condition and the conditions and reason of the force. If you look at that in this case it would absolutely be considered reasonable.

Just as spanking a child is not abuse and is a protected parental privilege. If a parent crosses a line and it hurts the child or the parent is beating the child it becomes abuse. The tether is the same situation, it needs to be looked at with strict scrutiny to see if it falls under parental privilege which is protected by the Fourteenth Amendment or if the parents in fact are abusing their children. Just doing the act is

not abuse, as alleged by the agency, that would be like saying any parent who spanks their child is guilty of abuse if they admit to the act.

The child's attorney stated in the closing arguments that he wanted to go home under the safety plan and that he believed his parents were acting in his best interest. The court ordered AFA psychological testing, which showed that M.G. has an I.Q. of 122. The fact that comfort was always a primary concern for M.G., he was always supervised and no harm ever came to him during the usage of the safety plan. This was not an abusive or neglectful act. This was the parents after trying everything else, trying to keep their child, themselves and their home safe; while they continued to try and get further help for M.G. for his mental health. With the ultimate goal to end the use of the tether as soon as safety could be assured for everyone in the home. What would have been neglectful would have been to let the situation get worse until someone in the home got really hurt. It could have been the parents or even the child while acting out.

REASONS THIS COURT SHOULD GRANT CERTIORARI

This Court should grant certiorari to review the handling of this case by the lower courts. The lower courts significantly violated these parents constitutionally protected Fundamental Parental Rights. This is a serious concern when courts, especially multiple courts are violating parental rights to their children frivolously. This does significant damage to the family unit and especially the child's mental and emotional health and his sense of security and trust.

THE HARM BROUGHT TO CHILDREN WHEN THEY ARE REMOVED, FRIVOLOUSLY AND UNCONSTITUTIONALLY BY STATE ACTORS

When children of M.G.'s age are removed from their parents it causes profound often long-lasting harm, including severe emotional trauma, attachment disruption, and developmental setbacks. It forces abrupt loss of stability and higher risks of behavioral issues and future involvement with the justice system. Sustained disruption of early relationships can negatively affect the developing architecture of the brain, affecting emotional recognition and cognitive processing. M.G. did not understand why he was removed from his home, how long it would last or where he would be and it caused him extreme stress. Teens who enter this situation either during or after the situation, they may exhibit "callous indifference" toward others, increased aggression, and challenges in emotional regulation. Removals also disrupt crucial familiar connections-friends, school, routine and culture – forcing a loss of normalcy. This was especially true in this case when the agency blocked M.G. unlawfully from his parents for thirty-three days and his school for seventeen. He was also blocked from his Spiritual Counselor, his church, his boy scouts and any social connection that he had. This significantly hurt his social development.

Looking at the damage that can be done by removing an autistic teenager (which M.G. is) from his parents can cause severe, long-term harm due to the disruption of necessary routines, intense traumatic stress, and the removal of familiar caregiving structures that the child relies on for safety and regulation. For an adolescent, this separation often leads to marked escalation in psychiatric symptoms, regression in behavior and a profound sense of confusion and

abandonment. Parents of autistic children often provide highly specialized, 24/7 care tailored to their child's unique needs. Removing the child eliminates this specialized care, often placing them in environments that lack understanding of autism, resulting in "failed placements" and further instability (3 placements in 3 months). The removal of the autistic child also breaks the "guiding relationship" (the parental bond that helps a child navigate the world) which can lead to long-term difficulties in forming healthy, trusting relationships with others. At fourteen, these impacts are compounded by the already challenging transition into adulthood, making the loss of a secure, familiar and nurturing home environment particularly devastating.

WHY UNCONSTITUTIONAL CHILD REMOVALS ARE IMPORTANT FOR THIS COURT TO REVIEW

This Court should review this case because this is a significant concern about judges so easily violating Fundamental Parental Rights and removing children unconstitutionally because such actions breach the deeply rooted Fourteenth Amendment liberty interests, which protects families from government intrusion. Unconstitutional removals undermine the Constitutional Due Process Clause, with recent cases indicating a need to ensure states, do not inappropriately sever family ties without clear evidence of unfitness.

This brings up concerns that state agencies like CYF and lower courts may sometimes bypass procedural and substantive due process leading to unlawful removals. The Due Process Clause requires "fundamentally fair procedures", including a hearing on parental fitness, before children are removed. Unlawful removals, particularly ex *parte* orders without immediate danger, bypass these

requirements. Misuse of these orders to bypass notice and the right to be heard can lead to unconstitutional separations (as happened in this case). Additionally, this Court has established that fit parents are presumed to act in their child's best interests. Unlawful removals often occur when judges apply a "best interest of the child" standard BEFORE a parent has been proven unfit, effectively stripping away constitutional protections without cause.

When judges and state actors remove children unlawfully or unconstitutionally, they bypass critical constitutional safeguards designed to prevent the state from becoming the "primary" decision-maker for a child. While this Court has repeatedly affirmed these rights, it has not clearly articulated a universal level of scrutiny (such as strict scrutiny) for reviewing infringements. This has led to inconsistent rulings across different states and lower courts. Therefore, this Court's involvement is necessary to maintain the balance between the state child-welfare obligations and the fundamental rights of parents, preventing the "unconstitutional infringement" of parental authority.

WHY SHOULD THIS COURT BE CONCERNED ABOUT JUDICIAL DECEPTION AS A NATIONAL CONCERN IN THESE CASES

This Court should be deeply concerned about children being removed by judicial deception, because it violates fundamental, constitutionally protected parental rights and due process, effectively undermining the integrity of the justice system. Such deception- including deliberate misrepresentation and omission of facts by officials- breaks the trust necessary for courts to protect, rather than break up families. Judicial deception violates the constitutional liberties, this Court has

affirmed for parents. Namely, the Fundamental right to the care, control and upbring of their children, which is not merely a creature of the state. Judicial deception, such as lying or omitting crucial evidence in warrants or hearings, invalidates the legal process. Then when the courts act on this deceptive information, it undermines the integrity of the entire judicial system, reducing public confidence that the law provides justice.

Additionally, and most important deceptive practices can be particularly dangerous to minors, who are highly suggestible and, in cases involving law enforcement or state officials, are easily harmed when officials lie or misrepresent the facts. This is what happened in this case, the minor has lost trust in society and people, after seeing the people who were supposed to help, him maliciously hurt him and lie, instead of telling the truth to see if and what he truly needed "help" with. Instead oof just trying to keep him out of his home where he was happy and felt safe. Moreover, the removal of a child from a home is a "seizure". Deception used to obtain a removal warrant can invalidate the warrant, as it lacks the requisite probable cause based on truthful information. Removing the child through deception, which invalidates the warrant, leads to an unlawful seizure of the child and a violation of the Fourth Amendment of the Constitution. This Court uses the Matthews Standard (Matthews v. Eldridge, 424 U.S. 319 (1976)) to weight the risk of error in state proceedings. Judicial deception maximizes this risk, often leading to the trauma of unnecessary foster care placement. When executive and administrative branches of the government or social services mislead courts, they bypass the checks and balances

designed to limit government overreach, necessitating this Court's oversight to ensure accountability. Judicial deception effectively transforms the court from a protector of familial, constitutional rights into a participant in the violation of the important Fundamental Parental Rights of parents.

THE JUDICIAL DECEPTION IN THIS CASE

In this case the Judicial Deception was when the agency requested the removal order with incorrect information and did not give the complete information of what was going on in this situation. This shows that a misrepresentation and omission occurred in this case, when the removal order was requested. If the complete information was given, it would have shown the court the child had consented, the plan was for safety, he was never secluded, he had activities to do and was always supervised.

The Judicial Deception in this case was deliberate and made with reckless disregard for the truth. This is shown because on the day of the initial investigation, the investigating casework supervisor who questioned the minor, M.G. was Caitlin Miller. M.G. clarified to her all of the omitted factual information that is listed above. When the emergency removal application was filled out, this was filled out solely by Caitlin Miller as the caseworker and the supervisor. So, it is known that she had the correct and complete information, since she was the one who interviewed him. There was no oversight on this form when it was filled out. Then on the removal order that did not have a judge's signature on it, that was used to removed M.G., this once again only had Caitlin Miller's name on it. This order was also never uploaded into the

official docket. When the agency failed to upload this document into the docket, this prevents proper judicial review of the removal. Due Process requires transparency in the evidence use to justify the evidence that is used to justify emergency removals. The official order authorizing "further investigation" did not have any caseworker information on it.

This deception was material to the judge's decision to remove the child from his home. When Caitlin Miller left out the facts that the child was happy in his home, had never been hurt, was never left unsupervised, always had activities to do, cats to play with and could watch tv and eat snacks. As well as that it was never for punishment, it was only for safety of the home and M.G. and his family. These facts paint a much different picture than a child being restrained to a wall overnight by his wrists and locked in a room, which is what she actually asserted. A judge who hears the full story is more likely to determine that this is not cause for an emergency removal, even if the agency still feels it warrants more investigation, it does not rise to the level of the emergency removal, that was being requested of the judge. So, this omitted and misrepresented information is absolutely material to the judge's decision in this case. Then this casework supervisor took it one step further, when she used deception with the removal order that she presented to the family. This deceptive order did not state the same facts as the original order that was officially issued by the ordering judge. The parents would have questioned the removal if they had been given the official order, since it authorized the agency to investigate further, only removing if imminent danger was found.

WHAT NATIONAL CHANGE CAN THIS CASE BRING BEFORE THIS COURT ON JUDICIAL DECEPTION

This case is asking for this Court to help stop the Judicial Deception that is happening in child removals across the country, as evidenced in this case. This Court should define and adopt a universal and uniform standard for identifying, proving and reversing child removals based on false testimony or withheld evidence. Also, to support arguments, that government agents compelling or acting upon dishonest representation to gain control over children is unconstitutional. If an agency removes a child by Judicial Deception, it would be requested that this Court restrict the use of the "public rights" exception, ensuring that removals based on fraudulent information are subject to full review by a "neutral adjudicator", not just administrative approval, as the administrative approval might prove to be biased.

Additionally, this Court should narrow the scope of immunity for caseworkers and officials who intentionally mislead courts to facilitate child removal. The precedent that parents are entitled to a fitness hearing BEFORE their children are removed, should be strengthened, except in cases of immediate PROVABLE danger. It would also help prevent these deceptive practices if agencies were required to demonstrate probable cause before entering a home or removing a child, rather than acting on anonymous unverified tips, supported under the Fourth Amendment.

If a parent who is facing the "civil penalty" of losing a child had the right to a neutral adjudicator or a jury of their peers, that could help minimize the corrupt practices of these agencies and courts that work too closely together. Since the court is biased towards the agency they work closely alongside over the parents who are

accused off abuse. Finally, if the child welfare records with agencies and courts were not required to be closed, this would allow for greater transparency and public oversight, if agencies are accused of fraud. The minor's names would just need to be redacted in them as they are in the appellate court filings.

If some of these changes above came to pass especially laying out the universal uniform standard for identifying Judicial Deception. This could provide protections to children and families nationwide, and provide a new precedent that could give further protection to the parents and children of our future. It is agreed, the state has a compelling interest in the child, but the parent has a Fundamental Right to the child, and the state cannot simply come in and take the child because they disagree with something the parents are doing in their own family. The families NEED to feel safe in their homes, that they can care for their children within their morals, religious and personal beliefs. They need to know they can do what they need, to keep their family happy and safe, without the state showing up at the door to take their child away. Especially, with deceptive practices like Judicial deception, since it is essentially "State Sanctioned Kidnapping", you can try to sugar coat it, but the state is stealing the child, deceptively from the parent without cause. This is no different than your run of the mill kidnapper. The difference is the kidnapper would get arrested and go to jail and the agent that effectively steals a child that was actually safe, gets told good job for saving another child. Leaving behind a traumatized child and scared and confused family. These damaging practices have to stop. We have to protect our children from these dangerous deceptive practices. This Court can start

that today, with this case and setting a new precedent to protect this country from Judicial Deception.

WHAT NATIONAL CHANGE CAN THIS CASE BRING TO PROTECT OUR CHILDREN AND THE FOURTEENTH AMENDMENT

In this case the father is urging this Court to reinforce the fundamental parental rights by defining strict scrutiny for state intervention, clarifying that family courts cannot bypass constitutional due process, and the curbing of overreach of judicial immunity in cases where judges act outside their authority. Petitions should demand that separations are based on clear and convincing evidence rather than low-level standards or no evidence. The father is asking this Court to define that "fitness of the parent" is the required test for any state intervention and it is considered that fundamental rights are violated when lower courts use lower standards. It is further suggested, this Court require that family courts make specific evidence-based factual findings before removing children or altering custody, rather than relying on the "best interests of the child" standard to override fundamental rights. To further address the misuse of "the best interest of the child" standard, this standard often allows judges to override fit parent's decisions without proof of harm and this as well should be considered unconstitutional. The father is asking this Court to challenge the widespread use of "emergency removals" without a prior hearing, arguing they should only occur when there is an "imminent risk of serious bodily injury" not a potential risk of harm and not to circumvent due process to meet an agencies agenda. These actions would reinforce precedents such as

Santosky v Kramer, 455 U.S. 745 (1982) (requiring higher standards of proof) and *Troxel v Granville* (affirming fundamental parental rights).

For this Court to look into this case, as described above, would allow this court to further elaborate on the Fundamental Parental Rights and clarifying them to meet any changes that might be needed to adapt to the changing of times around us. This will allow the most up-to-date precedent to protect this nation's children from the harms that are mentioned above, when they are removed from their parents unconstitutionally and unlawfully. These removals destroy these children's futures and can also damage their hope for the future, when all of their security and stability is removed from them. This can also harm other children. If there is a child that is really in need of help and a child that actually has a loving home is taking up a foster home, this can prevent the child that needs a placement from having a safe appropriate placement. Additionally, the agency is wasting their time on the child that they just disapproved of the parent's choices, but the child was safe, instead of being able to actually give attention to the child who needs help. The agency has to have the appropriate priorities and operate lawfully within the constitution.

CONCLUSION

This Court should Grant Certiorari in this case.

February 24, 2026 /s/ Timothy Green

Timothy Green, *pro se respondent*
3 Parkview Dr.
Clinton, PA 15026
412-722-5843