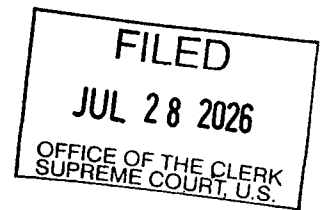


26-5390
IN THE



SUPREME COURT OF THE UNITED STATES

KENNETH EMANUEL THORNTON,

No. _____

Petitioner,

v.

BEAVER COUNTY, et al.,

Respondents.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Third Circuit**

PETITION FOR A WRIT OF CERTIORARI

KENNETH EMANUEL THORNTON

Pro Se

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Petitioner

QUESTIONS PRESENTED

1. Whether the Fourteenth Amendment permits a State to place an individual on a child abuse registry and impose substantial legal disabilities, reputational harm, and other protected liberty deprivations before providing a meaningful pre-deprivation hearing.
2. Whether Pennsylvania's Child Protective Services Law, including **23 Pa.C.S. §§ 6303 and 6368 and 55 Pa. Code § 3490.4**, violates the Fourteenth Amendment by automatically converting a nolo contendere plea into a founded child abuse determination and ChildLine Registry placement without an independent adjudication that child abuse, as defined by Pennsylvania law, actually occurred.
3. Whether the automatic imposition of founded child abuse status and ChildLine Registry consequences arising from the same underlying conduct constitutes additional punishment in violation of the Double Jeopardy Clause of the Fifth Amendment.
4. Whether Petitioner's complaint stated actionable claims under the First, Fourth, Fifth, and Fourteenth Amendments, 42 U.S.C. §§ 1981, 1983, 1985, and 1986, including claims for prospective declaratory and injunctive relief against state officials under *Ex parte Young*, 209 U.S. 123 (1908), challenging the constitutionality of 23 Pa.C.S. §§ 6303 and 6368 and 55 Pa. Code § 3490.4, thereby requiring reversal of the judgment below and remand for further proceedings.

LIST OF PARTIES

Petitioner

Kenneth Emanuel Thornton

Respondents

Beaver County

Dayna Revay

Julie Franzaglio

Nicole DiCiccio

David Reese

Robin Bertucci

Toni Whiteleather

Victor Colonna

Aliquippa School District

Peter Carbone

Marlene Everette

Christina White

David Wytiaz

Lisa Jones

Sharon Buckley

Theresa Matteo

Lucille Wytiaz

Midland School District

Sean Tanner

Brenda Militello

Borough of Midland

Keith McCarthy

Mitchell Himes

Anthony Quinn

Charles Galerenzo

Marcus Little

City of Aliquippa

Dwan Walker

Borough of Ohioville

Douglas Edgell

Bonnie Sedlacek

County of Lawrence

John Bout

William Betz, Jr.

Frank Merlino

Alexander Kwiatt

County of Allegheny

Susan Marcone

Christine Montague

Robert Masters

Rebecca Pantall

Pennsylvania Department of Human Services

Valerie Arkoosh, Secretary.

RELATED PROCEEDINGS

The following proceedings are directly related to this case within the meaning of Supreme Court Rule 14.1(b)(iii):

Thornton v. Hens-Greco, et al., Civil Action No. 2:14-cv-01469, United States District Court for the Western District of Pennsylvania. Judgment entered November 24, 2014.

Thornton v. Hens-Greco, et al., No. 14-4704, United States Court of Appeals for the Third Circuit. Judgment entered October 23, 2015.

Thornton v. Beaver County Detectives Office, et al., No. 24-1825, United States Court of Appeals for the Third Circuit, interlocutory appeal arising from Civil Action No. 2:23-cv-00198, docketed May 6, 2024.

In re Kenneth E. Thornton, No. 24-1941, United States Court of Appeals for the Third Circuit, petition for writ of mandamus arising from Civil Action No. 2:23-cv-00198. Petition denied July 31, 2024.

Thornton v. Beaver County, et al., Civil Action No. 2:23-cv-00198, United States District Court for the Western District of Pennsylvania. Judgment entered August 21, 2025.

Thornton v. Beaver County, et al., No. 25-2840, United States Court of Appeals for the Third Circuit. Judgment entered June 30, 2026; Petition for Panel Rehearing and Petition for Rehearing En Banc denied July 16, 2026.

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The opinion of the United States Court of Appeals for the Third Circuit affirming the judgment of the United States District Court for the Western District of Pennsylvania is currently unpublished but is available at *Thornton v. Arkoosh*, No. 25-2840 (3d Cir. June 30, 2026), and is reproduced at **Appendix A** to this Petition.

The judgment of the United States Court of Appeals for the Third Circuit entered on June 30, 2026, is reproduced at **Appendix B** to this Petition.

The opinion and order of the United States District Court for the Western District of Pennsylvania dismissing Petitioner's Third Amended Complaint were entered in Civil Action No. 2:23-cv-00198. The District Court's Memorandum Opinion is reproduced at **Appendix C** to this Petition.

The United States Court of Appeals for the Third Circuit denied Petitioner's timely Petition for Panel Rehearing and Petition for Rehearing En Banc on July 16, 2026. The order denying rehearing is reproduced at **Appendix D** to this Petition.

JURISDICTION

The judgment of the United States Court of Appeals for the Third Circuit was entered on June 30th, 2026. Petitioner's timely Petition for Panel Rehearing and Petition for Rehearing En Banc was denied on July 16, 2026.

This Court has jurisdiction under 28 U.S.C. § 1254(1).

This **Petition for a Writ of Certiorari** is timely filed within ninety days after the denial of rehearing pursuant to Supreme Court Rule 13.

CONSTITUTIONAL, STATUTORY, AND REGULATORY PROVISIONS INVOLVED

This case involves the following provisions of the United States Constitution, federal statutes, Pennsylvania statutes, and Pennsylvania regulations:

United States Constitution

- First Amendment (Freedom of Speech, Petition, and Association)
- Fourth Amendment (Protection Against Unreasonable Searches and Seizures)
- Fifth Amendment (Double Jeopardy)
- Fourteenth Amendment (Due Process and Equal Protection)

Federal Statutes

- 42 U.S.C. § 1981 (Equal Rights Under the Law)
- 42 U.S.C. § 1983 (Civil Action for the Deprivation of Constitutional Rights)
- 42 U.S.C. § 1985(2) and (3) (Civil Rights Conspiracy)
- 42 U.S.C. § 1986 (Failure to Prevent a Civil Rights Conspiracy)

- 28 U.S.C. §§ 2201–2202 (Declaratory Judgment and Further Necessary or Proper Relief)

Pennsylvania Statutes

- 23 Pa.C.S. § 6303 (Definitions Under the Child Protective Services Law)
- 23 Pa.C.S. § 6368 (Founded Reports and ChildLine Registry Consequences)

Pennsylvania Regulation

- 55 Pa. Code § 3490.4 (Definition of Founded Report)

The pertinent constitutional, statutory, and regulatory provisions are reproduced in the Appendix to this Petition.

STATEMENT OF THE CASE

This case presents recurring federal constitutional questions concerning the minimum procedural protections required by the Fourteenth Amendment before a State may designate an individual as a perpetrator of child abuse, place that individual on a child-abuse registry, and impose substantial legal disabilities, reputational harm, and other protected liberty deprivations arising from that designation.

Although States possess a compelling interest in protecting children from abuse, this case asks whether the Constitution imposes meaningful limits on how that objective may be pursued. Specifically, it asks whether a State may impose the profound legal and reputational consequences associated with a child-abuse determination without first providing constitutionally adequate procedural safeguards, including a meaningful pre-deprivation opportunity to be heard.

Petitioner's experience with Pennsylvania's ChildLine system began on July 25th, 2008. Following allegations concerning Petitioner's son, C.B.T., Beaver County child-welfare officials designated Petitioner an indicated perpetrator of child abuse off of the lone word of his mother former Allegheny County CYS Caseworker Sharon Buckley and caused his name to be entered into Pennsylvania's ChildLine Registry without first providing Petitioner a hearing or meaningful opportunity to contest the allegations. Petitioner alleged that Aliquippa police declined to pursue criminal child-abuse charges because of a lack of evidence, yet Beaver County CYS Officials continued to pursue him anyway and the administrative child-abuse determination remained in effect. Petitioner appealed the indication, and the determination was ultimately overturned and ordered expunged after a full hearing on the merits though the damage to him, his family and his relationship with his child had already been done. The administrative adjudication arising from that proceeding is included at **Appendix F** to this Petition.

Following the expungement of the 2008 child-abuse determination, Petitioner later filed a civil action on December 14, 2015, in the Beaver County Court of Common Pleas against Beaver County Children and Youth Services and several individuals involved in the earlier matter, including Robert Masters, Nicole DiCiccio, David Reese, and Sharon Buckley who is the mother of C.B.T and a former Allegheny County CYS Caseworker. Petitioner alleged that

approximately one hour after returning home from filing that action, he was contacted by Beaver County Children and Youth Services concerning another report accusing him of abusing C.B.T. That subsequent report was not substantiated and was ordered expunged on December 17, 2015. The complaint was then withdrawn by Petitioner and filed in the Federal Western District of Pennsylvania. There were many other false reports of child abuse filed against Petitioner during that period of time. None of which were substantiated. Petitioner alleged in the present civil-rights action that the subsequent false child abuse reports and governmental actions against him were undertaken, in part, in retaliation for his exercise of the constitutional right to seek redress through the courts for the 2008 false indication.

Two years later, Petitioner again became the subject of child-abuse and criminal proceedings arising from allegations involving his daughter, A.M.T. On November 28, 2017, police responded to a call from Petitioner telling them that A.M.T. attacked his wife and the wife and Petitioner held her down in the backyard until police arrived. Midland Police Detained A.M.T. and Petitioner had A.M.T. 302'd. Later A.M.T. and her mother Lisa Jones began to allege allegations of abuse. Petitioner alleged that the first responding officer Mitchell Himes documented that he observed no marks on A.M.T. at the time that he detained her and searched her entire body even pulling up her shirt in the back, yet criminal investigators, child-welfare officials, and other governmental actors thereafter pursued criminal and child-abuse proceedings against Petitioner anyway arising from the same underlying allegations.

Beaver County CYS was not supposed to be involved in the investigation because of a conflict of interest arising from the 2015 litigation concerning the 2008 incident, and Lawrence County Children and Youth Services was enlisted to conduct the investigation. Petitioner alleged, however, that contact summaries prepared by Lawrence County CYS caseworker Alexander Kwiat repeatedly documented the continued involvement of Beaver County officials despite that conflict, and that Lawrence County Solicitor Nora DiBuono later attempted to conceal those contact summaries from Petitioner during discovery and the administrative hearing. The contact summaries document exculpatory statements made to Kwiat by Petitioner's three young children, who stated that they witnessed A.M.T. attack their mother. The contact summaries also documented communications between Kwiat and Beaver County officials concerning the outcome of the investigation, including Beaver County CYS officials Toni Whiteleather and David Reese, who was a defendant in Petitioner's 2015 lawsuit, and Beaver County Detective Bonnie Sedlacek. The contact summaries show that Sedlacek told Kwiat that an indicated child-abuse determination against Petitioner would help Beaver County's criminal investigation against him. Lawrence County Children

and Youth Services subsequently designated Petitioner an indicated perpetrator of child abuse. Criminal charges were also pursued against Petitioner. Petitioner ultimately entered a nolo contendere plea in the criminal proceeding. Under Pennsylvania's Child Protective Services Law, that criminal disposition was then used to convert Petitioner's administrative status from indicated to founded without an independent adjudication in the child-abuse proceeding establishing that child abuse, as defined by Pennsylvania law, had occurred.

Petitioner challenged the founded designation. At an August 30, 2019 administrative hearing, Petitioner challenged the characterization of his nolo contendere plea rather than collaterally attacking the plea itself. Administrative Law Judge James Bobeck subsequently determined that Petitioner was entitled to challenge whether the plea had properly been characterized as supporting founded child-abuse status. Judge Bobeck ordered that the founded determination be thereafter changed back to an indicated status, and Petitioner continued pursuing administrative review on the merits. After several hearings on the merits, Lawrence County Solicitor Nora Dibuono was removed from the Courtroom and future proceedings by Judge Candice Ragin for throwing items across the room after Petitioner brought her contact summary concealment to the court's attention. The Department ultimately ceased pursuing the indicated determination and removed Petitioner as a perpetrator of abuse. The relevant administrative decisions and expungement documentation are included at **Appendices G and H** to this Petition

Petitioner Kenneth Emanuel Thornton thereafter commenced this civil-rights action pursuant to 42 U.S.C. §§ 1981, 1983, 1985, and 1986, alleging that numerous state and local officials violated his rights under the First, Fourth, Fifth, and Fourteenth Amendments during child-abuse investigations, criminal proceedings, administrative proceedings, and related judicial proceedings arising under Pennsylvania's Child Protective Services Law ("CPSL"). The District Court had federal-question jurisdiction under 28 U.S.C. § 1331 because Petitioner's claims arose under the United States Constitution and federal civil-rights laws.

Petitioner alleged, among other things, unlawful searches and seizures, retaliation for engaging in constitutionally protected activity, interference with familial relationships, deprivation of procedural due process, civil-rights conspiracy, and the improper designation of Petitioner as a perpetrator of child abuse through Pennsylvania's ChildLine Registry.

Petitioner further challenged the constitutionality of Pennsylvania's Child Protective Services Law, including **23 Pa.C.S. §§ 6303 and 6368 and 55 Pa. Code § 3490.4**, both facially

and as applied. Petitioner alleged that Pennsylvania's statutory framework automatically converted a nolo contendere plea into a founded child-abuse determination and ChildLine Registry placement without an independent adjudication that child abuse, as defined by Pennsylvania law, had occurred and without constitutionally adequate procedural protections.

Petitioner further alleged that ChildLine Registry placement immediately subjected him to substantial reputational injury, statutory disabilities, restrictions on employment, volunteer service, ministry, coaching, counseling, and advocacy opportunities, interference with familial relationships, and other protected liberty interests for years before he received meaningful review of the underlying abuse determination.

Petitioner's operative Third Amended Complaint also expressly invoked the Fifth Amendment Double Jeopardy Clause. Petitioner alleged that the criminal proceedings and resulting nolo contendere plea were used to impose founded child-abuse status and ChildLine consequences arising from the same underlying conduct, thereby subjecting Petitioner to additional governmental punishment and substantial legal disabilities. The Third Amended Complaint expressly alleged that Pennsylvania's statutory framework, as applied to Petitioner, violated the Fifth Amendment Double Jeopardy Clause.

The United States District Court for the Western District of Pennsylvania dismissed Petitioner's complaint in its entirety. The United States Court of Appeals for the Third Circuit affirmed that judgment. In addressing Petitioner's Double Jeopardy argument, however, the Court of Appeals stated that Petitioner had not presented a Fifth Amendment claim in the District Court. Petitioner's operative Third Amended Complaint expressly invoked the Fifth Amendment Double Jeopardy Clause on multiple occasions, including in Petitioner's facial and as-applied constitutional challenge to Pennsylvania's statutory framework. Petitioner specifically brought this discrepancy to the Court of Appeals' attention in his timely Petition for Panel Rehearing and Petition for Rehearing En Banc. Rehearing was subsequently denied.

The District Court also concluded that the majority of Petitioner's claims were barred by the applicable statutes of limitations and rejected application of the continuing-violation doctrine. In doing so, the court characterized the challenged events as separate and discrete incidents involving unconnected entities and individuals. The court nevertheless recognized

that, if the Third Amended Complaint contained plausible factual support connecting the alleged conspiracy, the continuing-violation doctrine could, in theory, apply. Petitioner alleged such connections, including communications and coordinated conduct among officials from different county agencies during the investigations and administrative proceedings. Those allegations included communications reflected in Alexander Kwiat's contemporaneous contact summaries involving Beaver County and Lawrence County officials and law-enforcement personnel. Petitioner contends that treating the alleged conduct as wholly disconnected prevented consideration of whether the later acts constituted part of the continuing course of conduct alleged in the operative complaint.

This Petition follows because this case presents recurring federal constitutional questions of exceptional national importance concerning the minimum procedural protections required before a State may designate an individual as a perpetrator of child abuse, place that individual on a child-abuse registry, and impose the substantial legal, reputational, and liberty consequences attendant to that designation.

REASONS FOR GRANTING THE PETITION

I. THIS CASE PRESENTS RECURRING FEDERAL CONSTITUTIONAL QUESTIONS OF EXCEPTIONAL NATIONAL IMPORTANCE.

This case presents recurring federal constitutional questions concerning the minimum procedural protections required before a State may designate an individual as a perpetrator of child abuse, place that individual on a child-abuse registry, and impose substantial legal, reputational, and liberty deprivations arising from that designation.

Although every State possesses a compelling interest in protecting children from abuse and neglect, the Constitution imposes meaningful limits on how that objective may be pursued. This case presents the important constitutional question whether a State may immediately impose the profound legal consequences associated with a child-abuse determination before first providing constitutionally adequate procedural safeguards, including a meaningful pre-deprivation opportunity to be heard.

These questions extend far beyond Petitioner's individual circumstances. Every State maintains some form of child-abuse reporting or registry system, yet significant differences exist concerning the procedures afforded before individuals are designated as child abusers and subjected to substantial legal disabilities. Consequently, this case presents recurring constitutional questions that affect thousands of individuals nationwide and warrant this Court's review. Because these important constitutional questions recur throughout the Nation and implicate fundamental liberty interests, this Court's review is warranted to provide uniform guidance concerning the minimum procedural protections required by the Fourteenth Amendment before individuals may be designated as perpetrators of child abuse and subjected to the resulting legal consequences.

II. THE FOURTEENTH AMENDMENT REQUIRES MEANINGFUL PROCEDURAL SAFEGUARDS BEFORE A STATE MAY DESIGNATE AN INDIVIDUAL AS A PERPETRATOR OF CHILD ABUSE, PLACE THAT INDIVIDUAL ON A CHILD-ABUSE REGISTRY, AND IMPOSE SUBSTANTIAL LEGAL, REPUTATIONAL, AND LIBERTY CONSEQUENCES.

This case presents a recurring federal constitutional question concerning the minimum procedural protections required before the government may designate an individual as a perpetrator of child abuse, place that individual on a child-abuse registry, and impose substantial legal, reputational, and liberty consequences arising from that designation.

Petitioner respectfully submits that the Due Process Clause requires more than notice and an opportunity to seek relief after the government has already imposed profound legal disabilities and reputational harm. Rather, where the government seeks to brand an individual as a child abuser and immediately impose significant statutory consequences, the Constitution requires meaningful procedural safeguards, including a meaningful pre-deprivation opportunity to be heard. This Court's decision in **Mathews v. Eldridge**, 424 U.S. 319 (1976), establishes that the process required by the Fourteenth Amendment depends upon balancing (1) the private interests affected, (2) the risk of erroneous deprivation under

existing procedures and the value of additional safeguards, and (3) the governmental interests involved. Applying that framework here, Petitioner's substantial liberty interests, the risk of erroneous ChildLine placement before meaningful review, and the availability of prompt pre-deprivation procedures present substantial constitutional questions warranting this Court's review.

Pennsylvania's Child Protective Services Law permits individuals to be subjected to significant legal, occupational, reputational, and familial consequences before meaningful judicial review of the underlying child-abuse determination occurs. Petitioner alleges that Pennsylvania's statutory framework subjected him to years of ChildLine Registry placement, substantial liberty deprivations, and severe reputational injury before he ultimately succeeded in overturning the founded determination and obtaining removal of the indicated determination.

The constitutional question presented is neither isolated nor unique to Pennsylvania. Child-abuse registry systems exist throughout the Nation, yet substantial differences remain concerning the procedural protections afforded before individuals are designated as perpetrators of child abuse and subjected to significant legal disabilities. As a result, citizens across the Nation are afforded vastly different procedural protections before suffering similar legal and reputational consequences.

Accordingly, this Court should grant certiorari to establish the minimum procedural protections required by the Fourteenth Amendment before a State may designate an individual as a perpetrator of child abuse, place that individual on a child-abuse registry, and impose the substantial legal, reputational, and liberty consequences attendant to that designation.

III. PENNSYLVANIA'S CHILD PROTECTIVE SERVICES LAW PRESENTS IMPORTANT CONSTITUTIONAL QUESTIONS CONCERNING THE AUTOMATIC IMPOSITION OF FOUNDED STATUS AND CHILDLINE REGISTRY PLACEMENT.

This case presents important constitutional questions concerning Pennsylvania's Child Protective Services Law, including **23 Pa.C.S. §§ 6303 and 6368 and 55 Pa. Code § 3490.4.**

Petitioner challenges these provisions both facially and as applied, alleging that Pennsylvania's statutory framework permits the automatic conversion of a nolo contendere plea into a founded child-abuse determination and ChildLine Registry placement without an independent adjudication that child abuse, as defined by Pennsylvania law, actually occurred.

As a result of that statutory framework, individuals may immediately be subjected to ChildLine Registry placement and the substantial legal, reputational, occupational, and familial consequences attendant to that designation before receiving constitutionally adequate procedural protections or meaningful judicial review.

This case therefore presents an important constitutional question concerning whether Pennsylvania's statutory framework creates an unacceptable risk of erroneous deprivation by automatically imposing founded child-abuse status and ChildLine Registry consequences without first requiring an independent determination that child abuse has been established under Pennsylvania law.

The constitutional questions presented extend beyond Pennsylvania. Many States employ similar statutory frameworks under which child-abuse registry placement and significant legal consequences arise from administrative or criminal proceedings without uniform procedural safeguards. This case therefore provides an appropriate vehicle for this Court to clarify the constitutional minimum required by the Fourteenth Amendment before a State may impose such consequences.

Accordingly, this Court should grant certiorari to determine whether Pennsylvania's Child Protective Services Law, including **23 Pa.C.S. §§ 6303 and 6368 and 55 Pa. Code § 3490.4**, comports with the procedural protections required by the Fourteenth Amendment.

IV. THIS CASE PRESENTS IMPORTANT QUESTIONS CONCERNING STIGMA-PLUS LIBERTY INTERESTS ARISING FROM CHILDLINE REGISTRY PLACEMENT.

This case presents important constitutional questions concerning the liberty interests implicated when the government officially designates an individual as a perpetrator of child abuse, places that individual on a child-abuse registry, and immediately imposes substantial legal, reputational, occupational, and familial consequences arising from that designation.

Petitioner alleges that ChildLine Registry placement resulted in far more than reputational harm alone. Petitioner further alleges that his designation as a perpetrator of child abuse resulted in substantial legal disabilities, restrictions on employment, volunteer service, ministry, coaching, counseling, advocacy opportunities, and interference with familial relationships. These allegations implicate the well-established constitutional principle that governmental defamation coupled with the alteration of legal status or the deprivation of tangible interests may give rise to a protected liberty interest under the Fourteenth Amendment. See **Paul v. Davis, 424 U.S. 693 (1976)** (recognizing that reputational harm alone ordinarily does not implicate the Due Process Clause, but that governmental defamation coupled with the alteration of legal status or deprivation of a tangible interest may give rise to a protected liberty interest).

Although this Court has long recognized that reputational harm alone is generally insufficient to establish a constitutional deprivation, this case presents the important question whether Pennsylvania's ChildLine Registry system imposes consequences that extend well beyond reputation by altering an individual's legal status and imposing substantial statutory disabilities before constitutionally adequate procedural safeguards are provided.

The constitutional significance of these questions extends beyond Pennsylvania. Child-abuse registry systems throughout the Nation frequently impose significant legal consequences affecting employment, professional licensing, volunteer opportunities, and other protected liberty interests. This Court's review is therefore warranted to clarify the constitutional protections applicable when States impose such consequences through child-abuse registry systems.

Accordingly, this Court should grant certiorari to clarify the constitutional protections afforded by the Fourteenth Amendment when government action results in stigma coupled with substantial legal disabilities and other protected liberty deprivations.

V. THIS CASE PRESENTS IMPORTANT QUESTIONS CONCERNING THE APPLICATION OF THE DOUBLE JEOPARDY CLAUSE TO THE AUTOMATIC IMPOSITION OF FOUNDED CHILD-ABUSE STATUS AND CHILDLINE REGISTRY CONSEQUENCES.

This case presents important constitutional questions concerning whether the automatic imposition of founded child-abuse status and ChildLine Registry consequences arising from the same underlying conduct constitutes additional punishment in violation of the Double Jeopardy Clause of the Fifth Amendment.

Petitioner alleges that Pennsylvania's statutory framework imposed substantial legal disabilities, reputational injury, occupational restrictions, and other significant consequences automatically upon the entry of a nolo contendere plea, without an independent adjudication that child abuse, as defined by Pennsylvania law, had occurred. Petitioner contends that these statutory consequences constitute an additional governmental sanction separate and apart from the underlying criminal proceedings.

The constitutional question presented extends beyond Petitioner's individual circumstances. States throughout the Nation increasingly employ civil regulatory schemes

that impose significant legal consequences arising from criminal proceedings. This case therefore presents an important opportunity for this Court to clarify the constitutional limits governing when civil regulatory measures become so punitive in purpose or effect that they implicate the protections afforded by the Double Jeopardy Clause.

Clarification by this Court is particularly important where those statutory consequences include government designation as a child abuser, placement on a statewide child-abuse registry, and the immediate imposition of substantial legal, occupational, and reputational disabilities affecting fundamental liberty interests.

Accordingly, this Court should grant certiorari to determine whether the automatic imposition of founded child-abuse status and ChildLine Registry consequences under Pennsylvania's Child Protective Services Law violates the Double Jeopardy Clause of the Fifth Amendment.

VI. THE LOWER COURTS FAILED TO LIBERALLY CONSTRUE PETITIONER'S PRO SE PLEADINGS AND, AS A RESULT, FAILED TO ADDRESS SUBSTANTIAL FEDERAL CONSTITUTIONAL QUESTIONS PRESENTED BY THIS CASE.

Petitioner prosecuted this action without the assistance of counsel. Accordingly, Petitioner's pleadings were entitled to liberal construction under this Court's well-established precedent governing pro se litigants.

Throughout the proceedings below, Petitioner consistently presented substantial federal constitutional questions concerning procedural due process, meaningful pre-deprivation hearings, ChildLine Registry placement, stigma-plus liberty interests, the automatic conversion of a nolo contendere plea into a founded child-abuse determination, the constitutionality of 23 Pa.C.S. §§ 6303 and 6368 and 55 Pa. Code § 3490.4, the Double Jeopardy Clause of the Fifth Amendment, and multiple claims arising under 42 U.S.C. §§ 1981, 1983, 1985, and 1986.

Rather than liberally construing Petitioner's pleadings and addressing those constitutional questions on their merits, the lower courts dismissed Petitioner's claims in their entirety, preventing meaningful judicial consideration of important constitutional questions

concerning Pennsylvania's Child Protective Services Law and the constitutional protections required before individuals are designated as perpetrators of child abuse.

That problem also affected the District Court's statute-of-limitations analysis. The District Court rejected Petitioner's continuing-violation theory because it regarded the challenged events as discrete incidents involving unconnected actors. Yet the court itself acknowledged that the continuing-violation doctrine could, in theory, apply if the operative complaint plausibly alleged facts connecting the asserted conspiracy. Petitioner's pro se complaint alleged communications and coordinated conduct among officials spanning county agencies and law enforcement, including contemporaneous contact summaries documenting communications among participants in the challenged investigations. Construed liberally and with reasonable inferences drawn in Petitioner's favor, those allegations warranted consideration of whether the challenged conduct constituted a continuing course of conduct rather than wholly unrelated events. The limitations ruling therefore provides an additional example of how the failure to liberally construe the operative pro se pleading prevented adjudication of the substantial constitutional questions presented.

Because this case presents substantial constitutional questions that extend beyond Petitioner's individual circumstances, this Court's review is warranted to ensure that pro se litigants raising significant federal constitutional claims receive the liberal construction required by this Court's precedent and that those constitutional questions are resolved on their merits.

Accordingly, this Court should grant certiorari, vacate the judgment below, and remand this case for further proceedings consistent with this Court's precedent governing the liberal construction of pro se pleadings and the adjudication of substantial federal constitutional claims.

VII. PETITIONER'S CLAIMS FOR PROSPECTIVE RELIEF FALL WITHIN THE EX PARTE YOUNG EXCEPTION.

Petitioner seeks prospective declaratory and injunctive relief against the Secretary of the Pennsylvania Department of Human Services in her official capacity to prevent the continued enforcement of procedures that allegedly violate the Fourteenth Amendment.

Under *Ex parte Young*, 209 U.S. 123 (1908), suits seeking prospective relief against state officials to end ongoing violations of federal law are not barred by sovereign immunity. Petitioner's constitutional challenge to Pennsylvania's Child Protective Services Law seeks precisely that form of relief. Petitioner does not seek retrospective damages from the Commonwealth through these claims but instead seeks prospective declaratory and injunctive relief prohibiting the continued enforcement of statutory procedures that violate the Constitution.

To the extent the courts below failed to recognize or properly apply the *Ex parte Young* exception, Petitioner's claims for prospective declaratory and injunctive relief were dismissed without full consideration of the merits of his constitutional challenge. This Court's review is warranted to reaffirm that federal courts retain authority to grant prospective relief against state officials who continue to enforce unconstitutional statutes and policies.

VIII. THIS CASE PRESENTS AN APPROPRIATE VEHICLE FOR RESOLVING RECURRING FEDERAL CONSTITUTIONAL QUESTIONS OF EXCEPTIONAL NATIONAL IMPORTANCE.

This case presents an appropriate vehicle for resolving recurring federal constitutional questions concerning the minimum procedural protections required before a State may designate an individual as a perpetrator of child abuse, place that individual on a child-abuse registry, and impose substantial legal, reputational, and liberty consequences arising from that designation.

The constitutional questions presented are squarely before this Court. Petitioner consistently raised throughout the proceedings below his challenges under the First, Fourth, Fifth, and Fourteenth Amendments, his challenges to Pennsylvania's Child Protective Services Law, including 23 Pa.C.S. §§ 6303 and 6368 and 55 Pa. Code § 3490.4, his challenges to Pennsylvania's ChildLine Registry framework, and his claims under 42 U.S.C. §§ 1981, 1983, 1985, and 1986.

The courts below entered a final judgment disposing of Petitioner's constitutional and statutory claims in their entirety. Accordingly, this case presents a clean procedural posture in which this Court may address important constitutional questions concerning pre-deprivation hearings, procedural due process, stigma-plus liberty interests, the automatic imposition of founded child-abuse status, ChildLine Registry placement, and the constitutional limitations governing child-abuse registry systems.

The questions presented are recurring, nationally significant, and have the potential to affect millions of individuals who are subject to state child-abuse registry systems and the procedural protections governing those systems. Resolution of these questions by this Court would provide much-needed guidance to lower courts and state governments concerning the constitutional minimum procedures required before imposing the profound legal and reputational consequences associated with child-abuse determinations.

Accordingly, this Court should grant certiorari because this case presents an appropriate vehicle for resolving recurring federal constitutional questions of exceptional national importance concerning the constitutional limits governing child-abuse registry systems and the procedural protections required by the Fourteenth Amendment before individuals may be designated as perpetrators of child abuse.

IX. THIS COURT'S REVIEW IS NECESSARY TO ESTABLISH UNIFORM FEDERAL CONSTITUTIONAL STANDARDS GOVERNING CHILD-ABUSE REGISTRY SYSTEMS.

Although every State possesses a compelling interest in protecting children from abuse and neglect, the Constitution requires that those important governmental objectives be pursued in a manner consistent with the protections guaranteed by the Bill of Rights and the Fourteenth Amendment.

At present, substantial differences exist among the States concerning the procedural protections afforded before individuals are designated as perpetrators of child abuse,

placed on child-abuse registries, and subjected to significant legal, occupational, reputational, and liberty consequences. As a result, similarly situated individuals may receive substantially different constitutional protections depending solely upon the jurisdiction in which they reside.

This case presents an opportunity for this Court to establish the constitutional minimum required before States may impose those profound consequences. Such guidance would not diminish the States' compelling interest in protecting children. Rather, it would strengthen public confidence in child-protection systems by ensuring that meaningful procedural safeguards exist to reduce the risk of erroneous governmental action while preserving the ability of States to protect vulnerable children.

Accordingly, this Court should grant certiorari to clarify the constitutional standards governing child-abuse registry systems and to ensure that the protections guaranteed by the Constitution are applied uniformly throughout the Nation.

X. THE PENNSYLVANIA SUPREME COURT'S DECISION IN S.F. DEMONSTRATES THE NEED FOR THIS COURT'S REVIEW.

Pennsylvania's appellate courts have already recognized that the Child Protective Services Law may fail to satisfy the constitutional requirements of procedural due process under certain circumstances. In S.F., the court held that, as applied to teachers, the Child Protective Services Law was constitutionally deficient because it failed to provide a meaningful pre-deprivation hearing before an accused teacher was identified as a perpetrator of child abuse and placed on the ChildLine Registry. The court further concluded that the post-deprivation procedures afforded by the statute were constitutionally inadequate to cure that deprivation and held that teachers were entitled to a pre-deprivation hearing before being listed on the ChildLine Registry, including before the entry of a founded report based upon participation in an Accelerated Rehabilitative Disposition ("ARD") program.

Pennsylvania already requires pre-deprivation hearings for one class of citizens (Teachers), because post-deprivation reviews are constitutionally inadequate. This case asks whether the Fourteenth Amendment requires comparable protections before any individual citizen may be branded a child abuser and subjected to the profound legal and liberty consequences attendant to ChildLine placement.

This case squarely presents those unresolved federal constitutional questions. Petitioner challenges Pennsylvania's statutory framework, including **23 Pa.C.S. §§ 6303 and 6368 and 55 Pa. Code § 3490.4**, alleging that those provisions permit the automatic conversion of a nolo contendere plea into a founded child-abuse determination and ChildLine Registry placement without an independent adjudication that child abuse, as defined by Pennsylvania law, occurred and without providing a meaningful pre-deprivation opportunity to be heard.

This Petition therefore asks this Court to determine whether the constitutional protections recognized in S.F. for one class of citizens are required by the Fourteenth Amendment before any individual citizen may be designated as a perpetrator of child abuse, placed on a child-abuse registry, and subjected to the profound legal, reputational, occupational, and liberty consequences attendant to that designation.

Accordingly, this Court should grant certiorari.

XI. THE DIVERGENT PROCEDURAL PROTECTIONS EMPLOYED BY THE STATES WARRANT THIS COURT'S REVIEW.

The constitutional questions presented in this case are neither isolated nor unique to Pennsylvania. Every State maintains some form of child-abuse reporting or registry system. Yet substantial differences exist concerning the procedural protections afforded before individuals are designated as perpetrators of child abuse, placed on child-abuse registries, and subjected to significant legal, reputational, occupational, and liberty consequences.

Some States provide meaningful pre-deprivation hearings before registry placement or the imposition of comparable legal consequences, while others rely primarily upon post-deprivation administrative review. Consequently, similarly situated citizens may receive fundamentally different constitutional protections depending solely upon the jurisdiction in which they reside.

The Fourteenth Amendment should not permit the availability of fundamental procedural protections to depend upon state boundaries. Rather, the Due Process Clause establishes a national constitutional floor below which no State may fall when depriving individuals of protected liberty interests.

Petitioner respectfully submits that this lack of procedural uniformity demonstrates the need for this Court to establish the minimum constitutional safeguards required before a State may designate an individual as a perpetrator of child abuse, place that individual on a child-abuse registry, and impose the substantial legal, reputational, occupational, and liberty consequences attendant to that designation.

The accompanying fifty-state survey demonstrates the significant differences among the States concerning pre-deprivation hearings, registry placement procedures, burdens of proof, administrative review, judicial review, and other procedural safeguards governing child-abuse registry systems. Those differences underscore the need for this Court to establish uniform federal constitutional standards applicable throughout the Nation.

Accordingly, this Court should grant certiorari to establish the minimum procedural protections required by the Fourteenth Amendment before any State may designate an individual as a perpetrator of child abuse, place that individual on a child-abuse registry, and impose the profound legal, reputational, occupational, and liberty consequences attendant to that designation.

A. FIFTY-STATE SURVEY OF CHILD-ABUSE REGISTRY PROCEDURES

✓ = Procedure generally provided

Limited = Protection applies only to certain persons, findings,
disclosures, occupations, or circumstances

— = Procedure not generally provided

State	Pre-Deprivation Protection	Post-Deprivation Review	Limitation or Special Rule
Alabama	Limited ✓	✓	Fact-finding hearing for certain persons connected with license child-care facilities; others may receive administrative record review.
Alaska	✓	✓	Notice and an opportunity to appeal precede registry placement and covered civil-history disclosure.
Arizona	✓	✓	A timely hearing request prevents central-registry entry until the hearing process is completed.
Arkansas	—	✓	Removal or expunction generally occurs after registry placement, sometimes following a waiting period.

State	Pre-Deprivation Protection	Post-Deprivation Review	Limitation or Special Rule
California	—	✓	Hearing challenges an existing Child Abuse Central Index listing.
Colorado	—	✓	Appeal follows a confirmed finding.
Connecticut	✓	✓	Notice concerns a recommended finding and proposed registry placement; timely review precedes final placement.
Delaware	✓ Judicial	✓	Family Court hearing is available before intended registry placement becomes final.
Florida	—	✓	Internal review follows a verified investigative finding.
Georgia	—	✓	Administrative review follows a substantiated determination.
Hawaii	—	—	No generally applicable challenge procedure identified in the statutes or regulations reviewed.

State	Pre-Deprivation Protection	Post-Deprivation Review	Limitation or Special Rule
Idaho	✓	✓	A proposed substantiated finding becomes effective and is placed on the registry unless timely review is sought.
Illinois	—	✓	Amendment or removal is requested after an indicated report is entered.
Indiana	—	✓	Notice and hearing rights follow entry of a substantiated report.
Iowa	—	✓	Correction procedures follow the assessment and registry determination.
Kansas	—	✓	Expunction or amendment generally concerns an existing registry record.
Kentucky	—	✓	Appeal follows notice of a substantiated investigative finding.
Louisiana	—	✓ Judicial	A court petition is required rather than a generally applicable pre-placement administrative hearing.

State	Pre-Deprivation Protection		Post-Deprivation Review	Limitation or Special Rule
Maine	—	✓		Administrative review follows a substantiated finding.
Maryland	—	✓		A contested-case hearing follows an indicated finding.
Massachusetts	—	✓		A fair hearing challenges a supported determination or existing registry listing.
Michigan	—	✓		Amendment or expunction concerns an existing central-registry report.
Minnesota	—	✓		Reconsideration and hearing follow a final maltreatment determination.
Mississippi	—	✓		Appeal rights arise upon notice of the official agency finding.
Missouri	—	✓		Administrative review follows the Division's abuse-or-neglect finding.
Montana	—	✓		Fair hearing follows notice of the

State	Pre-Deprivation Protection	Post-Deprivation Review	Limitation or Special Rule
			Department's substantiated finding.
Nebraska	—	✓	Amendment, expunction, or removal generally follows completion of the investigation.
Nevada	—	✓	Appeal follows a substantiated or confirmed finding.
New Hampshire	—	✓ Judicial	Court expungement petition follows registry entry and ordinarily requires a waiting period.
New Jersey	—	✓	Administrative appeal follows a substantiated finding.
New Mexico	—	✓	Administrative review follows a substantiated investigation.
New York	—	✓	Amendment and fair-hearing procedures follow notice that a report is indicated.
North Carolina	✓ Judicial	✓	A timely court petition prevents

State	Pre-Deprivation Protection	Post-Deprivation Review	Limitation or Special Rule
			placement on the Responsible Individuals List pending review.
North Dakota	—	✓	Appeal follows the assessment decision and does not automatically suspend its legal effect.
Ohio	—	—	No generally applicable challenge procedure identified in the statutes or regulations reviewed.
Oklahoma	—	✓	Review follows a substantiated finding.
Oregon	—	✓	Review follows recording of a founded disposition.
Pennsylvania	Limited ✓	✓	Qualifying teachers receive a pre-deprivation hearing under S.F.; other persons generally challenge indicated or founded status afterward.
Rhode Island	—	✓	Review follows an indicated finding; disclosure may occur while review is pursued.

State	Pre-Deprivation Protection	Post-Deprivation Review	Limitation or Special Rule
South Carolina	—	✓	Appeal applies after an indicated determination or registry entry.
South Dakota	✓	✓	The person is notified that placement will occur and may request a hearing within thirty days before placement becomes final.
Tennessee	Limited ✓	✓	The initial substantiated classification is made first, but external release is withheld while timely review and hearing rights are pursued.
Texas	—	✓	Administrative review follows the investigative determination.
Utah	Limited ✓	✓	Timing depends upon the seriousness and type of finding; some severe findings may be entered before review.
Vermont	✓	✓	Administrative review ordinarily precedes creation of the registry record; temporary entry may occur

State	Pre-Deprivation Protection	Post-Deprivation Review	Limitation or Special Rule
			during certain court-related stays.
Virginia	—	✓	Conference and administrative hearing follow notice of the local agency's determination.
Washington	—	✓	Review and amendment follow notice of a founded report.
West Virginia	—	✓	Grievance follows substantiation; successful review results in removal.
Wisconsin	Limited ✓	✓	The agency makes its determination before the hearing, but certain external disclosures are restricted pending a final determination.
Wyoming	—	✓	Notice states that the person's name has already been entered before the administrative hearing.

Source: Child Welfare Information Gateway, Review and Expunction of Central Registries and Reporting Records (current through Jan. 31, 2024), together with the official state-specific summaries published by the U.S. Department of Health and Human Services.

B. THE NATIONWIDE SURVEY DEMONSTRATES THE ABSENCE OF A UNIFORM CONSTITUTIONAL STANDARD

The survey reveals a pronounced national division. Only a comparatively small group of States provides a generally applicable opportunity to challenge a child-abuse determination before registry placement becomes final. Most States first substantiate, indicate, confirm, found, record, or otherwise give effect to the allegation and provide an opportunity for administrative or judicial correction only afterward. Several States provide limited protection by delaying disclosure or granting pre-deprivation procedures only to selected occupations, categories of findings, or classes of individuals.'

The existence of an eventual appeal is not the constitutional equivalent of pre-deprivation process. A post-deprivation proceeding may correct the government's records, but it cannot prevent the original designation, registry entry, employment restriction, disclosure, reputational injury, or disruption of family relationships. A timely pre-deprivation hearing, by contrast, can prevent an erroneous governmental designation before those consequences occur.

Pennsylvania's system demonstrates the constitutional inconsistency. Qualifying teachers receive a hearing before ChildLine placement because post-deprivation review was determined to be constitutionally inadequate, while other persons accused under the same statutory system ordinarily

must challenge the determination only after the Commonwealth has designated them as perpetrators. The protected liberty interest does not become less substantial merely because the accused is not a teacher.

The Constitution permits States flexibility in designing their child-protection systems, but it does not permit the minimum protection afforded a fundamental liberty interest to depend entirely upon geography, occupation, or professional status. The substantial interstate variation demonstrated by this survey warrants this Court's review and the establishment of a uniform constitutional floor.

XII. WHY THIS CASE PRESENTS AN IDEAL VEHICLE FOR RESOLVING A QUESTION OF EXCEPTIONAL NATIONAL IMPORTANCE

This case presents an ideal vehicle for resolving a recurring and exceptionally important question concerning the procedural protections required by the Fourteenth Amendment before a State may designate an individual as a perpetrator of child abuse and impose the profound legal, occupational, reputational, and familial consequences that follow.

Petitioner's case vividly illustrates the constitutional injury resulting from the absence of a uniform national standard. Before receiving the meaningful process he contends the Constitution requires, Petitioner was officially designated a perpetrator of child abuse and subjected to the resulting legal, reputational, occupational, and familial consequences. Although the indicated report was ultimately expunged, the years during which Petitioner lived under those legal disabilities and the resulting harm could not be undone. Petitioner's experience demonstrates why meaningful pre-deprivation process is essential and why

post-deprivation review alone cannot fully protect the liberty interests guaranteed by the Fourteenth Amendment.

Petitioner does not challenge the authority of States to investigate allegations of child abuse, protect vulnerable children, or maintain child-protection registries. Rather, Petitioner asks whether the Due Process Clause permits a State to impose the extraordinary consequences of an official child abuse designation before providing the accused with a meaningful opportunity to be heard.

The constitutional issue is squarely presented. Throughout these proceedings, the Commonwealth has maintained that post-deprivation administrative review satisfies the requirements of due process. Petitioner has consistently maintained that once the government has officially designated an individual as a child abuser and imposed the resulting legal consequences, no subsequent hearing can fully restore the liberty interests already lost. Accordingly, the precise constitutional question has been preserved at every stage of this litigation and is now properly before this Court.

This case also presents an unusually suitable vehicle because the constitutional issue is not obscured by questions of standing, mootness, qualified immunity, or disputed jurisdiction. The issue presented is purely constitutional: whether the Fourteenth Amendment requires meaningful process before the State may impose the legal and practical consequences attendant to an official child-abuse designation.

Pennsylvania itself has already recognized that post-deprivation review may be constitutionally inadequate. Following **S.F. v. Pennsylvania Department of Human Services**, the Commonwealth now affords qualifying teachers a hearing before ChildLine placement because a later hearing cannot adequately remedy the immediate consequences of an erroneous designation. Nevertheless, Pennsylvania continues to deny those same constitutional protections to every other citizen accused under the identical statutory scheme. The Constitution cannot permit the availability of due process to depend upon one's occupation.

The nationwide survey set forth above further demonstrates the urgent need for this Court's intervention. States have adopted materially different procedures governing when an accused individual may challenge a child-abuse determination. Some States provide meaningful pre-deprivation protections before registry placement or comparable governmental action. Others require the accused to endure registry placement, employment consequences, reputational injury, and other legal disabilities before any meaningful opportunity to challenge the allegation. Still others provide enhanced protections only to selected occupations or limited classes of individuals. Consequently, the constitutional protections afforded to similarly situated citizens vary dramatically depending solely upon the State in which they reside.

This case demonstrates that the constitutional issue presented is neither abstract nor hypothetical. Petitioner was officially designated a perpetrator of child abuse and subjected to the resulting legal, occupational, reputational, and familial consequences before receiving the meaningful pre-deprivation process he contends the Fourteenth Amendment requires. Although the indicated report was ultimately expunged, the years during which Petitioner lived under the stigma and legal disabilities associated with that designation cannot be restored. Employment opportunities were lost, family relationships were disrupted, professional and community standing were damaged, and the constitutional injury had already occurred long before meaningful relief was obtained. Petitioner's experience illustrates why post-deprivation review is not an adequate substitute for the process guaranteed by the Constitution before the deprivation occurs.

The consequences of these differing procedures are substantial. A child-abuse designation may immediately affect employment opportunities, professional licensure, volunteer service, foster or adoptive eligibility, child-custody proceedings, educational opportunities, reputation within the community, and numerous other protected liberty interests. Once those consequences occur, a later administrative hearing or expungement cannot fully restore lost employment, repair damaged reputations, reunite fractured families, or erase the stigma imposed by an official governmental designation.

Accordingly, the Petition for a Writ of Certiorari should be granted.

and registry systems throughout the United States.

Could and affect millions of Americans who may become subject to child-abuse reporting petitions, the constitutional questions presented extend far beyond the parties before the discussed throughout this Petition. Although this case arises from the injuries suffered by the Due Process Clause of the Fourteenth Amendment and the other constitutional guarantees, the questions presented implicate fundamental constitutional protections, including the

designation.

profound legal, occupational, reputational, and familial consequences attendant to that individual may be officially designated a perpetrator of child abuse and subjected to the questions concerning the constitutional limitations imposed upon the States before us. For the foregoing reasons, this Petition presents exceptionally important and recurring

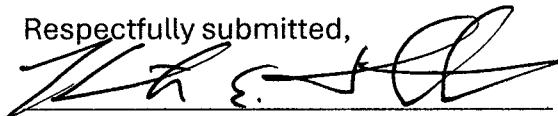
XIII CONCLUSION

For these reasons, this Court should grant the Petition for a Writ of Certiorari.

child abuse and impose the significant legal consequences that inevitably follow. safeguards required by the Due Process Clause before a State may brand an individual as exceptionally appropriate vehicle through which to establish the minimum procedural warrants this Court's review. This case provides the Court with a clear, well-developed, and constitutional standard has produced precisely the type of interstate inconsistency that not depend upon the varying practices of individual States. The absence of a uniform the Fourteenth Amendment was adopted to ensure that fundamental liberty interests would

child abuse and impose the profound legal consequences attendant to that designation. protections required before a State may officially designate an individual as a perpetrator of systems. Yet no uniform constitutional rule presently defines the minimum procedural volunteers, coaches, clergy members, and other citizens are potentially subject to those reporting or registry system. Millions of parents, teachers, childcare workers, foster parents, beyond the parties to this litigation. Every State maintains some form of child-protection. This case therefore presents a question of exceptional national importance extending far

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K.E. Thornton', written over a horizontal line.

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