No. 26-5956

---

**IN THE SUPREME COURT OF THE UNITED STATES**

---

FILED
OCT 16 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Marina Burroughs - Petitioner, and

Robert Burroughs - Petitioner

Vs.

Texas Department of Family and Protective Services - Respondent

(In The Interest of K.B., a Child)

ON PETITION FOR A WRIT OF CERTIORARI TO THE TWELFTH COURT OF APPEALS

DISTRICT OF TEXAS

# PETITION FOR WRIT OF CERTIORARI

Marina Burroughs and Robert Burroughs

Address: 7192 Shallowater Rd, Mabank, TX, 75156 Telephone: (903) 519 -2249

October 16, 2026

## QUESTIONS PRESENTED

1. Whether civil court's Jury or the Judge can deprive a person of their natural and constitutional right to life and liberty with the person's child for criminal allegations without due process of criminal prosecution and terminate parental rights of such person, or would the criminal conviction for the alleged crime be needed for consideration of such drastic action. (Bill of Rights Amendment V in question)

2. Whether Child Protective Services violate Fifth Amendment by having a person answer for capital or otherwise infamous crime without presentment or indictment of a Grand Jury. (Bill of Rights Amendment V in question)

3. Whether Child Protective Services can operate outside Fourth Amendment and have the right to search people's property, order people out of their car and cease their children without first getting a warrant, as warrants in Child Protective Service cases are given post seizure of the child. (Bill of Rights Amendment IV in question)

4. Whether it is cruel and unusual punishment to terminate parental rights for Misdemeanor C citation. (Bill of Rights Amendment VIII in question)

5. Whether the right to raise a child of a parent is reserved to the State or to the parent. (Bill of Rights Amendment X in question)

## LIST OF PARTIES

**The parties to the proceedings are:**

Marina Burroughs, Petitioner

Robert Burroughs, Petitioner

Texas Department of Family and Protective Services, Respondent

## RELATED CASES

1. *In The Interest of K.B., a Child,* No. 12-25-00281-CV, Twelfth Court of Appeals District of Texas. Judgment entered March 18, 2026.
2. *In The Interest of K.B., a Child,* No. FAM24-0598-CC2, County Court at Law No 2 of Henderson County, Texas. Judgment entered October 17, 2025.
3. *In The Interest of K.B., a Child,* No. 26-0381, Supreme Court of Texas. Petition for review denied May 22, 2026.

## TABLE OF CONTENTS

OPINIONS BELOW.....1

JURISDICTION.....1

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....2

STATEMENT OF THE CASE.....4

REASONS FOR GRANTING THE WRIT.....9

CONCLUSIONS.....13

## INDEX TO APPENDICES

APPENDIX A - Twelfth Court of Appeals District of Texas Judgment — March 18, 2026

APPENDIX B - County Court At Law No. 2 Order of Termination — October 17, 2025

APPENDIX C - Supreme Court of Texas Denial — May 22, 2026

## TABLE OF AUTHORITIES CITED

CASES PAGE NUMBER

*State v. Deaton.*,54 S.W. 901 (Tex. 1900).....8

*City of Keller v. Wilson*, 168 S. W. 3d 802, 817 (Tex. 2005).....8

*In re J. W.*, 152 S. W. 3d 200, 205 (Tex. 2006).....9

*Wiley v. Spartan*, 543 S. W. 2d 349, 352 (Tex. 1976).....9

STATUTES AND RULES

Amendment IV, Bill of Rights.....4, 6, 13

Amendment V, Bill of Rights.....8, 13

Amendment VIII, Bill of Rights.....7, 8, 13

Amendment X, Bill of Rights.....8, 12, 13

Texas Family Code § 161.206 (a-1).....8

Texas Family Code § 161.001 (c(1-3)).....8

OTHER

Constitution, Bill of Rights.....10, 11, 12

# IN THE

# SUPREME COURT OF THE UNITED STATES

---

## PETITION FOR WRIT OF CERTIORARI

Petitioners respectfully pray that a writ of certiorari issue to review the judgment below.

### OPINIONS BELOW

The highest state court to review the merits of this case is Twelfth Court of Appeals District of Texas. The opinion of that court appears at Appendix A to the petition and is reported at: https://search.txcourts.gov/Case.aspx?cn=12-25-00281-CV&coa=coa12 via Texas Judicial Branch Website.

### JURISDICTION

The Supreme Court of Texas denied our petition to review the case on May 22, 2026. A copy of that denial appears at Appendix C. Our Court Appointed attorneys did not ask to reconsider and resigned shortly after.

An extension of time to file the petition for a writ of certiorari was granted on August 11, 2026 extending the time to file the petition to and including October 19, 2026 in Application No. 26A189.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The **Fourth Amendment** of the Bill of Rights of the Constitution provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The **Fifth Amendment** of the Bill of Rights of the Constitution provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**Eighth Amendment** of the Bill of Rights of the Constitution provides:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

And the **Tenth Amendment** provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**State of Texas Family Code** requires:

**Texas Family Code § 161.206 (a-1)** In a suit filed by the Department of Family and Protective Services seeking termination of the parent-child relationship for more than one parent of the child, the court may order termination of the parent-child relationship for the parent only if the court finds by clear and convincing evidence grounds for the termination of the parent-child relationship for that parent.

**Texas Family Code §161.001(c(1-3))** parental rights termination limitations:

Texas Family Code § 161.001(c) Evidence of one or more of the following does not constitute clear and convincing evidence sufficient for a court to make a finding under Subsection (b) and order termination of the parent-child relationship:

(1) The parent homeschooled the child;

(2) The parent is economically disadvantaged;

(3) The parent has been charged with a nonviolent misdemeanor offense other than:

(A) an offense under Title 5, Penal Code;

(B) An offense under Title 6, Penal Code;

(C) An offense that involves family violence, as defined by Section 71.004 of this code;

## STATEMENT OF THE CASE

On November 7, 2024 Department of Family and Protective Services (DFPS) approached our vehicle while we were trying to pick up our older children from school and asked if we had anything to drink that day. I, Marina Burroughs, did have two glasses of wine with lunch and that's what I told them. After that the Investigator for DFPS proceeded to tell us that the older children that were at school at this time are afraid to come home. They asked us to pull over and approached the car with the police.

Right before we parked we called our immediate family in the area and had them come try to diffuse the situation. There were no questions. There was no investigation. There were no warrants of any kind, in violation of Amendment IV, we were asked to get out of the car or they would take all of our kids right there and right then.

We complied and this was the point when we were stripped of all of our rights and our daughter, who was with us in the car, was taken.

We were let go off by the officers two hours later without being booked into jail. When DFPS investigator found out that we did not get incarcerated she removed our daughter from our oldest son's house and took her to an undisclosed location. This was once again done without any warrants or hearings.

The hearing for removal of our daughter did not happen till the next day November 8, 2024 and November 8, 2024 the next day after the removal of our daughter K.B. County Court at Law No. 2 issued a warrant for emergency protection.

There was no violence, there were no injuries, there was no accident and there were no charges filed for anything other than we were given two Public Intoxication Citations. We deferred the tickets so they don't go on our record and that later was turned around by the DFPS attorney Rebecca Ray during trial as admission of guilt and an irresponsible act.

Two months later on January 8, 2025 at the Status hearing we were informed that our oldest 35 year old daughter, who ended up getting possession of our child, is claiming that she had been molested by her father as a child.

This defamatory, irrelevant to our daughter K.B. news was immediately spoken about in Court without due process of law even though there were no investigations, charges, indictments or convictions of any kind to support anything our oldest 35 year old daughter was saying.

We have five adult children from Robert's past relationship, two adolescents from Marina's and our youngest, the one that has been taken, is the only one we had together.

That same day, January 8, 2025 we were given the service plan for the steps needed to get our daughter K.B. back.

Due to what our oldest daughter said January 8, 2025 the Judge of the County Court at Law No 2 entered a note in Judge's notes: "....HALF SISTER WAS SEXUALLY ABUSED BY ROBERT BURROUGHS AS A CHILD..."

Again: no due process took place, there was never any investigation, charges, Grand Jury, indictment or conviction and all of a sudden there was a guilty verdict online.

DFPS no longer handles permanency. They take the children and give them to their contractors, in our case 4Kids4Families. During the trial it was discovered that 4Kids4Families are under the umbrella of Arrow Ministries who act as an adoption agency and 4Kids4Family started working

towards adoption of our daughter two months after we received a service plan sometime in March 2025.

The permanency specialist, Angela Bass, (who as it was discovered at trial had been sexually abused by her father all her life) testified at trial that our parental rights should be terminated because we are not being honest, she stated she smelt alcohol on us, even though all the tests came back negative and we never refused the test.

Angela Bass searched our house and asked us to open the cabinets we have not opened in years multiple times, she asked to go inside the broken down building on the property and even looked under the bed. Despite the Fourth Amendment we were told by our attorneys that she has the right to do so.

The Jury trial for this case started October 6, 2025 and lasted until October 14, 2025. Other than our two adolescent children A.B. and A.B. who were doing and saying as their father told them, none of the witnesses that were used at trial saw how we live and how we interact with K.B. at home.

It came up at the trial hearing that our daughter's attorney was not allowed to see her alone due to our oldest daughter's dislike of her. It came up at trial that Rebecca Ray encouraged our oldest daughter to go file charges against her father for sexual abuse, which she did and had two failed attempts.

It came up at trial that during Rebecca Ray's prepping of our adolescent children they had revealed more accusations two weeks before the trial; once again no investigation, no charges, no indictment came out of those, yet, Rebecca Ray had us answer for all of those things during K.B.'s trial.

It was also revealed that family therapy that was recommended by K.B.'s therapist was never offered to us. The therapist told the Jury that she was told that we declined family therapy. (Court Transcript, Reporter's Record, Vol. 12, p. 137, line 7 and follows)

Ms. Mayhall, our daughter's attorney in her closing argument pleaded to the Jury: "...the State is now asking that you make that ultimate death penalty decision to put to death the rights of these parents. And also put to death the rights of my client, K.B." - bringing up Amendment VIII. (Trial transcript, Vol.14., p.107, line 1-4)

Ms. Mayhall tried to explain to the worn out Jury: "Clear and convincing evidence has to be something that you can stake your life on." (Trial transcript, Vol. 14, p.110, line 16-17)

Our daughter's attorney also stated: "Mr. and Mrs. Burroughs went above and beyond what they had to do. But it still wasn't good enough. And it just speaks to fundamental unfairness. I believe that parents deserve second chances, third chances, if they do what they're supposed to do, then they shouldn't suffer the death penalty." (Trial transcript, Vol. 14, p. 111- 112, line 24-4)

She said it the best about the fairness: "I could see from my years of experience that there was absolutely nothing the Burroughs could do in order to keep from getting the right – having their rights attempted to be terminated."- she continued - "I knew that they weren't going to get a fair shot."'(Trial transcript, Vol.14, p.116 line22-25, p. 117, line 4-5)

All of our attorneys fought for K.B. to come back home, but DFPS attorney Rebecca Ray pulled every trick in the book: she presented a 7 year old indictment from the dismissed case as a proof of guilt; she had both of us answer for alleged crimes without Grand Jury presentment or indictment; she put immature, vulnerable children, who DFPS gave to an unstable man with 7 DWI convictions, reckless driving conviction, multiple possessions and recent alcohol overdose

hospitalization, on the stand to prosecute their mother and stepfather; she called us monsters and our house - "house of horrors" without knowing absolutely nothing about us; she used therapy notes without calling the therapist in to explain those notes and results and she used allegations as facts. The jury was swayed.

On October 14, 2025 in violation of Texas Family Code § 161.206 (a-1), Texas Family Code § 161.001(c), Amendment VIII and Amendment V, the Jury came back with the verdict to terminate both of our rights and the Judge of County Court No 2 affirmed that verdict. Ten out of 12 Jurors signed off on it. If this would be a criminal trial we would be free and our daughter would be free, our daughter would not be an estate of the State of Texas.
Which brings us to Amendment X, unless for a very extraordinary situation, the right to raise the child should be reserved to the parent.

During an appeal process both of our attorneys brought up the natural right of the people to raise their children and to live with their children.
Christopher Tinsley, Robert Burroughs's appeal attorney, quoted *State v. Deaton.*, 54 S.W. 901 (Tex. 1900): "Actions which break the ties between a parent and child 'can never be justified without the most solid and substantial reasons'".
Christopher Tinsley also pointed out that: "In conducting a legal sufficiency review in a parental termination case this Court must consider all the evidence, not only that which favor the verdict. See *City of Keller v. Wilson*, 168 S.W. 3d 802, 817 (Tex.2005)."

Mr. Tinsley pointed out that:"The finding must be based on more than a single act or omission and requires a voluntary, deliberate and conscious course of conduct by the parent. (*In re J.W.*, 152 S.W. 3d 200, 205 (Tex. 2006)).

Marina Burroughs' attorney Allen Boswell pleaded to the appeal court:"This right is constitutional and is a "natural right" which exists between parents and children. *Wiley v. Spartan,* 543 S.W. 2d 349, 352 (Tex. 1976). Further, there is a strong presumption that the best interest of a minor is usually served by keeping custody in the natural parents and that action to terminate the rights should be strictly scrutinized."

Twelfth Court of Appeals District of Texas affirmed the verdict of the County Court No 2, Henderson County, TX on March 18, 2026.
The Petition to review to the Supreme Court of Texas was denied on May 22, 2026.

## REASONS FOR GRANTING THE PETITION

Child Protective Services all over the US remove tens of thousands of children every year. Now that the government outsourced our children to private entities it has become an inhumane human trafficking machine. The younger the child, the more adoptable that child is and the more likely it will be taken and the rights of the parent will be terminated for the purposes of adoption. (Transcript, Reporter's Record, Vol. 12, p. 122-123, Q-line 2-5, A-25; Vol. 12, p. 134-136)

If our case stays where it is and if we can not get our daughter back, this case will be a template for "Rebecca Ray's" of our generation on how to take a child from any parent.

We are very good people, very patient. We want the law to work. We want the Constitution to work. We want people to have rights. We believe in negotiation, not ultimatums. DFPS or any other child protective agency can not continue to be allowed to act as they please, to take whichever child they want from whichever parent they want. It is the parental right to raise the child and that right should not be taken for Class C Misdemeanors equivalent to a traffic ticket. The past of the people in the new relationship should have no bearing on the present relationship and the life of the new child, otherwise there are no second chances.

In dealings with DFPS parents have no rights. Parents have no right to be secure in their persons, their effects and their home; they have no right to life and liberty with their children and they have no right to due process. In fact Angela Bass herself during trial admitted that in her mind the parent is: "Guilty until proven - - yes." (Trial Transcript Vol. 12, p. 158, line 9-13) Child Protective Services and their agencies have grown bolder and bolder over the years and are now operating outside the spectrum of law. They order police officers what to do, they call police officers every time they need escort or every time they would like to intimidate an already terrified parent.

So you have to ask yourselves: Is the Bill of Rights Optional?

As of right now no warrant is required prior to removing the child from parental custody. The parent can be free and able and there, but the child is being removed for little to no reason: some

imaginary fears, somebody said something, someone pointed a finger at the parent and the parent is it.

Do the Amendments of the Bill of Rights matter? Or are there some agencies that are immune to these laws? When the DFPS agent comes in and wants to check the parental bedroom - that is offensive, that is invasion of privacy, that is beyond where the children dwell, that is parental space, the only space left in the parents life that is private.

For some imaginary safety they take our children's freedoms. And there it is a year after a trial A.B. daughter ends up in the mental institution because her alcoholic father can not handle her. He handled us and took our rights to help her. DFPS simply gave him full custody of the two adolescent children without so much as a drug test, just to take possession of the little adoptable child, our daughter K.B.

Reason to believe should never be a reason to take someone's child. It is simply not enough to believe. You have to have proof, DFPS has to work with parents prior to removing their children.

We just recently were in court and witnessed several ladies coming out of that DFPS infested courtroom with tears in their eyes. One cried so hard - she ran out of the Courtroom and the building - her heart could not handle the cruelty that's about to come.

Who has the right to raise the children? The State or the parents? We understand that there could be unfixable circumstances sometimes, but most of the time it's just power hungry case workers and shady county attorneys that take our kids.

You have to ask yourselves: do they have the right to prosecute parents for criminal allegations in a civil type setting, presenting no to little evidence and feeding on the revenge and anger of the displaced prior relationships.

Boundaries have to be set on what Child Protective Services and their agencies can and can not do. The common sense of the Bill of Rights has to be followed, that is the essence of our freedoms, without the freedoms of the Amendments of the Bill of Rights we are just another repressed Country.

The Tenth Amendment is not clear on parental rights. Do we, the people, have the right to raise our children?...or does the government? As of right now DFPS is acting like they have all the rights and the parents are just there to obey.

Anybody can make a mistake. Our laws are very confusing: the Texas Alcoholic Beverage Commission says you can have a couple of drinks and drive as long as you are under 0.08 BAC; DFPS representative attorney said during trial that if we have chamomile tea and it relaxes us - we are under influence. There has to be a middle ground, to where we can get some clarity. Child Protective Services have to work with parents and support parents - not terminate their rights, and You, the Honorable Judges of the Supreme Court can help make this right or, at the very minimum, - You can help move this in the right direction.

Here is the summary of the reasons to grant this petition:

Bill of Rights Amendment IV

Bill of Rights Amendment V

Bill of Rights Amendment VIII

Bill of Rights Amendment X

And thousands of parents praying for some justice and relief.

## CONCLUSION

For the reasons given above we pray that the Petition For a Writ of Certiorari shall be granted.

Respectfully submitted,



Signature of Petitioner (mother)

Marina Burroughs

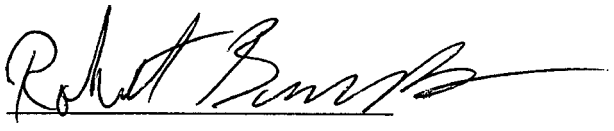
Printed Name

Address: 7192 Shallowater Rd,

Mabank, TX, 75156

Telephone: (903) 519 -2249

Email: marina.aleksandra.888@gmail.com



Signature of Petitioner (father)

Robert Burroughs

Printed Name

Address: 7192 Shallowater Rd,

Mabank, TX, 75156

Telephone: (903) 519 -2249

Email: robertburroughs1st@gmail.com

October 16, 2026