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FATHERS

ECONOMIC DEFENSE FUND



EMPOWERING FATHERS AND PROTECTING FAMILIES

ICCACK

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(ICCACK) www.childabductioncourt.eu

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INTERNATIONAL CRIMINAL COURT AGAINST CHILD KIDNAPPING

ICCACK



JUSTICE FOR FATHERS. PROTECTION & EMPOWERMENT

ICCACK



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Introduction

1. Background

The International Criminal Court Against Child Kidnapping (ICCACK) was established to combat the growing issue of parental child kidnapping and to support fathers in custody disputes. Our mission is to ensure that the rights of fathers and children are upheld, providing a platform for legal, financial, and emotional support. Through innovative use of blockchain technology, we aim to create a transparent and sustainable funding mechanism to protect families from the devastating impacts of child abduction.

Parental child kidnapping, where one parent unlawfully takes or retains a child from the other parent, is a significant issue affecting countless families worldwide. According to the U.S. Department of Justice, an estimated 203,900 children were victims of family abduction in 1999 alone. Despite international agreements such as the Hague Convention on the Civil Aspects of International Child Abduction, which seeks to protect children from abduction and ensure their prompt return, many cases remain unresolved due to legal complexities, lack of expertise and resources as well as lawlessness of the judiciary.

2. Problem Statement

Fathers facing custody battles and parental child kidnapping cases encounter numerous challenges that can severely impact their ability to maintain a relationship with their children:

Legal Challenges: Fathers often lack the financial resources to secure quality legal representation, putting them at a disadvantage in custody disputes. The legal system can be biased, with fathers facing significant hurdles in proving their suitability as primary caregivers.

Financial Burden: The costs associated with legal battles, including attorney fees, court costs, and travel expenses, can be overwhelming. Fathers who are already struggling financially may find it impossible to bear these costs, leading to unfavorable outcomes in parental child abductions and custody disputes.

Emotional and Mental Health Strain: The stress and emotional toll of parental child abductions and custody battles and the fear of losing their children can have severe impacts on fathers' mental health. This strain can affect their ability to present a strong case in court and maintain a stable environment for their children.

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Lack of Support Systems: Many fathers do not have access to adequate support systems, including counseling services and support groups, which are essential for coping with the challenges of custody disputes and child abduction cases.

Judicial Bias and Inconsistencies: Courts may exhibit bias against fathers, favoring mothers in custody decisions. Additionally, inconsistencies in judicial decisions and the application of international laws and treaties can complicate the resolution of child abduction cases.

The Fathers Economic Defense Fund aims to address these issues by providing financial assistance, legal aid, and emotional support to fathers in need. By leveraging the power of blockchain technology and the ICCACK Coin, plus strong tort litigation strategies we strive to create a transparent and sustainable solution to ensure that fathers can effectively protect their parental rights and maintain strong, healthy relationships with their children.

This is not just a White Paper — it is a call to action. "The Fathers Economic Defense Fund" aims to empower readers with the knowledge they need to challenge the status quo, advocate for transparency, and demand justice. The time for change is now. Our children's emotional and psychological health, our custody rights, and our future depend on it.

Join the fight for truth. Demand accountability. Protect our children.

Be Empowered!

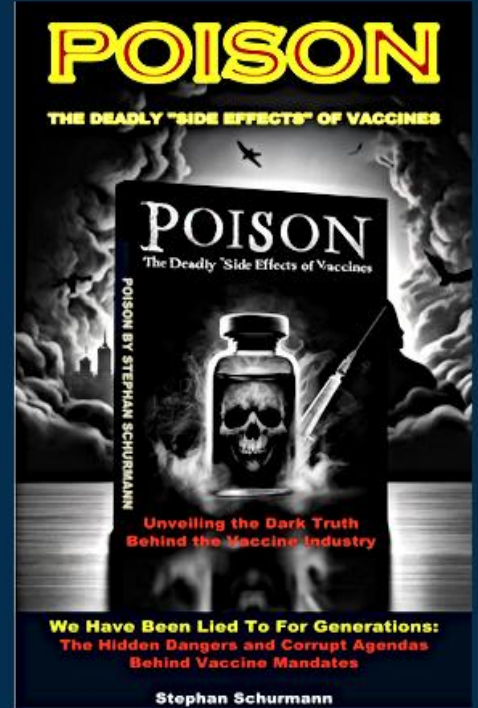


INTERNATIONAL CRIMINAL COURT AGAINST CHILD KIDNAPPING

DEFENDING THE RIGHTS OF FATHERS WORLDWIDE



ENJOY OUR COMPLIMENTARY BOOKS PROTECT YOUR FAMILY FROM GOVERNMENT OVERREACH



ARE YOU A VICTIM OF PARENTAL CHILD KIDNAPPING?

The International Criminal Court against Child Kidnapping exists to fight for the human rights of victimized parents & their wrongfully retained children to stop crimes against humanity. This includes legal actions against your spouse, as well as legal actions against taxpayer funded human trafficking of wrongfully retained children, harboring of illegal immigrants & Governmental child kidnapping with clear violations of international laws and treaties for the protection of the child!

When "left behind" parents and their offspring have been mistreated by lawless Government officials, it's time to restore your human rights! We only act in your child's best interest, and make this always our top priority to restore their human rights, reunite you with your children by enforcing International Laws and Treaties to hold all "bad actors" accountable!

[Watch our TV Show and our "Kidnapped Hearts" documentary by clicking here...](#)

"KIDNAPPED HEARTS"

A shocking documentary about the atrocious Family Court System and the ruthless plague of legalized Governmental Child Kidnapping in the USA and other countries across the world.

"Kidnapped Hearts", shows the suffering of these victimized families through the eyes of various brave individuals, that have been deeply affected by this precarious system and the courageous people who raised their voices against it, taking the risk of being forever silenced...

Some of our fearless Heroes (such as Senator Nancy Schaefer), lost their lives for exposing "THE CORRUPT BUSINESS OF CHILD PROTECTIVE SERVICES" within the USA...

[Watch our TV Show and our "Kidnapped Hearts" documentary by clicking here...](#)

APPLY FOR YOUR ICCACK DEBIT CARDS THE LEGAL WEAPON AGAINST CHILD PREDATORS



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Market Analysis

1. Statistics and Data

Parental child kidnapping and custody disputes are pervasive issues affecting families worldwide. The following statistics and data highlight the severity and scope of the problem:

Prevalence of Parental Child Kidnapping:

- According to the U.S. Department of Justice, an estimated 203,900 children were victims of family abduction in 1999.
- The National Center for Missing & Exploited Children (NCMEC) reported that in 2020, they assisted in over 29,800 cases of missing children, with 91% being endangered runaways and 4% involving family abductions

Legal Challenges in Custody Disputes:

Research indicates that fathers often face significant bias in custody battles. According to a study by the Pew Research Center, only 17% of custodial parents are fathers, highlighting the systemic challenges fathers face in securing custody.

The Hague Convention on the Civil Aspects of International Child Abduction aims to protect children from international abduction by a parent. However, compliance and enforcement vary, leading to unresolved cases and prolonged legal battles.

Financial Impact:

- The costs associated with legal battles can be prohibitive. Legal fees for custody disputes can range from \$3,000 to \$400,000, depending on the complexity and length of the case.
- Fathers who lack financial resources are at a distinct disadvantage, often unable to afford quality legal representation or cover the costs of prolonged court proceedings.

2. Case Studies

Case Study 1: Chris Mueller's Battle for Custody

Chris Mueller, a father of two, faced a difficult custody battle when his ex-wife unlawfully retained their children after a court-ordered visitation. Despite clear evidence of the mother's violation of the custody agreement, John struggled to secure the financial resources needed for legal representation. His case highlights the systemic bias against fathers and the financial hurdles they face in custody disputes.

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Impact of the Fathers Economic Defense Fund:

- The Fund provided John with the necessary financial support to hire an experienced attorney.
- Legal aid from the Fund ensured that John's case was presented effectively, leading to a favorable ruling that restored his custodial rights.
- Emotional and mental health support services helped John cope with the stress of the legal battle, enabling him to remain strong for his children.

Case Study 2: Michael Smith's International Custody Dispute

Michael Smith's daughter was abducted by his ex-wife and taken to a foreign country, violating international custody agreements. Despite the Hague Convention's provisions, Michael faced numerous legal and bureaucratic obstacles in securing his daughter's return.

Impact of the Fathers Economic Defense Fund:

- The Fund facilitated legal representation in both countries, ensuring that Michael's case was handled by experts familiar with international law.
- Financial assistance covered travel and legal expenses, enabling Michael to pursue his case without the burden of financial stress.
- The Fund's advocacy efforts helped raise awareness about Michael's case, putting pressure on the foreign authorities to comply with international agreements and secure the child's return.

Conclusion

These statistics and case studies illustrate the critical need for the Fathers Economic Defense Fund. By providing financial assistance, legal aid, and emotional support, the Fund empowers fathers to overcome the systemic challenges they face in custody disputes and child kidnapping cases. Through targeted interventions and comprehensive support, the Fund aims to restore justice and protect the rights of fathers and their children.

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Technology and Innovation

1. Blockchain Technology

Blockchain technology forms the backbone of the Fathers Economic Defense Fund, providing a secure, transparent, and efficient way to manage and distribute funds. Here's how blockchain is utilized:

Tokenization:

- **Digital Tokens:** We use blockchain to create digital tokens, representing shares in our fund and specific assets such as books or other intellectual property. These tokens can be easily traded and managed on blockchain platforms, ensuring secure ownership and transfer.
- **Real-World Assets:** By tokenizing real-world assets, we provide a secure and transparent investment option. This includes assets like real estate, legal claims, and intellectual property, enabling investors to participate in fractional ownership.

Transparency in Fund Management:

- **Immutable Ledger:** All transactions related to the Fathers Economic Defense Fund are recorded on an immutable public ledger. This ensures complete transparency and accountability, as every transaction can be verified by anyone.
- **Fraud Prevention:** Blockchain's decentralized nature makes it highly resistant to fraud. Each transaction is validated by multiple nodes, preventing any single point of failure or fraudulent activity.
- **Traceability:** The traceability of funds ensures that all contributions are used as intended. Donors and investors can track the movement of their funds, building trust and confidence in the fund's operations.

2. Smart Contracts

- Smart contracts are self-executing contracts with the terms of the agreement directly written into code. They play a crucial role in automating and securing transactions within the Fathers Economic Defense Fund:

Automation:

- **Eliminating Intermediaries:** Smart contracts eliminate the need for intermediaries by automating transactions. This reduces costs and speeds up the process of fund distribution and management.
- **Automatic Execution:** When predefined conditions are met, smart contracts automatically execute transactions. For example, once a donation is received, the smart contract can automatically allocate the funds to the appropriate legal or support services.

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Security:

- **Tamper-Proof:** Smart contracts are stored on the blockchain, making them tamper-proof. Once deployed, they cannot be altered, ensuring the integrity of the agreement.
- **Security Audits:** All smart contracts used by the Fathers Economic Defense Fund are thoroughly audited by independent security firms. This ensures they are free from vulnerabilities and function as intended, providing a secure environment for all transactions.

Examples of Smart Contract Applications:

- **Airdrop Campaigns:** Smart contracts manage the distribution of ICCACK coins during airdrop campaigns. They automatically verify eligibility and distribute tokens to participants based on predefined criteria.
- **Profit Sharing:** In cases where tort claims are successful, smart contracts can automatically distribute 50% of the awarded compensation to fund members, ensuring a fair and transparent process.

Conclusion

Blockchain technology and smart contracts provide the technological foundation for the Fathers Economic Defense Fund. By leveraging these innovations, we ensure secure, transparent, and efficient management of funds, empowering fathers to protect their parental rights and maintain strong, healthy relationships with their children.

This advanced technological infrastructure sets the fund apart, providing a robust solution to the challenges faced by fathers in custody disputes and child kidnapping cases.

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Financial Projections and Use of Funds

1. Budget Allocation

The funds raised through the Fathers Economic Defense Fund will be meticulously allocated to ensure maximum impact and sustainability. Below is a detailed breakdown of how the funds will be used:

Legal Aid and Support (40%):

- **Legal Representation:** Hiring and retaining top legal professionals to represent fathers in custody disputes and child kidnapping cases.
- **Litigation Costs:** Covering court fees, legal documentation, and other associated litigation costs.
- **Tort Claims:** Financing tort claims against individuals and entities that violate international laws and treaties.

Financial Assistance (20%):

- **Emergency Funds:** Providing immediate financial support to fathers who are unable to afford legal representation or other necessary resources.
- **Counseling Services:** Offering financial aid to access counseling and mental health services.

Operational Costs (15%):

- **Administration:** Salaries for administrative staff, office expenses, and general operational costs.
- **Technology Infrastructure:** Maintaining and upgrading the blockchain platform, smart contracts, and other technological tools.

Community Engagement and Advocacy (10%):

- **Awareness Campaigns:** Funding for advocacy campaigns to raise awareness about the challenges fathers face in custody disputes.
- **Educational Programs:** Developing and delivering workshops and educational materials on parental rights and effective co-parenting.

Marketing and Fundraising (10%):

- **Marketing Campaigns:** Promoting the fund through various channels, including social media, email newsletters, and strategic partnerships.
- **Fundraising Events:** Organizing events to attract donations and raise awareness about the fund's mission.

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Contingency Fund (5%):

- **Reserve Fund:** Setting aside funds for unforeseen expenses and emergencies to ensure the fund's stability and resilience.

2. Revenue Streams

- The Fathers Economic Defense Fund will have multiple revenue streams to ensure a steady flow of funds:

Token Sales:

- **Initial Token Offering (ITO):** Raising capital through the sale of ICCACK coins, representing shares in the fund and specific assets.
- **Tokenized Assets:** Offering tokens representing ownership of real-world assets, such as books and legal claims.

Membership Fees:

- **Annual Membership:** Charging a \$299 annual fee for fathers to join the fund, which includes benefits such as a Blockchain Family Trust, merchant account, and ICCACK Bank Visa and MasterCard services.

Donations:

- **Individual Donations:** Accepting one-time and recurring donations from individuals who support the fund's mission.
- **Corporate Sponsorships:** Partnering with businesses and organizations to secure sponsorships and corporate donations.

Fundraising Events:

- **Events and Campaigns:** Organizing events and crowdfunding campaigns to attract donations and raise awareness.

Legal Victories:

- **Tort Claim Rewards:** Distributing 50% of the financial rewards from successful tort claims among fund members, creating an additional revenue stream.

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3. Financial Forecast

Year 1:

- ✓ **Initial Fundraising:** \$10,000,000 through token sales and initial fundraising campaigns.
- ✓ **Membership Fees:** \$500,000 from 1,667 members.
- ✓ **Donations:** \$200,000 from individual and corporate donors.
- ✓ **Total Revenue:** \$10,700,000

Year 2:

- ✓ **Membership Growth:** \$1,000,000 from 3,333 members.
- ✓ **Increased Donations:** \$300,000 from expanded donor base.
- ✓ **Token Sales and Asset Tokenization:** \$1,500,000.
- ✓ **Total Revenue:** \$2,800,000

Year 3:

- ✓ **Membership Growth:** \$1,500,000 from 5,000 members.
- ✓ **Consistent Donations:** \$400,000.
- ✓ **Legal Victories:** \$10,000,000 from tort claim rewards.
- ✓ **Total Revenue:** \$12,900,000

Year 4-5:

- ✓ **Sustainable Growth:** Continued growth in membership, donations, and token sales.
- ✓ **Projected Revenue:** \$13,500,000 annually, with increasing contributions from legal victories.

Expected Returns for Investors:

- ✓ **Token Appreciation:** As the fund grows and achieves its objectives, the value of ICCACK coins is expected to appreciate, providing returns for token holders.
- ✓ **Revenue Sharing:** Members receive equal profit shares from successful tort claims, offering a tangible return on their investment.

Conclusion

The detailed financial projections and use of funds demonstrate the strategic planning and sustainability of the Fathers Economic Defense Fund. With diverse revenue streams and a clear budget allocation, the fund is well-positioned to achieve its mission and provide substantial support to fathers in need. This financial framework ensures transparency, accountability, and long-term impact, attracting investors and donors who are committed to making a difference.

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Risk Assessment

1. Identified Risks

The Fathers Economic Defense Fund faces several potential risks and challenges that could impact its operations and objectives:

Financial Risks:

- **Funding Shortfalls:** Insufficient fundraising could limit the Fund's ability to provide financial and legal support to fathers in need.
- **Revenue Fluctuations:** Dependence on donations, token sales, and membership fees could result in unpredictable revenue streams.

Legal and Regulatory Risks:

- **Compliance Issues:** Navigating international laws and regulations, particularly those related to blockchain technology, data privacy, and non-profit operations, can be complex and challenging.
- **Legal Challenges:** Potential legal actions against the Fund or its initiatives could result in significant legal expenses and reputational damage.

Operational Risks:

- **Technology Failures:** Technical issues with the blockchain platform or smart contracts could disrupt operations and undermine trust.
- **Security Breaches:** Cybersecurity threats, including hacking and data breaches, could compromise sensitive information and financial transactions.

Market Risks:

- **Token Volatility:** The value of ICCACK coins and other tokenized assets could be subject to market volatility, affecting investor confidence and fundraising outcomes.
- **Competitive Pressure:** Other organizations offering similar support services could limit the Fund's ability to attract donors and beneficiaries.

Reputational Risks:

- **Public Perception:** Negative publicity or perceived failures in handling cases could damage the Fund's reputation and credibility.
- **Stakeholder Trust:** Loss of trust from key stakeholders, including donors, beneficiaries, and partners, could impact the Fund's effectiveness.

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2. Mitigation Strategies

To address these risks, the Fathers Economic Defense Fund will implement the following mitigation strategies:

Financial Risks:

- **Diversified Funding:** Develop multiple revenue streams, including token sales, memberships, donations, and fundraising events, to reduce reliance on any single source.
- **Financial Reserves:** Establish a contingency fund to manage cash flow fluctuations and ensure financial stability during periods of low revenue.

Legal and Regulatory Risks:

- **Compliance Framework:** Work with legal experts to ensure compliance with all relevant international laws and regulations. Regularly update policies and procedures to reflect changes in the legal landscape.
- **Risk Management Plan:** Develop a comprehensive risk management plan to address potential legal challenges, including insurance coverage for legal expenses.

Operational Risks:

- **Robust Technology Infrastructure:** Invest in reliable and scalable technology infrastructure. Conduct regular maintenance and updates to ensure the blockchain platform and smart contracts function smoothly.
- **Cybersecurity Measures:** Implement advanced cybersecurity protocols, including encryption, multi-factor authentication, and regular security audits, to protect against cyber threats.

Market Risks:

- **Stable Tokenomics:** Design the ICCACK coin and other tokenized assets with mechanisms to reduce volatility, such as reserve backing and gradual release schedules.
- **Market Analysis:** Continuously monitor the market and adjust fundraising strategies to stay competitive. Collaborate with other organizations when beneficial.

Reputational Risks:

- **Transparency and Accountability:** Maintain transparent operations, including regular financial reporting and public disclosure of activities and impact. Engage stakeholders through regular updates and open communication channels.

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- **Quality Assurance:** Implement rigorous quality assurance processes to ensure high standards in service delivery and case management. Address any issues promptly and effectively.

By proactively addressing these risks with well-defined mitigation strategies, the Fathers Economic Defense Fund aims to build a resilient and sustainable organization capable of achieving its mission and making a lasting impact.

Detailed Roadmap and Future Plans

Short-term Goals (Year 1):

Q1: Launch and Initial Fundraising:

- **Website and Platform Launch:** Develop and launch the official website and platform for the Fathers Economic Defense Fund, providing comprehensive information and resources.
- **Airdrop Campaign:** Execute the first airdrop campaign to distribute ICCACK coins, raising initial awareness and engagement.
- **Community Building:** Initiate social media campaigns and community engagement activities to build a strong supporter base.
- **Legal and Compliance Setup:** Ensure all legal frameworks and compliance measures are fully established, including data protection and jurisdictional compliance.

Q2: Expand Fundraising Efforts and Service Implementation:

- **Tokenization of Assets:** Start the tokenization of real-world assets to raise additional capital and provide secure investment options.
- **Crowdfunding Campaigns:** Launch crowdfunding campaigns on popular platforms to attract small-scale donations and broaden the donor base.
- **Service Rollout:** Begin offering financial support, legal aid, and mental health services to the first group of beneficiaries.

Q3: Partnerships and Advocacy:

- **Strategic Partnerships:** Form partnerships with legal firms, mental health organizations, and other NGOs to enhance service delivery and support.
- **Advocacy Campaigns:** Launch advocacy campaigns to raise awareness about the challenges fathers face in custody disputes and promote fairer policies.
- **Feedback and Improvement:** Collect feedback from beneficiaries and donors to refine and improve services and processes.

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Q4: Evaluation and Scaling:

- **Impact Assessment:** Conduct a thorough assessment of the fund's impact and outcomes over the first year.
- **Scaling Services:** Expand services to reach more beneficiaries based on the lessons learned and feedback received.
- **Financial Reporting:** Publish the first annual report detailing financial status, activities, and impact.

Long-term Vision (Years 2-5):

Year 1-2: Establishment and Growth:

- **Expand Beneficiary Reach:** Scale the fund's services to support a larger number of fathers in need, increasing the impact and reach.
- **Enhanced Legal Network:** Build a robust network of legal professionals across multiple jurisdictions to provide comprehensive legal aid and representation.
- **Educational Programs:** Develop and launch educational programs and workshops on parental rights, effective co-parenting, and navigating the legal system.

Year 3-4: Innovation and Advocacy:

- **Technology Integration:** Integrate advanced technologies such as AI for legal case management and blockchain for enhanced transparency and efficiency in fund operations.
- **Global Advocacy:** Strengthen global advocacy efforts by partnering with international organizations and participating in global forums to influence policies and practices related to parental rights.
- **Resource Centers:** Establish physical and virtual resource centers in strategic locations to provide on-the-ground support and resources for fathers.

Year 5: Sustainability and Long-term Impact:

- **Sustainable Funding Model:** Develop a sustainable funding model that includes diversified revenue streams such as donations, grants, and investment returns from tokenized assets.
- **Global Expansion:** Expand the fund's operations to more countries, ensuring that fathers worldwide can access support and resources.
- **Continuous Improvement:** Implement a continuous improvement framework to regularly assess and enhance the fund's services, ensuring they remain relevant and effective in addressing the needs of fathers.

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Key Milestones:

- **Beneficiary Support:** Aim to support over 10,000 fathers within the first five years, providing financial, legal, and emotional assistance.
- **Legal Victories:** Achieve significant legal victories in custody disputes and parental child kidnapping cases, setting precedents for fair treatment of fathers.
- **Global Recognition:** Attain recognition as a leading organization advocating for fathers' rights and supporting family integrity on a global scale.

Legal Framework and Compliance

International Legal Compliance:

- **United Nations Convention on the Rights of the Child (UNCRC):** The fund adheres to the principles set out in the UNCRC, ensuring that the rights of children and their parents are protected and promoted.
- **Hague Convention on the Civil Aspects of International Child Abduction:** We comply with the provisions of the Hague Convention, which aims to protect children from international abduction by a parent and secure the prompt return of the child to their habitual residence.
- **General Data Protection Regulation (GDPR):** The fund strictly follows GDPR requirements to protect the privacy and personal data of participants and beneficiaries within the European Union.
- **Financial Action Task Force (FATF) Guidelines:** We adhere to FATF guidelines to prevent money laundering and terrorist financing, ensuring all financial activities are transparent and compliant with global standards.

Kidnapped Hearts Convention and ICCACK Founding Treaties:

- The ICCACK operates under the legal framework established by the [Kidnapped Hearts Convention](#) and its Founding Treaties. These treaties guarantee due process and promote universal respect for the rule of law in international child abductions.

Key Treaties:

- The Universal Declaration of Human Rights (UDHR).
- The United Nations Convention on the Rights of the Child (UNCRC).
- The European Convention on the Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children.
- The 1980 Hague Convention on the Civil Aspects of International Child Abduction (1980 Hague Convention).

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- The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement, and Cooperation in Respect of Parental Responsibility, and Measures for the Protection of Children (1996 Hague Convention).
- The European Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols N° 11 and N° 14 (ECHR).
- The European Convention on the Exercise of Children's Rights.
- The Rome Statute of the International Criminal Court.
- The United Nations Committee on Enforced Disappearances (UNCED).
- The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).
- The International Covenant on Civil and Political Rights (ICCPR).
- The Kidnapped Hearts Statute and Convention of the ICCACK.

United States Legal Context:

International Parental Kidnapping Crime Act of 1993 (18 U.S.C. § 1204): This act makes it a federal crime to remove a child younger than 16 from the United States with the intent to obstruct the lawful exercise of parental rights. **However, it is important to note that this law does not apply to cases where a child is brought into the United States.** This creates a significant legal loophole, making the U.S. a haven for **incoming** parental child abductors. Fathers facing such situations often find little recourse, as experienced in cases where the FBI does not take action against the abducting parent, even if the parent is an illegal immigrant.

By addressing these aspects, the Fathers Economic Defense Fund ensures robust legal compliance and highlights the unique challenges and gaps in existing legal frameworks, particularly in the U.S., emphasizing the need for comprehensive international cooperation and legal reforms to protect the rights of parents and children effectively.

Decentralized Governance:

- **Decentralized Autonomous Organization (DAO):** The fund is governed as a DAO, leveraging smart contracts to execute decisions and manage operations transparently and efficiently. This decentralized model ensures that all stakeholders have a voice in the governance process.
- **Smart Contract Audits:** All smart contracts used by the fund are thoroughly audited by independent security firms to ensure they are secure and function as intended, preventing vulnerabilities and potential exploits.
- **Jurisdictional Compliance:** The fund operates in various jurisdictions, complying with local laws and regulations related to financial activities, data protection, and non-profit operations. We work with legal experts in each region to ensure full compliance.

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Data Privacy and Security:

- **Data Encryption:** All data stored and transmitted by the fund is encrypted using advanced encryption standards (AES-256) to protect against unauthorized access.
- **Secure Communication:** Communication between users and the fund's platform is secured using Transport Layer Security (TLS) to ensure data integrity and confidentiality.
- **Access Control:** Implement role-based access control (RBAC) and multi-factor authentication (MFA) for all administrative access to the fund's platform, adding an additional layer of security to prevent unauthorized access.
- **Data Anonymization:** Employ data anonymization and pseudonymization techniques to protect the identity of participants and beneficiaries, ensuring privacy while maintaining data utility.
- **Incident Response Plan:** Develop and maintain a comprehensive incident response plan to address any data breaches or security incidents promptly and effectively.

Community Engagement

Programs and Initiatives:

- **Support Groups:** Establish support groups for fathers, providing a safe space for sharing experiences and offering mutual support.
- **Educational Workshops:** Conduct workshops on parental rights, effective co-parenting, and navigating the legal system.
- **Counseling Services:** Offer counseling and mental health services to fathers coping with the emotional stress of custody disputes and family challenges.
- **Awareness Campaigns:** Launch campaigns to raise awareness about the challenges fathers face in custody disputes and advocate for fairer policies and practices.
- **Volunteer Opportunities:** Encourage community members to volunteer their time and expertise, supporting the fund's activities and initiatives.

Engagement Strategies:

- **Social Media:** Use social media platforms to engage with the community, share updates, and promote the fund's mission and activities.
- **Newsletters:** Send regular newsletters to keep the community informed about the fund's progress, upcoming events, and opportunities to get involved.
- **Interactive Events:** Host webinars, live Q&A sessions, and community forums to foster interaction and engagement with supporters and beneficiaries.

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Partnership and Collaboration Details

Corporate Partnerships:

- **Corporate Social Responsibility (CSR):** Partner with businesses to enhance their CSR profiles by supporting a vital cause that impacts families and communities.
- **Employee Engagement:** Offer volunteer programs and employee matching donation programs to engage employees and foster a sense of purpose and community involvement.
- **Marketing and Visibility:** Collaborate on co-branding campaigns and events to increase visibility for both the business and the fund, reaching a broader audience.
- **Financial Incentives:** Provide tax benefits and secure investment opportunities through tokenized assets and blockchain bonds.

NGO Collaborations:

- **Shared Mission and Resources:** Collaborate with NGOs that share a similar mission to amplify the impact of both organizations, reaching more beneficiaries and advocating for policy changes.
- **Advocacy and Policy Change:** Partner with NGOs on advocacy campaigns to strengthen the push for legal and policy reforms related to parental rights and child protection.
- **Comprehensive Support Services:** Work with NGOs specializing in different areas (e.g., mental health, legal aid, child welfare)

12. Volunteer and Contribution Opportunities

Get Involved: Ways for Individuals to Volunteer and Contribute to the Cause

Volunteering Opportunities

Legal Assistance

- **Pro Bono Legal Services:** Lawyers and legal professionals can offer their services pro bono to assist fathers in custody disputes and child kidnapping cases.
- **Legal Research and Documentation:** Volunteers with legal backgrounds can help with research, case documentation, and preparing legal briefs.

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Counseling and Mental Health Support

- **Counselors and Therapists:** Licensed counselors and therapists can provide mental health support to fathers coping with the stress of custody battles and family disputes.
- **Support Group Facilitators:** Volunteers can facilitate support groups for fathers, providing a safe space for sharing experiences and offering mutual support.

Community Outreach and Advocacy

- **Outreach Coordinators:** Volunteers can help coordinate community outreach programs to raise awareness about the fund's mission and services.
- **Advocacy Campaigns:** Individuals can participate in advocacy campaigns to promote fairer policies and practices related to parental rights and child protection.

Educational Programs

- **Workshop Facilitators:** Volunteers can lead workshops on parental rights, effective co-parenting, and navigating the legal system.
- **Content Creators:** Individuals with skills in writing, graphic design, or video production can create educational materials and promotional content.

Fundraising and Event Planning

- **Fundraising Coordinators:** Volunteers can help organize and coordinate fundraising events and campaigns to support the fund.
- **Event Volunteers:** Individuals can assist with the logistics and execution of events, ensuring they run smoothly and successfully.

Contribution Opportunities

Monetary Donations

- **One-Time Donations:** Individuals can make one-time contributions to support the fund's initiatives and services.
- **Recurring Donations:** Setting up recurring donations provides a steady stream of support, allowing for sustained impact.

In-Kind Donations

- **Goods and Services:** Donating goods such as office supplies, technology, or professional services can help reduce operational costs.
- **Facilities and Venues:** Offering facilities or venues for events, workshops, or support groups can enhance the fund's reach and effectiveness.

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Skill-Based Contributions

- **Professional Expertise:** Individuals can contribute their professional skills (e.g., IT, marketing, finance) to help improve the fund's operations and outreach.
- **Mentorship and Coaching:** Experienced professionals can provide mentorship and coaching to fathers, helping them navigate personal and professional challenges.

Donor Benefits: Recognition and Benefits for Significant Donors and Contributors

Recognition Programs

Public Acknowledgment

- **Website and Social Media:** Significant donors and contributors will be publicly acknowledged on the fund's website and social media platforms.
- **Annual Reports:** Donor names will be featured in the fund's annual reports, highlighting their contributions and impact.

Exclusive Events

- **Donor Recognition Events:** Special events will be organized to honor and recognize major donors, providing opportunities to meet beneficiaries and see the impact of their contributions firsthand.
- **VIP Invitations:** Significant donors will receive VIP invitations to fund events, workshops, and conferences.

Commemorative Items

- **Certificates of Appreciation:** Donors will receive personalized certificates of appreciation, recognizing their support and commitment to the cause.
- **Plaques and Awards:** High-value donors may receive commemorative plaques or awards to display their support and contribution to the fund.

Impact Reports

Detailed Impact Reports

- **Personalized Reports:** Significant donors will receive detailed impact reports, showing how their contributions have been utilized and the difference they have made.
- **Case Studies and Testimonials:** Reports will include case studies and testimonials from beneficiaries, illustrating the real-world impact of donor support.

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Regular Updates

- **Quarterly Newsletters:** Donors will receive regular updates on the fund's activities, achievements, and upcoming initiatives through quarterly newsletters.
- **Exclusive Previews:** Major donors will get exclusive previews of new projects and programs before they are publicly announced.

Membership and Advisory Roles

Advisory Board Membership

- **Advisory Roles:** Significant donors may be invited to join the fund's advisory board, providing strategic input and guidance on the fund's direction and initiatives.
- **Engagement Opportunities:** Advisory board members will have regular opportunities to engage with the fund's leadership and contribute to its strategic planning.

Special Committees

- **Committee Participation:** Donors can join special committees focused on specific areas such as fundraising, advocacy, or program development.
- **Leadership Roles:** High-level contributors may be offered leadership roles within these committees, leveraging their expertise and networks to drive the fund's mission forward.

By offering a variety of ways for individuals to get involved and recognizing the contributions of significant donors, the Fathers Economic Defense Fund aims to build a strong, engaged, and supportive community dedicated to making a meaningful impact.

13. Annual Membership for Fathers

Overview

The Fathers Economic Defense Fund offers an exclusive annual membership program designed to provide comprehensive support and resources for fathers. For an annual fee of \$299, members gain access to a suite of benefits that include their own Blockchain Family Trust, a merchant account, and ICCACK Bank Visa and MasterCard services.

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Benefits of Annual Membership

Blockchain Family Trust

- **Secure Asset Management:** Each member receives their own Blockchain Family Trust, enabling secure and transparent management of assets. This trust leverages blockchain technology to ensure that all transactions are immutable and verifiable.
- **Asset Protection:** The Blockchain Family Trust provides legal protection for family assets, safeguarding them from potential legal disputes or financial uncertainties.
- **Estate Planning:** Members can use their trust for estate planning, ensuring that their assets are managed and distributed according to their wishes.

Merchant Account

- **Business Enablement:** Members receive a merchant account, allowing them to accept payments and conduct business transactions seamlessly.
- **Multiple Payment Methods:** The merchant account supports various payment methods, including credit cards, digital wallets, and cryptocurrencies, enhancing business flexibility.
- **Transaction Security:** All transactions conducted through the merchant account are secure and compliant with international financial standards, ensuring safety and reliability.

ICCACK Bank Visa and Mastercard

- **Global Accessibility:** Members receive ICCACK Bank Visa and Mastercard, providing global access to funds and enabling convenient transactions worldwide.
- **Financial Flexibility:** These cards offer financial flexibility, allowing members to manage their expenses, make online purchases, and withdraw cash from ATMs.
- **Rewards and Benefits:** The ICCACK Bank Visa and Mastercard come with various rewards and benefits, including cashback offers, discounts on select purchases, and access to exclusive events.

Additional Membership Features

Legal Assistance

- **Priority Legal Support:** Members receive priority access to legal support for custody disputes, parental child kidnapping cases, and other family-related legal matters.
- **Discounted Legal Services:** Membership includes discounts on legal services provided by partner law firms and legal professionals.

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Counseling and Mental Health Support

- **Access to Counseling Services:** Members can access counseling services to help them cope with the emotional stress of custody disputes and family challenges.
- **Mental Health Resources:** Membership includes access to a variety of mental health resources, including support groups, therapy sessions, and self-help materials.

Educational Resources

- **Workshops and Seminars:** Members can participate in educational workshops and seminars on parental rights, effective co-parenting, and navigating the legal system.
- **Resource Library:** Access to a comprehensive library of educational materials, including guides, articles, and videos on various topics relevant to fathers.

Advocacy and Community Engagement

- **Advocacy Support:** Members are part of a larger advocacy effort to promote fair policies and practices related to parental rights and child protection.
- **Community Network:** Membership provides access to a supportive community of fathers, enabling networking, sharing experiences, and mutual support.

How to Join

Membership Enrollment

- **Online Registration:** Interested fathers can enroll in the annual membership program through the official website. The registration process is simple and secure.
- **Payment Options:** The \$299 membership fee can be paid using various payment methods, including credit cards, digital wallets, and cryptocurrencies.

Activation and Welcome Kit

- **Immediate Activation:** Upon payment, membership is immediately activated, and members receive a welcome kit containing their Blockchain Family Trust details, merchant account information, and ICCACK Bank Visa and MasterCard.
- **Support and Assistance:** Members have access to dedicated support for any questions or assistance needed during the enrollment process.

By offering a comprehensive annual membership program, the Fathers Economic Defense Fund aims to provide fathers with the tools, resources, and support they need to navigate family-related challenges and protect their rights and assets. This membership not only empowers fathers but also strengthens the community of supporters dedicated to promoting fair and just treatment for all parents.

14. Diplomatic Engagement and International Relations

The Fathers Economic Defense Fund is committed to fostering strong diplomatic engagement and international relations to promote the protection of parental rights and child welfare on a global scale. By leveraging the power of blockchain technology and collaborating with international organizations, we aim to create a network of support that transcends borders and ensures justice for all families.

Objectives of Diplomatic Engagement

1. Promote Global Standards

- **International Advocacy:** Advocate for the adoption and implementation of international standards and treaties that protect the rights of parents and children.
- **Policy Influence:** Engage with policymakers and international bodies to influence the development and enforcement of fair and just policies related to parental rights and child protection.

2. Establish Global Networks

- **International Partnerships:** Form strategic partnerships with governments, non-governmental organizations (NGOs), and international institutions to create a global network of support.
- **Embassies and Delegations:** Establish ICCACK embassies and delegations in key regions to facilitate local support and advocacy efforts.

3. Enhance Legal Cooperation

- **Cross-Border Legal Assistance:** Collaborate with international legal entities to provide cross-border legal assistance and representation in cases of parental child abduction and custody disputes.
- **Mutual Legal Recognition:** Work towards mutual recognition and enforcement of court orders and legal decisions across jurisdictions.

Diplomatic Initiatives

1. International Conventions and Treaties

- **UN Convention on the Rights of the Child:** Promote adherence to the UN Convention on the Rights of the Child, ensuring that the rights and welfare of children are protected globally.
- **Hague Convention on Child Abduction:** Advocate for the enforcement of the Hague Convention on the Civil Aspects of International Child Abduction, ensuring the prompt return of abducted children to their habitual residence.

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2. Diplomatic Missions and Embassies

- **ICCACK Embassies:** Establish ICCACK embassies in strategic locations worldwide to provide local support, advocacy, and legal assistance.
- **Diplomatic Missions:** Conduct diplomatic missions to engage with governments and international organizations, promoting the fund's objectives and building alliances.

3. International Forums and Conferences

- **Global Advocacy Events:** Organize and participate in international forums, conferences, and events to raise awareness and advocate for policy changes.
- **Thought Leadership:** Present research, case studies, and success stories at global events to highlight the importance of protecting parental rights and preventing child abduction.

Diplomatic Trade Ambassador Program

In recognition of significant contributions to the cause, individuals can be nominated as Diplomatic Trade Ambassadors of ICCACK. This prestigious role is available against a donation of \$25,000. Ambassadors will be instrumental in promoting the fund's objectives and fostering international relations.

Benefits of Being a Diplomatic Trade Ambassador

- **Official Nomination:** Receive an official letter of nomination as a Diplomatic Trade Ambassador of ICCACK.
- **Diplomatic Passport:** Obtain a diplomatic passport, which offers numerous benefits, including enhanced freedom of movement and access to diplomatic privileges.
- **Diplomatic License Plates:** Ambassadors receive diplomatic license plates for up to two vehicles.
- **International Influence:** Leverage the role to influence international policies and advocate for the protection of parental rights and child welfare.
- **Exclusive Access:** Gain access to high-level international events, forums, and conferences where you can represent ICCACK and its mission.

Application Process

- **Donation:** Make a donation of \$25,000 to support the Fathers Economic Defense Fund and its diplomatic initiatives.
- **Nomination:** Complete the nomination process through the official ICCACK website or contact the fund's administration for assistance.

Documentation: Receive the diplomatic passport, license plates, and official nomination letter within 3 to 4 weeks of completing the process.

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Responsibilities

- **Advocacy:** Actively promote ICCACK's mission and objectives in various international platforms.
- **Engagement:** Engage with governments, NGOs, and international organizations to build alliances and foster cooperation.
- **Representation:** Represent ICCACK at international events, ensuring the fund's voice is heard and its objectives are advanced.

Collaborations and Partnerships

1. Government Agencies

- **Diplomatic Collaboration:** Work with government agencies to develop and implement policies that support the rights of parents and children.
- **Law Enforcement Cooperation:** Collaborate with international law enforcement agencies to address and resolve cases of parental child abduction.

2. Non-Governmental Organizations (NGOs)

- **Joint Initiatives:** Partner with NGOs to launch joint initiatives aimed at supporting families and protecting children's rights.
- **Resource Sharing:** Share resources and expertise with NGOs to enhance the effectiveness of support services provided to families.

3. International Institutions

- **UN Agencies:** Engage with United Nations agencies such as UNICEF and the Office of the High Commissioner for Human Rights to promote child welfare and parental rights.
- **International Courts:** Collaborate with international courts, including the International Criminal Court, to ensure justice in cases of extreme human rights violations.

Benefits of Diplomatic Engagement

1. Global Reach and Impact

- **Expanded Influence:** Diplomatic engagement allows the fund to expand its influence and impact, reaching families and advocates worldwide.
- **Increased Support:** Building a global network of support enhances the fund's ability to provide comprehensive assistance to fathers and families in need.

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2. Policy and Legal Advancements

- **Policy Change:** Influencing international policies and legal frameworks leads to systemic changes that benefit parents and children globally.
- **Legal Precedents:** Establishing legal precedents through international cooperation strengthens the enforcement of parental rights and child protection laws.

3. Enhanced Credibility and Recognition

- **Global Recognition:** Diplomatic engagement and successful international collaborations enhance the fund's credibility and recognition as a leading advocate for parental rights.
- **Trust and Confidence:** Building strong relationships with international entities fosters trust and confidence among stakeholders and beneficiaries.

By prioritizing diplomatic engagement and international relations, the Fathers Economic Defense Fund aims to create a robust and supportive global environment that upholds the rights of parents and children. Through strategic partnerships, advocacy, and legal cooperation, we strive to ensure that every family has access to justice and support, regardless of geographic boundaries.

15. Financial Incentives for Members

Revenue Sharing from Tort Claim Rewards

One of the unique financial benefits of being a member of the Fathers Economic Defense Fund is the opportunity to participate in revenue sharing from successful tort claim rewards. This innovative approach not only provides financial support for the fund's activities but also directly benefits the members who support our mission.

Revenue Sharing Model

1. Successful Tort Claims

- **Pursuit of Claims:** The fund, through its team of international litigation lawyers, will pursue tort claims against individuals and entities that violate international laws and treaties, particularly in cases of parental child kidnapping and custody disputes.
- **Judicial Immunity:** These claims may include actions against judges and other officials who act outside their job descriptions, such as aiding and abetting illegal actions.

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2. Distribution of Rewards

- **50% Allocation:** Upon winning a tort claim, 50% of the awarded compensation will be allocated for distribution among fund members.
- **Equal Profit Shares:** The allocated funds will be distributed in equal profit shares to all active members of the Fathers Economic Defense Fund.

Membership Benefits

1. Financial Rewards

- **Profit Sharing:** Members receive a share of the financial rewards from successful tort claims, providing an additional income stream.
- **Collective Benefit:** By pooling resources and efforts, members collectively benefit from the successful legal actions pursued by the fund.

2. Enhanced Membership Value

- **Return on Investment:** The revenue-sharing model enhances the value of the annual membership fee, offering members the potential for significant financial returns.
- **Shared Success:** Members are incentivized to support and participate in the fund's activities, knowing that they will share in the financial successes.

3. Transparency and Accountability

- **Clear Reporting:** The distribution of tort claim rewards will be transparently reported to all members, with detailed accounts of the claims pursued, rewards won, and shares distributed.
- **Regular Updates:** Members will receive regular updates on the status of ongoing tort claims and potential future rewards.

Process for Distribution

1. Claim Processing

- **Legal Action:** The fund initiates and processes tort claims through its legal team, ensuring thorough investigation and robust legal representation.
- **Court Decisions:** Upon a favorable court decision and award of compensation, the fund will allocate 50% of the reward for member distribution.

2. Distribution Mechanism

- **Member Verification:** Ensure all active members are verified and eligible to receive their share of the rewards.

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- **Equal Shares:** Calculate equal shares for all active members based on the total allocated amount.
- **Direct Transfer:** Distribute the rewards directly to members' registered accounts, ensuring timely and accurate payments.

3. Reporting and Communication

- **Detailed Statements:** Provide members with detailed statements of their share, including information on the specific tort claim and the total reward amount.
- **Member Portal:** Utilize the member portal on the official website to display individual reward statements and distribution history.

By offering a revenue-sharing model from successful tort claim rewards, the Fathers Economic Defense Fund not only strengthens its financial foundation but also provides tangible financial benefits to its members. This model fosters a sense of community and collective success, encouraging active participation and support for the fund's mission.

16. Fundraising Strategy: Engaging a Fund Placement Agency

To ensure the success and sustainability of the Fathers Economic Defense Fund, it is crucial to secure sufficient capital before launching the membership program. Engaging a fund placement agency to raise the necessary capital will enable us to pursue litigation in parental child abduction cases with confidence.

Here is a detailed plan to achieve this objective.

Objectives

- **Raise Capital:** Secure initial capital to support litigation efforts and operational costs.
- **Engage a Fund Placement Agency:** Partner with a reputable agency to professionally manage and raise funds.
- **Strategic Case Selection:** Focus on cases with strong prima facie evidence to ensure a high success rate in tort litigations.

Steps to Engage a Fund Placement Agency

1. Identify Potential Agencies

- **Research and Shortlist:** Conduct thorough research to identify fund placement agencies with a strong track record in raising capital for legal and non-profit initiatives.
- **Evaluate Experience:** Evaluate the shortlisted agencies based on their experience, reputation, and success rate in similar fundraising campaigns.

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2. Develop a Comprehensive Proposal

- **Fund Objectives:** Clearly outline the objectives of the Fathers Economic Defense Fund, including the mission, goals, and intended impact.
- **Use of Funds:** Detail how the raised capital will be utilized, emphasizing the focus on litigations in parental child abduction cases.
- **Case Criteria:** Explain the criteria for case selection, highlighting the focus on prima facie evidence to ensure high success rates.
- **Financial Projections:** Provide financial projections, including expected returns from successful tort claims and the revenue-sharing model for members.

3. Approach and Engage Agencies

- **Initial Contact:** Reach out to shortlisted agencies with the comprehensive proposal, highlighting the unique aspects and potential impact of the fund.
- **Present the Proposal:** Arrange meetings to present the proposal and discuss the terms of engagement, fundraising goals, and timelines.
- **Select an Agency:** Choose the agency that demonstrates the best understanding of the fund's objectives and offers a favorable engagement plan.

4. Collaboration and Fundraising Campaign

- **Contract Agreement:** Formalize the partnership with a contract that outlines the roles, responsibilities, and expectations of both parties.
- **Fundraising Strategy:** Work with the agency to develop a detailed fundraising strategy, including target investors, marketing campaigns, and timelines.
- **Campaign Launch:** Launch the fundraising campaign, leveraging the agency's network and expertise to attract significant capital.

Criteria for Case Selection

1. Prima Facie Evidence

- **Strong Evidence:** Focus on cases with clear and compelling evidence that strongly supports the plaintiff's claims.
- **Legal Precedents:** Select cases that have a high likelihood of success based on legal precedents and expert opinions.

2. Impact and Precedence

- **High Impact:** Prioritize cases that have the potential to set important legal precedents or significantly impact the protection of parental rights.
- **Precedent Setting:** Choose cases that can serve as benchmarks for future litigations, strengthening the overall mission of the fund.

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3. Victim Support

- **Holistic Support:** Ensure that selected cases not only have a high chance of success but also provide substantial support and justice to the victims involved.
- **Community Engagement:** Engage with the community to identify and support victims who will benefit the most from the fund's intervention.

Expected Outcomes

1. Secured Capital

- **Initial Funding:** Successfully raise the necessary capital to support litigation efforts and operational costs.
- **Sustainable Growth:** Establish a strong financial foundation to ensure the long-term sustainability of the fund.

2. Successful Litigations

- **High Success Rate:** Achieve a high success rate in tort litigations by focusing on cases with strong prima facie evidence.
- **Financial Returns:** Generate substantial financial returns from successful tort claims, supporting the fund's operations and member benefits.

3. Enhanced Credibility

- **Reputation:** Build a strong reputation as a reliable and successful advocate for parental rights and child protection.
- **Trust:** Gain the trust and support of the community, stakeholders, and potential members.

By engaging a reputable fund placement agency and focusing on strategic case selection, the Fathers Economic Defense Fund can secure the necessary capital to launch and sustain its operations effectively. This approach ensures that the fund is well-equipped to pursue high-impact litigations and support its mission of protecting parental rights and child welfare.

Tokenizing Our Books

Step 1: Preparation

Identify Books for Tokenization

- Select the books we want to tokenize, starting with our prominent works like "Kidnapped By The US Government."

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Create a Digital Version

- Ensure each book has a digital version (e-book) ready for distribution.

Define Tokenomics

- Determine the number of tokens to be created for each book.
- Define the value of each token and what each token represents (e.g., a share of the book's royalties, exclusive access to content, etc.).

Legal Considerations

- Consult with legal experts to ensure compliance with securities regulations and intellectual property laws.

Step 2: Token Creation

Choose a Blockchain Platform

- Select a blockchain platform for issuing tokens (e.g., Ethereum, Polygon, Binance Smart Chain).

Smart Contract Development

- Develop smart contracts to manage the token issuance and distribution process. Ensure these contracts are secure and audited.

Mint Tokens

- Mint the tokens based on the defined tokenomics.

Step 3: Launch and Marketing

Marketing Campaign

- Launch a marketing campaign to attract potential investors. Use social media, email newsletters, and partnerships to spread the word.

Platform for Sale

- List the tokens on a reputable platform or marketplace where investors can purchase them.

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Step 4: Distribution and Management

Initial Token Sale

- Conduct an initial token sale (ICO, STO) to raise capital. Offer early bird discounts or bonuses to attract investors.

Ongoing Management

- Manage the token distribution and maintain transparency with investors regarding the performance and royalties of the books.

Benefits of Tokenizing Your Books

Access to Capital

- Raise significant capital without needing traditional financing or publishing deals.

Engage with Your Audience

- Create a more engaged and supportive community around your work.

Revenue Sharing

- Provide a transparent and automated way to share profits with investors through smart contracts.

Increased Exposure

- Attract a global audience and increase the visibility of your books.

Example Tokenization Plan for "Kidnapped By The US Government"

1. Tokenomics

- Total Tokens: 10,000,000
- Token Price: \$1 per token
- Purpose: Each token represents a share of the book's royalties, exclusive content access, or participation in special events (e.g., author Q&A sessions).

2. Marketing Strategy

- Leverage existing platforms and social media to announce the token sale.
- Partner with influencers in the blockchain and literary communities to spread the word.
- Provide early access and bonuses for the first 10,000 tokens sold.

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3. Platform for Sale

- Use a platform like OpenSea for listing and selling the tokens.
- Provide a user-friendly interface for purchasing tokens using cryptocurrency.

Conclusion

Tokenizing your books is a modern and efficient way to raise capital while engaging with your audience and creating a transparent revenue-sharing model. By following the outlined steps, you can successfully tokenize your books and attract investors who are passionate about your work and mission.

Link for More Information:

- [Kidnapped By The US Government](#)

This approach not only provides the necessary funds for your initiatives but also leverages the power of blockchain technology to enhance transparency and trust.

17. Leveraging Intellectual Property (IP) for Fundraising

Based on the comprehensive information provided in the ICCACK Embassy Brochure and other IP assets, here's a detailed plan on how to leverage these elements for fundraising:

Key Strategies to Leverage IP

Tokenization of IP Assets

- **Books and Key Documents:** Mint tokens representing ownership or a share of the profits from your books and key legal documents. Each token can represent a portion of the revenue generated from these assets.
- **Trademarks and Certifications:** Tokenize your trademarks and certifications, allowing investors to own a part of your brand's intellectual property. This can include revenue-sharing models where investors receive a portion of the profits generated from the use of these trademarks and certifications.

Engagement with Fund Placement Agencies

- Engage with reputable fund placement agencies to secure initial capital. Agencies like Gail Perry Group, Brian Lacy and Associates, Campbell & Company, and others can provide the necessary expertise to raise capital before launching the membership program.

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Utilizing the ICCACK Embassy Network

- Promote the establishment of ICCACK Embassies globally by leveraging the diplomatic status and the benefits associated with being a Trade Ambassador. This can include exclusive rights to open an embassy in a specific jurisdiction, diplomatic passports, and tax exemptions under the Vienna Convention.

Detailed Plan for Tokenization and Fundraising

Step 1: Preparation

- **Digitize Assets:** Ensure all books, documents, and certifications are digitized and ready for tokenization.
- **Define Tokenomics:** Determine the total supply of tokens, their value, and the benefits they confer to holders. For example, tokens could represent shares in book royalties or certifications.

Step 2: Token Creation

- **Blockchain Platform:** Select a blockchain platform such as Ethereum, Polygon or Binance Smart Chain for issuing tokens.
- **Smart Contracts:** Develop secure and audited smart contracts to manage the issuance and distribution of tokens.

Step 3: Launch and Marketing

- **Whitepaper:** Create a detailed whitepaper outlining the tokenization process, benefits, and how funds will be used. Include success stories, testimonials, and detailed descriptions of the IP assets.
- **Marketing Campaign:** Promote the token sale through social media, partnerships, and influencer marketing. Highlight the benefits of investing in these tokens, such as revenue sharing, exclusive content access, and supporting a noble cause.
- **Platform for Sale:** List the tokens on platforms like OpenSea or similar marketplaces to reach a broader audience.

Step 4: Distribution and Management

- **Initial Token Offering (ITO):** Conduct an ITO to raise initial capital. Offer early bird discounts or bonuses to attract investors.
- **Profit Sharing:** Implement a transparent system for distributing profits from book sales, certifications, and other IP assets to token holders.

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Engaging Fund Placement Agencies

To ensure sufficient capital is raised before launching the membership program, engage a fund placement agency. Here are some steps and agencies to consider:

- **Research and Select Agencies:** Research and select agencies that specialize in non-profit and legal fundraising. Agencies like Gail Perry Group, Brian Lacy and Associates, Campbell & Company, CCS Fundraising, and Graham-Pelton are known for their expertise in this area.
- **Prepare Proposals:** Prepare detailed proposals outlining the objectives, benefits, and financial projections of the Fathers Economic Defense Fund. Include information on how the funds will be used to support litigation efforts and operational costs.
- **Engage and Negotiate:** Engage with the selected agencies and negotiate terms for their services. Ensure they understand the mission and goals of the ICCACK and how their efforts will support these objectives.
- **Launch Fundraising Campaigns:** Work with the agency to launch targeted fundraising campaigns. Utilize their expertise in strategic planning, donor engagement, and campaign management to maximize fundraising efforts.

Conclusion

By tokenizing your books, key documents, trademarks, and certifications, and engaging reputable fund placement agencies, you can effectively raise the capital needed to support the Fathers Economic Defense Fund. This approach not only provides the necessary funds but also leverages your intellectual property to engage and reward your supporters.

Link for More Information:

- [Kidnapped By The US Government](#)

By implementing these strategies, you can create a sustainable and impactful fundraising mechanism to support your mission and goals.

18. Leveraging YouTube Channel for Fundraising

Your YouTube channel, [International Criminal Court Against Child Kidnapping](#), can be a powerful tool for raising awareness and generating funds for the Fathers Economic Defense Fund. Here are some strategies to leverage your YouTube presence:

Strategies for Leveraging YouTube

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Content Monetization

- **Enable Monetization:** Ensure your channel is monetized through YouTube's Partner Program. This will allow you to earn revenue from ads displayed on your videos.
- **Super Chat and Super Stickers:** Enable Super Chat and Super Stickers during live streams to allow viewers to donate directly during your broadcasts.

Fundraising Campaigns

- **Direct Donations:** Use YouTube's fundraising tools to enable direct donations from viewers. Add a donation button to your channel and individual videos.
- **Crowdfunding:** Promote crowdfunding campaigns directly in your videos and through YouTube's community posts. Platforms like Kickstarter, GoFundMe, or Indiegogo can be linked for direct support.

Exclusive Content

- **Membership Program:** Create a membership program offering exclusive content to subscribers who join. This can include behind-the-scenes footage, early access to videos, or exclusive live Q&A sessions.
- **Token-Gated Content:** Use your tokenized assets to offer exclusive content access to token holders. Promote these tokens in your videos to drive sales.

Collaborations and Partnerships

- **Influencer Partnerships:** Collaborate with other influencers or organizations to reach a wider audience. Joint videos or shout-outs can drive traffic to your channel and fundraising campaigns.
- **Sponsored Content:** Partner with businesses or organizations to create sponsored content. Ensure these partnerships align with your mission and values.

Engaging Content Creation

- **Educational Videos:** Create informative videos about the legal rights of parents, the mission of ICCACK, and the importance of supporting the fund. Use compelling storytelling to engage viewers.
- **Success Stories:** Share success stories and testimonials from individuals who have benefited from the fund. Highlight the impact of donations and support.

Live Streaming Events

- **Fundraising Livestreams:** Host live fundraising events where viewers can donate in real-time. Use these events to provide updates, share stories, and engage with your audience.

Empowering Fatherhood: The Fathers Economic Defense Fund

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- **Q&A Sessions:** Conduct live Q&A sessions to answer questions about the fund, ongoing cases, and how viewers can help.

Example Video Content Plan

- **Introduction to ICCACK:** A video introducing the International Criminal Court Against Child Kidnapping, its mission, and the importance of supporting the fund.
- **How to Support:** A step-by-step guide on how viewers can support the fund through donations, purchasing tokens, or becoming members.
- **Success Stories:** Videos featuring testimonials and stories from individuals who have been helped by ICCACK.
- **Educational Series:** A series of videos explaining the legal rights of parents, the impact of child kidnapping, and how ICCACK is making a difference.
- **Fundraising Events:** Live streams and recorded videos of fundraising events, encouraging viewers to participate and donate.

Promoting Tokenized Assets

- **Token Sale Announcements:** Use your videos to announce token sales and explain how viewers can purchase tokens and what benefits they provide.
- **Exclusive Content:** Offer token holders access to exclusive videos or content. Promote these benefits in your regular videos to encourage token purchases.
- **Regular Updates:** Provide regular updates on the status of token sales, how funds are being used, and the impact of viewer contributions.

Conclusion

By leveraging your YouTube channel effectively, you can raise significant awareness and funds for the Fathers Economic Defense Fund. Combining engaging content, monetization strategies, and active promotion of your tokenized assets will create a robust fundraising mechanism that supports your mission and goals.

For further engagement, you can explore more on your [YouTube channel](#).

"Fathers Economic Defense Fund is a groundbreaking initiative dedicated to empowering fathers and protecting families. Through comprehensive support, including financial aid, legal assistance, and emotional counseling, we aim to address the challenges faced by fathers in custody disputes and cases of parental child kidnapping.

Leveraging blockchain technology and the ICCACK coin, we ensure transparency and efficiency in fund management, creating a sustainable model for justice and family integrity."

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Contact Information:

International Criminal Court against Child Kidnapping
Schenkkade 50 K
The Hague - 2595 AR
The Netherlands

Tel. No: +31-97-0050-33352
Email: admin@childabductioncourt.eu
Web: www.childabductioncourt.eu

"Join us in creating a new generation of empowered fathers and strong families. Together, we can heal the wounds of the past and build a brighter future for our children."

Founder Biography

Stephan is the founder of the [International Criminal Court against Child Kidnapping](#) (ICCACK), an organization committed to fighting against the illegal abduction of children and supporting affected families. His extensive experience in managing and administrating investment banking companies, captive insurance companies, and trusts across over 60 countries, including Europe, the Far East, the Caribbean, the USA, and Asia, has equipped him with a unique perspective on global corruption and the mechanisms of power.

[Stephan Schurmann](#) is a dedicated advocate for justice and transparency, with a career that spans multiple industries and continents. As the author of three influential books, including ["Poison"](#) and ["Kidnapped,"](#) and ["White House Child Predators"](#) Stephan has established himself as a fearless exposé of corruption and systemic abuse. His work is driven by a personal tragedy—the loss of his own son to parental child kidnapping, an event that revealed the deep-seated flaws within the US Judiciary system and inspired his relentless pursuit of justice.

In addition to his writing and advocacy, Stephan is the CEO and Founder of [Blockchain International Corporate Registry Authority](#) (BICRA) and Founder of [Blockchain Bank & Capital Trust](#). His professional background in finance and blockchain technology underscores his commitment to transparency and accountability in all sectors.

Stephan's passion for exposing crimes against humanity, particularly those involving children and their loving parents, has made him a formidable force in the fight for justice. His work aims to create awareness, drive systemic change, and ensure that the rights of the most vulnerable are protected.

Stephan Schurmann's journey is a testament to the power of resilience and the importance of standing up against injustice. Through his writing, advocacy, and professional endeavors, he continues to inspire and empower others to join the fight for a fair and just world.

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ICCACK Mission Statement

The International Criminal Court Against Child Kidnapping (ICCACK) is dedicated to the relentless pursuit of justice, the protection of children, and the empowerment of fathers worldwide. Our mission is to defend the rights of families, particularly fathers, by combating parental child kidnapping and ensuring the fair and just treatment of all involved. We are committed to:

- **Justice:** Upholding international laws and treaties to bring perpetrators of parental child kidnapping to justice and holding accountable those who aid and abet such crimes.
- **Protection:** Safeguarding the welfare of children by promoting their safe and rightful return to their legal guardians.
- **Empowerment:** Supporting fathers through legal assistance, financial aid, and advocacy, empowering them to protect their parental rights and maintain strong, healthy relationships with their children.

Through global outreach, robust legal frameworks, and strategic partnerships, ICCACK strives to create a world where the rights of fathers and their children are respected, protected, and upheld.

We envision a future where families are united, justice is served, and every father has the support and resources necessary to defend their rights and the well-being of their children.

ICCACK Vision Statement

Our vision at the International Criminal Court Against Child Kidnapping (ICCACK) is to create a world where the rights of fathers and their children are universally recognized, respected, and protected. We strive to establish a global standard of justice that prevents parental child kidnapping, upholds the integrity of families, and ensures the well-being of children. By fostering international cooperation and leveraging advanced legal frameworks, we aim to:

- **Eradicate Parental Child Kidnapping:** Eliminate the crime of parental child kidnapping through rigorous enforcement of international laws and proactive measures.
- **Support and Empower Fathers:** Provide comprehensive support to fathers, ensuring they have the resources and assistance needed to protect their parental rights and maintain healthy relationships with their children.
- **Champion Global Justice:** Lead the global effort to uphold justice for families affected by parental child kidnapping, ensuring that every case is addressed with fairness, transparency, and urgency.
- **Promote Safe and Loving Families:** Advocate for policies and practices that prioritize the safety, security, and emotional well-being of children within their families.

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We envision a future where every child can grow up in a safe and nurturing environment, free from the threat of parental child abductions, and where fathers are empowered to be active, loving participants in their children's lives.

Through unwavering commitment to justice, protection, and empowerment, ICCACK aims to be the leading force in defending the rights of fathers and ensuring the safety and happiness of children worldwide.

ICCACK Manifesto

At the International Criminal Court Against Child Kidnapping (ICCACK), we believe in a world where justice prevails, families are united, and the rights of fathers and children are upheld with unwavering integrity. Our manifesto outlines our core principles, guiding values, and strategic commitments to achieving this vision.

Core Principles

1. Justice

- **Fair Treatment:** We are committed to ensuring that every case of parental child kidnapping is addressed with the highest standards of fairness and justice.
- **Accountability:** We hold accountable those who violate international laws and treaties and aid in the crime of parental child kidnapping.

2. Protection

- **Child Welfare:** The safety and well-being of children are paramount. We advocate for their protection and rightful return to their legal guardians.
- **Support Systems:** We provide comprehensive support to fathers, including legal aid, financial assistance, and emotional counseling.

3. Empowerment

- **Parental Rights:** We empower fathers by defending their rights and ensuring they have the resources to maintain strong, healthy relationships with their children.
- **Education and Advocacy:** We educate the public and advocate for policies that support the rights of fathers and protect families from the threat of parental child kidnapping.

Guiding Values

Integrity

- We operate with transparency, honesty, and a steadfast commitment to ethical principles.

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Compassion

- We approach every case with empathy and understanding, recognizing the emotional toll on families and children. We only defend fathers rights with 100% prima facie cases, ensuring that we have every law on our side and 100% evidence against the child abducting parent and every “bad actor” who has been aiding and abetting the crime of parental child kidnapping.

Innovation

- We leverage advanced legal frameworks and technological solutions to enhance our effectiveness in combating child kidnapping.

Collaboration

- We work in partnership with governments, international organizations, and communities to achieve our mission.

Strategic Commitments

Global Outreach

- Establish ICCACK embassies worldwide to provide localized support and advocacy.
- Engage with international bodies to promote and enforce global standards for child protection.

Legal Excellence

- Develop a robust legal framework to pursue and win cases of parental child kidnapping.
- Provide expert legal representation and support to fathers facing custody disputes and child abduction cases.

Awareness and Education

- Launch campaigns to raise awareness about the issue of child kidnapping and the rights of fathers.
- Educate families on preventive measures and legal recourses available to them.

Community Support

- Build a network of support groups and counseling services for fathers and families affected by child kidnapping.
- Facilitate community engagement through events, workshops, and advocacy programs.

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Vision for the Future

We envision a future where:

- No child is ever subjected to the trauma of parental child kidnapping.
- Fathers are fully supported in their rights to protect and nurture their children.
- Families are safeguarded by robust international laws and collaborative efforts.
- Justice is accessible to all, regardless of geographical boundaries.

Through unwavering commitment to justice, protection, and empowerment, ICCACK stands as a beacon of hope and a champion for the rights of fathers and the safety of children worldwide.

We invite all those who share our vision to join us in this noble cause, as we work together to create a world where every family can thrive in peace and security.

Testimonial from Keith (Setep) Guinyard:

"My Brother, I tell you.... a new generation of men will come from this....while repairing the wounds of the old.... parental alienation is a poison all of its own.... fathers only left with thoughts, hopes, dreams, and memories.... it's not right that money is a wedge used in the mind of others."

Analysis and Integration into the ICCACK Business Model:

Impact on Fathers and Families:

- The above comments highlight the profound emotional and psychological impact of parental alienation on fathers. Fathers who are separated from their children often struggle with feelings of loss, helplessness, and despair. The ICCACK business model aims to address these issues by providing comprehensive support that includes financial aid, legal assistance, and emotional counseling.

Healing Generational Wounds:

- By focusing on helping current and future generations of fathers, the ICCACK model not only aims to address immediate needs but also to heal long-standing wounds. This holistic approach ensures that fathers are not merely surviving but thriving, fostering healthier relationships with their children and promoting stronger family units.

Parental Alienation as a Critical Issue:

- Recognizing parental alienation as the most diabolic form of emotional and psychological child abuse, the ICCACK business model prioritizes raising awareness and advocating for policies that protect the rights of both parents.

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- This includes educating the public and policymakers about the detrimental effects of parental alienation on children and fathers.

Financial Barriers:

- The above remark from Keith about money being used as a wedge underscores the importance of providing financial support to fathers who may be disadvantaged in legal battles due to lack of resources. The ICCACK model's emphasis on financial assistance ensures that fathers can access the legal representation and support they need without being hindered by financial constraints.

Strategic Implementation:

Comprehensive Support Services:

- Provide a robust support system that includes legal aid, financial assistance, and mental health services to address the multifaceted challenges faced by fathers.

Awareness Campaigns:

- Launch campaigns to raise awareness about parental alienation, its impacts, and the need for fair treatment of fathers in custody disputes.

Advocacy and Policy Change:

- Advocate for legal reforms to close gaps in current laws, particularly in the U.S., to ensure **incoming** parental child kidnappers are prosecuted and to promote fair and just treatment of fathers.

Community Building:

Create a supportive community for fathers where they can share their experiences, receive guidance, and build resilience against the emotional toll of custody battles and parental alienation.

Healing Generational Wounds:

Develop programs that not only support current fathers but also work towards breaking the cycle of alienation and fostering healthier relationships in future generations.

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Vision for the Future:

Creating Gladiators:

- The ICCACK business model is about creating "Gladiators" - fathers who are empowered, resilient, and equipped to fight for their rights and the well-being of their children. These Gladiators will not only overcome personal challenges but also contribute to a larger movement for justice and equity in parental rights.

Conclusion

The new ICCACK business model, as praised by Keith (Setep) Guinyard, holds the potential to significantly impact the lives of fathers and children affected by parental alienation and custody disputes. By addressing the emotional, financial, and legal challenges, ICCACK can foster a new generation of men who are empowered, supported, and capable of healing generational wounds, ultimately leading to stronger, more resilient families.

This approach will transform fathers into Gladiators, ready to fight for justice and the rights of their children.

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1. Glossary

Blockchain Technology Terms:

Blockchain: A decentralized digital ledger that records transactions across many computers in such a way that the registered transactions cannot be altered retroactively. Each block in the chain contains a number of transactions, and every time a new transaction occurs on the blockchain, a record of that transaction is added to every participant's ledger.

Tokenization: The process of converting rights to an asset into a digital token on a blockchain. This allows for the asset to be traded, stored, and transferred more efficiently.

Smart Contracts: Self-executing contracts with the terms of the agreement directly written into code. They automatically execute and enforce terms of an agreement when predetermined conditions are met.

Decentralized Autonomous Organization (DAO): An organization represented by rules encoded as a computer program that is transparent, controlled by organization members and not influenced by a central government.

Immutable Ledger: A ledger that cannot be altered once a transaction has been recorded and confirmed. This ensures the integrity and transparency of the data.

Crypto Coin/Token: A digital asset designed to work as a medium of exchange wherein individual coin ownership records are stored in a ledger existing in the form of a computerized database using strong cryptography.

Airdrop: A distribution of cryptocurrency tokens or coins, usually for free, to a large number of wallet addresses. It is a way to gain attention and new followers, resulting in a larger user base and a wider disbursement of coins.

Legal Terms:

Parental Child Kidnapping: The illegal removal or retention of a child by one parent from the custody of the other parent or guardian.

Custody Dispute: A legal conflict between parents or guardians regarding the care, control, and maintenance of a child.

Tort Claim: A lawsuit brought by someone who has suffered loss or harm due to the wrongful or negligent actions of another party.

Jurisdiction: The official power to make legal decisions and judgments, typically in a defined geographic area or over certain types of legal cases.

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Prima Facie: Latin for "at first sight." Evidence that, unless rebutted, would be sufficient to prove a particular proposition or fact.

Hague Convention: A series of international treaties and declarations aimed at protecting children and securing the prompt return of wrongfully removed or retained children.

General Data Protection Regulation (GDPR): A regulation in EU law on data protection and privacy for all individuals within the European Union and the European Economic Area.

Financial Action Task Force (FATF): An intergovernmental organization that sets standards and promotes effective implementation of legal, regulatory, and operational measures for combating money laundering, terrorist financing, and other related threats to the integrity of the international financial system.

International Parental Kidnapping Crime Act of 1993 (18 U.S.C. § 1204): A U.S. federal law that makes it a crime to remove or retain a child outside the United States with the intent to obstruct the lawful exercise of parental rights.

2. Frequently Asked Questions (FAQs)

1. What is the Fathers Economic Defense Fund?

The Fathers Economic Defense Fund is an initiative by the International Criminal Court Against Child Kidnapping (ICCACK) aimed at providing comprehensive support to fathers involved in custody disputes and cases of parental child kidnapping. The fund offers financial aid, legal assistance, and emotional support to empower fathers and protect their parental rights.

2. How does the fund work?

The fund operates by leveraging blockchain technology and the ICCACK coin to ensure transparency and efficiency in fund management. Donations and investments are tokenized, allowing for secure transactions and equitable distribution of resources. The fund provides financial support to cover legal fees, counseling services, and other necessary resources for fathers in need.

3. What is the ICCACK coin?

The ICCACK coin is a blockchain-based digital currency created to facilitate secure and transparent transactions within the Fathers Economic Defense Fund. It is used to raise capital, manage funds, and distribute financial aid to beneficiaries.

4. How can I contribute to the fund?

You can contribute to the fund by donating directly through our website, participating in our token sales, or becoming a member. Donations can be made in various forms, including fiat currency and cryptocurrency. Additionally, you can support our fundraising events and campaigns.

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5. What benefits do members receive?

Members of the Fathers Economic Defense Fund receive various benefits, including access to legal representation, financial aid, counseling services, and educational resources. Members also benefit from our profit-sharing model, where they receive a portion of the financial rewards from successful tort claims.

6. How is the fund managed and governed?

The fund is managed as a Decentralized Autonomous Organization (DAO), utilizing smart contracts to automate and secure transactions. This decentralized model ensures transparency, accountability, and equitable decision-making, with all stakeholders having a voice in the governance process.

7. What legal frameworks does the fund comply with?

The fund complies with various international legal frameworks, including the United Nations Convention on the Rights of the Child (UNCRC), the Hague Convention on the Civil Aspects of International Child Abduction, and the General Data Protection Regulation (GDPR). We also adhere to Financial Action Task Force (FATF) guidelines to prevent money laundering and terrorist financing.

8. What are the main goals of the fund?

The primary goals of the Fathers Economic Defense Fund are to provide financial, legal, and emotional support to fathers in need, raise awareness about the challenges fathers face in custody disputes, advocate for fairer policies and practices, and promote the protection and well-being of children.

9. How does the fund address the issue of parental child kidnapping in the United States?

While the International Parental Kidnapping Crime Act of 1993 makes it a federal crime to remove a child from the United States, it does not apply to cases where a child is brought into the United States. This legal gap makes the U.S. a potential haven for incoming parental child abductors. The Fathers Economic Defense Fund advocates for closing this legal loophole and provides support to fathers facing such situations.

10. How can I get involved or volunteer with the fund?

You can get involved by volunteering your time and expertise, participating in our events, or joining our advocacy campaigns. We offer various volunteer opportunities, including legal support, counseling, community outreach, and fundraising activities. Contact us through our website to learn more about how you can contribute.

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11. How does the fund ensure transparency and accountability?

All transactions and fund management activities are recorded on a public blockchain ledger, ensuring complete transparency and accountability. Regular financial reports are published, and stakeholders can verify transactions and the use of funds at any time.

12. What are the future plans for the fund?

The fund aims to expand its services globally, increase the number of beneficiaries, and enhance its support programs. Future plans include developing educational workshops, establishing resource centers, and advocating for policy changes to better protect the rights of fathers and children.

3. References

To enhance the credibility of the white paper, the following sources have been cited for statistics, case studies, and relevant information:

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International Legal Frameworks:

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United States Legal Context:

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Nakamoto, Satoshi. "Bitcoin: A Peer-to-Peer Electronic Cash System," (2008). Available at: [Bitcoin.org](https://bitcoin.org)

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Additional Legal and Compliance References:

European Union, "General Data Protection Regulation (GDPR)," (2016). Available at: [GDPR.eu](https://gdpr.eu)

Financial Action Task Force, "International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation," (2012-2021). Available at: [FATF Recommendations](https://www.fatf-gafi.org)

Support Services and Community Engagement:

National Institute of Mental Health, "Mental Health Resources," (2021). Available at: [NIMH](https://www.nimh.nih.gov)

Educational Resources:

American Bar Association, "Resources on Parental Rights and Custody," (2022). Available at: [ABA](https://www.americanbar.org)

By including these references, the white paper provides verifiable sources for the data and claims made, enhancing its credibility and reliability for readers and potential stakeholders.

Fathers' Rights Case Law

Constitutional Protection of Fatherhood

Fathers' Rights Case Law

Fathers' Rights Case Law Title 42 USC 1983 is for (federal) civil rights violations. "Judges may be punished criminally for willful deprivation of rights on the strength of Title 18 U.S.A. 241 and 242." *Imbler v. Pachtman*, 424 U.S. 409; 96 S.Ct. 984 (1976) [The fact that there are federal rules/laws regarding suing including judges for violations of constitutional rights is proof enough that it occurs.] [Often instead of coming right out with it phrases like "an error of law" are used, not that the law is in error, but that the judge's ruling\ order or decision is "in error of the law". This means the judge's ruling is contrary to or in opposition to the law. Note the law may be "case law".]

THE LAW -federal cases- 2 1. Right of parents to the care, custody and to nurture their children is of such character that it cannot be denied without violating those fundamental principals of liberty and justice which lie at the base of all our civil and political institutions, AND SUCH RIGHT IS A FUNDAMENTAL RIGHT PROTECTED BY THIS AMENDMENT AND AMENDMENTS 5, 9, and 14. *DOE V. IRWIN*, 441 F. SUPP. 1247, U.S. DISTRICT COURT OF MICHIGAN (1977)

2. THE LIBERTY INTEREST AND THE INTEGRITY OF THE FAMILY encompass an interest in RETAINING CUSTODY OF ONE'S CHILDREN and, thus A STATE MAY NOT INTERFERE WITH A PARENT'S CUSTODIAL RIGHT ABSENT DUE PROCESS PROTECTIONS. *Langton v. Maloney*, 527 F.Supp. 538 (U.S. dist. Ct. Connecticut - 1981)

3." courts (must) indulge every reasonable presumption against waiver of fundamental constitutional rights, and... .not presume acquiescence in the loss of fundamental rights" *Dimick v. Schiedt*. 293 U.S. 474 (1935); 304 US at 464

4.Laws and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" was discriminatory and violates the Equal Protection Clause of the Fourteenth Amendment. *Yick Wo v. Hopkins*, 118 U.S. 356 (1886) [Then ask: did the mother make a motion to hold you in contempt? if so, what for , and what happened. here is some interesting law:] "Disobedience or evasion of a Constitutional mandate may not be tolerated, even though such disobedience may not be tolerated, even though such disobedience may. . . . promote in some respects the best interests of the public." *Watson v. City of Memphis*, 83 S.Ct. 1314, 375 U.S. 526, 10 L.Ed. 2d.(1963)

The pleading of one who pleads pro se for the protection of civil rights should be liberally construed. *Blood v. Margis*, 322 F.2d 1086 (1971) Amendment 14 "No State shall make or enforce any law which shall abridge the privileges of immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; or deny to any person within its jurisdiction the equal protection of the laws."

PARENT-CHILD RELATIONSHIPS: "Even when blood relationships are strained, parents retain vital interest in preventing irretrievable destruction of their family life; if anything, persons faced with forced dissolution of their parental rights have more critical need for procedural protections than do those resisting state intervention into on going family affairs." *Santosky v. Kramer*, 102 S.Ct. 1388, 455 U.S. 745 (1982) Parents have fundamental constitutionally protected interest in continuity of legal bond with their children. *Matter of Delaney*, 617 P.2d 886, Oklahoma (1980)

Parent's interest in custody of her children is liberty interest which has received considerable constitutional protection; parent who is deprived of custody of his or her child, even though temporarily, suffers thereby grievous loss and such loss deserves extensive due process protection. In *Interest of Cooper*, 621 P.2d 437, 5 Kansas App. Div. 2d 584 (1980)

"Father enjoys the right to associate with his children which is guaranteed by this amendment (1st) as incorporated in Amendment 14, or which is embodied in the concept of 'liberty' as that word is used in the due process clause of 14th Amendment and equal protection clause of 14th." *Mabra v. Schmidt*. 356 F.Supp. 620 (U.S. District Ct. Wisconsin 1973)

The United States Supreme Court noted that a parent's right to "the companionship, care, custody and management of his or her children" is an interest "far more precious" than any property right. *Mav v. Anderson*. 345 U.S. 528, 533; 73 S.Ct. 840, 843 (1952) that the parent-child relationship is constitutionally protected liberty interest (see Declaration of Independence ---

life, liberty and pursuit of happiness and 14th Amendment of U.S. Constitution --- No state can deprive any person of life, liberty or property without due process of law nor deny any person the equal protection of the laws). *Kelson v. Springfield*, 767 F.2d. 651 (U.S. Ct. App. 9th Circuit 1985)

The parent-child relationship is a liberty interest protected by the Due Process Clause of the 14th Amendment. *Bell v. City of Milwaukee*, 746 F.2d 1205, 1242-45 (S.C. Ct. App 7th Circuit 1985)

"No bond is more precious and none should be more zealously protected by the law as the bond between parent and child." *Carson v. Elrod*, 411 F.Supp. 645, 649 (U.S. District Court Eastern Dist. Virginia 1976)

"A parent's right to the preservation of his relationship with his child derives from the fact that the parent's achievement of a rich and rewarding life is likely to depend significantly on his ability to participate in the rearing of his children. A child's corresponding right to protection from interference in the relationship deprives form the psychic importance to him of being raised by a loving, responsible, reliable adult." (Emphasis added) *Franz v. United States*, 707 F.2d 582, 595-599 (U.S. Ct. App. D.C. Circuit 1983)

A parent's right to the custody of his or her children is an element of "liberty" guaranteed by the Fifth Amendment and Fourteenth Amendment to the Constitution of the United States. *Matter of Gentry*, 369 N.W.2d. 889, Mich. Appellate Div. (1983) Legislative classifications which distributes benefits and burdens on the basis of gender carry the inherent risk of reinforcing stereotypes about the proper place of women and their need for special protection; thus, even statutes purportedly designed to compensate for and ameliorate the effects of past discrimination against women must be carefully tailored. The state cannot be permitted to classify on the basis of sex. *Orr v. Orr*, 99 S.Ct. 1102, 440 U.S. 268 (1979)

The United States Supreme Court held that the "old notion" that "generally it is the man's primary responsibility to provide a home and its essentials, " can no longer justify a statute that discriminates on the basis of gender. "No longer is the female destined solely for the home and the rearing of the family, and only the male for the marketplace and the world of ideas." *Stanton v. Stanton*, 421 U.S. 7. 10; 95 S.Ct. 1373, 1376 (1975) Classifications by gender must serve important governmental objectives and must be substantially related to achievement of those objectives. *Craig v. Boren*, 97 S.Ct. 451;429 U.S. 190 (1976)

Classifications based upon sex, like classifications based upon race, alienage or national origin are inherently suspect and must be subjected to strict judicial scrutiny. . . .Any statutory scheme which draws a sharp line between the sexes, solely for the purpose of achieving administrative convenience, necessarily commands dissimilar treatment for men and women who are similarly situated and therefore involves the very kind of arbitrary legislative choice forbidden by the Constitution. *Frontiero v. Richardson*, 93 S.Ct. 1746; 411 U.S. 677 (1973)

A classification must reasonable, not arbitrary, and must rest upon some ground of differences having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike. *Johnson v. Robinson*, 94 S.Ct. 1160, 415 U.S. 361 (1974)

While a state has broad power when it comes to making classifications, it may not draw a line which constitutes an invidious discrimination against a particular class. *Levy v. Louisiana*, 88 S.Ct. 1509, 391 U.S. 68 (1968)

"The claim and exercise of a Constitutional right cannot be converted into a crime." *Miller v. United States*, 230 F. 486 at 489

"We find it intolerable that one Constitutional right should have to be surrendered in order to assert another." *Simmons v. United States*, 390 U.S. 389 (1968)

Government may not prohibit or control the conduct of a person for reasons that infringe upon constitutionally guaranteed freedoms. *Smith v. United State*, 502, F.2d.512 (1974)

An individual may not be punished for exercising a protected statutory constitutional right. *U.S. v. Goodwin*, 102 S.Ct. 2485, 457 U.S. 368, 73 L.Ed2d 74, on remand 687 F.2d 44 (1982)

Within limits of practicability, a state must afford to all individuals a meaningful opportunity to be heard. . . .Whenever one is assailed in his person or his property, there he may defend. . . .The right to meaningful opportunity to be heard within limits of practicality must be protected against denial by particular laws that operate to jeopardize it for particular individuals. *Boddie v. Connecticut*, 92, S.Ct. 780, 401 U.S. 371. 28 L.Ed.2d 113 conformed t 329 F. Supp. 844 (1971)

Quite apart from the guarantee of equal protection, if a law impinges on a fundamental right explicitly or implicitly secured by the Constitution it is presumptively unconstitutional. *Harris v. McRae*, 100 S.Ct. 2671, 448 U.S. 297, 65 L.Ed.2d 784, rehearing denied 101 S.Ct. 39, 448 U.S. 917, 65 L.Ed.2d 1180 (1980)

If a law has no other purpose that to chill assertion of constitutional rights by penalizing those who choose to exercise them, it is patently unconstitutional. *Harris v. McRae*, 100 S.Ct. 2671, 448 U.S. 297, 65 L/Ed.2d 784, rehearing denied 101 S.Ct. 39, 448 U.S. 917, 65 L.Ed2d. 1180 (1980)

In pursuing substantial state interest, state cannot choose means which unnecessarily burden or restrict constitutionally protected activity. *Dunn v. Blumstein*, 92 S.Ct. 995, 405 U.S. 330 (1972)

Only where state action impinges on exercise of fundamental constitutional right or liberties must it be found to have chosen the least restrictive alternative. *San Antonio Independent School Dist. v. Rodriguez*, 93 S.Ct. 1278, 411 U.S. 1 (1973)

"Because the State is supposed to proceed in respect of the child as *parens patriae* and not as adversary, . . ." *Kent v. United States*, 86 S.Ct.1045 at 1054 (1966) Where certain fundamental rights are involved, regulation limiting these rights may be justified only by a compelling state interest and the legislative enactment must be narrowly drawn to express only legitimate state interests at stake. *Roe v. Wade*, 93 S.Ct. 705, 410 U.S. 113 (1973)

A state cannot foreclose the exercise of constitutional rights by mere labels. *Bigelow v. Virginia*, 95 S.Ct. 2222, 421 U.S. 809 (1975)

There is a right to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child *Cohen v. Chesterfield County School Bd.*, 94 S.Ct. 791, 414 U.S. 632 (1974)

Neither Fourteenth amendment nor Bill of Rights is for adults alone. *Application of Gault*, 87 S.Ct. 1428, 387 U.S. 1 (1967)

Vague laws offend several important values; first, vague laws may trap the innocent by not providing fair warning; second, vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with attendant dangers of arbitrary and discriminatory application; and third, where a vague statute abuts on sensitive areas of basic First Amendment freedoms, it operates to inhibit the exercise of those freedoms. *Grayned v. City of Rockford*, 92 S.Ct. 2294, 408 U.S. 104 (1972)

A parent may bring a suit against a municipality which failed to provide protection against an ex-spouse, under 42 U.S.C. Section 1983. The parent may recover damages for her son's death and her own injuries, where the police force assured her of protection from a violent ex-spouse. *Rauci v. Town of Rotterdam*, No. 89-7693, U.S. Dist. Ct. --N.Y., April 27, 1990 Police officer loses qualified immunity to claim that facially neutral policy has been executed in a discriminatory manner in a domestic violence situation if that police officer knows that the policy has a discriminatory impact. *Hansen v. City of) Legal Dept.*, 864 F.2d 1026, 3rd Cir. (1988)

"Chapter 39 of the Magna Carta (1215) was a guarantee that the government would take neither life, liberty, nor property without a trial in accord with the law of the land that already existed at the time the alleged offense was committed." This means that the Due Process Clause gives all Americans, whoever they are and wherever they happen to be, the right to be tried by independent and unprejudiced courts using established procedures and applying valid pre-existing laws. There is not one word of legal history that justifies making the term "due process of law" mean a guarantee of a trial free from laws and conduct which the courts deem at the time to be "arbitrary", "unreasonable", "unfair", or "contrary to civilized standards.". The due process of law standard for a trial is one in accordance with the Bill of Rights and laws passed pursuant to constitutional power, guaranteeing to all alike a trial under the general law of the land. *Duncan v. Louisiana*, 391 U.S. 145; 88 S.Ct. 1444 (1968)

Jury trials are a must when holding a trial for civil contempt where "clear and convincing" evidence must be produced. United States Constitution, Amendment VII states: "In suits at common law, where the value in controversy shall exceed twenty dollar, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law." "The jury. . . acts not only as a safeguard against judicial excesses, but also as a barrier to legislative and executive oppression. The Supreme Court . . . recognizes that the jury . . . is designed to protect Defendants against oppressive governmental practices." *United States ex rel Toth v. Quarles*, 350 U.S. 11, 16 (1955)

The Jury has "an unreviewable and power. . . to acquit in disregard of the instructions on the law given by the trial judge." *U.S. v. Dougherty*, 473 F.2d 1113, 1139 (1972)

"The common law right of the jury to determine the law as well as the facts remains unimpaired." *State v. Croteau*, 23 Vt. 14, 54 AM DEC 90 (1849) "Trial by jury is available . . . as indicated in Seventh Amendment." *Pernell v. Southhall Realty*, 416 U.S. 363, 40 L.Ed 2d 198, 94 S. Ct. (1973)

"Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are bills of attainder prohibited by the Constitution." *United States v. Brown*. 381 U.S. 303, 66 S.Ct. 1073 (1946)

Alexander Hamilton wrote: "Nothing is more common than for a free people, in times of heat and violence, to gratify momentary passions, by letting into the government principles and precedents which afterwards prove fatal to themselves. Of this kind is the doctrine of disqualification, disfranchisement, and banishment by acts of the legislature. The dangerous consequences of this power are manifest. If the legislature can disfranchise any number of citizens at pleasure by general descriptions. "The Constitution outlaws this entire category of punitive measures. The amount of punishment is material to the classification of a challenged statute. But punishment is prerequisite. . ." *U.S. v. Lovett*, 66 S.Ct. 1073, 1083 (1946)

"The deprivation of any rights, civil or political, the circumstances attending and the causes of the deprivation determining the fact." U.S. v. Lovett, 66 S.Ct. 1073, 1083, (1946)

The singling out of an individual for legislatively prescribed punishment constitutes a "bill of attainder" whether individual is called by name or described in terms of conduct which, because of its past conduct, operates only as a designation of particular persons. Communist Party of U.S. v. Subversive Activities Control Bd., 81 S.Ct. 1357, 367 U.S. 1, 6 L.Ed.2d 625, rehearing denied 82 S. Ct. 20, 368 U.S. 871, 7 L.Ed.2d 72

UNITED STATES CODE, TITLE 42, SECTION 1983 Every person who, under color of any statute ordinance, regulation, custom, or by usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. EVERY PERSON SHALL BE LIABLE IN AN ACTION AT LAW SUIT IN EQUITY NO EXCLUSION FOR JUDGES BY ANY ACT OF CONGRESS UNITED STATES CODE, TITLE 42, SECTION 1985 (3) If two or more persons . . . conspire. . . for the purpose of depriving. any person. . . of the equal protection of the laws . . . the party so injured or deprived may have an action for the recovery of damages . . . RECOVERY OF DAMAGES AGAINST ANY ONE OR MORE OF THE CONSPIRATORS NO EXCLUSION FOR JUDGES BY ANY ACT OF CONGRESS UNITED STATES CODE, TITLE 42, SECTION 1986 Every person who, having knowledge that any of the wrongs . . . are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do . . . shall be liable . . . EVERY PERSON SHALL BE LIABLE FOR ALL DAMAGES NO EXCLUSION FOR JUDGES BY ANY ACT OF CONGRESS UNITED STATES CODE, TITLE 42, SECTION 1988 "When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it." State v. Sutton, 63 Minn. 147 65 NW 262 30 ALR 660. Also see (Watson v. Memphis, 375 US 526; 10 L Ed 529; 83 S.Ct. 1314)

It is the duty of the courts to be watchful for CONSTITUTIONAL RIGHTS of the citizen, against any stealthy encroachments thereon." Boyd v. U.S., 116 US 616, 635, (1885)

" The judicial branch has only one duty --- to lay the article of the Constitution which is involved beside the statue which is challenged and to decide whether the latter squares with the former. . .the only power it (the Court) has. . .is the power of judgement." U.S. v. Butler, 297 US (1936)

"Judges may be punished criminally for willful deprivation of rights on the strength of Title 18 U.S.A. 241 and 242." Imbler v. Pachtman, 424 U.S. 409; 96 S.Ct. 984 (1976)

Title 18 U.S.C.A. 242 (U.S. Criminal Code): "Whoever, under color of law, statute, or ordinance, regulation, or custom, willfully subjects any inhabitants of any state to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or Law of the United States. . . shall be fined no more than \$1,000 or imprisoned one year or both."

Title 18 U.S.C.A. 241, 242 are the criminal equivalent of Title 42 U.S.C.A. 1983, 1985 et seq. "Judges have no immunity from prosecution for their judicial acts." Bradley v. Fisher, U.S. 13 Wall. 335 (1871)

"Federal Courts should avoid a ruling that any act of Congress is void on its face if the act can be either construed as constitutional or applied as constitutional." Empire Steel Mfg. Co. v. Marshall, 437 F.Supp. 873 (U.S. District Ct. of Montana -1977)

"When a judge acts intentionally and knowingly to deprive a person of his constitutional rights, he exercises no discretion or individual judgement; he acts no longer as a judge, but as a "minister" of his own prejudice." Pierson v. Ray. 386 U.S. 547 at 567 (1967)

"We should, of course, not protect a member of the judiciary "who is in fact guilty of using his power to vent his spleen upon others, or for any other personal motive not connected with the public good." Gregoire v. Biddle, 177 F.2d 579, 581.

"Government immunity violates the common law maxim that everyone shall have remedy for an injury done to his person or property." Fireman's Ins. Co. of Newark, N.J. v. Washburn County, 2 Wis.2d 214, 85 N.W.2d 840 (1957) Immunity fosters neglect and breeds irresponsibility, while liability promotes care and caution, which caution and care is owed by the government to its people." Rabon v. Rowen Memorial Hosp., Inc. 269 NSI. 13, 152 S.E.2d 485, 493 (`1967)

"Actions by state officers and employees, even if unauthorized or in excess of authority can be actions under 'color of law'. " Stringer v. Dilger, 313 F.2d 536 (U.S. Ct. App 10th Circ. - 1963

"A judge is not immune from criminal sanctions under the civil rights act." Ex Parte Virginia, 100 U.S. 339 (1879)

"State officials acting in their official capacities, even if in abuse of their lawful authority , generally are held to act "under color" of law. This is because such officials are " clothed with the authority" of state law, which gives them power to perpetrate the very wrongs that Congress intended Section 1983 to prevent. " Ex parte Virginia, 100 U.S. 339, 346-347

"The language and purpose of the civil rights acts, are inconsistent with the application of common law notions of official immunity. . . " Jacobsen v. Henne, 335 F.2d 129, 133 (U.S. Ct. App. 2nd Circ. - 1966) Also see" Anderson v. Nossner, 428 F.2d

183 (U.S. Ct. App. 5th Circ. - 1971)

"Governmental immunity is not a defense under (42 USC 1983) making liable every person who under color of state law deprives another person of his civil rights." *Westberry v. Fisher*, 309 F.Supp. 95 (District Ct. - of Maine - 1970 "Judicial immunity is no defense to a judge acting in the clear absence of jurisdiction." *Bradley v. Fisher*, U.S. 13 Wall. 335 (1871)

As long as a defendant who abridges a plaintiff's constitutional rights acts pursuant to a statute of local law which empowers him to commit the wrongful act, an action under the Federal Civil Rights statute is established. 42 U.S.C.A. 1981 et seq.; *Laverne v. Corning*, 316 F.Supp. 629

"The Supreme Court initially discussed judicial immunity in *Randall v. Brigham*, 74 U.S. (7 Wall.) 523, 19 L.Ed. 285 (1869). In *Randall*, the Court wrote that judges of superior or general jurisdiction courts were not liable to civil actions for their judicial acts, even when such acts, where the acts, in excess of jurisdiction, are done maliciously or corruptly." [Editor's Note: In more recent cases: *Stump v.*

Sparkman, 435 U.S. 349 (1978) and *Dennis v. Sparks*, 449 U.S. 24 it was found that judges were really not acting in a malicious and corrupt manner and the proofs also showed that. Congress by its words and meaning enacted the Civil Rights Act of 1871 and that meaning included judges to be held responsible to an injured plaintiff for the deprivation of Constitutional Rights. Any judge made case finding to the contrary is hereby challenged as unconstitutional and unlawful. No Court has ever challenged the Constitutionality of the Civil Rights Act of 1871, and therefore said Congressionally enacted legislation stands as law. The only way to change an act of Congress is by an act of Congress. No judge can change it and any such findings and changes are not to be upheld in Federal Courts as lawful. No changes in the wording have ever been made to Title 42 U.S.C.A. 1981, 1983, 1985, 1986 and 1988 and therefore these Congressionally enacted laws are enforceable in the Federal Courts. The only change made to Title 42 U.S.C.A. 1983 took place in 1979. At this time the words "or the District of Columbia" were inserted following "Territory". If any judges or persons representing judges had wanted to make a change this would have been an opportune time to do so. No action was ever taken to change the wording of the law and it remains as such today.]

"The resolution of immunity questions inherently requires a balance between the evils inevitable in any available alternative. In situations of abuse of office, an action for damages may offer the only realistic avenue for vindication of constitutional guarantees." *Butz v. Economou*, 438 U.S. 506, 98 S.Ct. 2910 (1978)

Editor's Note: Federal lawsuits can be brought under both Title 42 U.S.C.A. 1983, 1985, 1986, 1988 and/or brought directly under the Constitution against federal officials. *Butz* at 504

"Referring both to the objective and subjective elements, we have held that qualified immunity (Ed. Note: or "good faith") would be defeated if an official "knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the [plaintiff], or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury. . ." *Harlow v. Fitzgerald*, 102 S.Ct. 2727 at 2737, 457 U.S. 800 (1982)

"I agree with the substantive standard announced by the Court today, imposing liability when a public-official defendant "knew or should have known" of the constitutionally violative effect of his actions. This standard would not allow the official who actually knows that he was violating the law to escape liability for his actions, even if he could not "reasonably have been expected" to know what he actually did know. Thus the clever and unusually well-informed violator of constitutional rights will not evade just punishment for his crimes. I, also agree that this standard applies "across the board," to all "government officials performing discretionary functions.," *Harlow* at 2739, Justice Brennan, Justice Marshall, and Justice Blackmun concurring. In *Pierson v. Ray*, 386 U.S. 547, Mr. Justice Douglas, dissenting:

"I do not think that all judges, under all circumstances, no matter how outrageous their conduct are immune from suit under 17 Stat. 13, 42 U.S.C. Section 1983. The Court's ruling is not justified by the admitted need for a vigorous and independent judiciary, is not commanded by the common-law doctrine of judicial immunity, and does not follow inexorably from our prior decisions." at 558-559

"The position that Congress did not intend to change the common-law rule of judicial immunity ignores the fact that every member of Congress who spoke to the issue assumed that the words of the statute meant what they said and that judges would be liable." at 561

"Yet despite the repeated fears of its opponents, and the explicit recognition that the section would subject judges to suit, the section remained as it was proposed; it applied to "any person". There was no exception for members of the judiciary. In light of the sharply contested nature of the issue of judicial immunity it would be reasonable to assume that the judiciary would have been expressly exempted from the wide sweep of the section, if Congress had intended such a result." at 563

"We should, of course, not protect a member of the judiciary "who is in fact guilty of using his powers to vent his spleen upon others, or for any other personal motive not connected with the public good." at 564 ". . .the judge who knowingly turns a trial into a "Kangaroo" court? Or one who intentionally flouts the Constitution in order to obtain conviction? Congress, I think,

concluded that the evils of allowing intentional, knowing deprivations of civil rights to go unredressed far out weighed the speculative inhibiting effects which might attend an inquiry into a judicial deprivation of civil rights." at 567

"Judges are not immune for their nonjudicial activities, i.e., activities which are ministerial or administrative in nature." Santiago v. City of Philadelphia, 435 F.Supp. 136

"It is not a judicial function for judge to commit intentional tort, even though tort occurs in courthouse." Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757

"There was no judicial immunity to civil actions for equitable relief under Civil Rights Act of 1871. 42 U.S.C.A. 1983 Shore v. Howard. 414 F.Supp. 379 "There is no judicial immunity from criminal liability". Id. "Repeated pattern of failing to advise litigants of their constitutional and statutory rights is serious judicial misconduct." Matter of Peeves, 480 N.Y.S. 2d 463.

"When a judge knows that he lacks jurisdiction or acts in face of clearly valid statutes or case law expressly depriving him of jurisdiction, judicial immunity is lost." Rankin v. Howard, 633 F.2d 844.

[Editor's Note: If the Right to Counsel under the Sixth Amendment is not complied with, the Court no longer has jurisdiction to proceed. Remember this in child support contempt proceedings and false domestic violence proceedings.]

"Judges are not absolutely immune from liability to damages under Civil Rights Act. 42 U.S.C.A. Section 1983 & 1985 Peterson v Stanczak, 48 F.R.D. 426

"Under the common law of England, where individual rights were preserved by a fundamental document such as the Magna Carta, violations of those rights generally could be remedied by a traditional action for damages; violation of constitutional right was viewed as a trespass, giving rise to a trespass action. Widgeon v. Eastern Shore Hosp. Center, 479 a.2d. 921

"There is no judicial immunity from criminal liability." Shore v. Howard, 414 F.Supp. 379

"State judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights." Goss v. State of Illinois, 312 F.2d. 1279 (U.S.Ct.App. - Illinois - 1963)

"Conduct of trial judge must be measured by standard of fairness and impartiality." Greener v. Green, 460 F.2d 1279 (U.S.Ct. App. - Pa. - 1972)

"Judge must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality." 28 U.S.C.A. 144 Pfizer Inc. Lord 456 F.2d 532, cert. denied 92 S.Ct. 2411, 406 U.S. 976 (U.S. Ct. app - Minn. - 1972)

"A judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes or case law expressly depriving him of jurisdiction, judicial immunity is lost." Id.

[Editor's Note: It is well settled that non-custodial fathers as well as mothers have a constitutionally protected liberty interest in their parent/child relationship and case law as well as statutory law has time and again upheld that right. Judges have complete knowledge of the right of children to have access to both parents during separation and after divorce. For a judge to discriminate on the basis of sex to deny the parent/child relationship or severely limit it without just cause/clear and convincing evidence, causes that judge to lose jurisdiction and therefore judicial immunity because of his discriminatory "ministerial" personal viewpoints.]

"Law requires not only impartial tribunal, but that tribunal appears to be impartial." 28 U.S.C.A. 455. In Re Tip-PaHands Enterprises, Inc., 27 B.R. 780 (U.S. Bankruptcy Ct.)

Case law, conflicts of interest, abdication of responsibility and failure to discharge his duties

HOLD JUDGES ACCOUNTABLE FOR THEIR JUDICIAL MISCONDUCT, VIOLATIONS OF CONSTITUTIONAL RIGHTS & VIOLATIONS OF OATH OF OFFICE ETC. ETC.

INCENTIVE PAYMENTS TO STATES

I believe that we have additional strong arguments for ALMOST EVERY CASE in which the judge/state is trying to collect child support payments from a "left behind" parent like judge Polson did in the Schurmann case. It can be proven beyond reasonable doubt that every judge is NOT acting in the "best interest" of the child, but in the best interest of the state. see links below. This conflict of interest and financial exploitation of children and their "left behind" parents, is a clear proof that the judge is NOT IMPARTIAL but acts on behalf of the state and NEVER in the best interest of the child.

I doubt that family courts need "help" on this topic of parental alienation...they know very well what they are doing, by choosing a "winner" and a "loser" and by collecting their INCENTIVES through the [Federal Title IV-D funding program](https://www.ssa.gov/OP_Home/ssact/title04/0458.htm), section 458. https://www.ssa.gov/OP_Home/ssact/title04/0458.htm

If these family court judges really would have the "best interest" of the child in their mind, a 50/50 shared custody plan would be the "obvious" but that would STOP all financial incentives they perversely collect through the Title IV Funding program. This of course, would NOT be in the "best interest" of the judges, who collect the Federal kickbacks for the state.

The fact that judge Polson ordered Schurmann MUST pay \$500 per month on "child support". Judge Polson was trying to collect child support from an illegal immigrant father for an illegal immigrant wife and an illegal immigrant child, which in my humble opinion is outright extortion but it also incentivized an illegal immigrant mother to further stay in the country..... It proves that judge Polson was NOT acting in the best interest of DSS but in the "BEST INTEREST" of the State. So, judge Polson had a clear conflict of interest and was NOT impartial in her "rulings".

These "orders" of judge Polson clearly violated the equal protection clause and violated the Fundamental Liberties of Mr. Schurmann as a parent. Besides all the other mess judge Polson created... What do you think?

Gentlemen:

Actually, this is pretty good. I never thought about this angle before. Under Title IV-D, if the parent with custody has ever received public assistance from the state, then the state has the authority under federal law (IV-D) to pursue child support from the parent who does not have custody in order to recover the amount given in assistance. In actual practice, this can mean that child support is collected from a parent and the money may never actually reach the child because the State keeps it to extinguish the "debt" from having already paid out public assistance to the parent with custody. I have

had many parents be shocked at how they receive nothing, even though the other parent is paying child support. This is why I constantly tell divorcing parents NEVER to agree to their child support payments being processed through the state child support registries that are set up for collection pursuant to Title IV-D. However, most parents who become desperate financially take the "free legal help" that the states offer them for pursuing child support without realizing that the state's involvement is not for their benefit or their children's, but instead purely for the benefit of collecting money to reimburse the state for money already paid out. The "incentive payments" you reference I believe are the means by which the federal government keeps the states diligently working on collection efforts.

This is more corrupted than I thought... These parents are taking to the "cleaners" by judges who are literally "bounty hunters"

All orchestrated under the guise of the "best interest of the child"

We have case law from several courts which refers that judges acting in this manner are clearly under a conflict of interest as they clearly work for the best interest of the state and therefore are NOT impartial.

***I will look up the case files and send them to you both.

We found another angle to seriously expose their dollar oriented mindsets and violation of parents fundamental rights.

***State laws vary under the "Domestic Relations Exception" giving states the jurisdiction over divorce law. However, **certain constitutional rights will override these as no state can make any law that takes away Constitutional Rights of its citizens.** This work is the compilation of many people's work over many years. Some is state specific, and some is federal and Supreme Court law.

Case law, conflicts of interest, abdication of responsibility and failure to discharge his duties

HOLD JUDGES ACCOUNTABLE FOR THEIR JUDICIAL MISCONDUCT, VIOLATIONS OF CONSTITUTIONAL RIGHTS & VIOLATIONS OF OATH OF OFFICE ETC. ETC.

State Judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights. Gross v. State of Illinois, 312 F 2d 257; (1963).

Impeachment for abdication of responsibility and failure to discharge his duties (14-230. Willfully failing to discharge duties.

If any clerk of any court of record, sheriff, magistrate, school board member, county commissioner, county surveyor, coroner, treasurer, or official of any of the State institutions, or of any county, city or town, shall willfully omit, neglect or refuse to discharge any of the duties of his office, for default whereof it is not elsewhere provided that he shall be indicted, he shall be guilty of a Class 1 misdemeanor. If it shall be proved that such officer, after his qualification, willfully and corruptly omitted, neglected or refused to discharge any of the duties of his office, or willfully and corruptly violated his oath of office according to the true intent and meaning thereof, such officer shall be guilty of misbehavior in office, and shall be punished by removal therefrom under the sentence of the court as a part of the punishment for the offense.

Constitutional Right to Be a Parent

1. The rights of parents to the care, custody and nurture of their children is of such character that it cannot be denied **without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions**, and such right is a fundamental right protected by this amendment (First) and Amendments 5, 9, and 14. Doe v. Irwin, 441 F Supp 1247; U.S. D.C. of Michigan, (1985).
2. The several states **have no greater power to restrain individual freedoms protected by the First Amendment than does the Congress of the United States**. Wallace v. Jaffree, 105 S Ct 2479; 472 US 38, (1985). The First Amendment has been found to include the right to religion **and to raise one's children as one sees fit**.
3. **Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury**. Though First Amendment rights are not absolute, they may be curtailed only by interests of vital importance, the burden of proving which rests on their government. Elrod v. Burns, 96 S Ct 2673; 427 US 347, (1976).
4. Law and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" **was discriminatory and violates the equal protection clause of the Fourteenth Amendment**. Yick Wo v. Hopkins, 118 US 356, (1886). Therefore any denial of parental rights based only on sex is discriminatory.
5. Even when blood relationships are strained, **parents retain vital interest in preventing irretrievable destruction of their family life**; if anything, persons faced with forced dissolution of their parental rights have more critical need for procedural protections than do those resisting state intervention into ongoing family affairs. Santosky v. Kramer, 102 S Ct 1388; 455 US 745, (1982). **Parental rights may not be terminated without "clear and convincing evidence."** **SANTOSKY V. KRAMER, 102 S.Ct. 1388[1982]**
6. **The liberty interest of the family encompasses an interest in retaining custody of one's children and, thus, a state may not interfere with a parent's custodial rights absent due process protections**. Langton v. Maloney, 527 F Supp 538, D.C. Conn. (1981).
7. **Parent's right to custody of child is a right encompassed within protection of this amendment which may not be interfered with under guise of protecting public interest by legislative action which is arbitrary or without reasonable relation to some purpose within competency of state to effect**. Reynold v. Baby Fold, Inc., 369 NE 2d 858; 68 Ill 2d 419, appeal dismissed 98 S Ct 1598, 435 US 963, IL, (1977).
8. **Parent's interest in custody of their children is a liberty interest which has received considerable constitutional protection; a parent who is deprived of custody of his or her child, even though temporarily, suffers thereby grievous loss and such loss deserves extensive due process protection**. In the Interest of Cooper, 621 P 2d 437; 5 Kansas App Div 2d 584, (1980).
9. **The Due Process Clause of the Fourteenth Amendment requires that severance in the parent-child relationship caused by the state occur only with rigorous protections for individual liberty interests at stake**. Bell v. City of Milwaukee, 746 F 2d 1205; US Ct App 7th Cir WI, (1984). **Hence any ex-parte hearing or lack of due process would not warrant termination of parental rights**.
10. **Father enjoys the right to associate with his children which is guaranteed by this amendment (First) as**

incorporated in Amendment 14, or which is embodied in the concept of "liberty" as that word is used in the Due Process Clause of the 14th Amendment and Equal Protection Clause of the 14th Amendment. *Mabra v. Schmidt*, 356 F Supp 620; DC, WI (1973).

11. If custodial Mother has boyfriend living with her, state can change custody to Father. *JARRETT V. JARRETT*, 101 S.Ct. 329 Visitation [parenting time] is a constitutionally protected right which can be protected in federal court, even if Father is in prison. *MABRA V. SCHMIDT*, 356 F. Supp. 6204. Custody can be awarded to Father of girls of "tender years" if Mother commits perjury and is otherwise immoral. *BEABER V. BEABER*, 322 NE 2d 910
12. Mother cannot take child out of state if that prevents "meaningful" relationship between Father and child. *WEISS V. WEISS*, 436 NYS 2d 862, 52 NY 2d 170 [1981] See also: *DAGHIR V. DAGHIR*, 82 AD 2d 191 [NY 1981]; *MUNFORD V. SHAW*, 84 A.D. 2d 810, 444 NYS 2d 137 [1981]; *SIPOS V. SIPOS*, 73 AD 2d 1055, 425 NYS 2d 414 [1980]; *PRIEBE V. PRIEBE*, 81 AD2d 746, 438, NYS 2d 413 [1981]; *STRAHL V. STRAHL*, 66 AD 2d 571, 414 NYS 2d 184 [1979]; *O'SHEA V. BRENNAN*, 88 Misc.2d 233, 387 NYS 2d 212 [1976]; *WARD V. WARD*, 150 CA 2d 438, 309 P.2d 965 [Calif. 1957]; *MARRIAGE OF SMITH*, 290 Or.567, 624 P.2d 114 [Oregon 1981]; *MEIER AND MEIER*, 286 Or. 437, 595 P.2d 474 [1979], 47 Or. App. 110, 613 P.2d 763 [Oregon 1980]; All of these cases deal with preventing the custodial Mother from taking the child out of the jurisdiction.
13. The United States Supreme Court noted that a parent's right to "the companionship, care, custody and management of his or her children" is an interest "far more precious" than any property right. *May v. Anderson*, 345 US 528, 533; 73 S Ct 840,843, (1952).
14. A parent's right to care and companionship of his or her children are so fundamental, as to be guaranteed protection under the First, Ninth, and Fourteenth Amendments of the United States Constitution. In re: *J.S. and C.*,324 A 2d 90; supra 129 NJ Super, at 489.
15. The Court stressed, "the parent-child relationship is an important interest that undeniably Warrants deference and, absent a powerful countervailing interest, protection." A parent's interest in the companionship, care, custody and management of his or her children rises to a constitutionally secured right, given the centrality of family life as the focus for personal meaning and responsibility. *Stanley v. Illinois*, 405 US 645, 651; 92 S Ct 1208,(1972).
16. Parent's rights have been recognized as being "essential to the orderly pursuit of happiness by free man." *Meyer v. Nebraska*, 262 or 426 US 390; 43 S Ct 625, (1923).
17. The U.S. Supreme Court implied that "a(once) married father who is separated or divorced from a mother and is no longer living with his child" could not constitutionally be treated differently from a currently married father living with his child. *Quilloin v. Walcott*, 98 S Ct 549; 434 US 246, 255-56, (1978).
18. The U.S. Court of Appeals for the 9th Circuit (California) held that the parent-child relationship is a constitutionally protected liberty interest. (See; Declaration of Independence --life, liberty and the pursuit of happiness and the 14th Amendment of the United States Constitution -- No state can deprive any person of life, liberty or property without due process of law nor deny any person the equal protection of the laws.) *Kelson v. Springfield*, 767 F 2d 651; US Ct App 9th Cir, (1985).
19. The parent-child relationship is a liberty interest protected by the Due Process Clause of the 14th Amendment. *Bell v. City of Milwaukee*, 746 f 2d 1205, 1242-45; US Ct App 7th Cir WI, (1985).

20. No bond is more precious and none should be more zealously protected by the law as the bond between parent and child." Carson v. Elrod, 411 F Supp 645, 649; DC E.D. VA (1976).
21. A parent's right to the preservation of his relationship with his child derives from the fact that the parent's achievement of a rich and rewarding life is likely to depend significantly on his ability to participate in the rearing of his children. A child's corresponding right to protection from interference in the relationship derives from the psychic importance to him of being raised by a loving, responsible, reliable adult. Franz v. U.S., 707 F 2d 582, 595-599; US Ct App (1983).
22. A parent's right to the custody of his or her children is an element of "liberty" guaranteed by the 5th Amendment and the 14th Amendment of the United States Constitution. Matter of Gentry, 369 NW 2d 889, MI App Div (1983).
23. Reality of private biases and possible injury they might inflict were impermissible considerations under the Equal Protection Clause of the 14th Amendment. Palmore v. Sidoti, 104 S Ct 1879; 466 US 429.
24. The United States Supreme Court held that the "old notion" that "generally it is the man's primary responsibility to provide a home and its essentials" can no longer justify a statute that discriminates on the basis of gender. No longer is the female destined solely for the home and the rearing of the family, and only the male for the marketplace and the world of ideas. Stanton v. Stanton, 421 US 7, 10; 95 S Ct 1373, 1376, (1975).
25. Judges must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality. 28 USCA § 2411; Pfizer v. Lord, 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972).
26. State Judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights. Gross v. State of Illinois, 312 F 2d 257; (1963).
27. The Constitution also protects "the individual interest in avoiding disclosure of personal matters." Federal Courts (and State Courts), under Griswold can protect, under the "life, liberty and pursuit of happiness" phrase of the Declaration of Independence, the right of a man to enjoy the mutual care, company, love and affection of his children, and this cannot be taken away from him without due process of law. There is a family right to privacy which the state cannot invade or it becomes actionable for civil rights damages. Griswold v. Connecticut, 381 US 479, (1965).
28. The right of a parent not to be deprived of parental rights without a showing of fitness, abandonment or substantial neglect is so fundamental and basic as to rank among the rights contained in this Amendment (Ninth) and Utah's Constitution, Article 1 § 1. In re U.P., 648 P 2d 1364; Utah, (1982).
29. The rights of parents to parent-child relationships are recognized and upheld. Fantony v. Fantony, 122 A 2d 593, (1956); Brennan v. Brennan, 454 A 2d 901, (1982).
30. Custody can be changed if wife is "disrespectful" of "visitation" order. MURASKIN V. MURASKIN 283 NW 2d 140 [N. Dakota 1979]
31. Wife held in contempt for denial of visitation; new judge should not suspend contempt order. PETERSON V. PETERSON, 530 P.2d 821 [Utah 1974]
32. Wife can be held in contempt if visitation is denied ENTWISTLE V. ENTWISTLE, 402 NYS 2d 213 [1978]

33. State's power to legislate, adjudicate and administer all aspects of family law, including determinations of custodial; and visitation rights, is subject to scrutiny by federal judiciary within reach of due process and/or equal protection clauses of 14th Amendment. In U.S. Supreme Court case Marshall v. Marshall US (No. 04-1544) 392 F. 3d 1118, the court affirmed that the U.S. District Court "have been abusing the domestic relations exception" and must take jurisdiction when civil
34. The United States Supreme Court has recognized that matters involving marriage, procreation, and the parent-child relationship are among those fundamental interests protected by the Constitution. The decision in Roe v. Wade, 410 US 113; 93 S Ct 705; 35 L Ed 2d 147, (1973), was described by the Supreme Court as founded on the "Constitutional underpinning of ... a recognition that the "liberty" protected by the Due Process Clause of the 14th Amendment... The non-custodial divorced parent has no way to implement the constitutionally protected right to maintain a parental relationship with his child except through visitation. To acknowledge the protected status of the relationship as the majority does, and yet deny protection under Title 42 USC § 1983, to visitation is to negate the right completely. Wise v. Bravo, 666 F 2d 1328, (1981).
35. Although court may acquire subject matter jurisdiction over children to modify custody through UCCJA, it must show independent personal jurisdiction [significant contacts] over out of state Father before it can order him to pay child support. KULKO V. SUPERIOR COURT, 436 US 84, 98 S.Ct. 1690, 56 L.Ed.2d 132 [1978]; noted in 1979 Detroit Coll. L.Rev. 159, 65 Va. L.Rev. 175 [1979] ; 1978 Wash. U.L.Q. 797. Kulko is based upon INTERNATIONAL SHOE V. WASHINGTON, 326 US 310, 66 S.Ct. 154, 90 L.Ed 95 [1945] and HANSON V. DENCKLA, 357 US 235, 78 S.Ct. 1228, 2 L.Ed.2d 1283[1958]
36. Custody can be changed if visitation denied. ENTWISTLE V. ENTWISTLE, 402 NYS 2d 213
37. Process service in family matters must provide due process protection. GRASZ V. GRASZ, 608 SW 2d 356 [TX 1980]
38. Judge's dismissal for no cause is reversible. FOMAN V. DAVIS, 371 US 178 [1962]
39. Federal judges can set aside or overturn state courts to preserve constitutional rights. MITCHUM V. FOSTER, 407 US 225 [1972] Title 28 US Code sec. 2284
40. Each state maintains the right to regulate it's citizens, including the regulation of family matters. However, an important caveat exists where all United States citizens rights are protected under the United States Constitution. And pursuant to Article VI, also known as the supremacy clause, state judges must uphold federal law, which "shall be the supreme law of the land".
41. Under state & federal law parents are presumed to be suitable and fit parents. Parents, implicitly presumed to be suitable and fit, protect their child(ren)'s welfare. Conclusion: Suitable and fit parents act in their child(ren)'s bestinterests.
42. Without a compelling reason for state intervention, each autonomous parent-child relationship remains intact. At this point, the State of Massachusetts has no legal basis to intervene; that is, the State of Massachusetts has no compelling reason to inject itself into either parent-child relationship. The welfare/best interests of the child(ren) are protected. Reno v. Flores, 507 U.S. 292 (1993). And it is also at this juncture that the State of Massachusetts maintains no legal basis to interfere with pre-existing parental rights.

43. The recurring pattern of acting in the child(ren)'s best interests occurs by intentionally ignoring parental rights. In fact today Massachusetts parents lose custody of their children simply by one person saying the word "fear" to a judge to take advantage of domestic violence laws and restraining orders. This is clearly unconstitutional and has created a situation where there are huge financial incentives for both the parent and the state to force one parent out of the lives of the children. Statistics show that about 40% of mothers do not value the contribution of fathers in the upbringing of the children.
44. This pattern and practice inverts the supremacy clause (Art. VI of the U.S. Constitution) by upholding state law (allegedly protecting children's interests) over federal law, i.e., compliance with U.S. Constitution, where a federal right (the fundamental liberty right to custody) is implicated.
45. The current system has become driven by money of one parent for child support, which greatly exceeds the actual cost of raising a child. It is also clear that many parents wish to inflict pain on their ex-spouse by denying the child(ren) access to the other parent. Given the \$140 million in federal annual child support enforcement monies the state also now has a conflict of interest.
46. Upon designation, custodial and non-custodial parents are no longer similarly situated. Non-custodial is an assignment that carried with it a seemingly automatic loss of fundamental constitutional right to parent your children in favor of the custodial parent. It carries with it financial penalties which have been almost arbitrarily created and not shown to be valid and where the other parent is not required to contribute an equal amount, or for that matter any amount. Non-custodial also carries with it the stigma that this person is somehow a lesser parent and to make it impossible to have consistency or even a rational basis in most cases where both parents are fit.
47. When a state court implicates (infringes, denies, deprives) a parental right (temporarily or permanently), the State absolutely intrudes upon the parent-child relationship by implicating each parent's fundamental liberty right to custody of their minor child(ren).
48. The very idea that the state could even make this evaluation and decision is in fact absurd, as parenting is a complex and subjective process which is completely dependent on the child and decisions that the parents make about lifestyle, religion, morals and many other factors. These decisions are personal, subjective and only within the rights of the parent(s). It has also been shown that the child(ren) are easily alienated from one parent by spending so much more time with the other parent. This is clearly irreparably damaging to both the children and the alienated parent. Conclusion: State law impermissibly intrudes upon and implicates fundamental parental rights.
49. A compelling reason requires the State of Massachusetts to step in (intervene) where the welfare of its minor citizens is in jeopardy. If the State of Massachusetts does step in, then it is at this point that state rights intersect with federal rights [and federal rights require mandatory federal/constitutional protections]. And pursuant to Article VI of the U.S. Constitution, the supremacy clause requires that "the judges in every state shall be bound (by the Constitution and the laws of the United States)."
50. Either parent can sue for interference with parental rights. STRODE V. GLEASON, 510 P.2d 250 [1973]; Prosser: HANDMANUAL OF THE LAW OF TORTS [West Publ. 1955] page 682; CARRIERI V. BUSH, 419 P.2d 132 [1966] SWEARINGEN V. VIK, 322 P.2d 876 [1958] LANKFORD V. TOMBARI, 213 P.2d 627, 19 ARL 2d 462 [1950]; 7 F.L.R. 2071 RESTATEMENT OF TORTS section 700A MARSHALL V. WILSON, 616 SW 2d 934

Federal Rights

51. Parental rights are fundamental rights protected under federal/constitutional law. The USSC plurality decision in *Troxel v. Granville*, 530 U.S. 57 (2000) evinces that all nine justices agree that parental rights are fundamental rights.
52. Fundamental rights are possessed by the individual, not the married couple. Fundamental rights are also called substantive rights or natural rights.
53. The creation of artificial (lawyer or government created) financial incentives for parents to fight for custody is deeply damaging to children and family bonds and to society in general. Not only are both parental relationships hurt but the children are also clearly hurt by the lack of relationship and model of behavior for the children. In fact it is clear that this will create a repeating cycle, as children raised in sole-custody homes are 93% more likely to divorce later in life.

Jurisdiction

54. *Commonwealth v. Briggs*, 33 Mass. 203 (1834), clearly shows that child custody was not an action in equity. *Briggs* clearly shows that the action was Natural/Common Law, not equity.
55. Various American judges, when implementing the “Tender Years” doctrine, committed frauds upon the court in failing to distinguish the English equity jurisdiction of Chancery courts and the use of Common and Natural Law in custody determinations.
56. The Constitution and Common/Natural Law never ever gave permission to any of our governments to take jurisdiction over marriage, our families, or our children. A marriage license is not government permission to marry; the marriage contract existed long before our government.
57. Justice Scalia noted in *Troxel v. Granville* 530 U.S. 57, “... that the State has no power to interfere with parents' authority over the rearing of their children, I do not believe that the power which the Constitution confers upon me as a judge entitles me to deny legal effect to laws that (in my view) infringe upon what is (in my view) that unenumerated right.”
58. The practice of the "presumption" of the Massachusetts Family and Probate Trial Court's own powers, absent proper procedure, substance and law, and the practice and policy of "law by ignorance" is outrageous. A "wrong", though committed a thousand times, is still "wrong." *Amos v. Mosley*, 74 Fla. 555, 77 So. 619.
59. The claim of the State is that of "Civil Law", and yet these proceedings ultimately lead to potential criminal complaints as witnessed in this instant case. The Defendant is neither informed of the potential severity of the "civil" proceeding, nor informed of any "rights". Under the guise of "civil law", "civil court rules" and "civil procedure", the Petitioner's foundational constitutional rights under a criminal context are profoundly abrogated. In practice, even those minimal rights commonly afforded in civil law are profusely ignored through "default" administrative procedural fraud, a practice and policy of defying due process.

60. The "ultimate potential" of incarceration exists at the onset of the "civil" proceeding and is a deprivation of the Defendant's Civil liberties. The venue, ab initio, rightfully exists in a Criminal Court. Absent a proper venue, the "civil" court has no jurisdiction, and any "order" or "judgment" is lawfully thereof a Void Judgment.
61. The claim of Venue in a Civil Court is a substantial deprivation of the Defendant's guaranteed constitutional Rights under mandated Federal Law. Rule making or legislation may not abrogate these rights. The Defendant further avers that factually it is part of an unlawful scheme for the State to receive funding under the Federal Title IV-D and TANF programs. Dupont v. Dupont, Sup. 32 Ded Ch. 413; 85 A 2d 724. Harris v. McRae, 448 US 297 (1980) (USSC+). United States v. Moreland 258 US42=33, 42 S. Ct. 368, 66 L.Ed. 700 (1922). McCullen v. Massachusetts, 27 US 620, 630.
62. The non-custodial parent designation is an artificial, discriminatory unlawful and irreparably harms the designee and his children. The NCP designation is vacated.
63. According to M.G.L.A. c. 208 (1990 & Supp. 2001), the Court has jurisdiction over the parties and the subject matter. The court's jurisdiction is null and void as custody matters are matters of common law and not equity law.
64. While the statutes of the State may clearly "assign" matters of family and children to the "civil" trial court, such an "assignment" does neither confer nor confirm an actual subject matter jurisdiction over any given matter, especially where it regards the ownership and custody of a parent's children.
65. The State, under the guise of "property" and "equity" division in a divorce, "assigns" itself authority of the children. In fact, the State is performing an "In Parens Patriae" action, which is profoundly protected, as is well substantiated by Federal Stare Decisis.
66. The burden is on the State, not the citizen, to prove its case. The Petitioner does not question the authority of the state in "its interest to protect its children", but argues that its Procedural and Substantive Fraud in obtaining its proper authority is profoundly Unconstitutional.
67. The deprivation of rights regarding ones own children is fundamental to our constitutional form of government and must stand the "strict scrutiny" test. Regardless of State statute, which may suggest contrary actions, those rights are profoundly protected, and any State statute, which "by- passes" those rights, fails in its constitutional Mandate – substantive and procedural due process.
68. Claims of "the children's best interest" are noticeably protected by stare decisis, fall under the equal "strict scrutiny," and are limited to of "a showing of endangerment of the child." Further, claims of "public interest", also noticeably protected by stare decisis, are not sufficient to overcome Petitioner's Personal Natural Rights.
69. Attorney can be sued for malpractice under consumer protection laws. DEBAKEY V. STAGG, 605 SW 2d 631 [1980]

Invidious Gender Discrimination

70. Invidious gender discrimination is needed for conspiracy actions under the first clause of 42 U.S.C. sec. 1985(3). Approximately 85% to 90% custody decisions are sole maternal custody. This is Gender Bias in PRACTICE. Such discrimination is not legal or in the best interest of children.
71. A child has an equal right to be raised by the Father, and must be awarded to the Father if he is the better parent, or Mother is not interested. STANLEY V. ILLINOIS, 405 US 645 [1972]
72. Benign justifications proffered in defense of categorical exclusions, however, must describe actual state purposes, not rationalizations for actions in fact differently grounded...Further, states must demonstrate an “exceedingly persuasive justification” (United States v. Virginia at 2274-75, 2286) for why such discrimination continues IN PRACTICE when the statutes are facially neutral. Since "our Nation has had a long and unfortunate history of sex discrimination," (Frontiero v. Richardson, 411 U.S. 677, 684 (1973)) isn't it time to drive a final stake through the heart of this history in “family” law?
73. The practices in “family” law seize upon a group – men and fathers - who have historically suffered discrimination in family relations, and rely on the relics of this past discrimination under the tender years doctrine, reclassified as “the best interests of the child,” as a justification for heaping on additional family destructive disadvantages (adapted and modified from footnote 22, Frontiero, 411 U.S. 677, 688). There can be absolutely no doubt that father absence is destructive to children, yet family courts, and family lawyers perpetuate this cycle every day by the thousands across America.
74. Some of the matters that might call fitness into question would include; false claims of domestic violence, false claims of child abuse, and false claims of child sexual abuse which are OVERWHELMINGLY alleged in divorce actions by mothers to destroy the father and seize all family assets as well as the children; or, alternatively, VERIFIED claims of the foregoing – as opposed to simply adjudicated claims without tangible evidence. There does not even need to be a threat, tangible or otherwise, only the claim of fear...
75. Even Laws and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" are discriminatory and violate the equal protection clause of the Fourteenth Amendment. Yick Wo v. Hopkins, 118 US 356 (1886). This principle is so fundamental to our system of justice (i.e. the “rule of law”), that as it approaches 125 years old, it still stands as not only un-overturned, but uncontroversial caselaw.

Best Interests Of The Child

76. In Wisconsin v. Yoder the Court took up a challenge to Wisconsin's compulsory education laws and found that even when claiming a purpose of benefiting the child, the state must demonstrate convincing evidence that its intended policy will actually bring about its professed goal. Wisconsin v. Yoder 406 U.S. 205, 221 & 232-33 (1972).
77. The “compelling state interest” in child custody matters finds its nexus between the “best interests of the child” doctrine and strict scrutiny. Infringing upon fundamental rights [constitutionally protected parental rights] dictates that the state shows the infringement serves a “compelling state interest” with no constitutionally satisfactory alternative to meet that interest. Santosky v. Kramer, 455 US 745 (1982); and (from a quote at 766,767):

78. Santosky is clearly about the termination of parental rights, but the “standard family court order” of being every other weekend visitor may be just as traumatic and potentially even greater. In less than equal custody, a parent’s relationship with their child(ren) is forcibly ripped away from them and then they are forced to pay for the destruction of their rights. The non-custodial parent’s regular influence in shaping the child’s development is virtually eradicated. The Santosky Court also noted:
79. Even when blood relationships are strained, parents retain vital interest in preventing irretrievable destruction of their family life; if anything, persons faced with forced dissolution of their parental rights have more critical need for procedural protections than do those resisting state intervention into ongoing family affairs.
80. The Santosky Court explains the risks in terminating parental rights. Yet, in reality, when one parent is relegated to a weekend visitor, their constitutional rights in the “care, custody, management and companionship” of their child(ren) have been substantially eliminated, and without question, infringed upon.
81. In law the clarity, singularity, and sharpness of absolutes make for simple “yes” or “no” judgments. There is no argument, there is no fight, and there is no money to be made by this for the “family” lawyers. Yet ideas and principles of absolutes are anathema to a system of “rule by men” who spout their hatred, with derisions and “scorn” for such ideas of absolutes, branding them as “intolerance.” The realm of “family” law is generally opposed to any real standard that might have accountability and has widely embraced the “best interests of the child”.

Rights of Property/Custody

82. Cases like Purinton have taken great pains to overcome the right of property before the state could act in the “Best Interest”. Some cases are a gross misrepresentation of Purinton and other cases cite where the parent’s right of property first had to be overcome and the state had to show ownership of the child before the state could assert the subordinate doctrine of *Parens Patriae*.
83. Within the right of property is the concept of “ownership”. Both Lockean social compact and natural law states that you own yourself and you own your labor; i.e., you and your labor are rights of property. If the state owns you, there can be no social compact; if someone owns you, you are a slave and hence you cannot participate in the social contract. If someone owns your labor, you are a peon.
84. Under this philosophy, parents ‘own’ their children since children do not have the right to exercise their own free will in all matters.
85. Ownership, per A. M. Honore’s essay on “Ownership”, Oxford Essays in Jurisprudence 1961, 1967, identifies many of the ‘sticks’ from the ownership ‘bundle’. The most important and common stick in all cases of ownership is the use of “Free Will”. Parents, in exercising their own Free Will, have the right to direct the actions and disposition of their children; e.g., choice of religious upbringing, food, housing, etal.
86. If the state uses its Free Will in determining the “Best Interest” of children, then the state owns the children. If the state’s Free Will prevails in determining the amount of ‘support’ needed for a child, the state owns the child (and creates a peon). If the state’s Free Will determines when the child is emancipated, the state owns the child. If the state derives a profit from its decisions over the child, it

owns the child.

87. In *Purinton v. Jamrock*, the state had to show that the mother no longer had claim to property rights of the child. **The state had to claim the title of the custody of the child in order for the state to make the “Best Interest” determination.**
88. Regarding children as a “right of property” and natural law right of married fathers to superior title to the custody of their children, see at least *Commonwealth v. Briggs*, 33 Mass. (16 Pick.) 203, *Purinton v. Jamrock*, 195 Mass. 187; 80 N.E. 802, *In re Campbell*, 130 Cal. 380; 62 P. 613; 1900 Cal., *Booth v. Booth*, (1945) 69 Cal. App. 2d 496, 159 P.2d 93, *People V. Olmstead*, 27 Barb. 9; *Henson v. Walts*, 40 Ind. 170; *Cole v. Cole*, 23 Iowa, 433; *Johnson v. Terry*, 34 Conn. 259; *McBride v. McBride*, 1 Bush, 15; *State v. Stigall*, 22 N.J. L 286; *Verser v. Ford*, 37 Ark. 27; *Miller v. Wallace*, 71 Ga 479; *Rex v. Greenhill*, 6 Nev & M. 244; 4 Ad. & E. 624; *Hakewill’s Case*, 22 Eng. L. & Eq. 395, 1 Bla Conn. 452; *the Etna*, 1 Ware, 462, 465, 2 Story's Eq., secs. 1343-1350; 2 Kent's Com. 193; 1 Bl. Com. 453; *Jenness v. Emerson*, 15 N. H. 486; *Huntoon v. Hazelton*, 20 N. H. 389, *May v. Anderson*, 345 U.S. 528; 73 S. Ct. 840; 97 L. Ed. 1221; (1953), *Winter v. Director of The Department of Public Welfare of Baltimore City*, 217 Md. 391; 143 A.2d 81; 1958 Md., *State v. Richardson*, 40 NH 272., *Goshkarian vs. Fairfield County Temporary Home*, 110 Conn. 463; 148 A. 379; 1930 Conn., *DeManneville v. DeManneville* (1804), *Rex v. Demanneville*, 102 Eng Rep 1054 (KB1804).
89. Parents held title to the custody of their children in 1760 (the date Thomas Jefferson said our laws diverged from English laws), 1776 (the Declaration of Independence), 1780 (the signing of the state Constitution), and 1789 (the signing of the Federal Constitution). Children were, per the Common Law, a right of property, see *Purinton v. Jamrock*, 195 Mass. 187; 80 N.E. 802; (1907). **The rights that existed at the signing of the Constitution remain rights today; hence children are a right of property today.**
90. Rights of property include at least:
 - a. Jury Trial – Federal and state
 - b. Prohibitions against unlawful takings – Federal and State (as far back as the Massachusetts Body of Liberties)
 - c. Cannot be held in servitude over property – Common Law
 - d. Right of Reciprocals – Common Law
 - e. Equity only in those things previously under Equity venue – State law
91. Custody is the legal basis for care and control of the child. Definitions: legal custody is the decision-making right; physical custody is the companionship (relationship) right
92. Defining the legal basis of "what a parental right consists of" is critical to successful understanding of the fundamental right itself and must be consistently and uniformly used throughout the United States.
93. The improper use of current phrases and terminology is detrimental to a consensus understanding. These include shared parenting, which has no legal definition, and divided or joint custody, which is subject to judicial interpretation.
94. Without a strict legal definition, current terminology is vague and inconclusive, but more importantly, subject to arbitrary interpretation by a state judge. Statutory (court) use of vague terminology further

confuses and muddles litigation resulting in eroded family relationships.

95. The standard for a “compelling state interest” while applying “strict scrutiny” dictates equal physical and legal custody to both natural parents if fitness is not in controversy.
96. The only custodial determination for two fit parents is equal custody. This survives “strict scrutiny,” does not violate Equal Protection or Due Process, is in the “best interests of the child,” and is constitutionally sound.
97. [As adapted from a Joint Custody brief from an unknown California attorney] There is logically only one possible distribution of custody between two parents that is the least restrictive, and that is an award dividing custody equally between the parents. Any other custodial award determination will immediately impair one parent’s fundamental right in an amount greater than what would otherwise exist in an equal custody award.
98. This is not to say that an award, one parent received an extra day of the year, would necessarily be unreasonable and therefore violate due process. Nor would it not violate due process to award custody unequally where a parent is determined to be unfit for specific reasons relating to the health, safety, and well being of the child(ren). **But where both parents are reasonably fit custodians, and both assert their full fundamental rights to custody in court, the only determination that does not violate due process is equal custody.**
99. **Despite this obvious logic, neither the state, nor the court, acknowledges what should be an obvious conclusion of law. Rather, it is routine in custody determinations, where both parents assert their fundamental rights, for the court to ignore the parent's rights entirely and instead concentrate only on the state's interest in the child. A citation on what is truly best for the child was noted in the New Jersey Court decision stating:**
 - a. **"The greatest benefit a court can bestow upon children is to insure that they shall not only retain the love of both parents but shall at all times and constantly be deeply imbued with love and respect for both parents." Smith v. Smith, 205 A.2d 83 (New Jersey, 1964)**

Child Support

100. **The State’s Income Based child support statutes impermissibly infringe the Privacy Interest right under the 14th Amendment of the Federal Constitution and his First Amendment rights which included all right to decisions inside the home including child rearing decisions. Child “Support” removes all rights of fatherhood for independent self-determination protected by the U.S. Constitution. How much money a parent spends for the care and maintenance of their child is a parenting decision and is a constitutionally guaranteed right. The State government under Common and Natural Law is not permitted to intrude upon this fundamental right without proof of demonstrable harm to the child.**
101. **Ironically, the State “presumes” this authority to award custody of the children to the custodial parent under the guise that the mother is “the better parent” (absent any proper hearing to so determine), but then turns around and admits the custodial parent is incapable of caring for the children without the fiscal transfer of wealth from the non-custodial parent. Not only does the State take the Petitioner’s property (his income) without any proper demonstration of due process, but then openly enjoins the mother to pursue fraud for her own fiscal gain.**

102. Corrective or punitive child support can only be ordered by the State/Court by showing a profound positive disqualification or some wrong-doing, which “shocks the conscience” of the community, and invokes the doctrine of *parens patriae*. *Parens patriae* may only be asserted “reluctantly”, as a “last resort” and to “save the child.” The State has cogently, and knowingly, with premeditation, removed all rights to individual self-determination in this matter, which is a god-given, fundamental right as a Father.
103. The State mandates that a divorced parent must be forced to spend an egregious percentage of their income on his or her children; but the State does not, and cannot, mandate that a married parent, living in a “single family unit”, spend a percentage of his income for his child. More importantly, the challenged statutes are enforced against the parent without the State ever determining if any harm has befallen the children related to the parent’s spending for them. The State lacks the constitutional authority to mandate spending for a child based on income, rather than adhering to the law which requires a child be supported only for the necessities.
104. The State asserts that the father “must pay” a sum of money to support his children, gives the money to the mother, but makes no equal assumption or requirement of the mother to either spend that confiscated money on the children, or to pay an equivalent sum herself on those children. Equal treatment under the law is wholly absent.
105. Alimony and wife's lawyers fees are civil debts, not enforceable by contempt procedures, since the Constitution did away with debtor's prison. *DAVIS V. BROUGHTON*, 382 SW 2d 219.
106. That, child support is a civil matter and there is no probable cause to seek or issue body attachment, bench warrant, or arrest in child support matters because it is a civil matter. The use of such instruments (body attachment, bench warrants, arrests, etc) presumably is a method to "streamline" arresting people for child support and circumventing the Fourth Amendment to the United States Constitution, and is used as a debt-collecting tool using unlawful arrests and imprisonment to collect a debt or perceived debt.
107. The arrest of non-custodial parents in which men make up significant majority of the "arrestees", is "gender profiling", "gender biased discrimination" and a "gender biased hate crime" in that it violates the Equal Protection Clause of the Fourteenth Amendment. A man, pursuant to the Equal Protection Clause of the Constitution of the United States, cannot be arrested in a civil matter, as a woman is not. "Probable cause" to arrest requires a showing that both a crime has been, or is being committed, and that the person sought to be arrested committed the offense, U.S. Constitution, Amendment the Fourth.
108. If a person is arrested on less than probable cause, the United States Supreme Court has long recognized that the aggrieved party has a cause of action under 42 U.S.C. §1983 for violation of Fourth Amendment rights. *Pierson v. Ray*, 386 U.S. 547, 87 S.Ct. 1213 (1967). *Harlow v. Fitzgerald* 457 U.S. 800, 818 (there can be no objective reasonableness where officials violate clearly established constitutional rights such as:

- a. U.S. Constitution, Fourth Amendment (including Warrants Clause),
 - b. U.S. Constitution, Fifth Amendment (Due Process and Equal Protection),
 - c. U.S. Ninth Amendment (Rights to Privacy and Liberty),
 - d. U.S. Fourteenth Amendment (Due Process and Equal Protection).
109. The Supreme Court ruled in *Malley v. Briggs*, 475 U.S. 335, 344 (1986), that the mere fact that a judge or magistrate issues an arrest warrant does not automatically insulate the officer from liability for an unconstitutional arrest. "Only where the warrant application is so lacking in indicia of probable cause as to render official belief in its existence unreasonable...will the shield of immunity be lost". *Malley* at 344-45.
110. As can be ascertained, a body attachment is a debt-collecting tool using unlawful arrests and unlawful imprisonment for debt to collect a debt. Hence, it is illegal and unconstitutional, hence, rendering the issuing authority of such an order in violation of the law and the Constitution, stripping him of his jurisdiction, and, therefore, his judicial immunity. Furthermore, it would also render the Plaintiff (and her attorney) liable to prosecution under federal (and state) statutes.
111. Per federal law, see *Marbury v. Madison*, 5 U.S. 137 (1803), the state must provide remedy for each and every violation of a right. Multiple rights have been taken by the state, for its enrichment, without providing remedy but instead imposing punishments.
112. The United States Supreme Court mandates that constitutional (strict) scrutiny is the heightened level **Constitutional Scrutiny** of scrutiny applicable to the implication of fundamental rights secured by the U.S. Constitution. Gender discrimination in state custody determinations is not at issue where a lesser standard of review (intermediate scrutiny) would be applicable.
113. Substantive due process is defined as the procedural requirements due when a fundamental right is implicated. Judges' refusal to consider evidence and psychologist reports denies due process right to "meaningful hearing." *ARMSTRONG V. MANGO*, 380 US 545, 552; 85 S.Ct.1187 [1965]
114. Federal Courts can rule on federal claims [constitutional questions] involved in state divorce cases and award money damages for federal torts or in diversity of citizenship cases involving intentional infliction of emotional distress by denial of parental rights, "visitation", as long as the Federal Court is not asked to modify custodial status. *LLOYD V. LOEFFLER*, 518 F.Supp 720 [custodial Father won \$95,000 against parental kid-napping wife]; *FENSLAGE V. DAWKINS*, 629 F.2d 1107 [\$130,000 damages for parental kidnapping] *KAJTAZI V. KAJTAZI*, 488 F.Supp 15 [1976]; *SPINDEL V. SPINDEL*, 283 F.Supp. 797 [1969]; *HOWARD V. KUNEN*, USDC Mass CA No. 73 3813 G, 12/3/73 [unreported]; *SCHWAB V. HUTSON*, USDC, S.Dist. MI, 11/70 [unreported]; *LORBEER V. THOMPSON*, USDC Colorado [1981]; *DENMAN V. ENEY*, *DENMAN V. WERTZ*; Right to jury trial in Contempt; *BLOOM V. ILLINOIS*, 88 S.Ct. 1477; *DUNCAN V. LOUISIANA*, 88 S.Ct. 1444
115. Contempt of Court is quasi criminal, merits all constitutional protections: *EX PARTE DAVIS*, 344 SW 2d 925 [1976]; Excessive fine on Contempt: *COOPER V. C.* 375 NE 2d 925 [IL 1978]; Payment of support tied to visitation; *BARELA V. BARELA*, 579 P.2d 1253 [1978 NM]; *CARPENTER V. CARPENTER*, 220 Va.299 [1979]; *COOPER V. COOPER*, 375 NE 2d 925 [Ill. 1978]; *FEUER V. FEUER*, 50 A.2d 772 [NY 1975]; *NEWTON V. NEWTON*, 202 Va. 515 [1961]; *PETERSON V.*

PETERSON, 530 P.2d 821 [Utah 1974]; SORBELLO V. COOK, 403 NY Supp. 2d 434 [1978]; Child Support; ANDERSON V. ANDERSON, 503 SW 2d 124 [1973]; ONDRUSEK V. ONDRUSEK, 561 SW 2d 236, 237 [1978; support paid by Mother to custodial Father]; SMITH V. SMITH, 626 P.2d 342 [1981]; SILVIA V. SILVIA, 400 NE 2d 1330 [1980 Mass.]

116. Fundamental, substantive, and/or natural rights are legally differentiated from civil rights because civil rights are rights created under law. One could clarify fundamental rights as pre-existing "inherent" rights and civil rights as government-created rights.
117. Where a federal right is implicated, the State of Massachusetts must provide the accused a process that is constitutionally compliant with the U.S. Constitution and mandatory under federal law. Goldberg v. Kelly, 397 U.S. 254 (1970) addresses the importance of certain property rights (where liberty rights are deemed far more important than property rights).
118. The State must provide an explicit process due the accused to prove that the Defendant's children are being harmed. This set of procedures is commonly known as due process.
119. Due process is a mandatory set of procedures required by the U.S. Constitution entitling citizens whose fundamental rights are implicated to consistent and fair treatment.
120. Mandatory fair procedures include at a very minimum:
 - a. Express notice of the accusation.
 - b. A pre-deprivation hearing.
 - c. The right to confront witnesses.
 - d. An evidentiary standard that is constitutionally compliant.
 - e. And the least restrictive means to obtain a satisfactory solution

Conclusion: Where a fundamental right is implicated, the State must provide expressly written mandatory due process procedures and use the least restrictive means of intrusion to achieve an optimal outcome.

121. Neither parent is provided with due process of law, i.e., in some states there is no pre-deprivation hearing. Stanley v. Illinois, 405 U.S. 645(1972).
122. No statutory scheme contains a constitutionally compliant evidentiary standard. "Clear and convincing" evidence (of parental unsuitability) is the highest evidentiary standard in civil law that meets constitutional scrutiny pursuant to Santosky v. Kramer, 455 U.S. 745 (1982).
123. Statutes expressly written which diminish parents' fundamental rights, are not constitutionally compliant, and therefore do not meet strict scrutiny under federal law. Conclusion: Where both parents' rights are diminished under state law, there is no set of circumstances that a constitutional outcome can ever be achieved.
124. Substantive equal protection: similarly situated parents must be treated similarly (fundamental rights strand of equal protection under the fourteenth amendment.)

125. State implication of a fundamental right resulting in the arbitrary classification of parents into suspect classes (non-custodial and custodial) is subject to constitutional review.
126. Whenever government action seriously burdens fundamental rights and interests, heightened scrutiny of the procedures is warranted.
127. Where a state law impinges upon a fundamental right secured by the U.S. Constitution it is presumptively unconstitutional. *Harris v. Mcrae*, 448 U.S. 297 (1980); *Zablocki v. Redhail*, 434 U.S. 374 (1978). Conclusion: where a statutory classification significantly interferes with the exercise of a fundamental right, constitutional scrutiny of state procedures is required.
128. Under the Supremacy Clause appears in Article VI of the Constitution of the United States, everyone must follow federal law in the face of conflicting state law. It has long been established that "a state statute is void to the extent that it actually conflicts with a valid federal statute" and that a conflict will be found either where compliance with both federal and state law is impossible or where the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. Similarly, we have held that "otherwise valid state laws or court orders cannot stand in the way of a federal court's remedial scheme if the action is essential to enforce the scheme." *Stone v. City and County of San Francisco*, 968 F.2d 850, 862.
129. Any state judge that acts contrary to the United States Constitution violates the Supremacy Clause and acts in treason. The U.S. Supreme Court has stated "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." *Cooper v. Aaron*, 358 U.S. 1, 78 S.Ct. 1401(1958).
130. In Common Law, where the judge is presented with superior law, he has no discretion in the matter but must act upon that higher precedence of law. Any failure to do so is an act as a "minister of his own prejudice" and not "acting in his capacity" for the state. Thereof, he may be held for civil and criminal liabilities. If a judge does not fully comply with the Constitution, then his orders are void, *In re Sawyer*, 124 U.S. 200 (1888), "he is without jurisdiction, and has engaged in an act or acts of treason."
131. "The law will protect an individual who, in the prosecution of a right does everything, which the law requires him to do, but fail to obtain his right by the misconduct or neglect of a public officer." *Lyle v Arkansas*, 9 Howe, 314, 13 L. Ed.153.
132. "Where rights are secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them. *Miranda v. Arizona*, 380 US 426 (1966).
133. The rights of parents to the care, custody and nurture of their children is of such character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, and such right is a fundamental right protected by this amendment (First) and Amendments 5, 9, and 14. *Doe v. Irwin*, 441 F Supp 1247; U.S. D.C. of Michigan, (1985).
134. The several states have no greater power to restrain individual freedoms protected by the First Amendment than does the Congress of the United States. *Wallace v. Jaffree*, 105 S Ct 2479; 472 US 38, (1985).
135. Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. Though First Amendment rights are not absolute, they may be curtailed only by

- interests of vital importance, the burden of proving which rests on their government. *Elrod v. Burns*, 96 S Ct 2673; 427 US 347, (1976).
136. Parents have a fundamental constitutionally protected interest in continuity of legal bond with their children. *Matter of Delaney*, 617 P 2d 886, Oklahoma (1980).
 137. The liberty interest of the family encompasses an interest in retaining custody of one's children and, thus, a state may not interfere with a parent's custodial rights absent due process protections. *Langton v. Maloney*, 527 F Supp 538, D.C. Conn. (1981).
 138. Parent's right to custody of child is a right encompassed within protection of this amendment that may not be interfered with under guise of protecting public interest by legislative action that is arbitrary or without reasonable relation to some purpose within competency of state to effect. *Reynold v. Baby Fold, Inc.*, 369 NE 2d 858; 68 Ill 2d 419, appeal dismissed 98 S Ct 1598, 435 US 963, IL, (1977).
 139. Parent's interest in custody of her children is a liberty interest which has received considerable constitutional protection; a parent who is deprived of custody of his or her child, even though temporarily, suffers thereby grievous loss and such loss deserves extensive due process protection. In *the Interest of Cooper*, 621 P 2d 437; 5 Kansas App Div 2d 584, (1980).
 140. The Due Process Clause of the Fourteenth Amendment requires that severance in the parent-child relationship caused by the state occur only with rigorous protections for individual liberty interests at stake. *Bell v. City of Milwaukee*, 746 F 2d 1205; US Ct App 7th Cir WI, (1984). Father enjoys the right to associate with his children which is guaranteed by this amendment (First) as incorporated in Amendment 14. *Mabra v. Schmidt*, 356 F Supp 620; DC, WI (1973).
 141. A parent's right to care and companionship of his or her children are so fundamental, as to be guaranteed protection under the First, Ninth, and Fourteenth Amendments of the United States Constitution. In re: *J.S. and C.*, 324 A 2d 90; supra 129 NJ Super, at 489.
 142. The Court stressed, "the parent-child relationship is an important interest that undeniably Warrants deference and, absent a powerful countervailing interest, protection." A parent's interest in the companionship, care, custody and management of his or her children rises to a constitutionally secured right, given the centrality of family life as the focus for personal meaning and responsibility. *Stanley v. Illinois*, 405 US 645, 651; 92 S Ct 1208,(1972).
 143. Parent's rights have been recognized as being "essential to the orderly pursuit of happiness by free man." *Meyer v. Nebraska*, 262 or 426 US 390 <check cite>; 43 S Ct 625, (1923).
 144. The U.S. Court of Appeals for the 9th Circuit (California) held that the parent-child relationship is a constitutionally protected liberty interest. (See; Declaration of Independence --life, liberty and the pursuit of happiness and the 14th Amendment of the United States Constitution -- No state can deprive any person of life, liberty or property without due process of law nor deny any person the equal protection of the laws.) *Kelson v. Springfield*, 767 F 2d 651; US Ct App 9th Cir, (1985).
 145. The parent-child relationship is a liberty interest protected by the Due Process Clause of the 14th Amendment. *Bell v. City of Milwaukee*, 746 f 2d 1205, 1242-45; US Ct App 7th Cir WI, (1985).
 146. No bond is more precious and none should be more zealously protected by the law as the bond between parent and child." *Carson v. Elrod*, 411 F Supp 645, 649; DC E.D. VA (1976).

147. A parent's right to the custody of his or her children is an element of "liberty" guaranteed by the 5th Amendment and the 14th Amendment of the United States Constitution. Matter of Gentry, 369 NW 2d 889, MI App Div (1983).
148. Judges must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality. 28 USCA § 2411; Pfizer v. Lord, 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972).
149. Similarly, "the best interest of the child" is not the legal standard that governs parents' or guardians' exercise of their custody: so long as certain minimum requirements of the child is met, the interest of the child may be subordinated to the interest of other children, or indeed even to the interests of the parents or guardians themselves. "The best interest of the child" is likewise not an absolute and exclusive constitutional criterion for the government's exercise of the custodial responsibilities that it undertakes, which must be reconciled with many other responsibilities.
150. The state must show adverse impact upon the child before restricting a parent from the family dynamic or physical custody. It is apparent that the parent-child relationship of a married parent is protected by the equal protection and due process clauses of the Constitution. In 1978, the Supreme Court clearly indicated that only the relationships of those parents who from the time of conception of the child, never establish custody and who fail to support or visit their child(ren) are unprotected by the equal protection and due process clauses of the Constitution. Quilloin v. Walcott, 434 U.S. 246, 255 (1978).
151. Clearly, divorced parents enjoy the same rights and obligations to their children as if still married. The state through its family law courts, can impair a parent-child relationship through issuance of a limited visitation order, however, it must make a determination that it has a compelling interest in doing so. Trial courts must, as a matter of constitutional law, fashion orders which will maximize the time children spend with each parent unless the court determines that there are compelling justifications for not maximizing time with each parent.
152. Maximizing time with each parent is the only constitutional manner by which a parent is able to maintain a meaningful parent-child relationship after divorce. While geographic distance, school schedules and the like must be factored into the custody and visitation calculus, trial courts faced with a custody and visitation decision must accord appropriate constitutional respect to maintain a healthy parent child relationship by granting each parent as much time as possible with the child under the circumstances of each case.
153. The federal Due Process and Equal Protection rights extend to both parents equally, for example, in adoption proceedings. In Caban v. Mohammed, 441 U.S. 380, (1979) the Supreme Court found that a biological father who had for two years, but no longer, lived with his children and their mother was denied equal protection of the law under a New York statute which permitted the mother, but not the father, to veto an adoption. In Lehr v. Robinson (1983) 463 U.S. 248, the Supreme Court held that "When an unwed father demonstrates a full commitment to the responsibilities of parenthood by 'com[ing] forward to participate in the rearing of his child,' Caban, [citations omitted], his interest in personal contact with his child acquires substantial protection under the Due Process Clause." (Id. at 261-262)

154. The courts have clearly held that the degree of protection afforded parental rights does not depend upon the relationship between the mother and the father. In every circumstance under which a parental right to physical custody may be terminated in which the courts have spoken on the standard of proof to be applied, the holding has been that the proof must be by clear and convincing evidence. In those cases where joint physical custody is not ordered in a divorce setting, the parent without custody has been deprived of physical custody, just as in any other setting. The identity of the person who has custody of the child is irrelevant to the requisite proof required to deprive one parent of physical custody.
155. The impact these judicial decisions have on the lives of all concerned cannot be overestimated. Childhood passes rapidly and it quickly becomes too late to unring the bell. Expanded visitation or joint custody may seem unimportant, but only to those who have never experienced the hollow time of forced separation. "No human bond is of greater strength than that of parent and child" Michelle W. v. Ronald W., 39 Cal. 3d354 (1985). Seton Hall Professor Holly Robinson has spelled out this argument in detail:
156. Cases clearly establish a zone of privacy around the parent-child relationship, which only can be invaded by the state when the state possesses a sufficiently compelling reason to do so. As a result, when the marital breakdown occurs, both parents are entitled to constitutional protection of their right to continue to direct the upbringing of their children through the exercise of custody. Adequate protection of this parental right requires that parents be awarded joint custody [or expansive visitation]...unless a compelling state interest directs otherwise. H.L. Robinson, "Joint Custody: constitutional Imperatives", 54 Cinn. L. Rev. 27, 40-41 (1985) (footnotes omitted). See also, Ellen Cancakos "Joint Custody as a Fundamental Right". Arizona Law Review, Vol. 23, No. 2 (Tucson, Az: University of Arizona Law College), Tuscon, 95721. See also, Cynthia A. McNeely: "Lagging Behind the Times: Parenthood, Custody, and Gender Bias in the Family Court", 25 Fla. St. U.L. Rev. 335, 342+ (1998)
157. This proposition that the parent-child relationship in a traditional custody and visitation dispute commands constitutional respect is admittedly lacking a long life of specific case authority approving it. This lack of specific case authority is not fatal to the proposition's vitality. At least one federal court has found that the paucity of cases recognizing the constitutional sanctity in the past. That court further held that the historical absence of a strong tradition should not result in denial of the constitutional protection for such relationships as they become increasingly prevalent. See Franz v. United States, supra.
158. To further underscore the need for courts to consider the constitutional protections which attach in family law matters, one need only look to recent civil rights decisions. In Smith v. City of Fontana, 818 f. 2d 1411 (9th Cir. 1987), the court of appeals held that in a civil rights action under 42 U.S.C. section 1983 where police had killed a detainee, the children had a cognizable liberty interest under the due process clause.
159. The analysis of the court included a finding that "a parent has a constitutionally protected liberty interest in the companionship and society of his or her child. Id. at 1418, citing Kelson v. City of Springfield, 767 F. 2d 651 (9th Cir. 1985). In Smith the court stated "We now hold that this constitutional interest in familial companionship and society logically extends to protect children from unwarranted state interference with their relationships with their parents." Id.
160. A failure to accord appropriate constitutional respect to the parent-child relationship between the parties herein and the minor child by failing to award joint custody or substantial parental contact would be error. We respectfully request that this Court fashion a court order that will maximize the available time the minor will spend with each parent.
161. Justice O'Connor, writing for the majority, affirmed the lower court. She began her analysis by noting "The liberty interest...of parents in the care, custody, and control of their children is perhaps the oldest of the fundamental liberty interests recognized by the Court." Troxel v. Granville 530 U.S. at 65
162. In Troxel, the court considered how the liberty interests of a parent might be affected by a Washington statute that allowed "'any person' to petition a superior court for visitation rights 'at any time' and authorize[d] that court to grant such visitation

rights whenever "visitation may serve the best interest of the child." Id. at 60. In invalidating the statute, the court again recognized "the fundamental right of parents to make decisions concerning the care, custody, and control of their children" and determined that the "decisional framework employed by the superior court directly contravened the traditional presumption that a fit parent will act in the best interest of his or her child." Id. at 69.

163. That in a divorce action, a fit parent may not be denied equal legal and physical custody of a minor child without a finding by clear and convincing evidence of parental unfitness and substantial harm to the child. (see also Santosky v. Kramer (1982)).
164. Ex Parte conferences, hearings or Orders denying parental rights or personal liberties are unconstitutional, cannot be enforced, can be set aside in federal court, and can be the basis of suits for money damages. RANKIN V. HOWARD, 633 F.2d 844 [1980]; GEISINGER V. VOSE, 352 F.Supp. 104[1972] **SEE JUDGE POLSON EX PARTE ORDER OF 18 DEC. 2014**
165. In the 1920's, the Court asserted that the right of parents to raise and educate their children was a "fundamental" type of "liberty" protected by the Due Process Clause. Meyer v. Nebraska, 262 U.S. 390 (1923) and Pierce v. Society of Sisters, 268 U.S. 510, 535 (1925). In Griswold v. Connecticut, 381 U.S. 479, 502 (1965), Justice White in his concurring opinion offered "this Court has had occasion to articulate that the liberty entitled to protection under the Fourteenth Amendment includes the right "to marry, establish a home and bring up children," and "the liberty . . . to direct the upbringing and education of children," and that these are among "the basic civil rights of man." Justice White then added; These decisions affirm that there is a "realm of family life which the state cannot enter" without substantial justification. Prince v. Massachusetts, 321 U.S. 158, 166.
166. Recently (on June 5, 2000), after nearly 100 year of consistent support for parental rights, the Court stated: "The liberty interest at issue...the interest of parents in the care, custody, and control of their children--is perhaps the oldest of the fundamental liberty interests recognized by this Court... [I]t 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 US 2000 (99-138)
167. (Justice Souter) We have long recognized that a parent's interests in the nurture, upbringing, companionship, care, and custody of children are generally protected by the Due Process Clause of the Fourteenth Amendment. See, e.g., Meyer v. Nebraska, 262 U. S. 390, 399, 401 (1923); Pierce v. Society of Sisters, 268 U. S. 510, 535 (1925); Stanley v. Illinois, 405 U. S. 645, 651 (1972); Wisconsin v. Yoder, 406 U. S. 205, 232 (1972); Quilloin v. Walcott, 434 U. S. 246, 255 (1978); Parham v. J. R., 442 U. S. 584, 602 (1979); Santosky v. Kramer, 455 U. S. 745, 753 (1982); Washington v. Glucksberg, 521 U. S. 702, 720 (1997). As we first acknowledged in Meyer, the right of parents to "bring up children," 262 U. S., at 399, and "to control the education of their own" is protected by the Constitution, id., at 401. See also Glucksberg, supra, at 761.
168. Justice Souter then opens the very next paragraph indicating the constitutionality of parental rights are a "settled principle". In fact, it is a well-established principle of constitutional law that custody of one's minor children is a fundamental right. Santosky v. Kramer, 455 U.S. 745 (1982), Stanley v. Illinois, 405 U.S. 645(1972).
169. Without dispute the Troxel case is UNANIMOUS in its establishment that parental rights are constitutionally protected rights. Even the dissenting judges, not agreeing with the remedy, recognized that parental rights are constitutional Rights. From the dissents in Troxel:
- a. (Justice Scalia) ...[A] right of parents to direct the upbringing of their children is among the "unalienable Rights" with which the Declaration of Independence proclaims "all Men ... are endowed by their Creator." ...[T]hat right is also among the "othe[r] [rights] retained by the people" which the Ninth Amendment says the Constitution's enumeration of rights "shall not be construed to deny or disparage."
 - b. (Justice Kennedy) I acknowledge ... visitation cases may arise where [considering appropriate protection by the state]

the best interests of the child standard would give insufficient protection to the parent's constitutional right to raise the child without undue intervention by the state...

170. [T]here is a beginning point that commands general, perhaps unanimous, agreement in our separate opinions: As our case law has developed, the [parent] has a constitutional right to determine, without undue interference by the state, how best to raise, nurture, and educate the child. The parental right stems from the liberty protected by the Due Process Clause of the Fourteenth Amendment. See, e.g., *Meyer v. Nebraska*, 262 U. S. 390, 399, 401 (1923); *Pierce v. Society of Sisters*, 268 U. S. 510, 534-535 (1925); *Prince v. Massachusetts*, 321 U. S. 158, 166 (1944); *Stanley v. Illinois*, 405 U. S. 645, 651-652 (1972); *Wisconsin v. Yoder*, 406 U. S. 205, 232-233 (1972); *Santosky v. Kramer*, 455 U. S. 745, 753-754 (1982).
171. Implications for recognizing the fundamental constitutional rights that ALL parents possess, not only mothers, but fathers too, demands that the deprivation of “the fundamental right of parents to make decisions concerning the care, custody, and control” of their children constitutes a significant interference with,” (citations omitted) the exercise of a fundamental constitutional right. Deprivation of fundamental liberty rights “for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 96 S.Ct. 2673; 427 U.S. 347, 373 (1976). (Note Justice Kennedy’s *Troxel* remarks on page 2 about parental rights under the First Amendment, the Amendment at issue in *Elrod*.)
172. This legislative body has a burden to society to weigh the studies and information demonstrating the devastating affects of father absence on children (a matter worthy of judicial notice) and then consider, as noted above, the ramifications of effectively removing fathers from their children. After all, there is now so much data and information about father absence that in custody matters, continued maternal preferences rise to the Due Process legal bar. The “[r]eality of private biases and possible injury they might inflict [are] impermissible considerations under the Equal Protection Clause of the 14th Amendment.” *Palmore v. Sidoti*, 104 S Ct 1879; 466 US 429.
173. Certainly, worth noting in *Troxel*, are Justices Souter and Thomas concurring commentary. They implicate a potential willingness to address, adjudicate, and possibly clarify the “free-ranging best-interests-of-the-child standard” (Souter’s characterization of this “standard”).
174. Also, particularly worth noting, both Justices Scalia and Kennedy clearly recognized the constitutional protections of parental rights. Though they do not agree it appears Justice Scalia noted that part of the problem is the indeterminacy of “standards” in custody cases suggesting that many definitions, such as parent would have to be crafted and he would “throw it back to the legislature” to define standards and terms. Herein implicating the “standard” is a problem.
175. Further, in Justice Kennedy’s dissent, he elaborated that if upon remand or reconsideration of the *Troxel* case, if there were still problems with the decision regarding parental rights, consideration of that and other issues at the US Supreme Court might be warranted, then went on to state:
176. These [issues] include ... the protection the Constitution gives parents against state-ordered visitation but also the extent to which federal rules for facial challenges to statutes control in state courts. These matters, however, should await some further case...
177. It must be recognized, of course, that a domestic relations proceeding in and of itself can constitute state intervention that is so disruptive of the parent-child relationship that the constitutional right of a [parent] to make certain basic determinations for the child's welfare becomes implicated. The best interests of the child standard has at times been criticized as indeterminate, leading to unpredictable results. See, e.g., American Law Institute, *Principles of the Law of Family Dissolution* 2, and n. 2 (Tentative Draft No. 3, Mar. 20, 1998).
178. More specific guidance should await a case in which a State's highest court has considered all of the facts in the course of

elaborating the protection afforded to parents by the laws of the State and by the Constitution itself.

179. Parental Rights must be afforded “strict scrutiny” or a heightened scrutiny so stringent as to be utterly indistinguishable from “strict scrutiny”.
180. The Fourteenth Amendment prohibits the state from depriving any person of “life, liberty, or property without due process of law.” The Court has long recognized that the Due Process Clause “guarantees more than fair process.” *Washington v. Glucksberg*, 521 U.S. 702, 719 (1997). It also includes a substantive component that “provides heightened protection against government interference with certain fundamental rights and liberty interests.” *Id.*, at 720; see also *Reno v. Flores*, 507 U.S. 292, 301-302(1993).
181. Any denial of Due Process must be tested by the “totality of the facts” because a lack of Due Process may “constitute a denial of fundamental fairness, shocking to the universal sense of justice...” *Malloy v. Hogan*, 378 U.S. 1, 26 (1964) (quoting from *Betts v. Brady*, 316 U.S. 455, 461-462 (1942) where it was noted that any violation of any of the first Nine Amendments to the Constitution could also constitute a violation of Due Process). “[T]he court must be vigilant to scrutinize the attendant facts with an eye to detect and a hand to prevent violations of the Constitution by circuitous and indirect methods. Constitutional provisions for the security of person and property are to be liberally construed, and ‘it is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon.’ *Boyd v. United States*, 116 U.S. 616, 635 , 6 S. Ct. 524, 535 (29 L. Ed. 746); *Gouled v. United States*, 255 U. S. 304, 41 S. Ct. 261, *supra*.” (as cited from *Byars v. U.S.*, 273 US 28, 32).
182. It is further established that any law impinging on an individual’s fundamental rights is subject to strict scrutiny (*San Antonio School District v. Rodriguez*, 411 U.S. 1 (1973). “In order to withstand strict scrutiny, the law must advance a compelling state interest by the least restrictive means available.” *Bernal v. Fainter*, 467 U.S. 216 (1984). And by fiat, any judge interpreting, presiding, or sitting in judgment of any custody case under the law must apply this same standard. Justice Stevens in *Troxel* comments on the appropriate standard of review stating:
183. “The opinions of the plurality, Justice Kennedy, and Justice Souter recognize such a [parental constitutional] right, but curiously none of them articulates the appropriate standard of review. I would apply strict scrutiny to infringements of fundamental rights.”
184. Heightened scrutiny is the court’s rule, not the exception. “In determining which rights are fundamental, Judges are not left at large to decide cases in light of their personal and private notions[;]... it cannot be said that a Judge's responsibility to determine whether a right is basic and fundamental in this sense vests him with unrestricted personal discretion. *Griswold* at 493 w/FN7 (A case dealing with marriage relationship privacy). The same court noted “there is a “realm of family life which the state cannot enter without substantial justification”.” (quoting *Prince v. Massachusetts*, 321 U.S. 158, 166).
185. In *Stanley v. Illinois*, 405 US 645, 651 (1972), the court indicated that the State must demonstrate a “powerful countervailing interest” stressing that “he parent-child relationship is an important interest that undeniably warrants deference and, absent a powerful countervailing interest, protection.” A parent's interest in the companionship, care, custody and management of his or her children rises to a constitutionally secured right, given the centrality of family life as the focus for personal meaning and responsibility.”
186. Conclusion: Given the long history of cases by the Supreme Court it can no longer be doubted that the child's best interest must be weighed with a parent's fundamental liberty interest in parenting their child without undue interference by the state. If the state even had a jurisdiction because a parent surrendered it, a Custody order must bear sufficient respect for the constitutional protections inherent in the parent-child relationship.
187. The court must state under what jurisdiction it is making each decision on each issue. If the Natural Law or Natural Law based (Lockean) social compact is no longer the rule of law, the court must answer how this impacts the state Constitution and if these acts are constitutional. In most states, the mother gets a deduction from her income when figuring child support. That

means if you each earn \$50,000, her support obligation is based on \$30,000 or \$20,000 less, insuring that you are the one with the greater income, and therefore you have to pay her. It's not child support, but a communistic "transfer of wealth" scheme.

188. There is significant case law that clearly supports the legal theory that: custody and support were reciprocal concepts - i.e., if you provided support, you had custody, or if you had custody you had the requirement to provide support. If you don't have custody, your responsibility to pay support has been legally extinguished. To divorce the two concepts creates a punishment. Obligation without the right was in fact the punishment for abuse, neglect or abandonment.
189. This reciprocal parent to child relationship is a legal right that is superior to the enumerated constitutional Rights (i.e., and as ruled by the USSC, which must be afforded at least all of the due process protections that "regular" - i.e., the "lesser", actually - listed constitutional rights are given; and can not be taken away by any government official (including a state judge), agency, or etc., unless - and not until - the parent in question has been - first - been already proven (and, then only by "clear and convincing" evidence, too...) to be an "unfit parent".
190. Therefore, the state's or judge's act of taking away the (Orwellian "newspeak" and fictional title – "non-custodial") parent's previously-existing child custody was done unlawfully, i.e., unconstitutionally, and that judgment is null and void as unlawful against the U.S. Constitution, at least under the 1st, 4th, 5th, 8th, 9th, 10th, and 14th Amendments, and arguably also under various sections of the Preamble to the U.S. Constitution, to include liberty and property interests. It is not an award but a deprivation of rights.
191. Liberty is a State of being and cannot be embodied in the law. Lawful and artful words only serve to place a fence around liberty, to bind it, to chain it, to alter its form into something other than liberty. Parenting has been accorded a special class of "rights" or "parental rights" that rise to the level of "fundamental liberty".
192. The caretaker of those liberty interests is the Constitution. In the absence of propagation, any antagonism is patently unconstitutional, and under the Supremacy Clause of the US Constitution, states must avoid this antagonism. In the case of two fit parents, the only constitutionally sound decision is equality of parenting, equality under the law, and "natural law" equality in the physical relationship.
193. When dealing with marriage, the early court declared "[w]e deal with a right of privacy older than the Bill of Rights - older than our political parties, older than our school system. Marriage is a coming together for better or for worse, hopefully enduring, and intimate to the degree of being sacred. It is an association that promotes a way of life, not causes; a harmony in living, not political faiths; a bilateral loyalty, not commercial or social projects. Yet it is an association for as noble a purpose as any involved in our prior decisions." Griswold v. Connecticut, 381 U.S. 479, 486 (1965).
194. The inquiry is whether a right involved "is of such a character that it cannot be denied without violating those 'fundamental principles of liberty and justice which lie at the base of all our civil and political institutions'" Powell v. Alabama, 287 U.S. 45, 67. Parenting is a special and unique kind of right with certain characteristics that our Founding Fathers described as "natural law". Certainly any "[l]aws abridging the natural right of the citizen should be restrained by rigorous constructions within their narrowest limits." Thomas Jefferson to L. McPherson, 1813.
195. If you are a mother, you can almost be absolutely assured that your consequences for shredding this social contract will be some division of the marital assets, possibly taking the home and car if you are willing to allege (often falsely) that you have been somehow abused, some form of personal support, "child" support, and the children to reign control over your ex by using them as pawns and tools. We no longer have a "no-fault" divorce system, we have a feminist propagandized "male-fault" system where all women are victims, and all men are considered child abusers, wife-beaters, rapists, and child molesters.
196. Under simple equity rules, if two people have the same constitutional interest in a piece of property, it is divided equally. Yet

in a custody case, where the constitutional interest is "far more precious than... property rights" (May v. Anderson), courts routinely hamper.

197. The constitutional rights of a parent are violated in an unconstitutional preference in making a "sole custody determination." After all, "[i]t is well settled that, quite apart from the guarantee of equal protection, if a law "impinges upon a fundamental right explicitly or implicitly secured by the Constitution [it] is presumptively unconstitutional." Harris v. McRae, 448 US 297, 312 (1980). "No-fault divorce" is the feminist and lawyer lingo for "automatic men-at-fault-divorce."
198. Where similarly situated parents must be treated similarly, suitable and fit parents must be treated similarly.
199. Without a finding of parental unsuitability (unfit, unwilling, or unable) by clear & convincing evidence, both parents must be treated similarly. The "best interests of the child" standard of review is not a constitutionally compliant evidentiary standard when addressing parental rights between suitable and fit parents.
200. The "best interests of a child" can be addressed only after a finding of parental unsuitability by clear & convincing evidence.
201. However, where both parents are suitable, the State has no legal basis under state or federal law to even make a custody determination.
202. Where the State has no legal basis to implicate a fundamental parental right, both parents maintain their inherent pre-existing right to legal custody of their child(ren).
203. Because both parents maintain autonomy in their respective parental rights, both parents must be treated similarly as to physical custody (companionship time).
204. Since the child(ren) cannot be cut in half, the constitutionally compliant solution and the least intrusive remedy is a presumption of equality.
205. The presumption of equality is rebuttable, however this presumptive "starting point" in a divorce with children eliminates the power struggle for control by equalizing both parental interests. The presumptive "starting point" also takes the wind-out-of-the- sails of the litigants (and their attorneys) by eliminating leverage through equalization.
206. The child(ren)'s best interests are enhanced by maintaining a substantive relationship with both parents: A presumption of equality also enhances extended family participation with children of divorce, i.e., grandparents, who have a vested emotional interest, but no legal recourse, to develop a relationship with their grandchildren. Additionally, the child(ren)'s welfare/best interests would be enhanced by increased Accessibility to their extended family. The best parent is both parents!
207. " There is simply no doubt that all other things being equal, children are going to have a much better chance in life with two caring parents. You can see it in every study that asks that question."- Former Vice-President Al Gore
208. The financial incentives and conflicts of interest for lawyers to encourage custody battles in divorce is apparent. This is damaging to all parties involved and creates no value whatsoever. The adversarial system is wrong for divorce. Overload, caused by lawyers, drives injustice and harm. It has evolved into a soulless money machine and many lawyers admit freely that other lawyers intentionally cause problems in divorce to drive up legal fees. In fact if this ever happens, and we know it does, it is morally and ethically revolting and clears grounds for disbarment. According to some attorneys this is done by over half of attorneys today implying that 75% of divorce actions (since two lawyers are involved) are fraudulent.
209. The incentives that drive the divorce industry have become perverse at the individual level. A mission which should be to "help families" has become "make money" for most and avoid overwhelming work for others (i.e. judges). Lawyers want the work

judges should be doing, like finding facts. The result is a system which is destructive, not constructive.

210. Court decisions are working toward the desired result of involving both parents in a child's upbringing following divorce. Due to the difficulty of proving outrageous conduct and severe emotional distress in tort claims against an unreasonable X-Spouse, the current trend suggests that bringing an action for interference with visitation will provide a remedy to the problems involved in these situations. **Specific Case Law Re: tortious interference with visitation and parental rights:**

A. Sheltra v. Smith, 392 A.2. 431 (Vt. 1978)

B. Raftery v. Scott, 756 F. 2d 335 (4th Cir.1985)

C. Kajtazi v. Kajtazi, 488 F. Supp. 15 (E.D.N.Y.1978)

D. Ruffalo v. United States, 590 F. Supp. 706 (W.D. Mo.1984)

E. Ruffalo v. Civiletti, 539 F. Supp. 949 (W.D. Mo.1982) F. Wise v. Bravo, 666 F.

2d 1328 (10th Cir.1982)

G. Hall v. Hall-Stradley, Denver (Colo. Dist. Ct.) No. 84-CV-2865, 11/26/88 (as reported in Fam. L. Rep. (BNA), January 6, 1987, Vol. 13, No. 9)

- Addendums -

Exhibit A -

U.S. Code Title 18 Section 242

Deprivation Of Rights Under Color Of Law

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim. The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

Exhibit C -

The Supremacy Clause

The Supremacy Clause of the United States Constitution (Article VI, Clause 2) establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the supreme law of the land.[1] It provides that state courts are bound by the supreme law; in case of conflict between federal and state law, the federal law must be applied. Even state constitutions are subordinate to federal law.[2] In essence, it is a conflict-of-laws rule specifying that certain national acts take priority over any state acts that conflict with national law. In this

respect, the Supremacy Clause follows the lead of Article XIII of the Articles of Confederation, which provided that "Every State shall abide by the determination of the United States in Congress Assembled, on all questions which by this confederation are submitted to them." [3] A constitutional provision announcing the supremacy of federal law, the Supremacy Clause assumes the underlying priority of federal authority, at least when that authority is expressed in the Constitution itself. [4] No matter what the federal government or the states might wish to do, they have to stay within the boundaries of the Constitution. This makes the Supremacy Clause the cornerstone of the whole American political structure. [5] [6]

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Preemption doctrine

The constitutional principle derived from the Supremacy Clause is federal preemption. Preemption applies regardless of whether the conflicting laws come from legislatures, courts, administrative agencies, or constitutions. For example, the Voting Rights Act of 1965, an act of Congress, preempts state constitutions, and Food and Drug Administration regulations may preempt state court judgments in cases involving prescription drugs.

Congress has preempted state regulation in many areas. In some cases, such as the 1976 Medical Device Regulation Act, Congress preempted all state regulation. In others, such as labels on prescription drugs, Congress allowed federal regulatory agencies to set national minimum standards, but did not preempt state regulations imposing more stringent standards than those imposed by federal regulators. Where rules or regulations do not clearly state whether or not preemption should apply, the Supreme Court tries to follow lawmakers' intent, and prefers interpretations that avoid preempting state laws. [7]

Supreme Court interpretations

In *Ware v. Hylton*, [3 U.S. \(3 Dall.\) 199](#) (1796), the United States Supreme Court for the first time applied the Supremacy Clause to strike down a state statute. Virginia had passed a statute during the Revolutionary War allowing the state to confiscate debt payments by Virginia citizens to British creditors. The Supreme Court found that this Virginia statute was inconsistent with the Treaty of Paris with Britain, which protected the rights of British creditors. Relying on the Supremacy Clause, the Supreme Court held that the treaty superseded Virginia's statute, and that it was the duty of the courts to declare Virginia's statute "null and void".

In *Marbury v. Madison*, [5 U.S. 137](#) (1803), the Supreme Court held that Congress cannot pass laws that are contrary to the Constitution, and it is the role of the Judicial system to interpret what the Constitution permits. Citing the Supremacy Clause, the Court found Section 13 of the Judiciary Act of 1789 to be unconstitutional to the extent it purported to enlarge the original jurisdiction of the Supreme Court beyond that permitted by the Constitution.

In *Martin v. Hunter's Lessee*, [14 U.S. 304](#) (1816), and *Cohens v. Virginia*, [19 U.S. 264](#) (1821), the Supreme Court held that the Supremacy Clause and the judicial power granted in Article III give the Supreme Court the ultimate power to review state court decisions involving issues arising under the Constitution and laws of the United States. Therefore, the Supreme Court has the final say in matters involving federal law, including constitutional interpretation, and can overrule decisions by state courts.

In *McCulloch v. Maryland*, [17 U.S. \(4 Wheat.\) 316](#) (1819), the Supreme Court reviewed a tax levied by Maryland on the federally incorporated Bank of the United States. The Court found that if a state had the power to tax a federally incorporated institution, then the state effectively had the power to destroy the federal institution, thereby thwarting the intent and purpose of Congress. This would make the states superior to the federal government. The Court found that this would be inconsistent with the Supremacy Clause, which makes federal law superior to state law. The Court therefore held that Maryland's tax on the bank was unconstitutional because the tax violated the Supremacy Clause.

In *Ableman v. Booth*, [62 U.S. 506](#) (1859), the Supreme Court held that state courts cannot issue rulings that contradict the decisions of federal courts, citing the Supremacy Clause, and overturning a decision by the Supreme Court of Wisconsin. Specifically, the court found it was illegal for state officials to interfere with the work of U.S. Marshals enforcing the Fugitive Slave Act or to order the release of federal prisoners held for violation of that Act. The Supreme Court reasoned that because the Supremacy Clause established federal law as the law of the land, the Wisconsin courts could not nullify the judgments of a federal court. The Supreme Court held that under Article III of the Constitution, the federal courts have the final jurisdiction in all cases involving the Constitution and laws of the United States, and that the states therefore cannot interfere with federal court judgments.

In *Pennsylvania v. Nelson*, 350 U.S. 497 (1956) the Supreme Court struck down the Pennsylvania Sedition Act, which made advocating the forceful overthrow of the federal government a crime under Pennsylvania state law. The Supreme Court held that when federal interest in an area of law is sufficiently dominant, federal law must be assumed to preclude enforcement of state laws on the same subject; and a state law is not to be declared a help when state law goes farther than Congress has seen fit to go.

In *Reid v. Covert*, [354 U.S. 1](#) (1957), the Supreme Court held that the U.S. Constitution supersedes international treaties ratified by the U.S. Senate.

In *Cooper v. Aaron*, [358 U.S. 1](#) (1958), the Supreme Court rejected attempts by Arkansas to nullify the Court's school desegregation decision, *Brown v. Board of Education*. The state of Arkansas, acting on a theory of states' rights, had adopted several statutes designed to nullify the desegregation ruling. The Supreme Court relied on the Supremacy Clause to hold that the federal law controlled and could not be nullified by state statutes or officials.

In *Edgar v. MITE Corp.*, 457 U.S. 624 (1982), the Supreme Court ruled: "A state statute is void to the extent that it actually conflicts with a valid Federal statute". In effect, this means that a State law will be found to violate the Supremacy Clause when either of the following two conditions (or both) exist:[8]

Compliance with both the Federal and State laws is impossible "State law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress"

In 1920, the Supreme Court applied the Supremacy Clause to international treaties, holding in the case of *Missouri v. Holland*, 252 U.S. 416, that the Federal government's ability to make treaties is supreme over any state concerns that such treaties might abrogate states' rights arising under the Tenth Amendment.

The Supreme Court has also held that only specific, "unmistakable" acts of Congress may be held to trigger the Supremacy Clause. Montana had imposed a 30 percent tax on most sub-bituminous coal mined there. The Commonwealth Edison Company and other utility companies argued, in part, that the Montana tax "frustrated" the broad goals of the national energy policy. However, in the case of *Commonwealth Edison Co. v. Montana*, 453 U.S. 609 (1981), the Supreme Court disagreed. Any appeal to claims about "national policy", the Court said, were insufficient to overturn a state law under the Supremacy Clause unless "the nature of the regulated subject matter permits no other conclusion, or that the Congress has unmistakably so ordained".[9]

However, in the case of *California v. ARC America Corp.*, [490 U.S. 93](#) (1989), the Supreme Court held that if Congress expressly intended to act in an area, this would trigger the enforcement of the Supremacy Clause, and hence nullify the state action. The Supreme Court further found in *Crosby v. National Foreign Trade Council*, 530 U.S. 363 (2000), that even when a state law is not in direct conflict with a federal law, the state law could still be found unconstitutional under the Supremacy Clause if the "state law is an obstacle to the accomplishment and execution of Congress's full purposes and objectives".[10] Congress need not expressly assert any preemption over state laws either, because Congress may implicitly assume this preemption under the Constitution.[11]

Preemption can be either express or implied. When Congress chooses to expressly preempt state law, the only question for courts becomes determining whether the challenged state law is one that the federal law is intended to preempt. Implied preemption presents more difficult issues, at least when the state law in question does not directly conflict with federal law. The Court then looks beyond the express language of federal statutes to determine whether Congress has "occupied the field" in which the state is attempting to regulate, or whether a state law directly conflicts with federal law, or whether enforcement of the state law might frustrate federal purposes.

CASE LAWS

The below information is not to be misinterpreted as any legal advice and is not presented by an attorney. This site is just designed to help as a guide and an individual should seek legal representation for further interpretation and applicability. Also realize some of the case laws may have been appealed or new case law precedent.

Links to Individual Circuit Court Case Laws

[1st](#) - ME, MA, NH, PR, RI

[2nd](#) - NY, VT, CT

[3rd](#) - PA, NJ, DE, VI

[4th](#) - MD, NC, SC, VA, WV

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[9th](#) - CA, OR, WA, AZ, MT, ID, NV, AK, HI

[10th](#) - CO, KS, NM, OK, UT, WY

[11th](#) - AL, GA, FL

[DC](#) - DC, Tax Court, fed admin agencies.

[Federal](#) Patent, Int'l Trade, Claims Court and Veterans' Appeals.

CONSTITUTIONAL RIGHT TO BE A PARENT CASE LAWS

Bell v. City of Milwaukee (7th Cir. 1984)

- The Due Process Clause of the Fourteenth Amendment requires that severance in the parent-child relationship caused by the state occur only with rigorous protections for individual liberty interests at stake. The parent-child relationship is a liberty interest protected by the Due Process Clause of the 14th Amendment. 746 f2d 1205, 1242-45; US Ct. App 7th Cir WI (1985)

Carson v. Elrod

- No bond is more precious and none should be more zealously protected by the law as the bond between parent and child. 411 F Supp 645, 649; DC E.D. VA (1976)

Doe v. Irwin (US. D. C. of Michigan 1985)

- The rights of parents to the care, custody and nurture of their children is of such character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, and such right is a fundamental right protected by this amendment (First) and Amendments 5, 9, and 14.

Doe et al, v. Heck et al (7th Cir. Ct. App. 2003)

- The practice of "no prior consent" interview of a child, will ordinarily constitute a "clear violation" of the constitutional rights of parents under the 4th and 14th Amendments to the U.S. Constitution. The investigative interview of a child constitutes a "search and seizure" and, when conducted on private property without "consent, a warrant, probable cause, or exigent circumstances (imminent danger)," such an interview is an unreasonable search and seizure in violation of the rights of the parent, child, and, possibly of the private property.

[Elrod v. Burns](#) (96 S. Ct. 1976)

- Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. Though First Amendment rights are not absolute, they may be curtailed only by interests of vital importance, the burden of proving which rests on their government.

Franz v. U.S.

- A parent's right to the preservation of his relationship with his child derives from the fact that the parent's achievement of a rich and rewarding life is likely to depend significantly on his ability to participate in the rearing of his children. A child's corresponding right to protection from interference in the relationship derives from the psychic importance to him of being raised by a loving, responsible, reliable adult. 707 F 2d 582, 595-599; US Ct App (1983)

Griswold v. Connecticut

- The Constitution also protects "the individual interest in avoiding disclosure of personal matters" Federal Courts (and State Courts), under Griswold can protect, under the "life, liberty and pursuit of happiness" phrase of the Declaration of Independence, the right of a man to enjoy the mutual care, company, love and affection of his children, and this cannot be taken away from him without due process of law. There is a family right to privacy, which the state cannot invade or it becomes actionable for civil rights damages. 381 US 479, (1965)

Gross v. State of Illinois

- State Judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights. 312 F 2d 257; (1963)

In the Interest of Cooper (Kansas 1980)

- Parent's interest in custody of their children is a liberty interest which has received considerable constitutional protection; a parent who is deprived of custody of his or her child, even though temporarily, suffers thereby grievous loss and such loss deserves extensive due process protection.

In re J.S. and C.

- A parent's right to care and companionship of his or her children are so fundamental, as to be guaranteed protection under the First, Ninth, and Fourteenth Amendments of the United States Constitution. 324 A 2d 90; supra 129 NJ Super, at 489.

Kelson v. Springfield (US Ct. App 9th Cir. 1985)

- The U.S. Court of Appeals for the 9th Circuit (California) held that the parent-child relationship is a constitutionally protected liberty interest. (See: Declaration of Independence--life, liberty and the pursuit of happiness and the 14th Amendment of the United States Constitution -- No state can deprive any person of life, liberty or property without due process of law nor deny any person the equal protection of the laws.) 767 F 2d 651; US Ct. App 9th Cir, 1985

Langton v. Maloney (527 F Supp 538, D.C. Conn. 1981)

- The liberty interest of the family encompasses an interest in retaining custody of one's children and, thus, a state may not interfere with a parent's custodial rights absent due process protections.

Matter of Delaney (617 P 2d 886, Oklahoma 1980) verify citation

- Parents have a fundamental constitutionally protected interest in continuity of legal bond with their children.

Matter of Gentry

- A parent's right to the custody of his or her children is an element of "liberty" guaranteed by the 5th Amendment and the 14th Amendment of the United States Constitution. 369 NW 2d 889, MI App Div (1983)

May v. Anderson (73 S. Ct. 840 1952)

- The United States Supreme Court noted that a parent's right to "the companionship, care, custody and management of his or her children" is an interest "far more precious" than any property right. [345 US 528](#), 533; 73 S. Ct. 840, 843 (1952)

Meyer v. Nebraska (43 S. Ct. 625 1923) check cite

- Parent's rights have been recognized as being "essential to the orderly pursuit of happiness by free man." [262 US 390](#); 43 S. Ct. 625 (1923)

Nicholson v. Williams

- Suit challenged the practice of New York's City's Administration for Children's Services of removing the children of battered mothers solely because the children saw their mothers being beaten by husbands or boyfriends. Judge ruled the practice unconstitutional in a landmark class action suit in U.S. District Court, Eastern District of New York. Case No. 00-cv-2229.

Parham v. J.R. (1979)

- Involves parent's rights to make medical decisions regarding their children's mental health.

Quilloin v. Walcott (98 S. Ct. 549 1978)

- The U.S. Supreme Court implied that "a (once) married father who is separated or divorced from a mother and is no longer living with his child" could not constitutionally be treated differently from a currently married father living with his child. 98 S. Ct. 549; [434 US 246](#), 255-56, (1978)

Reynold v. Baby Fold, Inc. - verify citation

- Parent's right to custody of child is a right encompassed within protection of this amendment which may not be interfered with under guise of protecting public interest by legislative action which is arbitrary or without reasonable relation to some purpose within competency of state to effect.

Santosky v. Kramer (102 S. Ct. 1388 1982)

- Even when blood relationships are strained, parents retain vital interest in preventing irretrievable destruction of their family life; if anything, persons faced with forced dissolution of their parental rights have more critical need for procedural protections than do those resisting state intervention into

ongoing family affairs. The U.S. Supreme Court ruled that clear and convincing evidence rather than a mere preponderance were needed to terminate parental rights. [455 US 745](#) (1982)

Stanley v. Illinois (92 S. Ct. 1208 1972)

- The Court stressed, "the parent-child relationship is an important interest that undeniably warrants deference and, absent a powerful countervailing interest, protection." A parent's interest in the companionship, care, custody and management of his or her children rises to a constitutionally secured right, given the centrality of family life as the focus for personal meaning and responsibility. [405 US 645](#), 651; 92 S Ct 1208 (1972)

DUE PROCESS CASE LAWS

Bendiburg v. Dempsey (11th Cir. 1990)

- Post-deprivation remedies do not provide due process if pre-deprivation remedies are practicable.

[Brokaw v. Mercer County](#) (7th Cir. 2000)

- Children have a Constitutional right to live with their parents without government interference. Child's four month separation from his parents could be challenged under substantive due process. Sham procedures don't constitute true procedural due process. -- Just the highlights

Chrissy v. Miss. Department of Public Welfare (5th Cir. 1991)

- Plaintiff's clearly established right to meaningful access to the courts would be violated by suppression of evidence and failure to report evidence.

[Croft v. Westmoreland Cty. Children and Youth Services](#) (3rd Cir. 1997)

- Social worker who received a telephone accusation of abuse and threatened to remove child from the home unless the father himself left and who did not have ground to believe the child was in imminent danger of being abused engaged in an arbitrary abuse of governmental power in ordering the father to leave.

K.H. through Murphy v. Morgan (7th Cir. 1990)

- When the state deprives parents and children of their right to familial integrity, even in an emergency situation, the burden is on the State to initiate prompt judicial proceedings for a post-deprivation hearing, and it is irrelevant that a parent could have hired counsel to force a hearing.

Lassiter v. Department of Social Services (1981)

- State intervention to terminate the relationship between a parent and a child must be accomplished by procedures meeting the requisites of the Due Process Clause. 452 US 18, 37.

[Malik v. Arapahoe Cty. Department of Social Services](#) (10th Cir. 1999)

- Absent extraordinary circumstances, a parent has a liberty interest in familial association and privacy that cannot be violated without adequate pre-deprivation procedures. An ex-parte hearing based on misrepresentation and omission does not constitute notice and an opportunity to be heard.

- Procurement of an order to seize a child through distortion, misrepresentation and/or omission is a violation of the Fourth Amendment.
- Parents may assert their children's Fourth Amendment claim on behalf of their children as well as asserting their own Fourteenth Amendment claim.

[Morris v. Dearborne](#) (5th Cir. 1999)

- Right to Procedural Due Process Violated: The state denied the plaintiff the fundamental right to a fair procedure before having their child removed by the intentional use of fraudulent evidence during the procedure.

[Nicini v. Morra](#) (3rd Cir. 2000)

- When the state places a child in state-regulated foster care, the state has duties and the failure to perform such duties may create liability under 1983. Liability may attach when the state has taken custody of a child, regardless of whether the child came to stay with a family on his own which was not an officially approved foster family.

[Norfleet v. Arkansas Dept. of Human Services](#) (8th Cir. 1993)

- When the state places a child in a foster home it has an obligation to provide adequate medical care, protection, and supervision

[Quilloin v. Walcott](#) (1978)

- A due-process violation occurs when a state-required breakup of a natural family is founded solely on a "best interests" analysis that is not supported by the requisite proof of parental unfitness. 434 U.S. 246, 255 (1978)

[Ram v. Rubin](#) (9th Cir. 1997)

- Children may not be removed from their home by police officers or social workers without notice and a hearing unless the officials have a reasonable belief that the children are in imminent danger.

[Whisman v. Rinehart](#) (8th Cir. 1997)

- Mother had a clearly established right to an adequate, prompt post-deprivation hearing. A 17 day period prior to the hearing was not a prompt hearing.

[Yvonne L. v. New Mexico Department of Human Services](#) (10th Cir. 1992)

- Children placed in a private foster home have substantive due process right to personal security and bodily integrity.

GENERAL FAMILY RIGHTS CASE LAWS

[Blackburn v. Alabama](#) 361 U.S. 199, 206 (1960)

- Coercion can be mental as well as physical.

[Brokaw v. Mercer County](#) (7th Cir. 2000)

- Children have standing to sue for their removal after they reach the age of majority. Children have a constitutional right to live with their parents without government interference. -- Just the highlights

Cassady v. Tackett

- Coercive or intimidating behavior supports a reasonable belief that compliance is compelled.

[Florida v. Bostick](#) (S. Ct. 1991)

- "Consent" that is the product of official intimidation or harassment is not consent at all. Citizens do not forfeit their constitutional rights when they are coerced to comply with a request that they would prefer to refuse.

[J.B. v. Washington County](#) (10th Cir. 1997)

- The forced separation of parent from child, even for a short time (in this case 18 hours), represents a serious infringement upon the rights of both.

K.H. through Murphy v. Morgan (7th Cir. 1990)

- State employee who withhold a child from their family may infringe on the family's liberty of familial association. Social workers could not deliberately remove children from their parents and place them with foster caregivers when the officials reasonably should have known such an action would cause harm to the child's mental or physical health.

[Malik v. Arapahoe Cty. Department of Social Services](#) (10th Cir. 1999)

- Absent extraordinary circumstances, a parent has a liberty interest in familial association and privacy that cannot be violated without adequate pre-deprivation procedures.

North Hudson DYFS v. Koehler Family (2001)

- The court explained "absent some tangible evidence of abuse or neglect, the Courts do not authorize fishing expeditions into citizens' houses. Mere parroting of the phrase "best interest of the child" without supporting facts and a legal basis is insufficient to support a Court order based on reasonableness or any other ground."

[Thomason v. Scan Volunteer Services, Inc.](#) (8th Cir. 1996)

- Parent interest is of "the highest order," and the court recognizes "the vital importance of curbing overzealous suspicion and intervention on the part of health care professionals and government officials."

Troxel v. Granville (2002)

- The state may not interfere in child rearing decisions when a fit parent is available. - Just the highlights. 530 U.S. 57

[Valmonte v. Bane](#) (2nd Cir. 1993) Decided March 03, 1994

- A Central Register that identifies individuals accused of child abuse and neglect and the communication of those names to potential employers in the child care field, implicates a protectible liberty interest under the Fourteenth Amendment.
- Appellant alleged the inclusion of her name on the New York State Central Register of Child Abuse and Maltreatment violated her right of due process. On appeal, court ruled that the appellant's right of due process was violated because it was found that she did have a liberty interest which was imperiled by the procedures.
- The court noted that the procedures, which permitted inclusion on the Register by virtue of "some credible evidence" of abuse, created a high risk of error.
- In a similar case Paul v. Davis, the court ruled that damage to one's reputation is not "by itself sufficient to invoke the procedural protection of the Due Process Clause. Rather, the Court held, loss of reputation must be coupled with some other tangible element in order to rise to the level of a protectible liberty interest. This has been interpreted to mean that "stigma plus" is required to establish a constitutional deprivation.

Ward v. San Jose (9th Cir. 1992)

- A child has a constitutionally protected interest in the companionship and society of his or her parent.

Weller v. Department of Social Services for Baltimore (4th Cir. 1990)

- The private, fundamental liberty interest involved in retaining custody of one's child and the integrity of one's family is of the greatest importance.

[Whisman v. Rinehart](#) (8th Cir. 1997)

- Parents and child had a clearly established liberty interest in associating together. This right was violated where the defendants allegedly had no indication of any physical neglect of the child, no indication of any immediate threat to his welfare, and no indication of any criminal activity by his mother, where they had only third-hand hearsay that the child's mother had gotten drunk and failed to pick up the child from his babysitter, and where defendants refused to return the child, had not investigated to determine whether it was necessary to remove the child in the first place, and had not investigated the possibility of returning the child to his mother, grandmother, or anyone designated by the mother.

JUDGES & PROSECUTORS - ABSOLUTE IMMUNITY CASE LAWS

Ashelman v. Pope

- As long as the judge's ultimate acts are judicial actions taken within the court's subject matter jurisdiction, immunity applies. -- Just the highlights

[Buckley v. Fitzsimmons](#) (S. Ct. 1993)

- Prosecutor's allegedly false statements made during a press conference announcing the indictment of plaintiff had no functional tie to the judicial process and were not entitled to absolute immunity.

Chrissy v. Miss Department of Public Welfare (5th Cir. 1991)

- Prosecutor was not entitled to absolute immunity for failure to initiate an investigation, failing to disclose medical reports at a court hearing and allowing father to have contact with child in violation of a court order.

[Forrester v. White](#) (S. Ct. 1988)

- Holding that judges do not have absolute immunity when acting in an administrative capacity. -- Just the highlights

[Joseph v. Patterson](#) (6th Cir. 1986)

- Prosecutor was not entitled to absolute immunity where it is alleged that he supervised and participated in an unconstitutional police interrogation.

[Kalina v. Fletcher](#) (S. Ct. 1997)

- A prosecutor is not entitled to absolute immunity for allegedly false statements of fact made in an affidavit supporting an application for a warrant.

[Power v. Coe](#) (2nd Cir. 1984)

- Prosecutor is not entitled to absolute immunity for statements he distributes to the press.

[Zarcone v. Perry](#)

- Denying judicial immunity to a judge who ordered a coffee vendor brought before him in handcuffs because of the poor quality of the coffee.

QUALIFIED IMMUNITY CASE LAWS

[Ernst v. Child and Youth Department of Chester County](#) (3rd Cir. 1997)

- Court emphasizes that only qualified immunity is available for "investigating or administrative" actions such as opening and investigating child abuse cases.

[Germany v. Vance](#) (1st Cir. 1989)

- Case worker who intentionally or recklessly withheld potentially exculpatory information from an adjudicated delinquent or from the court itself was not entitled to qualified immunity.

[Good v. Daupin County Social Services](#) (3rd Cir. 1989)

- Defendants were not entitled to qualified immunity for conducting a warrantless search of home during a child abuse investigation where exigent circumstances were not present. Court held that a search warrant or exigent circumstances, such as a need to protect a child against imminent danger of serious bodily injury, was necessary for an entry without consent, and an anonymous tip was insufficient to establish special exigency. 891 F.2d 1087

[Grossman v. City of Portland](#) (9th Cir. 1994)

- Individuals aren't immune for the results of their official conduct simply because they were enforcing

policies or orders. Where a statute authorizes official conduct which is patently violative of fundamental constitutional principles, an officer who enforces that statute is not entitled to qualified immunity.

[Hafer v. Melo](#) (S. Ct. 1991)

- Social workers (and other government employees) may be sued for deprivation of civil rights under 42 USC 1983 if they are named in their 'official and individual capacity. -- Just the highlights

Harlow v. Fitzgerald (1982)

- If the law was clearly established at the time the action occurred, a police officer is not entitled to assert the defense of qualified immunity based on good faith since a reasonably competent public official should know the law governing his or her conduct. 457 U.S. 800, 818

Hurlman v. Rice (2nd Cir. 1991)

- Defendant was not entitled to qualified immunity or summary judgment because he should have investigated further prior to ordering seizure of children based on information he had overheard.

K.H. through Murphy v. Morgan (7th Cir. 1990)

- Social workers were not entitled to absolute immunity where no court order commanded them to place plaintiff with particular foster caregivers.

[Malik v. Arapahoe Cty. Department of Social Services](#) (10th Cir. 1999)

- Police officer was not entitled to absolute immunity for her role in procurement of court order placing child in state custody where there was evidence officer spoke with the social worker prior to social worker's conversation with the magistrate and there was evidence that described the collaborative work of the two defendants in creating a "plan of action" to deal with the situation. Officer's acts were investigative and involved more than merely carrying out a judicial order.

[Malley v. Briggs](#) (S. Ct. 1986)

- Police officer is not entitled to absolute immunity, only qualified immunity, to claim that he caused plaintiff to be unlawfully arrested by presenting judge with an affidavit that failed to establish probable cause.

McCord v. Maggio (5th Cir. 1991)

- Immunity is defeated if the official took the complained-of action with malicious intention to cause a deprivation of rights, or the official violated clearly established statutory or constitutional rights of which a reasonable person would have known.

Millspaugh v. County Department of Public Welfare (7th Cir. 1991)

- Social worker was entitled to absolute immunity for her testimony in an ex-parte judicial proceeding, but her application for the ex-parte order is only entitled to qualified immunity.

Shay v. Rossi (2000)

- Connecticut Supreme Court decision on qualified immunity and the individual liability of the state child welfare workers. The court held, inter alia, that the common-law doctrine of sovereign immunity did not bar claims against officers and employees of the Department of Children and Families in their official capacities and that statutory immunity under Connecticut Gen. Stat 4-165 did not prohibit claims against defendants in their individual capacities.
- Background: The state supreme court will decide the threshold issue of whether the denial of a motion to dismiss on grounds of sovereign immunity is an appealable final judgment. The trial court denied defendant's motion to dismiss tort claims against the defendants in their official capacity. The trial court rules that the allegation that the defendants exceeded their statutory authority in issuing a 96-hour hold takes the case out of the realm of sovereign immunity. On appeal, the plaintiff's argue that their failure to allege reckless, wanton or malicious conduct does not implicate the court's jurisdiction, but rather affects only the legal sufficiency of the case. On cross appeal, the defendants argue that - due to the lack of any allegation that the defendants either did not have the statutory authority to issue a 96-hour hold or issued the hold to further an illegal plan-the court erred in denying the motion to dismiss claims against them in their official capacity.

Snell v. Tunnell (10th Cir. 1990)

- Social workers were not entitled to absolute immunity for pleadings filed to obtain pick-up order for temporary custody prior to formal petition being filed. Social workers were not entitled to absolute immunity where department policy was for social workers to report findings of neglect or abuse to other authorities for further investigation or initiation of court proceedings.
- Social workers investigating claims of child abuse are entitled only to qualified immunity.
- Assisting in the use of information known to be false in order to further an investigation is not subject to absolute immunity.
- Social workers are not entitled to qualified immunity on claims they deceived judicial officers in obtaining a custody order or deliberately or recklessly incorporated known falsehoods into their reports, criminal complaints and applications.
- Use of information known to be false is not reasonable, and acts of deliberate falsity or reckless disregard of the truth are not entitled to qualified immunity.
- No qualified immunity is available for incorporating allegations into the report or application where official had no reasonable basis to assume the allegations were true at the time the document was prepared.

[Wallis v. Spencer](#) and [Wallis v. City of Escondido](#) (9th Cir. 2000)

- State law cannot provide immunity from suit for federal civil rights violations. State law providing immunity from suit for child abuse investigators has no application to suits under 1983. -- Just the highlights. 202 F.3d 1126

Walsh v. Erie County Department of Job and Family Services

- Child protection social workers claimed they were immune from liability in a civil violation (4th Amendment) suit, claiming qualified immunity because "they had not had training in Fourth Amendment law." They felt they couldn't be sued for their mistake, because they thought they were not bound by the Fourth Amendment. The court disagreed ruling "That subjective basis for their ignorance about and actions in violation of the Fourth Amendment does not relieve them of the consequences of that ignorance and those actions." and denied their immunity. 3:01-cv-7588.

[Whisman v. Rinehart](#) (8th Cir. 1997)

- Defendants were not entitled to prosecutorial immunity where complaint was based on failure to investigate, detaining minor child, and an inordinate delay in filing court proceedings, because such actions did not aid in the presentation of a case to the juvenile court.

[Young v. Biggers](#) (5th Cir. 1991)

- A defendant in a civil rights case is not entitled to any immunity if he or she gave false information either in support of an application for a search warrant or in presenting evidence to a prosecutor on which the prosecutor based his or her charge against the plaintiff.

SEARCH & SEIZURE CASE LAWS

[Aponte Matos v. Toledo Davilla](#) (1st Cir. 1998)

- An officer who obtains a warrant through material false statements which result in an unconstitutional seizure may be held liable personally for his actions under section 1983.
- False statements made to obtain a warrant, when the false statements were necessary to the finding of probable cause on which the warrant was based, violates the Fourth Amendment's warrant requirement. The warrant clause contemplates the warrant applicant to be truthful: "no warrant shall issue, but on probable cause, supported by oath or affirmation." Deliberate falsehood or reckless disregard for the truth violates the warrant clause. When a warrant application is materially false or made in reckless disregard for the truth, the warrant becomes invalid and will have been obtained in violation of the Fourth Amendment's warrant clause. A search must not exceed the scope of the search authorized in a warrant. By limiting the authorization to search to the specific areas and things for which there is probable cause to search, the Fourth Amendment particularity requirement ensures that the search will be carefully tailored to its justifications, and will not take on the character of the wide-ranging exploratory searches the Framers of the Constitution intended to prohibit. There is a requirement that the police identify themselves to the subject of a search, absent exigent circumstances. Failure to knock and announce forms part of the reasonableness or not inquiry under the Fourth Amendment.

[Brokaw v. Mercer County](#) (7th Cir. 2000)

- Child removals are "seizures" under the Fourth Amendment. Seizure is unconstitutional without court order or exigent circumstances. Court order obtained based on knowingly false information violates fourth amendment. -- Just the highlights.

[Calabretta v. Floyd](#) (9th Cir. 1999) Warrant-less Search

- There is no exception to the warrant requirement for social workers in the context of a child abuse investigation. A social worker may not force their way into a home without a search warrant in absence of an emergency. Police officers and social workers are not immune for coercing or forcing entry into a person's home to investigate suspected child abuse, interrogation of a child, and strip search of a child, without a search warrant or special exigency.. -- Just the highlights. 189 F. 3d 808.

[California v. Hobari D.](#) (1991)

- For purposes of the Fourth Amendment, a "seizure" of a person is a situation in which a reasonable person would feel that he is not free to leave, and also either actually yields to a show of authority

from police or social workers or is physically touched by police. Persons may not be "seized" without a court order or being placed under arrest. 499 U.S. 621

Good v. Dauphin County Social Services (3rd Cir. 1989)

- Police officer and social worker may not conduct a warrant-less search or seizure in a suspected abuse case, absent exigent circumstances.
- Defendants must have reason to believe that life or limb is in immediate jeopardy and that the intrusion is reasonably necessary to alleviate the threat.
- Searches and seizures in investigation of a child neglect or child abuse case at a home are governed by the same principles as other searches and seizures at a home. 891 F.2d 1087

Griffin v. Wisconsin (483 U.S. 868 - 1987)

- The United States Supreme Court has held that courts may not use a different standard other than probable cause for the issuance of such orders. If a court issues a warrant based on an uncorroborated anonymous tip, the warrant will not survive a judicial challenge in the higher courts. Anonymous tips are never probable cause.

H.R. v. State Department of Human Resources (Ala. Ct. App. 1992)

- Court held that an anonymous tip standing alone never amounts to probable cause. 612 So. 2d 477

Hurlman v. Rice (2nd Cir. 1991)

- Defendant should've investigated further prior to ordering seizure of children based on information he had overheard. The mere possibility of danger does not constitute an emergency or exigent circumstances that would justify a forced warrantless entry and a warrantless seizure of a child.

[Lenz v. Winburn](#) (11th Cir. 1995)

- The Fourth Amendment protection against unreasonable searches and seizures extends beyond criminal investigations and includes conduct by social workers in the context of a child neglect/abuse investigation.

Lion Boulos v. Wilson

- One's awareness of his or her right to refuse consent to warrantless entry is relevant to the issue of voluntariness of alleged content.

Schneckloth v. Bustamonte

- Consent to warrantless entry must be voluntary and not the result of duress or coercion. Lack of intelligence, not understanding the right not to consent, or trickery invalidate voluntary consent.

State v. Hatter (1983)

- The exigent circumstances exception to the warrant clause only applies when 'an immediate major crisis in the performance of duty afforded neither time nor opportunity to apply to a magistrate.' 342 N.W.2d 851, 855 (Iowa 1983)

Tenenbaum v. Williams (2nd Cir. 1999) and F.K. v. Iowa

- 'In context of a seizure of a child by the State during an abuse investigation...a court order is the equivalent of a warrant.' 193 F.3d 581, 602 (2nd Cir. 1999) and F.K. v. Iowa district Court for Polk County, Id.

United States v. Becker (9th Cir. 1991)

- The protection offered by the Fourth Amendment and by our laws does not exhaust itself once a warrant is obtained. The concern for the privacy, the safety, and the property of our citizens continues and is reflected in knock and announce requirements. 929 F.2d

[Wallis v. Spencer](#) (9th Cir. 1999/2000)

- Police officers or social workers may not "pick up" a child without an investigation or court order, absent an emergency. Parental consent is required to take children for medical exams, or an overriding order from the court after parents have been heard. -- Just the highlights 202 F3d 1126

Walsh v. Erie County Department of Job and Family Services

- Child protection workers are subject to the 4th and 14th Amendment in the context of an investigation of alleged abuse or neglect as are all "government officials". The court ruled "despite the defendant's (child protection worker) exaggerated view of their powers, the Fourth Amendment applies to them, as it does to all other officers and agents of the state whose request to enter, however benign or well-intentioned, are met by a closed door." "The Fourth Amendment's prohibition on unreasonable searches and seizures applies whenever an investigator, be it a police officer, a DCFS employee, or any other agent of the state, responds to an alleged instance of child abuse, neglect, or dependency". 3:01-cv-7588.

White v. Pierce County (9th Cir. 1986)

- A government official cannot coerce entry into another's house without a search warrant or applicability of an established exception to the requirement of a search warrant. Any governmental official can be held to know that their office does not give them an unrestricted right to enter peoples' homes at will. Police could not enter a dwelling without a warrant even under statutory authority where probable cause existed without exigent circumstances. 797 F. 2d 812.

[Wooley v. City of Baton Rouge](#) (5th Cir. 2000)

- Defendants could not lawfully seize child without a warrant or the existence of probable cause to believe child was in imminent danger of harm.
- Where police were not informed of any abuse of the child prior to arriving at caretaker's home and found no evidence of abuse while there, seizure of the child was not objectively reasonable and violated the clearly established Fourth Amendment rights of the child.

Yabarra v. Illinois (1979)

- Where the standard for a seizure or search is probable cause, then there must be particularized information with respect to a specific person. This requirement cannot be undercut or avoided simply by pointing to the fact that coincidentally there exists probable cause to arrest or to search or

The Equal Rights of Parents

There are many ways that parents and children have constitutional rights that are being denied in divorce custody battles. Many of these arguments are difficult to master. This one, however, is simple and gets directly to the point. Any average person can understand this and state this clearly and easily to any divorce court judge. It is this simple:

Divorce between parents provides no basis, rational or compelling, for state jurisdiction over child custody because the rights of parents do not and cannot depend on marriage.

in custody proceedings is fitness. The Constitution requires that parents be presumed fit just as people are presumed to be innocent in criminal law. Where two fit parents divorce there are still two fit parents who have full and equal parental rights. Nothing inherent in the divorce gives the state any legitimacy in depriving either fit parent of rights.

The Simple Argument is this:

My fundamental parental rights and my child's fundamental rights cannot depend on my marital status or a change in my marital status. Where divorce statutes create two unequal classes

Rights must be the same for the unmarried and married alike...

For hundreds of years we had Bastardy laws that said children who were born out of wedlock were not deserving of the same rights as children born of a marriage nor were the parents entitled to the same rights to their bastard children. This is why the term bastard is such a derogatory term. In the 1970s the United States Supreme Court said that laws creating two unequal classes of children or two unequal classes of parents based on nothing more than the marital status of the parents are unconstitutional as they violate the principle of equal protection of the law.

There are an additional series of parental rights cases which demonstrate that parental rights are individual rights belonging to each parent that do not depend on marriage at all. Therefore, parental rights do not come from marriage and marriage has no part in the establishment or protection of these rights. The rights come from an established relationship based on the biological connection. The only thing that marriage can do is to make the husband the presumptive biological father.

By this same principle, divorce custody laws that create one set of children who get access to both parents and one set of children who do not based only on their parent's marital status are laws that improperly create two unequal classes of children.

The same applies to parents. Divorce custody laws that create a "primary parent" class and a "visitor parent" class based on nothing more than a change in the marital status of those parents violates the principle of equal protection under the law.

The only classification of parent that is legitimate

of parent or two unequal classes of child they violate the Fourteenth Amendment's Equal Protection Clause. Where the divorce court asserts child custody jurisdiction solely on the basis of a divorce between parents, the court fails the constitutional test of showing a "compelling state interest" that is "necessary" to achieve a permissible state policy.

States are simply NOT authorized under our Constitution to create two unequal classes of people in this manner particularly where the rights being deprived are fundamental rights regardless of what any state law or state divorce court judge might say to the contrary, see Article VI, Federal Constitution. The United States Supreme Court made clear in *Troxel v. Granville, 530 US 57, 66 (Supreme Court 2000)*, that parent's rights are fundamental:

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.

The Court in *Troxel*, at 72 and 73, also made clear that the Trial Court was required to produce an individualized finding supporting its jurisdiction to act and to give special weight to the determination of the fit parent:

As we have explained, 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. Neither the Washington nonparental visitation statute generally ... nor the Superior Court in this specific case required anything more. Accordingly, we hold that § 26.10.160(3), as applied in this case,

is unconstitutional.

NOTE: Divorce court judges and divorce attorneys like to classify Troxel as a “grandparent’s rights” case. However, nowhere in the opinion does the Court itself ever discuss the rights of grandparents. The only rights discussed are parent’s rights. It is also relevant to note that the issue in Troxel was a relatively minor issue when compared to infringing the care, custody, control, and possession rights of a parent. If the Court found a mere imposition of visitation time to a grandparent to be offensive to the constitution how much more offensive must these much larger infringements be? The principles espoused in Troxel are primarily universal principles that are widely applicable in the realm of parental rights. Attempts by state court judges and attorneys to limit the scope of Troxel are motivated by the self-interest of maintaining power and maintaining the flow of easy money.

In *Griswold v. Connecticut*, 381 US 479, 497 (Supreme Court 1965), the Court said that a state’s laws MUST BE NECESSARY to achieving a permissible state policy:

In a long series of cases this Court has held that where fundamental personal liberties are involved, they may not be abridged by the States simply on a showing that a regulatory statute has some rational relationship to the effectuation of a proper state purpose. “Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling,” ... The law must be shown “necessary, and not merely rationally related, to the accomplishment of a permissible state policy.”

The intangible fibers that connect parent and child have infinite variety. They are woven throughout the fabric of our society, providing it with strength, beauty, and flexibility.

Where the rights of parent and child are not rationally related to the marriage or dependent upon the marital relationship of the parents, the dissolution of a marriage between parents cannot act as a trigger for the state to override either parent’s determination of the child’s best interest, because infringement of those rights is **NOT NECESSARY** or even rationally related to protecting the child.

All that is necessary, in the face of two fit parents seeking custody, is for the state to preside over an equal shared parenting plan where each parent gets to decide the child’s best interests during their possession time with the only exceptions being where making such a decision would infringe the rights of the other parent. The only **NECESSARY** decisions the court must make are conflicts that can have only one outcome such as which school the child will attend or setting rules that protect the rights of both parents *e.g. prohibiting unilateral deci-*

sions for things like elective invasive surgery.

The state may **NOT** permissibly take over all private decision making rights of parents where it is only necessary for the state to resolve a few narrowly defined decisions. The state sweeps far too broadly into the protected private decision making rights of parents where it asserts an absolute right to make best interest decisions for the child. See *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 US 872, 909, 910 (Supreme Court 1990):

it is important to articulate in precise terms the state interest involved. It is not the State’s broad interest in fighting the critical “war on drugs” that must be weighed against respondents’ claim, but the State’s narrow interest in refusing to make an exception for the religious, ceremonial use of peyote... (“focus of the inquiry” concerning State’s asserted interest must be “properly narrowed”) ... (“Where fundamental claims of religious freedom are at stake,” the Court will not accept a State’s “sweeping claim” that its interest in compulsory education is compelling; despite the validity of this interest “in the generality of cases, we must searchingly examine the interests that the State seeks to promote... (“The purpose of almost any law can be traced back to one or another of the fundamental concerns of government: public health and safety, public peace and order, defense, revenue. To measure an individual interest directly against one of these rarified values inevitably makes the individual interest appear the less significant”) ... (“When it comes to weighing or valuing claims or demands with respect to other claims or demands, we must be careful to compare them on the same plane . . . [or else] we may decide the question in advance in our very way of putting it”).

Arguments about the welfare of the child in this scenario may have strong emotional weight, but have no legal relevance. Fit parents must, until proven otherwise, be presumed to be acting in their child’s best interests, see *Troxel*, supra at 68, 69. The Court further defines “**fit**” as simply adequately caring for one’s child. So long as a parent does this, the state doesn’t have a legitimate interest in injecting “**itself into the private realm of the family to further question the ability of that parent to make the best decisions concerning the rearing of that parent’s children.**” This means that divorce cannot be a trigger for the state taking over the best interest decision. The state needs more. Unless the state can demonstrate a compelling state interest, the state has no more legal foundation for depriving either parent of any fundamental liberty in divorce than it does in marriage.

This argument is incredibly powerful and so amazingly simple that any parent of average intelligence can make the argument. This simple argument is really all it takes for most people to make the point that divorce courts are systematically denying the equal protection rights of children and parents.

The conditioned belief, that parental rights are dependent on marriage, drives a fundamental bias and prejudice against divorcing parents that is clearly evident in every state's family law code. All you have to do to find it is to look at the code for instances where it treats divorcing parents differently than married parents and then ask yourself, if this act would be justified against married parents. In almost every case the acts are not justifiable under equal protection.

If you are one of those people who want to understand the details and to see the proof, then this remaining section will provide many of those details and proof in the form of supporting Supreme Court opinions.

One of the core principles of the equal protection clause is that when a classification is made based on something outside of a person's control and it bears no relation to their ability to contribute to society such as a person's race, sex, or the marital status of their parents, that classification is invidious and can NOT stand in the face of the Equal Protection Clause. Acceptable classifications may change over time. What was once seen to be an acceptable classification can come to be seen as discrimination, see *Cleburne v. Cleburne Living Center, Inc.*, 473 US 432, 466 (Supreme Court 1985):

Courts, however, do not sit or act in a social vacuum. Moral philosophers may debate whether certain inequalities are absolute wrongs, but history makes clear that constitutional principles of equality, like constitutional principles of liberty, property, and due process, evolve over time; what once was a "natural" and "self-evident" ordering later comes to be seen as an artificial and invidious constraint on human potential and freedom... Shifting cultural, political, and social patterns at times come to make past practices appear inconsistent with fundamental principles upon which American society rests, an inconsistency legally cognizable under the Equal Protection Clause.

When the Court did away with bastardy laws and began to take increasing pains to describe parental rights in specifically individual terms, the Court shifted

political and legal patterns that guide acceptable classifications of parents. State courts have been slow to grasp the implications of this evolution on their traditional exercise of power.

Another core principle of equal protection is that when a classification infringes upon a fundamental right, that classification must survive a higher level of constitutional scrutiny. In our book, ***NOT in The Child's Best Interest*** we make clear that parents and children have familial rights respective to each other. We also make clear that these rights are fundamental in nature, they are protected by First Amendment concepts of free speech and free association, our association rights and possession rights are protected by the Fourth Amendment, they are protected by the Fourteenth Amendment as liberty interests and property interests, and they are protected by concepts of privacy rights in terms of the right to make certain personal/family decisions. Under the equal protection clause, when a fundamental liberty is being infringed, the strictest standard of review is imposed. This standard of review forces the State or your ex to prove that what they are trying to do is constitutional. If they are trying to deprive you or your child of fundamental rights, it puts them on the defensive not you. It places the burden of proof on them, not you. (For a detailed explanation of these rights and legal concepts see our book: ***NOT In the Child's Best Interest***, or our blog at www.FixFamilyCourts.com)

There are numerous Supreme Court cases which establish that parental rights are **INDIVIDUAL** rights, not dependent on marriage, that deserve constitutional protection under the Equal Protection Clause. Some of those cases are:

***Planned Parenthood of Southeastern Pa. v. Casey*, 505 US 833, 849, 851, 898, 927, 928 (Supreme Court 1992)**, (It is settled now, as it was when the Court heard arguments in *Roe v. Wade*, that the Constitution places limits on a State's right to interfere with a person's most basic decisions about family and parenthood, ...Our law affords constitutional protection to personal decisions relating to ...family relationships, child rearing, and education... Our precedents "have respected the private realm of family life which the state cannot enter." ...The Constitution protects all individuals, male or female, married or unmarried, from the abuse of governmental power, even where that power is employed for the supposed benefit of a member of the individual's family... Throughout this century, this Court also has held that the fundamental right of privacy protects citizens against governmental intrusion in such intimate family matters as procreation, childrearing, marriage, and contraceptive choice.)

Casey is insightful as it makes clear that the constitution protects all individuals and includes "married or unmarried" from government abuse of power even

where they are doing so for the benefit of another family member such as a child. In this case they were saying that the state couldn't invade the woman's privacy rights even to protect the father's right. That is little different from the state saying they will invade the parents' rights in divorce for the benefit of the child. The Best Interests of the Child Doctrine essentially says that the state will violate the parents' rights if the judge believes it is for the benefit of the child. Where the Court in Casey says, **"The Constitution protects all individuals, male or female, married or unmarried, from the abuse of governmental power, even where that power is employed for the supposed benefit of a member of the individual's family..."** it implies that the so called "best interest of the child" doctrine is insufficient justification for violating the fundamental rights of parents.

Our cases leave no doubt that parents have a fundamental liberty interest in caring for and guiding their children, and a corresponding privacy interest—absent exceptional circumstances—in doing so without the undue interference of strangers to them and to their child.

Troxel v. Granville, 530 US 57, 87 (Supreme Court 2000)

Lehr v. Robertson, 463 US 248, 256, 261, 267 (Supreme Court 1983), (The intangible fibers that connect parent and child have infinite variety. They are woven throughout the fabric of our society, providing it with strength, beauty, and flexibility. It is self-evident that they are sufficiently vital to merit constitutional protection in appropriate cases. ... When an unwed father demonstrates a full commitment to the responsibilities of parenthood by "com[ing] forward to participate in the rearing of his child," ...his interest in personal contact with his child acquires substantial protection under the Due Process Clause... We have held that these statutes may not constitutionally be applied in that class of cases where the mother and father are in fact similarly situated with regard to their relationship with the child.)

Lehr offers some significant points. It discusses **"intangible fibers that connect parent and child"** both **"parent"** and **"child"** are stated in the singular, supporting the idea of an individual parental unit between each parent and each child. It talks of an infinite variety of connections, excluding rights only for traditional nuclear families or only for divorced parents who agree. It discusses how **"unwed"** fathers can ensure that their **"individual"** rights to their children are affirmed or recognized in order to receive constitutional protection. (The reason the unwed father must affirm his parenthood is that it isn't always clear who the biological father actually is.) Finally, Lehr clearly says that the equal protection clause prohibits discrimination between parents who are **"similarly situated."** The only thing that legally matters in determining similarly situated in divorce is

that the parents are fit and have established a relationship with the child.

Gomez v. Perez, 409 US 535, 538 (Supreme Court 1973), (We therefore hold that once a State posits a judicially enforceable right on behalf of children to needed support from their natural fathers there is no constitutionally sufficient justification for denying such an essential right to a child simply because its natural father has not married its mother. For a State to do so is "illogical and unjust.")

Gomez may be the best stated case for our purposes here. Let me explain by simply changing a few words from the quote above, **"We therefore hold that once a constitutional right to parental association on behalf of children with their parents is posited there**

is no constitutionally sufficient justification for denying such an essential right to a child simply because its natural father is not married to its mother. For a State to do so is 'illogical and unjust.'"

Stanley v. Illinois, 405 US 645, 651, 658 (Supreme Court 1972), (children cannot be denied the right of other children... The private interest here, that of a man in the children he has sired and raised, undeniably warrants deference and, absent a powerful countervailing interest, protection. It is plain that the interest of a parent in the companionship, care, custody, and management of his or her children comes to this court with a momentum for respect... Nor has any law refused to recognize those family relationships unlegitimized by a marriage ceremony... It follows that denying such a hearing to Stanley and those like him while granting it to other Illinois parents is inescapably contrary to the Equal Protection Clause.)

The important parts of this statement are a reference to cases overturning bastardy laws, **"relationships unlegitimized by a marriage ceremony"** and the clear statement that **"children cannot be denied the right of other children"** and the use of the singular form **"parent"** when describing the importance of parental rights and finally the statement that treating single parents differently from married parents is **"inescapably contrary to the Equal Protection Clause."**

Eisenstadt v. Baird, 405 US 438, 453 (Supreme Court 1972), (whatever the rights of the individual ...may be, the rights must be the same for the unmarried and the

married alike... If the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusions)

Eisenstadt is very important because it states that privacy rights are individual in nature and cannot depend on marital status. Parental rights are often described by the United States Supreme Court as privacy rights, most notably in *Planned Parenthood v. Casey*, which Eisenstadt says cannot depend on marital status. It also talks about matters so fundamentally effecting a person as the choice to begat a child. If having children fundamentally effects a person then certainly having those children taken away in any measure, large or small, fundamentally effects that person. Just because states callously treat the taking away of children as a small inconsequential matter, doesn't make it so. There isn't much that is more fundamental to a person than a parental relationship with their minor children.

Meyer v. Nebraska, 262 US 390, 399 (Supreme Court 1923), (Without doubt, it [liberty] denotes not merely freedom from bodily restraint, but also the right of the individual... to marry, establish a home and bring up children... and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men...)

Meyer is very important in that it better defines the element of “**liberty**” that applies to the right to “**establish a home and bring up children**” and clearly states that this is an “**individual**” right. Certainly, the right to equally associate with one's children is an essential element of “**the orderly pursuit of happiness by free men...**”

Children cannot be punished for the sins of their parents. It is well-established that the relationship rights of children are concomitant with the rights of the parents. When the state denies parental rights to one parent, the state infringes the rights of the child as well. It is simply impermissible to punish the child in this way no matter what society may think about the choice of two parents to divorce, See *Trimble v. Gordon, 430 US 762,769 (Supreme Court 1977)*, (...we have expressly considered and rejected the argument that a State may attempt to influence the actions of men and women by imposing sanctions on the children ...)

This following set of cases are the cases that finally did away with bastardy laws across the entire United States and set the standard for when illegitimacy is a legitimate classification and when it isn't. Collectively, these cases establish the foundation of the statement in *Trimble*, supra which directly relates to states punishing

children because their parents divorce.

Levy v. Louisiana, 391 US 68, 72 (Supreme Court 1968), (Legitimacy or illegitimacy of birth has no relation to the nature of the wrong allegedly inflicted on the mother. These children, though illegitimate, were dependent on her; she cared for them and nurtured them; they were indeed hers in the biological and in the spiritual sense; in her death they suffered wrong in the sense that any dependent would... We conclude that it is invidious to discriminate against them when no action, conduct, or demeanor of theirs is possibly relevant to the harm that was done the mother.)

In this situation, there is no legitimate differentiation between illegitimacy and divorce. In both cases, the state is depriving the child of rights based on nothing more than the marital status of the child's parents. There is no legitimate reason why the dissolution of a marriage should be treated any differently than a marriage never happening. Nothing the child did caused the divorce and nothing the child does can stop the divorce. For better or worse, either parent can initiate a divorce suit at any time and both the child and the other parent are powerless to prevent it.

Weber v. Aetna Casualty & Surety Co., 406 US 164, 169, 171, 175, 176 (Supreme Court 1972), (Here, as in *Levy*, there is impermissible discrimination. An unacknowledged illegitimate child may suffer as much from the loss of a parent as a child born within wedlock or an illegitimate later acknowledged. So far as this record shows, the dependency and natural affinity of the unacknowledged illegitimate children for their father were as great as those of the four legitimate children whom Louisiana law has allowed to recover... The burdens of illegitimacy, already weighty, become doubly so when neither parent nor child can legally lighten them... The status of illegitimacy has expressed through the ages society's condemnation of irresponsible liaisons beyond the bonds of marriage. But visiting this condemnation on the head of an infant is illogical and unjust. Moreover, imposing disabilities on the illegitimate child is contrary to the basic concept of our system that legal burdens should bear some relationship to individual responsibility or wrongdoing. Obviously, no child is responsible for his birth and penalizing the illegitimate child is an ineffectual—as well as an unjust—way of deterring the parent. Courts are powerless to prevent the social opprobrium suffered by these hapless children, but the Equal Protection Clause does enable us to strike down discriminatory laws relating to status of birth where—as in this case—the classification is justified by no legitimate state interest, compelling or otherwise.)

Here the argument is expressed in a way that is precisely the same as divorce. In fact divorce is essentially the mirror image of illegitimacy. Society has condemned divorce in every conceivable manner until just recently

in our history. Divorce has now become mainstream, impacting more than half of the married population. Many people marry and divorce multiple times. Society generally no longer condemns divorce but our laws still do. Where once the innocent married partner had some defense against an unwanted divorce, today they are powerless to stop it in most states. As with Levy, the innocent party the child and now possibly the other parent are being punished for what many would argue is the exercise of a fundamental right of the parent seeking divorce to make private decisions regarding the marriage. In this vein, even the parent seeking the divorce loses parental rights, subjecting those rights to the nearly unlimited authority of the divorce court judge.

Where society no longer despises divorce, where one parent is likely exercising a protected private choice regarding the marriage association, and where the state is seeking to limit the family association rights of a parent and child, the state simply lacks any **“legitimate state interest, compelling or otherwise.”**

Mathews v. Lucas, 427 US 495, 505 (Supreme Court 1976), (It is true, of course, that the legal status of illegitimacy, however defined, is, like race or national origin, a characteristic determined by causes not within the control of the illegitimate individual, and it bears no relation to the individual’s ability to participate in and contribute to society. The Court recognized in Weber that visiting condemnation upon the child in order to express society’s disapproval of the parents’ liaisons “is illogical and unjust. Moreover, imposing disabilities on the illegitimate child is contrary to the basic concept of our system that legal burdens should bear some relationship to individual responsibility or wrongdoing. Obviously, no child is responsible for his birth and penalizing the illegitimate child is an ineffectual—as well as an unjust—way of deterring the parent.” ... But where the law is arbitrary in such a way, we have had no difficulty in finding the discrimination impermissible on less demanding standards than those advocated here.)

Here as in Mathews, punishing the child or even the other parent for one parent’s choice to divorce is both **“illogical and unjust.”** The child can bear no responsibility for the divorce but the divorce results in the child having two unequal parents, unequal time with each parent, and the child misses out on significant aspects of protected family association in the form of equal companionship with their parents. The state lacks any legitimate interest in imposing these restrictions on a child. Nothing the state does here in any way deters parents from divorcing as the act is endemic in our society. Subjecting the rights of the parents and the child to the mere opinion of a child’s best interest by a state judge is an arbitrary and impermissible discrimination imposed on parents and child. Such discrimination falls under stan-

dards less demanding than the strict scrutiny required in this instance.

Trimble v. Gordon, 430 US 762, 769, 773, 774 (Supreme Court 1977), (we have expressly considered and rejected the argument that a State may attempt to influence the actions of men and women by imposing sanctions on the children born of their illegitimate relationships... Here, as in Labine, the question is the constitutionality of a state intestate succession law that treats illegitimate children differently from legitimate children. Traditional equal protection analysis asks whether this statutory differentiation on the basis of illegitimacy is justified by the promotion of recognized state objectives. If the law cannot be sustained on this analysis, it is not clear how it can be saved by the absence of an insurmountable barrier to inheritance under other and hypothetical circumstances.)

What possible legitimate state interest can be served by granting a state judge near absolute authority to deprive any fundamental family rights he/she chooses simply because parents change their marital status? Parental rights are individual rights that do not depend on marital status and so divorce cannot be a legitimate trigger for action. Where both parents were fit prior to the divorce, both parents must be fit following the divorce. This means that the child is safe and adequately cared for when with each parent, negating any generalized claim of harm to the child. The fundamental right to make decisions regarding marriage simply can’t be punished, so punishment for that choice isn’t a legitimate interest. Fundamental rights cannot be infringed even for the benefit of other family members, so there is no legitimate interest to be found in claiming that the “best interest of the child” is a legitimate interest. There simply is no legitimate state interest to be served by granting state court judges sweeping power to infringe fundamental rights as a result of a divorce suit.

Lalli v. Lalli, 439 US 259, 264-266 (Supreme Court 1978), (We concluded that the Illinois statute discriminated against illegitimate children in a manner prohibited by the Equal Protection Clause. Although classifications based on illegitimacy are not subject to “strict scrutiny,” they nevertheless are invalid under the Fourteenth Amendment if they are not substantially related to permissible state interests... We concluded that the Equal Protection Clause required that a statute placing exceptional burdens on illegitimate children in the furtherance of proper state objectives must be more “carefully tuned to alternative considerations.”)

As expressed above, there simply are no legitimate state interests to deprive either parent or the child of fundamental rights simply because a marriage between parents dissolves. Even if the state did have **“proper state objectives”** their statutes must then be **“careful-**

ly tuned to alternative considerations.” Few, if any, states have “carefully tuned” child custody laws in divorce.

Parham v. Hughes, 441 US 347, 352, 358 (Supreme Court 1979), (The Court has held on several occasions that state legislative classifications based upon illegitimacy—i. e., that differentiate between illegitimate children and legitimate children—violate the Equal Protection Clause... The basic rationale of these decisions is that it is unjust and ineffective for society to express its condemnation of procreation outside the marital relationship by punishing the illegitimate child who is in no way responsible for his situation and is unable to change it... The interests which the Court found controlling in Stanley were the integrity of the family against state interference and the freedom of a father to raise his own children.)

What is interesting here is the Court’s characterization of the controlling interests in Stanley. Individual parents have a right to raise their own children without state interference. The family whose integrity was protected in Stanley was a single father and his children. When a state judge imposes his/her own opinions of a child’s best interests over that of either or both fit parents, the state is infringing those parents’ rights to raise their own children.

Pickett v. Brown, 462 US 1, 8, 9 (Supreme Court 1983), (In view of the history of treating illegitimate children less favorably than legitimate ones, we have subjected statutory classifications based on illegitimacy to a heightened level of scrutiny. Although we have held that classifications based on illegitimacy are not “suspect,” or subject to “our most exacting scrutiny,” ... the scrutiny applied to them “is not a toothless one ... we stated that “a classification based on illegitimacy is unconstitutional unless it bears `an evident and substantial relation to the particular . . . interests [the] statute is designed to serve.’ “ ... We stated that restrictions on support suits by illegitimate children “will survive equal protection scrutiny to the extent they are substantially related to a legitimate state interest.” Id., at 99... We stated that “a State may not invidiously discriminate against illegitimate children by denying them substantial benefits accorded children generally,” id., at 538, and held that “once a State posits a judicially enforceable right on behalf of children to needed support from their natural fathers there is no constitutionally sufficient justification for denying such an essential right to a child simply because its natural father has not married its mother.” Ibid. The Court acknowledged the “lurking problems with respect to proof of paternity,” ibid, and suggested that they could not “be lightly brushed aside.” Ibid. But those problems could not be used to form “an impenetrable barrier that works to shield otherwise invidious discrimination.” Ibid...)

Here the Court begins to apply enhanced scrutiny to classification of children based on the parents’ marital

status and that the scrutiny is **NOT** a toothless scrutiny. There must be an “**evident and substantial**” relationship to some legitimate government interest. In divorce, the state lacks even a legitimate interest in violating family rights between parent and child and there is certainly no justification for denying children of divorce the equal relationship rights that children of intact marriages are afforded. While there may be some minor lurking problems with parents living apart and how the rights will be equally exercised, none of these problems legitimizes the sweeping deprivation of family rights executed in most divorce cases under most state divorce laws. There are problems inherent in the equal exercise of parental rights that must be dealt with in divorce, but these problems cannot be used to form “**an impenetrable barrier that works to shield**” the state’s actions in divorce from constitutional review.

Cleburne v. Cleburne Living Center, Inc., 473 US 432, 453 (Supreme Court 1985), Footnote at 453, (The Court must be especially vigilant in evaluating the rationality of any classification involving a group that has been subjected to a “tradition of disfavor [for] a traditional classification is more likely to be used without pausing to consider its justification than is a newly created classification. Habit, rather than analysis, makes it seem acceptable and natural to distinguish between male and female, alien and citizen, legitimate and illegitimate; for too much of our history there was the same inertia in distinguishing between black and white. But that sort of stereotyped reaction may have no rational relationship — other than pure prejudicial discrimination — to the stated purpose for which the classification is being made.”)

This footnote is important here as divorce has been a punishable act in our society for over a thousand years. It was acceptable in this country until the Fourteenth Amendment was passed. From that point forward, as these cases show, it has no longer been permissible to discriminate against parents or children simply because one parent makes the constitutionally protected choice to terminate a marital relationship.

In a country that recognizes the natural right of free association as a fundamental right, no state can grant any two people the right to marry nor can it give them permission to divorce. All the state may do is legally recognize the relationship the two free individuals have created for themselves. Further, where one of those parties chooses to end the marital relationship, the state is powerless to prevent this. All the state may do is to legally recognize what has already in fact occurred, the dissolution of an association.

If the state is truly interested in benefiting the child, it may proactively protect the rights of each parent

equally and protect the rights of the child.

For too much of our history, the state has made it state business what relationships people can form and how they can form them. This is impermissible under our Constitution regardless of how long states have been in the habit of doing so.

It has also been natural and permissible as a legacy of the English Religious Codes that formed the basis of our common and statutory laws for a thousand years to punish parents for divorcing. Our Constitution forbids this type of punishment and it is far past time that our divorce courts accept that the tradition of states punishing the act of divorce is constitutionally impermissible upon the passage of the Fourteenth Amendment. This is true no matter for how long states have been in the habit of abusing their authority.

Clark v. Jeter, 486 US 456, 461 (Supreme Court 1988), (In considering whether state legislation violates the Equal Protection Clause of the Fourteenth Amendment, U. S. Const., Amdt. 14, § 1, we apply different levels of scrutiny to different types of classifications. At a minimum, a statutory classification must be rationally related to a legitimate governmental purpose... Classifications based on race or national origin, ... and classifications affecting fundamental rights, ... are given the most exacting scrutiny. Between these extremes of rational basis review and strict scrutiny lies a level of intermediate scrutiny, which generally has been applied to discriminatory classifications based on sex or illegitimacy... To withstand intermediate scrutiny, a statutory classification must be substantially related to an important governmental objective. Consequently we have invalidated classifications that burden illegitimate children for the sake of punishing the illicit relations of their parents, because “visiting this condemnation on the head of an infant is illogical and unjust.”)

New Jersey Welfare Rights Organization v. Cahill, 411 US 619, 621 (Supreme Court 1973), (...for there can be no doubt that the benefits extended under the challenged program are as indispensable to the health and well-being of illegitimate children as to those who are legitimate.)

Here it is also true that the fundamental constitutional rights of children of divorce to full and equal relationships with each fit parent are as indispensable to the health and well-being of those children as they are to married children.

Gomez v. Perez, 409 US 535, 538 (Supreme Court 1973), (a State may not invidiously discriminate against illegitimate children by denying them substantial benefits accorded children generally. We therefore hold that once a State posits a judicially enforceable right on behalf of children to needed support from their natural fathers there is no constitutionally sufficient justification for denying such an essential right to a child simply because its natural fa-

ther has not married its mother. For a State to do so is “illogical and unjust.” Id., at 175. We recognize the lurking problems with respect to proof of paternity. Those problems are not to be lightly brushed aside, but neither can they be made into an impenetrable barrier that works to shield otherwise invidious discrimination.)

If a child cannot be denied the statutory right to financial support, then it cannot be denied the natural fundamental constitutional right to daily intimate association with each parent equally. The value the child receives from the parent-child relationship far exceeds the value the child gets from monetary contributions. It is simply illogical and unjust for the state to deny children equal access to both fit parents where those fit parents are willing to take on this personal responsibility.

No lurking problems with application of equal possession time is sufficient to shield the state in these cases. Likewise, no lurking problems with divorced parents not getting along after divorce is sufficient to shield the state in these cases either. Where the state has in its legitimate power to enforce orders protecting each parent’s fundamental rights, these problems are surmountable without undue hardship on the state.

NOTE: As of this writing, states receive financial payments from the federal government for ordering child support. This creates a financial incentive for states to deny equal rights and time to parents for the state’s own financial gain. In this manner, the federal governments Title IV D mandate in the Social Security Act is harmful to children.

Jimenez v. Weinberger, 417 US 628 (Supreme Court 1974), (the two subclasses of illegitimates stand on equal footing, and the potential for spurious claims is the same as to both; hence to conclusively deny one subclass benefits presumptively available to the other denies the former the equal protection of the laws guaranteed by the due process provision of the Fifth Amendment.)

Children of divorce and children in an intact marriage stand on equal footing with regards to their fundamental family association rights. Dividing these children into two unequal classes and denying one class the fundamental rights enjoyed by the other violates the equal protection of the laws guaranteed by the Due Process Clause of the Fourteenth Amendment.

What we see from all of these cases is that parental rights are individual rights that attach to each parent as an individual regardless of their marital status. Likewise, the rights of the child are concomitant to the rights of the parent and attach to the child. The Equal Protection Clause simply does not permit the state to create two classes of fit parent based solely on the marital status of a child’s parents. Nor does it permit the state to deny fundamental rights to the child based on the marital status

of the child's parents. Therefore, divorce simply cannot be a legitimate trigger or legitimate state interest for infringing the rights of parent or child. While the state may condemn divorce if it chooses, it may **NOT** punish any of the parties involved; not the innocent child, not the innocent spouse, and not the spouse exercising their free association right to terminate a marriage.

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