IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

In re Karin Elena Wolf in a matter held against the U.S. Constitution, Petitioner -against- Superior Court of New Jersey, Respondent.	Case No. 2:16-cv-00226 **AMENDED PETITION FOR WRIT OF MANDAMUS FRCP RULE 15**

COMES NOW the Petitioner, who brings this matter in good faith, under the Equal Protection and Due Process Clause, Contract Clause, and Privileges and Immunities Clause; avers, and petitions this Court for strict scrutiny, and a peremptory and continuing Writ of Mandamus to the Superior Court of New Jersey to vacate illegal Orders; and quash and enjoin it from maintaining or enforcing said Orders wherein, as an **incompetent forum**, under **color of law**, discriminated against Petitioner as a woman, despite being a **fit parent** of an intact family with a child custody agreement; and removed her two born children from her, terminated her parental rights, relegated and barred her from contact with her children, without bona fide reason, and blocked her from perfecting an appeal, without due process of Law or *stare decisis* owed to U.S. Supreme Court jurisprudence on familial interference. Petitioner and her children have been segregated from each other for over three (3) years and barred from contact for the past 1½ years. By virtue of the Supremacy Clause, Respondent owes a duty to Petitioner to respect her Constitutional rights and vacate said Orders. Petitioner has made diligent efforts to exhaust and remedy these matters at the State level, which has proved futile. Respondent refuses to yield to the U.S. Constitution.

QUESTIONS PRESENTED

1. As a woman and/or *pro se* litigant, was Petitioner discriminated against and deprived of her rights in Family Court in violation of the Equal Protection and Due Process Clause of the

Fifth and 14th Amendments, 19th Amendment, and *Roe v. Wade* as a continuum of liberty for a woman to raise and protect her born child?

2. Is it constitutional for a Family Court to modify or eradicate a consent agreement?
3. Do Fourth, Fifth, Sixth, Seventh, Eighth, and 14th Amendment rights and the right to *pro bono* counsel as a continuum of *Gideon v. Wainwright,* extend to civil litigants, particularly in Family Law Courts?
4. Are domestic violence proceedings held in civil courts constitutional?
5. Are the Uniform Child Custody and Jurisdiction Enforcement Act; and Family Law statutes, rules, and policies, specifically in the State of New Jersey, constitutional?

I. JURISDICTION

Jurisdiction is invoked in this Court under 28 U.S. Code §§ 1331, 1361, 1391, 1651, 2283; 18 USC § 228, Title IV, Americans With Disabilities Act (ADA), and Indian Child Welfare Act (ICWA). Events giving rise to this action occurred in the Eastern and Southern Districts of New York, New Jersey, and Connecticut. This action arises under the First, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, 10th, 14th, and 19th Amendments, Article I, Section 10, Clause 1; Article IV, Section 2, Clause 1; and Article VI of the U.S. Constitution, as hereinafter more fully appears. This Court has jurisdiction to address Respondent's violations of Petitioner's due process rights pursuant to *B.S. v. Somerset Cnty.,* 704 F.3d 250 (3d Cir. 2013) and because Respondent reached across State lines in doing so. This Petition is timely.

II. PARTIES

Petitioner Karin Elena Wolf is a Citizen of New York, in the Address Confidentiality Program with a mailing address of ACP 2312, P.O. Box 1110, Albany, NY 12201-1110. At all times herein, she is a natural female. Physical address can be disclosed to this Court under seal.

Respondent Superior Court of New Jersey consists of the Bergen County Court, Chancery Div., Family Part, 10 Main Street, Hackensack, 07601 and Appellate Division, Richard Hughes Justice Complex, 25 Market Street, Trenton, NJ 08601.

III. ISSUES PRESENTED AND FACTS

Respondent receives federal funding pursuant to the Responsible Fatherhood Act under Title IV. The perversion of that funding as pitted against the VAWA and CAPTA, along with unscientific theories, is the root of sex-based discrimination against women in the Family Courts. This acts as a bill of attainder and a resurrection of the doctrine of coverture to mandate child custody to men, regardless of merit or detriment. It is a social experiment causing a National Public Safety crisis, raising human rights issues pursuant to U.N. treaties. Family Courts in the U.S. exercise a double standard when applying the UCCJEA, Hague and Parental Kidnapping Prevention Act. In cases with an interstate or international component, the courts will side with the father and selectively prosecute the mother, as punishment for "absconding with *his* chattel." (**Exhibit I and Title IV Memorandum**)

Petitioner was not aware of this hidden, *de facto* policy that put her on unequal footing the minute she entered Family Court, *Craig v. Boren,* 429 U.S. 190 (1976) and *United States v. Virginia*, 518 U.S. 515 (1996). Indeed, **Petitioner experienced this sex-based discrimination, harassment, and disenfranchisement against her as a woman by Respondent**, in violation of the Equal Protection and Due Process Clause of the Fifth and 14th Amendments, and 19th Amendment, 42 U.S. Code § 1985(3), *Lyes v. City of Riviera Beach, Florida*, 166 F. 3d 1332, Court of Appeals, 11th Circuit (1999). Petitioner was also discriminated against as a (unwilling) *pro se* litigant, treated differently than the opposing represented litigant in Family Court; treated differently as a Citizen of New York than a Citizen of New Jersey; and treated differently as an

indigent parent than the opposing litigant in Family Court in violation of Equal Protection and the Privileges and Immunities Clause. Petitioner also asserts that she was treated differently than indigent parents who lose custody of their children to the State however, Petitioner also believes that the State of New Jersey used her children as a means to submit multiple, false claims to the federal government for funding under Title IV for child support, Fatherhood Initiative "successes", and "placement" as foster/adopted children because the State interfered with her "intact" family in post-judgment proceedings.

On January 31, 2011, prior to the onset of post-divorce litigation here, the Bergen Court declared, **"the Constitution is suspended."** (See Judicial Notice #4). State Judges here - William R. DeLorenzo, Gerald C. Escala, Bonnie J. Mizdol, and Peter Doyne, refused to provide Petitioner with proof of their requisite Oaths of Office to uphold the U.S. Constitution, when she requested it on February 21, 2015, during the course of proceedings in the Federal Court, where she also preserved claims and causes of action enumerated herein (see Judicial Notice #1).

In 2005, Petitioner, by her attorney at the time Roger Radol, Esq., filed for divorce against Edward Crane under *N.J.S.A. 2A:34-2(c)* Extreme Cruelty, claiming domestic violence (Duluth Model), in the Bergen County Court (*Crane v. Crane, 02-439-07)*. In lieu of the divorce, Petitioner and Edward Crane went to 1½ years of marriage counseling identifying patterns of domestic violence where Edward Crane was abusing Petitioner. This indicated an onset of Battered Woman Syndrome, a subset of Post Traumatic Syndrome, invoking coverage under The Americans With Disabilities Act (ADA).

In August 2006, Petitioner re-filed for divorce, by her attorney at the time Barbara Cowen, Esq., later Roger Radol, Esq., for domestic violence, in the Bergen Court. On Sept 29, 2006, Petitioner fled the marital home with the children to protect herself and shield the children

from exposure to domestic violence. On Oct 7, 2006, Petitioner and Edward Crane signed a child custody agreement before a Notary Public, naming Petitioner custodial parent. This is the **initial determination**; Respondent cannot claim it under UCCJEA. Custody was bifurcated from the divorce. On Dec 1, 2006, the Bergen Court entered a pendente lite Order for custody and support. Petitioner pled further domestic violence after leaving the marital home. Edward Crane did not challenge custody or make a *prima facie* objection. **(Exhibit A)**

The Bergen Court ordered Petitioner and Edward Crane into Mediation, despite *de jure* Public Policy (*Model Code on Domestic and Family Violence*, National Council of Juvenile and Family Court Judges 1994). *N.J.S.A. 1:40-5* and *N.J.S.A. 2C:25-29* are ambiguous and do not reconcile here – a fault-based divorce where DV was an issue was indeed pending.

The missing section of the VAWA (**Exhibit J**), kept out due to overzealous lobbying by the AFCC and father's rights organizations collecting Responsible Fatherhood grants, states:

> *(20) When domestic violence is or has been present in the relationship, shared parenting arrangements, couples counseling, or mediation arrangements only exacerbate the difficulties of the children and give the abusive parent more tools to victimize members of the family.*

The court-appointed mediator advised to "treat this like a business arrangement." On Jan 17, 2007, Petitioner and Edward Crane entered into a comprehensive Consent Order for child custody, with bargained-for terms. They agreed on Petitioner as the residential parent and joint legal custody. The agreement has mandatory language such as the word "shall." Nowhere did it say the court could modify the agreement, only "enforcement." The Court affirmed that order and it was **final**. On May 22, 2007, Petitioner and Edward Crane entered into a comprehensive Property Settlement Agreement (PSA), with bargained-for terms, including a Trust fund for the children based on joint legal custody provisions, which was incorporated that day into the **final**

Judgment of Divorce (JOD) under *N.J.S.A. 2A:34-2(c) Extreme Cruelty*, which is a finding of domestic violence against Edward Crane. All matters were disposed of at that point. **(Exhibit A)**

Edward Crane has been barred by *res judicata* and estoppel since, as he acquiesced to the domestic violence claims enumerated in Petitioner's 2006 complaint for divorce and subsequent pleadings, prior to the final JOD. Respondent has been barred by *res judicata* and judicial estoppel since, as it affirmed the agreements and issued the JOD. The Secretary of State of New Jersey accepted Petitioner into the New Jersey Address Confidentiality Program as a domestic violence victim by Edward Crane, pursuant to *N.J.S.A. 47:4 et seq*. The application was submitted by assistance from Shelter Our Sisters, the domestic violence shelter where Petitioner lived in 2014 **(Exhibit E)**, and NJ provided social services to Petitioner as a DV victim.

A new family deserves to be as free of state intervention as any other "intact" family. In the post-judgment case at bar, Petitioner Mother was the primary caregiver and sole parent, the *status quo*. Respondent eradicated the Consent Order and PSA, which provided child support, the Trust, and tax provisions. A contract's language and the purposes of the contracting parties control any implied terms that a court might impose. Abstract moral concepts of fairness do not apply, *Allen v. El Paso Pipeline GP Co., LLC,* 90 A. 3d 1097 - Del: Court of Chancery 2014. An individual's fundamental right to contract has been ingrained in this country even before the Bill of Rights was enacted. The State cannot interfere with this right protected by the Fifth and 14th Amendments of the U.S. Constitution, and that right has been reinforced as far back as *Lochner v. New York*, 198 U.S. 45 (1905). Respondent defied both the right to contract *and* Public Safety.

In January 2011, Petitioner and the children moved to Richmond County, New York. On February 1, 2011, while evading child support, Edward Crane, by his attorney Peter Van Aulen, filed an Order to Show Cause (OTSC) in the Bergen Court for child custody claiming Petitioner

was "alienating" him and moved out of state without permission, a **perjured certification** pursuant to Article II, #6 of the Property Settlement Agreement, which Petitioner raised and argued at every turn. **(Exhibit A)** Petitioner was well within those parameters and the Privileges and Immunities Clause (U.S. Constitution, Article IV, Section 2, Clause 1, also known as the Comity Clause) which prevents a state from treating citizens of other states in a discriminatory manner. Additionally, a right of interstate travel may plausibly be inferred from the clause. As far back as *Corfield v. Coryell,* 6 Fed. Cas. 546 (1823), the Supreme Court recognized freedom of movement as a fundamental Constitutional right. In *Paul v. Virginia,* 75 U.S. 168 (1869), the Court defined freedom of movement as "right of free ingress into other States, and egress from them."

On Feb. 1, 2011, Peter Van Aulen committed **procedural fraud** by submitting a signed Certification of Attorney's Fees with the OTSC, wherein he testifies and states, "She [Petitioner] moved outside of the State of New Jersey without my client's permission or an Order of the Court." **(Exhibit B)** The OTSC was denied and converted to a motion returnable on March 4, 2011, by Judge Peter J. Melchionne on February 2, 2011. **(Exhibit C)** Edward Crane and his attorney Peter Van Aulen **did <u>not</u> provide a Notice** with the custody Motion, **nor serve Petitioner within the State of New Jersey**. A parent may not be deprived of the custody of their child unless the parent is personally served with process within the state. Full faith and credit need not be given to a custody decree where the court awarding the decree lacked *in personam* jurisdiction:

> "The authority of a court to issue and serve process is restricted to the territory where issued, and the court has no power to require persons not within such territory to appear," *Carter v. Carter*, 201 ga. 850 41 s.e.2d 532 (1947), "a judgment rendered without jurisdiction of the mother may be collaterally attacked without offending the full faith and credit clause of the Constitution of the United States."

> "For the general rule that in cases of the separation of parents, apart from any award of custody of the children, the domicile of the children is that of the parent with whom they live and that only the state of that domicile may award their custody….We find it unnecessary to determine the children's legal domicile because, even if it be with their father, that does not give Wisconsin, certainly as against Ohio, the personal jurisdiction that it must have in order to deprive their mother of her personal right to their immediate possession." *May v. Anderson*, 345 U. S. 528 (1953).
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> "By the authority of the cases *supra,* a decree of the custody of a minor child under the circumstances stated is void." *Weber* v. *Redding,* 200 Ind. 448, 454-455, 163 N. E. 269, 271. See also, *Sanders* v. *Sanders,* 223 Mo. App. 834, 837-838, 14 S. W. 2d 458, 459-460; *Carter* v. *Carter,* 201 Ga. 850, 41 S. E. 2d 532.
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> "[I]t is now too well settled to be open to further dispute that the `full faith and credit' clause and the act of Congress passed pursuant to it do not entitle a judgment *in personam* to extra-territorial effect if it be made to appear that it was rendered without jurisdiction over the person sought to be bound." *Baker v. Baker, Eccles & Co.,* 242 U.S. 394, 401, and see 403; *Thompson v. Whitman*, 18 Wall. 457; *D'Arcy v. Ketchum,* 11 How. 165.

Pursuant to the original docket in the Bergen Court, Petitioner was still considered the Plaintiff, but was the *de facto* Defendant, faced with contempt charges, criminal implications, and bogus mental health accusations, which carried the threat of criminal penalties and deprivation of life and liberty. Indeed, the Bergen Court terminated Petitioner's parental rights and deprived her of her right to parent her born children, pursuant to *Roe v. Wade* as a continuum of liberty. The Bergen Court, which is a Chancery Court, held those proceedings in a manner that was criminal or quasi-criminal under the guise of being a Civil Court, irrespective of the Fifth, Sixth, and 14th Amendments of the U.S. Constitution and *Gideon v. Wainwright*, 372 U.S. 335.

Family Law statutes of New Jersey authorize a Chancery Court to make a finding of fact at a summary proceeding that an individual committed an act of custodial interference or had an *idea* to do so. Then, in order to penalize a parent, *N.J.S.A. 2C:13-4* authorizes the judge to impose everything from termination of parental rights to prison time, even if the parent deviates slightly from the order. It is a black letter of law that "…the Legislature cannot by a mere

change of name or of form convert that which is in its nature a prosecution for a crime into a civil proceeding and thus deprive parties of their rights to a trial by jury. The Constitution cannot thus be trifled with." *Ashley v. Wait*, 116 N.E. 961, 966 (Mass. 1917). In *Hedden v. Hand*, 90 N. J. Eq. 583 (1919), New Jersey's then highest court, the Court of Errors and Appeals, held that giving chancery jurisdiction to punish and abate criminal offenses deprives the accused of their Constitutional right and that, "It is idle to entertain the thought for a single moment that the Legislature can change the nature of an offence by changing the forum in which it is to be tried." (*The New Star Chamber: The New Jersey Family Court and The Prevention of Domestic Violence Act,* by David Heleniak, *Rutgers Law Review*, Vol. 57:3 2005.)

On March 4, 2011, Petitioner appeared without legal counsel. No one warned her of her *Miranda* rights. The Court did not provide a public defender or any legal counsel at any time in the entire proceedings from 2011-2015, **preventing Petitioner from access to the Court**.

Child custody is an *in rem* matter, neither bound to Bergen County, nor New Jersey, yet it was held **without subject matter jurisdiction**. Prior to the onset of litigation, Petitioner and the children lived in Morris County, New Jersey, from Aug. 2009 – Jan. 2011. **(Exhibit F)** At its inception, they were **living in Richmond County, New York from Jan. 2011 - Mar. 2012**. Jurisdiction was improper in the Bergen Court as the *res* was located outside of Bergen County and NJ long enough. *N.J.S.A. 5:2-1(b)(1)* and the precedential case of *Loonan v. Marino*, 179. N.J. Super. 164 (App. Div. 1981) state that jurisdiction and venue in child custody proceedings is proper where the children are located. *N.J.S.A. 5:2-1* is silent on post-divorce proceedings, and exempt from typical venue provisions in *N.J.S.A. 4:3-3*. An anomaly, venue and jurisdiction are inextricably intertwined where *in rem* and cannot be waived. See *Carter v. Carter*, 278 So.2d

394, 396 (Miss. 1973); *National Heritage Realty, Inc. v. Estate of Boles*, 947 So.2d 238 (Miss. 2006), reh. den. February 8, 2007; and *Price v. Price*, 32 So.2d 124 (Miss. 1947).

At the beginning of any proceeding where child custody is at issue, specifically *interstate*, a State Court is required to do two things to establish jurisdiction: a) obtain affidavits with specific information (see *New Jersey UCCJEA § 2A:34-73* and as comity requires, *New York UCCJEA § 76-h*), and *N.J.S.A. 5:4-2(a)(2)*; and b) ask if the children are Native American, pursuant to the Indian Child Welfare Act (ICWA). Petitioner and her children are indeed Native American and members of an Indian tribe. 25 U.S. Code § 1903(1) is silent on post-divorce proceedings. The Bergen County Court **ignored these State and Federal mandates.** Thus the pleadings were deficient, failed to put Petitioner and the Department of the Interior on Notice, and left the Court **lacking both *in personam* and subject matter jurisdiction.**

The UCCJEA raises issues of Federalism, constitutionality, and the void for vagueness doctrine. Neither a Federal Law, rather a creature of the Uniform Law Commission; nor a truly uniform Law. Each State has its own tweaked version with variables that do not reconcile with other states' versions, and the State of Massachusetts still uses the old version, the 'UCCJA'. It abrogates principles of jurisdictional standards and centuries of jurisprudence of estate law. It is ripe for legal loopholes, comity and diversity of Citizenship issues. Often misunderstood by attorneys and judges, laypersons have no better shot at comprehension.

On March 4, 2011, Judge William R. DeLorenzo gave the appearance of impropriety when he stated on the record, "Peter (Van Aulen) was one of our guys…he argued a big case for us" (referring to *Innes v. Carrascosa*). Petitioner was unaware Peter Van Aulen negotiated a *quid pro quo* deal with the Bergen Court here that resulted in many "favors" for Peter Van Aulen in subsequent cases. (*See Judicial Notice #9 and #10). Common denominators here were Judge

William R. DeLorenzo, Dr. Judith Brown Greif, Judge Bonnie J. Mizdol, Judge Ellen Koblitz, Judge Madeline Cox Arleo. Petitioner experienced a *modus operandi* here akin to *Carrascosa* and *Rieger,* of Peter Van Aulen representing abusive men, tampering with evidence, testifying as a witness, and procedural fraud to enrich his client and the common denominators named above.

Petitioner respectfully submits to this Court that Peter Van Aulen was not competent to act as an attorney against her, as he concealed his prior brain hemorrhage condition (see Judicial Notice, #11) and did not provide evidence of mental fitness that he was competent to practice in a Court of Law. Thus the proceedings were before an **incompetent forum**. *Strickland v. Washington*, 466 U.S. 668 (1984).

Respondent ordered Plaintiff Karin Wolf into Mediation with Edward Crane, which Peter Van Aulen obstructed by incessantly calling and texting his client. Edward Crane recorded the sessions, which is prohibited. As a result, Mediation failed and the case was scheduled for trial.

Respondent ordered Petitioner and her children into four (4) grueling custody evaluations against their will, conducted by persons who were prejudiced and had an interest in "business development." Petitioner and her children were interrogated about private details, with the threat of appearing “uncooperative” if they did not comply, all without Informed Consent, a *Miranda* warning, or an attorney present. The Constitution protects "the individual interest in avoiding disclosure of personal matters...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).

The Bergen Court ordered Petitioner to pay $2800 towards the fee for one of the evaluators, despite financial hardship made well-known to the Court – Petitioner was struggling as she had lost good employment specifically due to Court appearances and Edward Crane’s refusal to pay proper child support mandated by the Property Settlement Agreement, which the

Bergen Court refused to enforce. Moreover, Karin Wolf expressed on the record on or around May 2011 that Dr. Judith Brown Greif would be prejudiced against her because she was a gun-for-hire. Edward Crane and his attorney Peter Van Aulen handpicked her and had negotiated a *quid pro quo* contract with her to write a biased evaluation.

Given that the custody evaluation was excessively one-sided, shows that a *quid pro quo* did exist, therefore the contract, and the Court's decisions based heavily on it, must be held void. Dr. Judith Brown is required to be independent and unbiased, but this is not the case and she has a reputation for these *quid pro quo* arrangements, especially against female litigants. She did not make Petitioner aware that she was taking a kickback to write a report against her, thus deprived Petitioner and her children of her honest services. Petitioner and her children were subjected to false claims that they were mentally ill, via the use of Richard Gardner's bogus theory 'Parental Alienation Syndrome' (PAS) and its offshoots, irrespective of its rejection by the American Psychological Association for inclusion in the Diagnostic and Statistical Manual of Mental Disorders (DSM) and failure to hold up to Daubert and Frye standards.

Karin Wolf is a **fit parent**. It is not possible to say otherwise, thus the need for bogus accusations of "parental alienating behaviors" in Dr. Greif's report, which was full of manufactured allegations and hearsay. Dr. Greif did not attach, quote, or reference any scientific studies to back up her report, thus it was her net opinion.

The court-appointed evaluator Bergen Family Center relied on Dr. Greif's report to formulate their 2nd report, as noted in their report on p. 37 #20, which was supposed to be independent. Bergen Family Center's report also stated it "lost contact" with Edward Crane during the evaluations. Both evaluators failed to interview people living in Edward Crane's home and there were numerous other deficiencies in the reports, thus the reports were **incomplete**.

Petitioner moved before the Court to remedy the situation several times prior to trial, yet Judge DeLorenzo blocked Petitioner's Equal Protection right to her own expert when she requested it, pursuant to *N.J.S.A. 5:3-3*. Later at trial, Petitioner asked the Court to set aside all the reports for these reasons, inter alia, which Judge Escala denied.

Moreover, Judge Escala gave the appearance of impropriety when he saw Dr. Judith Brown Greif at trial, stating on the record they were "old friends," "lived in the same town," and "served on a board/panel together." He based his August 30, 2013 custody decision heavily on Dr. Greif's report, citing "parental alienating behaviors," stating Petitioner could not "co-parent" with Edward Crane. **(Exhibit C)** Respondent is barred by judicial estoppel because the JOD found it was unreasonable for Petitioner, as a victim of domestic violence, to co-habit with Edward Crane, therefore by extension she could not be reasonably expected to co-parent with him. *Gazzillo v. Gazzillo,* 153 N.J. Super. 159, 379 A.2d 288 (Ch.Div. 1977). **(Exhibit A)**

Though not a valid theory, Parental Alienation Syndrome was a perceived disability, thus the Court was mandated to provide accommodations for Petitioner and her children under The Americans With Disabilities Act, such as counseling, which it did not. This questions Respondent's belief in its own judgment, undermining its validity. This is the *modus operandi* used to segregate mothers and children, using their natural and sacred bond against them. It is inadmissible in Court. As stated in the *Saunders Report* (USDOJ 2012):

> *In contested custody cases… [evaluators] diagnose children who exhibit a very strong bond and alignment with one parent and, simultaneously, a strong rejection of the other parent, as suffering from "parental alienation syndrome" or "PAS". Under relevant evidentiary standards, the court should not accept this testimony. The theory positing the existence of "PAS" has been discredited by the scientific community.*

The missing section of the VAWA states:

> *(17) According to the APA, there is no reliable empirical data to support the so-called phenomenon of ''parental alienation syndrome,'' although courts and custody evaluators*

> *frequently use such terms to discount children's reasonable fear and anger toward a violent parent. This ''syndrome'' and similar ones are used almost exclusively against women.*

During most of the custody proceedings, Petitioner was unrepresented by counsel. Despite *de jure* Public Policy and in violation of the Privileges and Immunities Clause and Title IV funding, New Jersey Legal Services (NJLS), denied Petitioner services in 2011 stating she was ineligible as a Citizen of New York, even requiring Petitioner get a referral from the Legal Aid Society in New York, to be considered. *ABA Standards Relating To Trial Courts*, Sec. 2.71, says a lawyer should be appointed for an unrepresented parent and the children in child custody proceedings, especially when the opposing party is represented by counsel, *A Judge's Guide: Making Child-Centered Decisions In Custody Cases*, by The American Bar Association (2008). https://apps.americanbar.org/legalservices/probono/childcustody/judges_guide.pdf

Petitioner was forced to defend a proceeding in New Jersey when it would not provide her with services available to Citizens of New Jersey similarly situated. New Jersey persisted in long-arm jurisdiction over Petitioner and the status of the children while they were Citizens of New York, yet would not provide her with Equal Protection under the Law. Despite ABA Policy, NJLS denied Petitioner services again when she moved back to New Jersey, with a new excuse that custody litigation was "too complicated." NJLS receives federal funding under the Responsible Fatherhood Act under Title IV and this is part of the *modus operandi* of sex-based discrimination against women.

This left Petitioner subject to price discrimination, price gouging and extortion pursuant to the Clayton Antitrust Act. Petitioner made diligent attempts to find affordable counsel. Attorneys demanded retainers upwards of 10K (Anne Marie Fox) or 20K (Helen Glass and Angelo Sarno) and a rate of $350-500/hr. and estimated that the litigation would cost 150-200K.

Petitioner could not possibly afford it. Petitioner rehired her former attorney Roger Radol for a short time on a payment plan, however she fired him after he made unwelcome sexual advances and threatened her saying, "If you don't pay my bill, I'll make sure you lose your kids." Peter Van Aulen stated in Court that Roger Radol said Petitioner didn't pay her bill, which he spread viciously in and around the Courts. As a result, Petitioner was faced with attorneys shunning her.

Despite *de jure* Public Policy, *N.J.S.A. 5:3-4* and *N.J.S.A. 5:8A*, the Court refused to appoint counsel for Petitioner or her children *sua sponte* or as requested, **preventing Petitioner from access to the Court.** In the State of New York, both Petitioner and the children would have been assigned counsel. See *Right to Counsel in Family-Related Court Proceedings*, NYS Office of Indigent Legal Services: https://www.ils.ny.gov/content/family-court-representation.

The custody litigation was protracted for years irrespective of the six-month rule. Edward Crane and Peter Van Aulen concealed and falsified evidence throughout the proceedings, which the Court permitted despite Petitioner's continued objections and requests for forensics, *Brady v. Maryland*, 373 U.S. 83 (1963).

Edward Crane, with the help of Respondent, disenfranchised Petitioner **prior** to her legal custody rights officially ordered taken away. The Court denied approximately 99% of the relief Petitioner requested, including pre-trial Motions to Compel Discovery and Enforce Litigant's Rights for her **right to vote** on Holy Communion and mental health counseling; the latter of which counselor, Lisa Estrin, disparaged Petitioner Mother to the children while custody evaluations were being performed, an explicit Discovery violation.

On December 24, 2012, Judge DeLorenzo gave Edward Crane "temporary" custody without Petitioner being served within the State of New Jersey, without a plenary hearing as required by *N.J.S.A. 5:8-6* and *stare decisis;* without conducting an in camera interview of the

children; without a finding of imminent harm or threat to the children, *G.C. **v.** M.Y., 651 A.2d 110 (N.J. Super. Ct. App. Div. 1995)* and *Entress v. Entress, 376 N.J. Super. 125, 133 (App. Div. 2005)*. Petitioner was represented for oral argument by Barbara Cowen, Esq. on a limited basis, however, Ms. Cowen failed to represent Petitioner adequately, as evident by her failure to confirm she would be appearing as counsel, "filing an appearance on her feet" and Judge DeLorenzo's comments about Ms. Cowen's unpreparedness on the record to the effect that he was "just watching the Plaintiff and her attorney get up to speed with each other." *Strickland v. Washington*, 466 U.S. 668 (1984). The Order was based on Dr. Greif's report, hearsay, and Petitioner's move to New York, the judge stating, "the custody evaluation said she should move back to New Jersey." Bergen Family Center's subsequent 2nd report said Petitioner "has a preference for living in New York" and used that against her. Child custody awards and other adjudications regarding children, are **not entitled to full faith and credit when pitted against a claimed local interest in the child**, *May v. Anderson*, 35 U.S. at 536, Frankfurter concurring. Because the Order was not final, it was not appealable. The trial was then postponed for another five (5) months. The Due Process Clause requires a judge to base a decision solely on the evidence presented during a hearing:

> "[T]he decision maker's [action] . . . must rest solely on the legal rules and evidence adduced at the hearing." *Goldberg*, 397 U.S. at 271.
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> "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).

On December 30, 2012, Edward Crane terrorized Petitioner and her children during a custody exchange. Petitioner filed for a Restraining Order with the Bergen Court DV Intake, who issued a TRO and set a hearing for 10 days later before Judge DeLorenzo in Family Court.

Petitioner detailed assault, false imprisonment, harassment, stalking, and **illegal acquisition and tenancy of a handgun across state lines**, *U.S. v. Falletta*, 523 F. 2d 1198 (5th Cir. 1975). Yet the matter was heard in a Chancery Court, without a full evidentiary hearing, prosecutor, public defender, or Jury. As a victim, Petitioner had a reciprocal right under the Fifth, Sixth, and 14th Amendments to adjudication in a criminal Court. Anything less renders gravity of domestic violence of minimal concern of the Public and the Court. NJLS would not assist Petitioner and she retained a *pro bono* attorney through a nearby domestic violence organization.

Edward Crane submitted a 45-minute audio recording that ironically, showed him terrorizing Petitioner and her children. It showed him lying to the police three times. Petitioner stated she had reason to believe the tape had been tampered with, and asked for forensics, which was denied. Judge DeLorenzo was visibly disturbed upon hearing the tape, calling Petitioner's nine-year-old daughter's screams "blood-curdling" and was peeved that Edward Crane had been recording the children; he stated so on record. Petitioner notified the Court that her son had reported that Edward Crane punched him in the arm. The judge suggested Petitioner call DCP&P (child protective services). The Court dismissed the Restraining Order; it appeared the case was predetermined. Petitioner was deprived of her **right to a meaningful, full and fair hearing**. Soon thereafter Judge William R. DeLorenzo was removed or recused himself *sua sponte* from hearing the custody trial and replaced with Judge Gerald C. Escala.

Judge Escala gave the appearance of impropriety and **should have recused himself** - he was simultaneously functioning as a foreclosure Judge, while the opposing side Edward Crane worked as an executive for Bank of America, a company known to be plagued with foreclosure fraud lawsuits. Moreover, Edward Crane bought a foreclosed property in Bergen County in the interim of the December 24, 2012 temporary custody Order and the June-July 2013 trial.

On April 17, 2013 Dr. Greif issued her 2nd report to Peter Van Aulen, yet the Court did not issue a Protective Order of the report and send to Petitioner, until May 10, 2013, rendering it **inadmissible under the Rules of Discovery**. Peter Van Aulen was playing with deadlines and Dr. Greif could not be deposed as a witness, yet the Court allowed it into evidence, permitted her to testify, and weighed heavily on her report.

Three weeks before trial, Petitioner finally found an attorney to represent her at trial - Alexandra Stremler, Esq., who accepted a small retainer from Petitioner to represent her at trial, communicated with Peter Van Aulen for weeks, and submitted Petitioner's evidentiary trial binders to the Bergen Court with a letter on her letterhead. On the morning of the trial, set for June 4, 2013, Petitioner's attorney, Peter Van Aulen and Edward Crane were conspicuously absent for over an hour. Minutes before trial was to begin, Ms. Stremler appeared and informed Petitioner she was backing out of the trial, looking like she had just seen a ghost; it appeared she had been threatened or bribed to back out of trial. Ms. Stremler walked through the courtroom, into Judge Escala's chambers twice with Peter Van Aulen "to discuss the case," then downstairs to Judge Mizdol's chambers "to discuss the case."

Irrespective of *N.J.S.A. 5:3-4(a)* Right to Counsel, **the Court dismissed Petitioner's attorney and forced her to start trial without counsel**, despite her pleas for an adjournment to find new counsel and get her trial binders, which Ms. Stremler failed to bring. Petitioner stated on record, "I have been prejudiced here. This is a gross miscarriage of justice. You let my attorney leave. I have a right to legal representation. I want an adjournment to find new representation. I don't even have my trial binders." Yet Judge Escala persisted in forcing Petitioner into trial under those conditions, causing her horror and nausea, which impaired her ability to perform at trial. It was evident the case had been predetermined. Thus the Bergen Court

deprived Petitioner of her **right to a meaningful, full and fair hearing** of her claims and defense of the adversary's claims; and **prevented Petitioner from access to the Court.** *Strickland v. Washington*, 466 U.S. 668 (1984). The Court said Ms. Stremler failed to file a substitution of attorney. Even if that were true, the fact that they all convened in chambers at least thrice that morning "to discuss the case" before the trial started, renders those communications *ex parte* and illegal. Alexandra Stremler never provided copies of the trial binders to Petitioner. This caused great anxiety in Petitioner and it took several highly stressful weeks and repeated requests to Judge Escala during trial before he permitted Petitioner to view his copy of the trial binders, which Petitioner discovered were a mess - evidence was missing and Ms. Stremler failed to submit a trial summary and witness list.

At trial, it was evident that the case had been predetermined, as Judge Escala was contemptuous towards Petitioner; blocked her from presenting evidence; blocked her from calling witnesses, saying she had not provided a witness list, reiterating Peter Van Aulen's objections (Petitioner had indeed submitted a witness list over a year prior with interrogatories, while she was represented by Roger Radol for a brief period. Moreover, Alexandra Stremler did not submit a witness list or trial memorandum when she submitted Petitioner's evidentiary trial binders to the Court. Petitioner provided an updated witness list and trial memorandum to the Court during trial upon discovering the deficiency three weeks into trial.); blocked Petitioner from calling witnesses on the adversary's witness list, whom had made allegations against Petitioner to Dr. Judith Brown Greif and Bergen Family Center during the custody evaluations, as memorialized in those reports; allowed hearsay as evidence by the adversary; disallowed forensics; allowed falsified evidence, including illegal and tampered-with audio recordings of Petitioner's conversations made by Edward Crane; acted as counsel to Edward Crane and made

excuses for his perjury; allowed Edward Crane's attorney to testify as a witness; allowed procedural fraud; exhibited anger when Petitioner mentioned domestic violence against her and child abuse/neglect against the children by Edward Crane; cut off Petitioner from making statements 'for the record' saying, "None of this 'for the record,' move on, move on"; refused to do an in camera interview of the children and threatened Petitioner with loss of the case if she persisted in exercising their rights under *N.J.S.A. 5:8-6;* turned his back to Petitioner for long periods of time while she was testifying; slammed and threw the trial binders on the floor behind him several times; was irritated and told Petitioner to stop objecting, saying "that's not how it's done"; kept cutting off Petitioner's line of questioning during cross examination and kept saying "Move on," and "I'm not getting anything out of this," "When is this going to be over?" and "When are you going to be done?"; told Petitioner that she didn't know what she was doing and was "unprepared"; all of which impaired Petitioner's ability to perform and present her case.

On August 30, 2013, Judge Escala issued an Order making a drastic change of custody where sole residential and sole legal custody was awarded to Edward Crane, which terminated Petitioner's parental rights and eradicated the Jan 17, 2007 Consent Order for child custody and the May 22, 2007 Property Settlement Agreement per the final JOD. **(Exhibit C)** Moreover, Edward Crane **never moved for sole legal custody** during the years of proceedings, rather it was only pled last minute by his attorney Peter Van Aulen during closing statements, which clearly was neither sufficient Notice to Petitioner that she was in danger of losing her parental rights, nor time or opportunity to prepare a defense. The *Decision After Hearing* attached to the August 30, 2013 Order states on p. 11, #8 that **"Both parents are fit."** The *Decision* was based on the "best interests of the child standard," yet stated on p. 10, #5 that "Preference of the child(ren) is not to be considered." The Court failed to consider the children's **strong preference** to live with their

mother, and this speaks to sex-based discrimination against mothers. It conflicts with *N.J.S.A. 9:2-4*, the Eighth Amendment, and contravents *stare decisis* owed to the U.S. Supreme Court:

> "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." *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978).
>
> "Termination of parental rights is the death sentence to a parent-child relationship." *In Re Coast*, 561 A.2d 762, 778 (Pa. 1989) (Tamilia, J., concurring).

The *Decision* states at the bottom of p. 3 - top of p. 4, "By consent order (D-101ev) of both parties, defendant [Edward Crane] assumed temporary custody of the children." This is **false and fraudulent statement** by Judge Escala. Petitioner gave no such consent. Again, Judge Escala **falsely** states on the middle of p. 6, "Defendant's being granted temporary custody was formalized by the court in an order dated December 24, 2012 (D-101ev)." Again, on the top of p. 7, Judge Escala again **falsely** refers to the Dec. 24, 2012 Order as a "consent order." **(Exhibit C –** *See* Temporary Order dated Dec. 24, 2012 signed by Judge DeLorenzo**)**

The August 30, 2013 Order had not provided a clear definition, direction, instructions, consequences, or Notice to Petitioner as to what the loss of sole legal custody entailed, nor is that defined by New Jersey statute, which invokes the void for vagueness doctrine, *Skilling v. United States*, 130 S.Ct. 2896 (2010). Petitioner can only go by "health, education, and welfare" as defined in her Property Settlement Agreement. Months later, the court-appointed mediator defined it to Petitioner as, "In the eyes of the Court, you are no longer these children's mother."

That Mediation was ordered and began on September 17, 2013, to "work out a parenting time agreement," held for a three-hour period in a room approximately 10' x 10', and so abusive that Petitioner sought emergency treatment afterwards with a therapist. She was subsequently diagnosed with Post Traumatic Syndrome (PTS), Axis IV:309.81, of DSM-IV, which cited domestic violence and legal abuse. **(Exhibit E)** Petitioner put the Court on Notice about the PTS

diagnosis, yet the Court ordered mediation again. Petitioner requested reasonable ADA accommodations (i.e. separate rooms during Mediation, an advocate to be present), which the Court refused to accommodate, and instead used in a predatory manner. The Court mediator, Kathy Katona, Esq., **attempted to coerce Petitioner into signing a Consent Order** that Edward Crane would "enjoy sole residential and sole legal custody." Petitioner refused to sign stating she certainly did not agree to those terms and asked, why, if the Judge had already decided custody, would she need to affirm that in a Consent Order (?). Petitioner reiterated that the proceedings were held illegally and would undermine her appeal if she were to be so stupid as to sign a binding legal document that would waive her rights to her children (as she later confirmed with the Appellate Court would be the case), whereupon Ms. Katona issued a slew of scathing remarks at Petitioner:

> "You think you're going to negotiate with Osama Bin Laden?"
> "Pretend that he is an Afghani terrorist, holding a gun to your head, and you are lying on the floor, pleading for your life."
> "You're on the Beggar's Block, you've got nothing. You're at his mercy."
> "The judge is going to take everything away from you, the same judge that disenfranchised you."
> "You're nuts."
> "I'm not doing this again, you people are crazy."

Shortly after the August 30, 2013 Order, Petitioner discovered her 11-year-old son was being neglected and threatened with imminent harm. Edward Crane had a history of abusing the children. Petitioner called DCP&P. Without an attorney, she filed an Emergent Application for Leave to Appeal with the Appellate Division, stating the abuse/neglect, which was denied. Petitioner, without an attorney, filed an OTSC with the Trial Court, stating the abuse and neglect, which was denied on December 9, 2013. Judge Escala derided Petitioner for calling DCP&P and issued an Order that put her son in further danger, saying 11-years-old was "old enough," inconsistent with his August 30, 2013 Order saying 11-years-old was "not old enough."

However, DCP&P later called Petitioner to inform her they suspected abuse and neglect and would "be providing in-home counseling services at both homes." They sent a counselor to Edward Crane's home, but not Petitioner's home, and told Petitioner and Shelter Our Sisters, they were recommending a restoration of custody to Petitioner. On December 18, 2013, Judge Escala issued an Order granting more parenting time to Petitioner. DCP&P then mismanaged and shuffled the case to the point where it was subjectively distorted and lost the plot.

Under the 19th Amendment, the Fifth Amendment, and the Equal Protection Clause, a State cannot disenfranchise a person based on their sex, nor prefer male to females in estate or quasi-estate matters, *Reed v. Reed*, 404 U.S. 71 (1971), nor interfere with a woman's right to continue to parent her born children, *Roe v. Wade*. It cannot bar a woman from making decisions on the health, education, and welfare of her children as protected by her First Amendment rights to educate her children, practice religion with them, and give them religious instruction, *Meyer v. Nebraska,* 262 U.S. 390 (1923), *Pierce v. Society of the Sisters,* 268 U.S. 510 (1925), *Wisconsin v. Yoder*, 406 US 205 (1972). **Fit parents cannot be deprived of their children:**

> "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).
>
> "The state may not interfere in child rearing decisions when a fit parent is available." *Troxel v. Granville*, 530 U.S. 57 (2000).
>
> "There is a presumption that fit parents act in their children's best interests, *Parham v. J. R.,* 442 U. S. 584, 602; there is normally no reason or compelling interest for the State to inject itself into the private realm of the family to further question fit parents' ability to make the best decisions regarding their children." *Reno v. Flores*, 507 U. S. 292, 304. "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).

"Parents have a fundamental constitutionally protected interest in continuity of legal bond with their children." *Matter of Delaney*, 617 P 2d 886, Oklahoma (1980).

"Because of the magnitude of the liberty interests of parents and adult extended family members in the care and companionship of children, the Fourteenth Amendment protects these substantive due process liberty interests by prohibiting the government from depriving fit parents of custody of their children. See *Stanley v. Illinois*, 405 U.S. 645, 651, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972); *Santosky v. Kramer*, 455 U.S. 745, 760, 102 S.Ct. 1388, 71 L.Ed.2d 599 (1982); *Duchesne v. Sugarman*, 566 F.2d 817, 824 (2d Cir. 1977); *Hurlman v. Rice*, 927 F.2d 74, 79 (2d Cir. 1991). In the United States Supreme Court's view, the state registers "no gains toward its stated goals [of protecting children] when it separates a fit parent from the custody of his children." *Stanley*, 405 U.S. at 652.

"Ordinarily, the right to present evidence is basic to a fair hearing. . . ." *Wolff v. McDonnell*, 418 U.S. 539, 566 (1974). "[T]he Due Process Clause grants the aggrieved party the opportunity to present his case and have its merits fairly judged." *Logan v. Zimmerman Brush Co.,* 455 U.S. 422, 433 (1982). This Court has "frequently emphasized that the right to confront and cross-examine witnesses is a fundamental aspect of procedural due process." *Jenkins v. McKeithen*, 395 U.S. 411, 428 (1969) (references omitted). It is a central element of due process that a party has the "right to be confronted with all adverse evidence to cross-examine witnesses." *Nevels v. Hanlon*, 656 F.2d 372, 376 (8th Cir. 1981). "Ex parte communications between Father's Attorney and the judge, whether in the form of undisclosed affidavits and reports or oral communications, violate this fundamental right." Id.

"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).

"Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 96 S Ct 2673; 427 US 347, (1976).

While Mediation was pending, Petitioner, without an attorney, filed a Motion for Recusal and Motion for Reconsideration/Retrial, asking for a stay of the August 30, 2013 Order. Judge Escala heard both on Oct 24, 2013, hearing the Recusal last, irrespective of procedure that requires the opposite. Both Motions were denied. All State judges must disqualify themselves when asked because their retirement funds are receiving a portion of Title IV-D funding. "The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause." *United States v. Sciuto*, 531 F.2d 842, 846 (7th Cir.1976). (See Title IV Memorandum)

On Nov 19, 2013, Petitioner, without an attorney, filed a timely Notice of Appeal of the August 30, 2013 Order and Nov. 6, 2013 Order denying Reconsideration and Recusal, and served it properly on the adversary and the trial judge (NJ Appellate Div, *A1813-13)*. With it she also filed an Application for Leave to Proceed as Indigent (granted) and Motion for Free Transcripts in *forma pauperis* (denied), untimely decided without explanation by Judge Victor Ashrafi of the Appellate Court six (6) months later, due to grossly delayed objections by the Office the County Counsel claiming Petitioner was not entitled to free transcripts for a civil matter unless she had lost a right of constitutional dimension, which Petitioner made clear she had indeed lost, without due process. Petitioner, without an attorney, filed a timely Motion for Reconsideration of Motion for Free Transcripts, citing M.L.B. v. S.L.J., 519 U.S. 102, (1996):

> "Urging that the size of her pocketbook should not be dispositive when "an interest far more precious than any property right" is at stake, *Santosky* v. *Kramer,* 455 U.S. 745, 758-759, M. L. B. contends in this Court that a State may not, consistent with the Due Process and Equal Protection Clauses of the Fourteenth Amendment, condition appeals from trial court decrees terminating parental rights on the affected parent's ability to pay record preparation fees."
>
> *"Held:* Just as a State may not block an indigent petty offender's access to an appeal afforded others, see *Mayer* v. *Chicago,* 404 U.S. 189, 195-196, so Mississippi may not deny M. L. B., because of her poverty, appellate review of the sufficiency of the evidence on which the trial court based its parental termination decree. Pp. 5-24."
>
> "(a) The foundation case in the relevant line of decisions is *Griffin* v. *Illinois,* 351 U.S. 12, in which the Court struck down an Illinois rule that effectively conditioned thoroughgoing appeals from criminal convictions on the defendant's procurement of a transcript of trial proceedings. The Illinois rule challenged in *Griffin* deprived most defendants lacking the means to pay for a transcript of any access to appellate review. Although the Federal Constitution guarantees no right to appellate review, *id.,* at 18 (plurality opinion), once a State affords that right, *Griffin* held, the State may not "bolt the door to equal justice," *id.,* at 24 (Frankfurter, J., concurring in judgment)."
>
> "Justice Ginsburg wrote, "…recognizing that parental termination decrees are among the most severe forms of state action."

Again the Office of the County Counsel objected and the Appellate Court denied Petitioner free transcripts *in forma pauperis* without explanation, without *stare decisis*. The Bergen Court required Petitioner to pay nearly $4000 for the deposit, and close to $10,000 in total for the transcripts. The Bergen Court mandated that Petitioner obtain transcripts through their preferred vendor, King Transcripts, irrespective of the Sherman Antitrust Act. Petitioner asked the Appellate Court if she could substitute the transcripts with audio recordings of the trial from the Bergen Court, which cost $50. The Appellate Court said "no." Thus the Superior Court of New Jersey conditioned Petitioner's appeal based on her ability to pay for transcripts, would not offer a reasonable alternative, and **prevented Petitioner from access to the Court.**

In early 2014, Petitioner, without an attorney, filed a brief with exhibits to the Appellate Court asking for a Stay of the August 30, 2013 Order, which was denied without explanation.

On March 28, 2014, **while the appeal was pending**, without an attorney present for Petitioner or the children, Judge Escala barred Petitioner from filing any more Motions unless she got approval from the Assignment Judge, and ordered Petitioner to pay $1000 in legal fees, while she was below the poverty level on social services, living in a DV shelter. **(Exhibit E)**

On April 28, 2014 Petitioner applied to the NJ Appellate Pro Bono Pilot Program asking for legal assistance for her appeal. On April 29, 2014, it responded with:

> "As it appears you are also appealing the denial of a retrial as well as recusal of the judge you do not qualify for the pro bono program. In order to be in the program the only issue can be custody or an order regarding domestic violence. This information was taken from your case information statement that you submitted with your notice of appeal."

On June 24, 2014, the Appellate Court granted Petitioner's Motion for Jurisdictional Clarification and denied Limited Remand, stating it would exercise jurisdiction pursuant to the change-of-custody, denial of reconsideration and disqualification of Judge Escala, despite which Judge Escala issued Orders **modifying custody without jurisdiction** in July 2014. **(Exhibit D)**

Petitioner was living in a domestic violence shelter **(Exhibit E)**, enjoying refuge there overnight with the children during her parenting time. The children had expressed repeatedly that Edward Crane was abusing them; they did not want to return to his home and were in hysterics. Both the children and DCP&P reported to Petitioner that Edward Crane had been interrogating the children as to Petitioner's whereabouts. DCP&P failed to protect the children. Petitioner's daughter G had a meltdown at school, where she relayed to Principal Dr. Linda Weber and other school staff that her father had been grilling her to find out "where Mommy is."

The Bergen Court was futile. In the year following the trial, Presiding Family Judge Mizdol kept intercepting and rerouting Petitioner's motions back to Judge Escala, (i.e. Change of Venue), **despite the pending appeal** and the Bergen Court's **reassignment of the case** to Judge Ronny Jo Siegel, known to be a fair, seasoned domestic violence and Family Law Judge.

On the weekend of July 5th, 2014, Petitioner called the National Domestic Violence Hotline and DV advocates seeking a safe alternative. Petitioner, without an attorney, filed a custody petition in CT under *Connecticut UCCJEA § 46b-115n (Temporary emergency jurisdiction),* and *§ 46b-115m (Modification of custody determination of another state)*. Petitioner was well within her right to protect her children, as self-defense is the defense of others, and exercise her right to petition the CT Court. The Connecticut Court declined jurisdiction based on its communications with Judge Escala. Neither Court made a record of the communication as required under *NJ-UCCJEA § 2A:34-62 (Communication between courts)* and *CT-UCCJEA § 46b-115h (Communication between courts)*. Pursuant to (b) and (d), Respondent did not provide Petitioner with Notice, nor opportunity to present evidence.

On July 9, 2014, while the case was still pending in the Appellate Court, Judge Escala barred Petitioner from contact with her children *ex parte*, **without jurisdiction**. **(Exhibit C)** This

was another drastic change in custody, without a plenary hearing or an attorney present for Petitioner and her children, *Strickland v. Washington*, 466 U.S. 668 (1984). It was not enforcement. Law and court procedures 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). During those *ex parte* proceedings, Peter Van Aulen testified as a witness and charged Petitioner with interference with custody pursuant to *N.J.S.A. 2C:13-4* of the New Jersey penal code, with manufactured allegations that she was a "flight risk" and tried to "kidnap" her children. A court cannot punish *ideas*. The missing section of the VAWA states:

> *(19) Congress never intended that the Parental Kidnapping Prevention Act be used to prohibit an abused or protective parent from protecting themselves or their child by relocation to a place of safety.*

On July 22, 2014 Petitioner, without legal representation, appeared before Judge Escala for oral argument. Petitioner had filed, without an attorney, a cross-OTSC stating self-defense pursuant *N.J.S.A. 2C:13-4 (c)(d)*, for recusal of Judge Escala, and disqualification of Peter Van Aulen, which the Court quashed. On the record, Petitioner stated the Court was biased, violating her constitutional rights, without jurisdiction in the first place, and engaging in criminal behavior. Judge Escala stated he would not recuse himself; it was clear he was retaliating against Petitioner for sending a grievance letter to Chief Justice Rabner and Assignment Judge Doyne.

The Court did not warn Petitioner of her *Miranda* rights, provide a public defender or counsel, despite being accused of breaking or possibly breaking a penal code. She was not offered a jury trial, evidentiary hearing, opportunity to proffer evidence, or face her accusers, including DCP&P. She was effectively arraigned in absentia, convicted and sentenced to estrangement of her children based on hearsay, again without legal representation, *Gideon v. Wainwright*, 372 U.S. 335 and *Strickland v. Washington*, 466 U.S. 668 (1984). **(Exhibit C)** This

again **prevented Petitioner from access to the Court.** Respondent is now **barred by judicial estoppel** the because the Appellate Division just issued a groundbreaking ruling that all parents facing loss of parental rights have a constitutional right to have a pro bono attorney at trial. "After the elimination of the death penalty, we can think of no legal consequence of greater magnitude than the termination of parental rights." *In the Matter of the Adoption of a Child By J.E.V. and D.G.V.*, N.J. Super (App. Div. 2015), Docket No. A-3238-13T3.

On September 8, 2014, the Appellate Court dismissed Petitioner's appeal because of the transcripts issue, **quashing all remedy Petitioner had at the State level. (Exhibit D).**

On March 26, 2015, the July 22, 2014 Order was revised *ex parte*, without Notice to Petitioner. DCP&P no longer wanted to be involved, likely attributed to Petitioner's RICO suit. Again, Petitioner and her children were **deprived access to the Court and due process of Law.**

All State or County salaries, pensions, and other compensation paid to State actors are bribes or *quid pro quo* kickbacks because both the County and the State could be or have been sued in the Bergen County Court. Title IV money came into the County and it got intimately involved in Petitioner's child custody case through the use of County-employed child custody evaluators and social workers. **(Exhibit H)** All orders as of Feb. 1, 2011 by Respondent are void.

42 U.S. Code § 1301, Sec. 1101(10)(d) prohibits the State from interfering with parental rights. *NJ Rev Stat § 26:8-28 (2013)* is unconstitutional and void for vagueness in that it forces tangible human beings into a contract/trust and parity with the state as an artificial entity, unbeknownst or misunderstood to the Public; and gives the State of New Jersey self-imposed power to conjure domestic relations law where none originally or otherwise exists, *S.C.R. 1795, Penhallow v. Doane's Administrators*, 3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54l and *Clearfield Trust Co. v. United States*, 318 U.S. 363-371 (1942).

Child Support

Petitioner was subjected to economic deprivation and discrimination here. Edward Crane refused to comply with the terms of the Property Settlement Agreement, Article III, #2, which mandated a recalculation of child support as of Nov 1, 2010. Instead, he moved for a change of custody in the Bergen Court on Feb. 1, 2011. Petitioner cross-moved for enforcement in both New Jersey and New York.

The New York Support Magistrate said New York could exercise jurisdiction as the children lived in New York (NY Child Support File #23772, Docket #F-00623-11/11A). Edward Crane also worked in New York. The Bergen Court said New Jersey had exclusive jurisdiction for child support matters and told Petitioner she could not pursue the matter in New York. Petitioner was denied honest remedy of the child support issue as required by *N.J.S.A. 5:6-4*.

Edward Crane and Peter Van Aulen concealed tax returns and pay stubs for 1½ years from Petitioner, needed to recalculate child support. Peter Van Aulen acted as a witness to run dishonest child support numbers with Judge DeLorenzo's law clerk in 2011, who acted as if she were a judge, without the required financial information. Petitioner objected to this and the clerk lied to her, saying Edward Crane did not have to provide his financial information.

In the August 30, 2013 Order, the Court **ignored Petitioner's child support claim** and grossly misstated financials, decreasing Edward Crane's income from the 172K in the PSA to 150K, despite tax returns showing his income at 192K in 2009; 215K in 2010; 225K in 2011; 300K in 2012. **(Exhibit G)** Without legitimate basis, he increased Petitioner's imputed income from 30K to 72K, after years of Petitioner demonstrating to the Court that she was indigent. The Court ordered Petitioner to pay $240/week in child support while she was receiving $356/week from NYS Unemployment. Petitioner challenged that portion of the Order and it was nullified.

The New Jersey Guidelines states that the Guidelines may not be extrapolated for cases that exceed the upper limits ($3600/week); instead the upper limits of the Guidelines are intended as a presumptive minimum of child support. Additional support is then added to that minimum in high-income cases. Petitioner's child support claim remains unresolved. Based on child support guidelines for the respective year and state where the children lived, Petitioner is owed:

For custodial year 2011, 225K @ NY ($50, 625 – 23, 504) = $27,121
For custodial year 2012, 300K @ NJ ($31, 512 – 23, 504) = $8,008
Extracurricular expenses of $1000
Additional child support due to a 300K windfall Edward Crane received

IV. WHY THE WRIT SHOULD ISSUE

The averments of the above stated paragraphs are alleged as if fully set forth herein.

This extraordinary Writ should issue to uphold the Constitution and Public faith in the judiciary, and protect the judgments of the U.S. Supreme Court pursuant to the anti-injunction statute as the proceedings were held in a manner that shocks the conscience and is repugnant to the U.S. Constitution. Respondent is an **incompetent forum** and had no authority to act **without subject matter jurisdiction**, nor act as a criminal or quasi-criminal Court under the guise of a Court of Chancery, both in the domestic violence hearing where it failed to protect Petitioner; and the custody matter where it effectively prosecuted Petitioner without procedural protections against the Sixth Amendment and *Gideon*. Opposing counsel committed **procedural fraud** and did not put Petitioner on **Notice** that she was in danger of losing her parental rights. Petitioner was discriminated against because she is a woman, mother, and victim of domestic violence; disenfranchised and deprived Equal Protection and Due Process of Law under the Fifth, 14th and 19th Amendments, *Roe v. Wade* and as a continuum of liberty to raise her born children. Petitioner and her children were **deprived of fair child support**. Petitioner was deprived of her

right to a meaningful, full and fair hearing of her claims and defense of the adversary's claims in the Superior Court of New Jersey. Respondent **prevented Petitioner and her children from access to the Court and due process** when it refused to provide Petitioner or her children with an attorney, dismissed her attorney, prevented an in camera interview of the children, refused to grant free transcripts to Petitioner to perfect an appeal, and when the judge refused to recuse himself, *inter alia*. Respondent had no right to infringe on Petitioner's right to contract, to destroy the child custody agreements and Property Settlement Agreement, **terminate her parental rights as a fit parent**, bar her and her children from contact, imposing cruel and unusual punishment upon them, against the Eighth Amendment. Respondent **tried to coerce** Petitioner into signing away her rights to her children *after* it issued the Order terminating her parental rights - Respondent knows that Order is illegal. Respondent had no authority to condition Petitioner's appeal based on her ability to pay for transcripts with a mandated vendor monopoly, without *stare decisis* owed the U.S. Supreme Court in *M.L.B. v. S.L.J.* Respondent violated the ADA by refusing to provide reasonable accommodations to Petitioner. Respondent violated Title IV federal funding. Respondent violated clearly established fundamental rights and privileges enumerated in the U.S. Constitution and International treaties. Petitioner is the only parent with lawful custody of her children. Respondent treats Petitioner as a political prisoner in retaliation for exercising her First Amendment rights speaking out against Family Court corruption. In conclusion, this Court may wish to consider Summary Reversal.

Petitioner reserves the right to amend this petition and expand proceedings. Orders are attached; Petitioner never received certified copies with Bergen Court's seal, other than the JOD.

V. PRAYER FOR RELIEF

WHEREFORE, Petitioner prays for the following relief, to wit:

1. The Honorable Court issue a Writ of Mandamus to the Superior Court of New Jersey to vacate the proceedings as of February 1, 2011 in her family law case;
2. The Honorable Court make a finding that the Orders of December 24, 2012; August 30, 2013; July 9 and 22, 2014; and March 26, 2015 are unconstitutional and quash said Orders;
3. The Honorable Court enjoin the Superior Court of New Jersey from maintaining or enforcing all such Orders; and that Petitioner's contractual agreements and JOD be enforced so that her children are returned to her care, custody, and control; and that child support be enforced;
4. The Honorable Court order the Superior Court of New Jersey to divest itself of jurisdiction;
5. Any other relief the Honorable Court deems just and proper.

VERIFICATION

STATE OF)

:ss:

COUNTY OF)

Karin E. Wolf, being duly sworn, says that she is the Petitioner in the above-named proceeding and that the foregoing petition is true to her own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters she believes it to be true.

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Petitioner

Sworn to before me this

day of

(Deputy) Clerk of the Court

Notary Public