

STATE OF NEW HAMPSHIRE

_____ CIRCUIT COURT, FAMILY DIVISION

DOCKET # _____

IN RE: _____, CHILD/REN

NOTICE TO THE COURT

The state has told me in the NOTICE that my parental rights are at stake via Termination of Parental Right if the other parent does not comply with any orders of the court and fails to correct the conditions that led to the filing of this Petition. Literally, DCYF has the complete and unconstitutional fabricated "RIGHT" to terminate my parental right based on something I have no control over – the behavior of the other parent that may lead to a finding of true.

The NH Supreme Court stated in the case of "In Re: Bill F." stated:

“The State's argument that we should apply RSA 169-C:23 is also without merit. The State has the burden to prove the allegations in an abuse or neglect petition by a preponderance of the evidence. See RSA 169-C:13. Under RSA 169-C:23, once a parent is deemed neglectful or abusive, he or she must demonstrate certain criteria before a child is returned to his or her custody. **To apply this section to the petitioner, who has never been found to have abused or neglected his child, would subject him to an undue burden and violate his due process rights. . . ,**

[a] fundamentally unfair adjudicatory procedure is one . . . that gives a party a significant advantage or places a party in a position of prejudice or allows a party to reap the benefit of his own behavior in placing his opponent at an unmerited and misleading disadvantage. . . . **We conclude that the procedure employed in this case placed the petitioner in an even more difficult position than a parent actually charged with abuse or neglect and substantially prejudiced him in his efforts to obtain custody of his son. This was fundamentally unfair and amounted to a denial of due process.**

I am not a party to this proceeding, although I have the right to attend. I have no attorney. I will not pay for one when my parental rights are not at stake. The child is in "protective custody" with respect to the accused mother only. I fully expect DCYF to allow my customary and usual parenting time with the child without condition, as required by In Re: Bill F., as per any formal or informal custody agreement now in place. I will accept no pre-trial or post-trial conditions on the right to parent. or participate in a "case plan" that unduly burdens my long and well-established right to parent, according the wording of In re:Bill F. DCYF may not “prejudice my right[s] and reap the benefit of their own behavior.”

If DCYF seeks to limit my rights in this case by asking the court to make any orders that limit my parental rights. . . I will accept absolutely no limitations on my parental rights as they existed before the filing of the petition. I am non a party to the case. To the extent that I may seek custody of my child, I will do so through other means.

Also, I will sign nothing – even if the court that has no jurisdiction over me tells me I must sign something on pain of contempt. I am not a party to this case and I have zero financial responsibility for services provided the other parent. DCYF and the courts have zero right to my private, personal financial information. The US Supreme Court has repeatedly stated essentially “The right to be let alone is indeed the beginning of all freedom.” Public utilities Comm'n v. Pollack 343 U.S. 451 (1952)

TWENTY years after "In re: Bill F." was decided, things have not fundamentally changed. TWENTY years of DCYF and the Family Division not following the LAW by placing conditions on a non-offending parent on his/her fundamental right to parent in violation of the plain wording of In Re: Bill F. TWENTY years of denying a parent the right to have parenting time privately with the child – but only at the discretion of DCYF and CASA. TWENTY years of the Family Division denying fundamental parental rights. TWENTY years of court orders limiting the fundamental rights of non-accused parents placing undue burdens on his right to parent by demanding financial responsibility from the non-accused parent.

The acknowledgement of Possible Consequences to Parental Rights FALSELY states that “The Court will determine whether your child(ren) will remain at home or with another parent or whether your child(ren) will be removed and placed in a foster home or another appropriate placement. The Court may impose conditions on any placement it makes, such as your family having regular visitation through the Division for Children, Youth and Families (DCYF).” That is specifically prohibited by the plain wording of Bill F., placing an undue burden on my fundamental right to parent my child.

The New Hampshire legislature (and by extension, DCYF) has acknowledged that they KNOW the uncharged parent is not a party to the case, and therefore not subject to orders of the court. In amending RSA 169-C:10 – Attorneys and Guardian ad Litem in 2013, they worded it thusly:

“In addition, the court may appoint an attorney to represent an indigent parent not alleged to have neglected or abused his or her child if the parent is a household member and such independent legal representation is necessary to protect the parent's interest. The court shall not appoint an attorney to represent any other persons **involved in a case** brought under this chapter. The wording does not mention other “parties” to the case. There are no other persons at the start of the proceedings **involved** in a case, except a third person charged with abusing a child (it happens occasionally) or the non-household parent.” **Fundamental conspiracy to criminally deny 14th A rights under 18 U.S. Code § 241.**

Also according to the court notice, any award of custody to me is temporary. DCYF or whoever designed the form simply made that up. The word “temporary” is no where to be found in either the case of In re: Bill F., nor the plain wording of RSA 169-19-e. The NOTICE to me is fabricated with respect to my rights. Because I have no statutory means of filing a custody petition after an award of permanent legal custody is made at the dispositional phase of the trial, which

_____ has already occurred. **OR**

_____ has not occurred

_____ I will be seeking custody in another manner pre-disposition– I will not file a custody petition this court, to be heard by a court that has denied the rights of fit parent for at least twenty years now. **OR**

_____ I will be seeking custody in another manner post-disposition. I will not subject my self to the jurisdiction of any court that has denied the fundamental rights of fit parents for at least twenty years.

Also, I will sign nothing – even if the court that has no jurisdiction over me tells me I must sign something on pain of contempt. I am not a party to this case and I have zero financial responsibility for services provided the other parent. DCYF and the courts have zero right to my personal financial information.

In the 1990's the statute RSA 170-G:8-a was substantially re-written to exclude many things that burden my fundamental right to access information concerning the welfare my child by excluding all third party records, and court records, among other things. Also, please know because court records are specifically excluded from the definition of “case record” I assert my 1st Amendment right to do anything I want with them – including sending court records to the press if I deem fit to show the long-standing court denial of due process rights of non-accused parent rights.

I also have a fundamental parental right to everything in the DCYF case file. That includes confidential information excluded from the definition of “case record” in RSA 170-G:8-a, even though I am not a party to this case. I fully expect DCYF to timely inform me of EVERYTHING in their confidential file prior to any hearing on the matter that the charges parent prior to any scheduled hearing in the matter without the need for me filing anything in the matter, in precisely the same manner as they provide records for the accused parent or his/her attorney.

"According to a publicly available web site, http://nhdcyf.info/fit_parents.html, "DCYF fought like dogs to keep a definition [of fit parent] out of the statute." I will not subject myself to an unconstitutionally vague "fit parent" hearing - allowing any judge who has been choosing his own definition of “fit parent” for as long as he sat on the bench - to any criteria he wants to define “parental fitness” without a clear statutory definition of what I have to show to prove I am a fit parent. It makes no difference to me that technically the burden is on DCYF to prove my unfitness. It makes no difference at all to me. I will assert my rights in other ways.

Respectfully submitted:

Name

Dated: _____

Address

CERTIFICATE OF SERVICE

I hereby certify that I have mailed or delivered in hand copies of this NOTICE to DCYF at _____ (address of DCYF office) and

and CASA Nh at (check one) _____ 138 Coolidge Ave, Manchester NH 03101 **OR**

_____ 258 Highland Ave, Plymouth NH 03264 **OR**

_____ 25 St. Thomas St., Dover NH 03820 **OR**

_____ 39 Central Square, # 303, Keene, NH 03431 **OR**

_____ PO Box 1327, Manchester, NH 03105 **OR**

Name and address of other appointed GAL

Dated this _____ day of _____ 20_____

Parent