# In the Supreme Court of the United States



PROTECTIVE PARENT,

Petitioner,

v.

Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of the State of Washington

### PETITION FOR A WRIT OF CERTIORARI

Protective Parent Petitioner Pro Se

### **QUESTIONS PRESENTED**

- 1. May a state court, or an arbitrator, order a transfer of child custody in violation of the applicable legal standards for a modification of custody simply by cloaking the attempted transfer in the guise of a program of "therapy"? (See Moore v. East Cleveland, 431 U.S. 494, 499, 97 S.Ct. 1932, 1936, 52 L.Ed.2d 531 (1977); Lassiter v. Dept. of Social Services, 452 U.S. 18, 27, 101 S.Ct. 2153, 2159-60, 68 L.Ed.2d 640 (1981).
- 2. Are the constitutional rights of a custodial parent, and of his children, under the Due Process clause of the 14th Amendment violated by an order forcing the children to participate in a coercive program designed to isolate them from the custodial parent and to "reunify" them with a non-custodial parent they fear and do not want to live with? (See Santosky v. Kramer, 455 U.S. 745, 753, 102 S.Ct. 1388, 1394-95, 71 L.Ed.2d 599 (1982); Troxel v. Granville, 530 U.S. 57, 65-66, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000).
- 3. May children be removed from a parent's custody and forcibly transferred to the other parent, when the legal requirements for a modification are demonstrably not met, simply because a court or arbitrator describes this transfer as a concomitant of "therapy"? (See Youngberg v. Romeo, 457 U.S. 307, 315, 102 S.Ct. 2452, 73 L.Ed.2d 28 (1982); Vitek v. Jones, 445 U.S. 480, 491-494, 100 S.Ct. 1254, 1262-1264, 63 L.Ed.2d 552 (1980).



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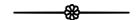
Petitioner respectfully seeks a writ of certiorari to challenge the refusal of the state courts of Washington to review an order that violated the mutual rights of a parent and his children to companionship and security, and was calculated to effect a change of child custody without meeting the statutory requirements – on the pretext of "therapy."

Now that the state courts have declined to consider the constitutional implications of such a devastating attack on a family's civil rights, only this Court can vindicate the rights at stake in this fraudulent use of family "therapy."

This Court's intervention is required for two reasons. First, a parent's constitutional right to the preservation of the custody of his children — a right proclaimed "fundamental" by this Court — requires that a change of child custody may only occur when the relevant statutory criteria are met. But in this case, false claims of "therapeutic" considerations were used in an attempt to circumvent the findings required as a matter of due process of law.

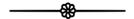
Second, the "reunification therapy" used as a covert means of changing custody in this case is, by its very nature, a violation of the basic rights of children. It is a coercive and abusive use of psychological techniques to sever the bond between a custodial parent and his (or her) children. This cannot pass constitutional muster.

Although these questions arose in the context of a "domestic relations" matter, they are clearly within proper federal jurisdiction. See Ankenbrandt v. Richards, 504 U.S. 689, 112 S.Ct. 2206, 119 L.Ed.2d 458 (1992).



#### OPINIONS BELOW

The Supreme Court of Washington denied Petitioner's motion for modification of a single commissioner's refusal to accept Petitioner's motion for review without issuing an opinion. (Pet.App. 1a-2a.). The opinion of the single commissioner of the Supreme Court of Washington is reproduced in the appendix hereto. (Pet.App. 3a-7a.). A commissioner of the Court of Appeals for the State of Washington previously denied discretionary review of the order in question, and a panel of that court refused to modify it. (Pet.App. 10a-21a.). The underlying order of the arbitrator, as upheld by the trial court, is reproduced in the appendix hereto. (Pet.App. 36a-42a.).



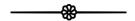
#### **JURISDICTION**

The Supreme Court of the State of Washington entered its order on December 6, 2023, denying Petitioner's timely motion for modification of a single commissioner's decision denying discretionary review of the lower courts' rulings against Petitioner. On December 11, 2023, the Court of Appeals for the State of Washington issued an order stating that its refusal to grant review was final. (Pet.App. 8a-9a.).

Accordingly, this Court has jurisdiction pursuant to 28 U.S.C. § 1257(a), which provides in relevant part:

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where . . . any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of . . . the United States.

As shown below, in this case the Due Process clause of the 14th Amendment to the U.S. Constitution, as well as 42 U.S.C. § 1983, were "specially set up or claimed" by Petitioner in the state courts, including the Supreme Court, of Washington.



## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Relevant statutory provisions are set forth at (Pet.App. 47a-49a.). They consist of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

### STATEMENT OF THE CASE

#### A. The Facts

- 1. For the most part, the relevant facts may be found in the opinion of the Supreme Court of Washington (authored by a single commissioner). (Pet. App. 3a-8a.). The facts are summarized briefly here.
- 2. Petitioner ("Father") is the father and the custodial parent of X.X. and Y.Y. Respondent ("Mother") is their non-custodial biological mother. Father and Mother are parties to divorce proceedings in the Clark County Superior Court, Case No. 19-3-XXXX-XX. On March 4, 2020, the parties entered a CR 2A stipulation submitting all unresolved issues in the case to the arbitrator for binding arbitration preceded by a voluntary mediation. The parties' stipulation provided that the arbitrator would decide "all contested issues" in the divorce proceeding, including the parenting plan for the minor children, X.X. and Y.Y. (Pet.App. 4a, 13a-14a.).
- 3. During the relevant period, division of parental responsibility for X.X. and Y.Y. was governed by an amended temporary parenting plan entered on October 25, 2022 (the "Temporary Parenting Plan"). The Temporary Parenting Plan provided for Father to act as primary caregiver to the children, with Mother's parenting time to be increased in three graduated phases. (Pet.App. 13a.). As of November 2022, the parties had entered the third phase of the plan. The Temporary Parenting Plan included a provision for what was described as an "intensive intervention" program, the

details and the provider of which were to be determined subsequently. (Pet.App. 3a, 13a.).

- 4. On November 10, 2022 without Father's consent - the Arbitrator entered the Intensive Intervention Order at issue herein. This intervention was to be drastically different from a previous one that the children and both parents had willingly undergone in 2021. (Pet.App. 4a.). The previous intervention had been designed around the needs of the children, who had very painful memories of their treatment by Mother. (Pet.App. 96a-99a.). The new intervention – to be carried out by an organization called Turning Points for Families, headed by one Linda J. Gottlieb - was to be a radical "boot camp" experience in which the children were to be transferred to Mother, completely cut off from contact with Father and his family, and essentially forced to improve their relationship with Mother, regardless of their wishes. (Pet.App. 14a-15a, 63a-65a, 85a-86a.).
- 5. Father unsuccessfully sought reconsideration by the arbitrator, and then filed a motion with the Court of Appeals seeking immediate review. By order dated January 19, 2023, the Court of Appeals declined to order review on the grounds that it lacked jurisdiction to review the arbitrator's ruling until it had been confirmed by Superior Court. Father then filed a motion with Superior Court seeking vacatur of the Intensive Intervention Order. Superior Court denied that motion. (Pet.App. 22a.).
- 6. The program mandated by the Intensive Intervention Order was to begin with a four-day "treatment" program forcing the children into constant and close proximity with Mother. In addition, it imposed a "sequestration" period during which neither Father

nor any of his family members was allowed any contact with the children. (Pet.App. 38a-40a.). This period of forced separation from Father (and his family) was ordered to last "a minimum of thirty" days, and the order specified that the sequestration period could be extended indefinitely by the arbitrator after consultation with Ms. Gottlieb. Neither Father nor the children were to have any say with respect to this open-ended extension of the period. (Pet.App. 38a-39a.).

- 7. In his unsuccessful motion for reconsideration. Father argued that the drastic terms of the Intensive Intervention Order represented an error of law. Specifically, he argued that (1) the draconian program contemplated in the Intensive Intervention Order was designed for families experiencing severe "parental alienation" and would require Father to follow a protocol appropriate to alienating and abusive parents, even though no expert in this case has attached such a label to Father; and (2) the sequestration period constituted a material modification of the Temporary Parenting Plan yet lacked the necessary findings (i) that there had been a substantial change in circumstances, and (ii) that the Intensive Intervention Order was necessary to serve the best interests of the xxxxx children.
- 8. Father also provided evidence, taken directly from the statements of the xxxxx children's mental health provider, that implementation of the Intensive Intervention Order would prove extremely harmful to the xxxxx children.(Pet.App. 96a-99a). ("There is significant risk for psychological harm and amplification of safety concerns if [X.X. and Y.Y.] are isolated from their current support systems and

healthy attachment relationships (*i.e.*, their father, extended family, family friends, work relationships, online peer carina relationships, counseling, etc.), and required to participate in sequestration period with their mother at this time"). The same expert opined that immediate implementation of the sequestration period will "lead to significant safety risks of suicidal ideation and/or elopement" by both children and will counteract the gains made toward normalizing the children's relationship with their mother. (Pet.App. 96a-99a.).

- 9. None of this was denied by the trial court, the state Court of Appeals, nor the Washington Supreme Court. (Pet.App. 6a, 15a-17a.). Specifically, it was never denied that the prospect of the Intensive Intervention Order being carried out had resulted in a serious risk for psychological harm to the children, including suicidal ideation (as noted above).
- 10. It was equally undisputed that the Intensive Intervention was to be a "boot camp" program designed to coerce or brainwash the children into accepting a change in their custodial arrangement to which they were both passionately opposed. *See* (Pet.App. 53a, 59a-61a, 63a-65a.). In addition, Father would have been required to write a letter to his children in which he blamed himself falsely, in this case for having pressured the children into fearing contact with their mother. (Pet.App. 77a-79a.).
- 11. Clearly, these were not therapeutic measures; they were planned acts of psychological abuse, inevitably traumatic to the children and harmful to their relationship with Father, intended to pave the way for a transfer of custody from Father to Mother. The psychological bullying of the children was intended

to break down their resistance to the transfer, and Father's coerced "confession" would serve as evidentiary support. No wonder Mother had funded the venture.

## B. Proceedings Below

- 1. After the trial court proceedings described above, Father sought the Court of Appeals' discretionary review of the Arbitrator's Intensive Intervention Order and of Superior Court's refusal to vacate that order in its ruling dated March 10, 2023. (Discretionary review was necessary because in Washington only final orders are appealable as of right, and these orders were not technically final.)
- 2. By order filed June 1, 2023, a commissioner of the Court of Appeals denied discretionary review. (Pet.App. 12a-21a.). By order filed July 13, 2023, the Court of Appeals declined to modify that ruling. (Pet.App. 10a-11a.).
- 3. Petitioner then sought discretionary review by the Washington Supreme Court. By order filed on September 26, 2023, a commissioner of the Washington Supreme Court denied the motion. (Pet.App. 3a-7a.). On December 6, 2023, a panel of the Washington Supreme Court declined to modify that ruling, Pet. App. 1a-2a. This exhausted Petitioner's state court appellate remedies. All of Petitioner's motions were timely.
- 4. The ruling against Petitioner challenged herein thus became final, by order of the Court of Appeals, as of December 11, 2024. (Pet.App. 8a-9a.).
- 5. Petitioner now seeks a writ of certiorari from this Court.

#### REASONS FOR GRANTING THE PETITION

# I. THE STATE COURTS DENIED PETITIONER'S FUNDAMENTAL RIGHT TO THE CARE AND CUSTODY OF HIS CHILDREN ON THE PRETEXT OF "THERAPY"

This Court's intervention is essential to vindicate a fundamental principle enunciated repeatedly by the Court since the 1970s: that a parent may not be deprived of the custody of his or her minor child without due process of law. That principle is as old as *Stanley v. Illinois*, 405 U.S. 645, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972). Nine years later, this Court could state unequivocally that its

decisions have by now made plain beyond the need for multiple citation that a parent's desire for and right to "the companionship, care, custody and management of his or her children" is an important interest that "undeniably warrants deference and, absent a powerful countervailing interest, protection." . . . A parent's interest in the accuracy and justice of the decision to terminate his or her parental status is, therefore a commanding one.

Lassiter v. Dept. of Social Services, 452 U.S. 18, 27, 101 S.Ct. 2153, 2159-60, 68 L.Ed.2d 640 (1981), rehearing denied, quoting Stanley v. Illinois, supra, 405 U.S. at 651, 92 S.Ct. at 1212. See also Santosky v. Kramer, 455 U.S. 745, 753, 102 S.Ct. 1388, 1394-95, 71 L.Ed.2d 599 (1982) (a parent has a "fundamental" liberty interest in the care, custody and management of his or her child.)

Not only Petitioner's rights were violated; his children's rights were violated as well – and not only their right to the care of their custodial parent, but also to basic liberty interests secured under the Fourteenth Amendment.

The Intensive Intervention Order was intended to function as an illegal device for the transfer of child custody – under the false pretense of "therapy" – without regard for the statutory standards of the State of Washington. This was unconstitutional because it sought to deprive Father of his right to custody without due process of law. Furthermore, the Intensive Intervention Order coercively separated the minor children from their custodial parent, barred their right to communicate with him – or even with members of his family – and forced them to accept the proximity of a parent they had learned to fear. This was unconstitutional because it violated the children's substantive liberty interests under the Fourteenth Amendment.

# A. Petitioner's Right to Child Custody Required a Modification That Conformed to Statutory Requirements

Because of each parent's "commanding" and "fundamental" interest in maintaining the "care, custody and management of his or her children," this Court has stressed that when the entities and agents of the state attempt to deprive a parent of child custody, the federal courts are authorized to investigate such action to ensure that it is consistent with statutory requirements and legitimate government interests.

"The family is an institution 'deeply rooted in this Nation's history and tradition." *Bowen v. Gilliard*, 483

U.S. 587, 611, 107 S.Ct. 3008, 97 L.Ed.2d 485 (1987), quoting Moore v. East Cleveland, 431 U.S. 494, 503, 97 S.Ct. 1932, 1938, 52 L.Ed.2d 531 (1977). Consequently, "when the government intrudes on choices concerning family living arrangements, this Court must examine carefully the importance of the governmental interests advanced and the extent to which they are served by the challenged regulation." Moore, supra, 431 U.S., at 499, 97 S.Ct., at 1936.

The removal of children from a custodial parent without even the pretense of applying the relevant criteria required by state law for a modification of custody is surely inconsistent with an actual "governmental interests." The law thus requires federal intervention in the instant case to prevent a change of child custody that has been attempted, quite openly, in direct defiance of Washington statutory law regarding the modification of child custody.

The intervention of the federal courts in order to secure compliance with constitutional mandates is well supported by applicable case law. See, e.g., Mabe v. San Bernardino County Dept. of Public Social Services, 237 F.3d 1101, 1107 (9th Cir. 2001) ("The Fourteenth Amendment guarantees that parents will not be separated from their children without due process of law except in emergencies"); Vinson v. Campbell County Fiscal Court, 820 F.2d 194, 200-01 (6th Cir. 1987) (a mother's "interest in the physical custody of her children [cannot] be terminated without compliance with the requirements of due process"); Young v. County of Fulton, 999 F. Supp. 282, 286 (N.D.N.Y. 1998), aff'd, 160 F.3d 899 (2nd Cir. 1998) ("a mother enjoys a constitutionally protected liberty interest in the custody of her children, affording a

pre-deprivation hearing pursuant to due process of law"); *accord*, *Robison v. Via*, 821 F.2d 913, 921 (2nd Cir. 1987).

The instant case presents the Court with a patent violation of Father's liberty interest in the care and custody of his two minor children, as guaranteed by the Fourteenth Amendment to the U.S. Constitution. No court has ever ordered a transfer of the minor children's custody from Father to Mother. Yet, the effect of the Intensive Intervention Order would have been to effect that result – removing the children completely from Father's custody and care – without meeting Washington's statutory standards for such a modification. This certainly involves an impermissible interference with Father's right, as custodial parent, to determine his child's care, custody and management. See Santosky v. Kramer, supra, 455 U.S. at 753, 102 S.Ct. at 1394-95.

Indeed, this is clear under relevant state law as well. The courts of the State of Washington have emphasized the right of parents to raise their children without judicial or legislative interference in the absence of a "compelling state interest." In re Custody of Smith, 137 Wash. 2d 1, 969 P.2d 21 (1998). In that case, the Washington Supreme Court ruled that state interference with child-rearing decisions could be justified "only when 'parental actions or decisions seriously conflict with the physical or mental health of the child." See In re Parentage of CAMA, 120 Wash. App. 199, 84 P.3d 1253, 1257 (App. 2004). Yet there was never any allegation that Father was harming "the physical or mental health" of his minor children. And there could not have been a "compelling state interest" in interfering with Father's custodial rights when no court ever found that Father deserved to lose custody quander the standards set by the laws of Washington.

The Intensive Intervention Order was, therefore, an unconstitutional attempt to transfer the minor children from Father to Mother. It also, as shown above, severely threatened the children's psychological welfare. And in cases involving child custody and parenting matters, there is no more crucial desideratum of public policy than the welfare of the minor children. "[C]ourts attempt to protect the rights of both parents and children, giving primary consideration to the welfare of children. In re Adoption of Kurth, 16 Wash. App. 579, 581 (App., Div. 3, 1976), quoting In re Sego, 82 Wash. 2d 736, 740 (1973).

In this case, both the rights and the welfare of minor children were gravely challenged by the Intensive Intervention Order. Washington's appellate courts. in declining to review the order, treated it as if it merely called for some form of family therapy. See (Pet.App. 6a-8a.). But this was not the case. What Respondent sought – and the arbitrator and trial court attempted to require – was a harsh "boot camp" behavior modification program for two small children, using coercive tactics to achieve what genuine therapy would never even attempt. Programs like the one touted by Turning Points for Families are designed to attract hefty fees from parents who cannot win the trust of their children through legitimate means and must therefore resort to coercion, trickery and psychological manipulation. See (Pet.App. 64a-69a.). In this case, there is no question but that the coercive and deliberately disorienting methods to be used by Turning Points - of which the "sequestration" of the

children from the parent who has always been their primary caregiver was only a typical example – posed a serious threat to the children's psychological wellbeing. They might even have led to suicide. (Pet.App. 96a-99a.).

This Court's review is therefore required to protect custodial parents – and their children – from illegitimate modifications of custody effected through a bogus program of "therapy," like the abusive measures mandated under the Intensive Intervention Order.

"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." *Troxel v. Granville*, 530 U.S. 57, 65-66, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000). That "fundamental liberty interest" is at stake in this case. So is the right of the xxxxx children to the companionship of their loved ones. "The imposition of an unconstitutional condition [by a court] is manifestly unreasonable." *State v. Johnson*, 12 Wash. App. 2d 201, 213 (App., Div. 2, 2020), *citing State v. Hai Minh Nguyen*, 191 Wash. 2d 671, 678 (2018). These rights cannot be vindicated absent this Court's review.

# B. The State Courts Refused to Review the Constitutional Issues Raised by Petitioner

The fallacious assumption on which Respondent has insisted, throughout this matter's litigation in the Washington state courts, is that any sort of alleged "reunification therapy" between a parent and a child is pretty much the same as any other. (Pet.App. 19a-21a.). Unfortunately, the state appellate courts appear to have accepted this view. Accordingly, no court has even considered the constitutional questions raised

by an illegal attempt to transfer custody and the deprivation of basic liberties guaranteed to children and custodial parents under the Fourteenth Amendment.

In such a case, the Court's proper role is clear. In a prior holding, the Court has stated the responsibility of the federal courts to rectify an outcome in which the state courts have applied federal or constitutional law in a manner that is "objectively unreasonable." *See Middleton v. McNeil*, 541 U.S. 433, 436, 124 S.Ct. 1830, 158 L.Ed.2d 701 (2004). That has clearly occurred in this case. As a result, the Court's intervention is absolutely warranted.

# II. REUNIFICATION THERAPY" ORDERED IN THIS CASE WAS A COERCIVE AND ABUSIVE MEANS OF TRANSFERRING CUSTODY

All persons – even those under legitimate and non-punitive restrictions (for instance, persons subject to civil commitment orders) - retain substantive liberty interests under the Fourteenth Amendment. Youngberg v. Romeo, 457 U.S. 307, 315, 102 S.Ct. 2452, 73 L.Ed.2d 28 (1982), citing Vitek v. Jones, 445 U.S. 480, 491-494, 100 S.Ct. 1254, 1262-1264, 63 L.Ed.2d 552 (1980). In this case, it is not denied nor can it be denied – that the coercive terms of the Intensive Intervention Order deprived the minor children of their freedom of movement, their freedom of association and their freedom to communicate with their custodial parent. The Intensive Intervention Order explicitly required the children to be transported and placed with their mother against their will; it forbade them to return to Father unless and until agreed by the "therapist"; and it barred all communication between the children and Father (not to mention Father's family) for at least thirty days.

In the Washington courts, Respondent insisted that these coercive deprivations of constitutionallyprotected liberty were justify solely because they were carried out under the pretext of a program of "therapy."

But Respondent's attempt to evade basic civil rights law is untenable. Calling the Intensive Intervention Order a form of "therapy," instead of the assault on civil liberties it actually represents, simply drapes a wolf in sheep's clothing. The undisputed facts about the Intensive Intervention Order reveal it for what it is: an abusive forced "reunification" between the children and a parent whom bitter experience had taught them to fear.

Respondent's position is also belied by the proliferation around the country of such "boot camp" reunification programs — including that of Turning Points for Families, the organization Respondent attempted to enlist by means of the Intensive Intervention Order — whose coercive tactics and psychological torture are designed to force children into damaging relationships that no genuine therapeutic system would countenance.

So manifest is the danger of such *faux* therapy "boot camps" that the State of California has recently enacted a statute forbidding courts from ordering children into their "reunification" programs.<sup>1</sup> And

<sup>1</sup> See ABC7 Eyewitness News, "Piqui's Law: Newsom signs bill aimed at protecting children from abusive parents," October 14, 2023. (https://abc7.com/piquis-law-gavin-newsom-bill-signed-aramazd-piqui-andressian-jr/13911339/#:~:text=SACRAMENTO% 2C%20Calif.,be%20with%20a%20dangerous%20parent.)

just such a program, with all its ugly details – enforced isolation, coercive techniques, radical sequestration from their primary caregiver, systematic gaslighting – awaited the xxxxx children as a consequence of the order challenged herein. This was not intended as therapy; it was an attempt at an underhanded transfer of child custody, accomplished through an assault on basic civil rights. This cannot pass constitutional muster.

Just as it is disingenuous to cloak a civil rights violation in the language of psychotherapy, it is futile to claim that the Intensive Intervention Order did not forcibly deprive children of their basic rights merely because it came in the form of an arbitrator's order. The meaning of the term "forced" includes forms of coercion beyond the use of physical force or restraint, or the threat of physical force or restraint. See Ding v. Ashcroft, 387 F.3d 1131, 1138-39 (9th Cir. 2004). The Intensive Intervention Order was clearly a coercive measure that was legally permissible only to the extent that it respected the basic protections of the Fourteenth Amendment.

The state courts of Washington, however, have refused even to consider this critical question. As shown above, the Washington Supreme Court joined the Washington Court of Appeals in shirking a civil-rights analysis of the Intensive Intervention Order because it was couched – falsely – in the language of therapy and the healing of relationships.

Thus, only this Court can examine the fundamental constitutional question posed by this case. May a coercive, abusive "reunification" program like the one at issue here be ordered by a state court, just as it might order a course of psychotherapy? Res-

pondent argues in the affirmative. The civil rights contained in the Fourteenth Amendment demand a contrary result.

Indeed, the law of the State of Washington demands it as well. "The imposition of an unconstitutional condition [by a court] is manifestly unreasonable." State v. Johnson, supra, 12 Wash. App. 2d at 213, citing State v. Hai Minh Nguyen, supra, 191 Wash. 2d at 678. And denying the xxxxx's children's right to live with their custodial parent, and even the right to communicate with their father and his family, was just such an "unconstitutional condition," whose manifest unreasonableness was completely overlooked by the arbitrator, the trial court, and the appellate courts of the State of Washington.

Accordingly, these questions cannot be addressed unless this Court acknowledges the legal distinction between coercive and non-coercive forms of attempted "reunification" between minor children and a parent they fear or distrust, and between genuine family therapy and abusive brainwashing techniques falsely presented as "therapy." Such serious questions merit this Court's consideration.

Finally, this Court has made it clear that a "structural error" in the handling of litigation — one that deprives a litigant of a basic procedural right — may never be deemed a "harmless error" and requires reversal under any circumstances. *Sullivan v. Louisiana*, 508 U.S. 275, 113 S.Ct. 2078, 124 L.Ed.2d 182 (1993). The error in this case was undoubtedly "structural" and fundamental, involving as it did one of the most "basic" of procedural rights. Consequently, it cannot be brushed aside as minor or harmless.

On the contrary, it implicates basic substantive liberty questions.



#### CONCLUSION

The State Supreme Court Opinion – upheld by a panel of the Washington Supreme Court's refusal to modify it – violates Petitioner's basic right to due process of law, contradicts holdings of this Court and federal courts of appeal, and does so in the context of a parent's fundamental liberty interest in child custody. Only this Court's intervention can correct a miscarriage of justice that has so far escaped judicial review.

Father respectfully prays the Court to grant this petition and to issue a writ of certiorari to the Supreme Court of Washington.

Respectfully submitted,

Protective Parent Petitioner Pro Se