

January 27, 2020

PÉTITION FOR REMONSTRANCE

CONT.....

CASE NO: 18-J00609-002, 18-J-009-001, 18-J-00603-002, and 18-J-00607-002

CASE NO} 18J-604001 IN THE FAYETTE COUNTY DISTRICT COURT

Andre Dixon & Kiara Coker have court today in above said court 2nd floor

Petitioners... Andre Dixon Kiara Coker, Respectfully request

OPPOSITION TO MOTION FOR ORDERS FOR TEMPORARY CUSTODY quash unlawful summons, dis-missal of the above cases for declaration of facts below

1. A party requesting emergency orders regarding protection of a child should be prepared to

Provide proof of the imminent danger of irreparable harm to the child.

Based upon insufficient findings of fact and conclusions of law. KRS 403.270(1) (b) One exception

To the parent's superior right to custody arises if the parent is shown to be unfit by clear and

Convincing evidence or there was a risk of irreparable injury. Please refer {exhibit 'A-D Both IN PREVIOUS PETITON

Reports by CFHAFS and by Lexington Police Dept. included is 911

Calls} inconsistency with "CFHAFS initial "report and Lexington Police department Reports upon

Discovery obtained.

2. Violation of constitutional rights by {both 14 and fifth Amendments Procedural Due Process

Was violated.

Procedural due process protects individuals during governmental proceedings, whether they are Civil or criminal. Procedural due process also pertains to parole hearings, governmental benefit Hearings, and full criminal trials. The rights afforded in this section include, but are not limited to: The Right to be represented by counsel {SSW.Kennedy Barrett & SSW.Natasha Gray, said in their report That the alleged Defendants refused to speak to them without legal counsel when in fact both SSW Kennedy and Gray also Detective misik were given Then Attorneys address and complied to Meet. WAS THE E.C.O

(No complied notice requirements, as well as a declaration based on personal knowledge that There was immediate danger of irreparable harm.)

January 27, 2020

SSW. Kennedy Barrett and SSW Natasha Gray, Pamela Handshoe, Nakia walker are in clear violation of Title

VI. Dependency, Neglect or Abuse

FCRPP 16 Orders in Dependency, Neglect or Abuse Actions

*3. (1) A copy of the petition and summons, and an emergency custody order, if any, shall be Served. Upon parents or persons exercising custodial control or supervision or who have been awarded Legal, custody by a court or claims a right to legal custody under the law of this state. It may be served by any person authorized to serve process "except the state child protective service agency".

4. In the AOC-DNA-2 SSW KENNEDY BARRETT SWORE UNDER OATH THAT REASONABLE EFFORTS WERE MADE TO PREVENT THE CHILDS REMOVAL. According to 911 calls and dispatch, Audio recordings, addition to Lexington Police Depts. Records upon discovery .Proves to be not true, What is PERJURY? In criminal law. The willful assertion as to a matter of fact, opinion, belief, or Knowledge, made by a witness in a judicial proceeding as part of his evidence, either upon oath or in any Form allowed by law to be substituted for an oath, whether such evidence is given in open court, or in an

Affidavit, or otherwise, such assertion being known to such witness to be false, and being intended by Him to mislead the court, jury, or person holding the proceeding

ALSO according to FCRPP 17 Notice in Dependency, Neglect or Abuse Actions Fayette County District court {Judge Traci Brisling} did not follow the

Notice and Opportunity to be heard. Prior to any review or permanency hearing, the state child

, welfare agency shall inform the court of the name and address of the foster parents, pre-adoptive Parents and any relatives who are providing care for the child. The clerk shall provide notice of any, Review or permanency hearing to all parties and to the child's foster parents, pre-adoptive parents, and Any relatives who are providing care for the child. The foster parents, pre-adoptive parents or any, relative did not provide this until November 19, 2019,

Who is providing care for the child shall have an opportunity to be heard and may be subject, to Cross examination but shall not be designated as a party to such a proceeding solely on the Basis of, such notice and right to be heard. Was threatened by then attorney for chhafs that if we ask for a fair trial that they would file an t.p.r

HISTORY: Amended by Order 2012-10, eff. 1-1-13; adopted eff. 1-1-11

HISTORY: Amended by Order 2012-10, eff. 1-1-13; adopted eff. 1-1-11 (6) Case Management.

(a) Mediation.

(1) The parties may agree to mediate at any time. After notice and opportunity to be heard was told they could not afford a mediator. A then attorney for claimants, Senator Reginald Thomas was a firsthand witness to these matters.

And unless prohibited by KRS 403.036 (domestic violence), the parties may be ordered to June 11th 2018 when we are in court for the alleged D.N.A

1. Before SSW Natasha gray and SSW Kennedy Barrett requested an E.C.O was there proof of the Imminent danger of irreparable harm to the children. Fact and conclusions of law. KRS 403.270(1) (b)

2. DID THEY TRY TO CONTACT THE NEXT OF KIN OR ANY OTHER FAMILY MEMBERS OF THE

January 27, 2020

CHILDREN IN QUESTION BEFORE REQUESTING E.C.O. not until circa November 2019 was any reasonable effort made by the cabinet of Health and family services to reasonably contact fictive kin nor family.

3. WHEN DID THEY FIRST HEAR OF THE INCIDENT TIME AND DATE?

4. WHY DID THEY VIOLATE ARE CONSTITUTIONAL RIGHTS Procedural due process protects Individuals during governmental proceedings, whether they are civil or criminal. Procedural due Process also pertains to parole hearings, governmental benefit hearings, and full criminal trials. The Rights afforded in this section include, but are not limited to: The right to be represented by counsel { SSW.Kennedy Barrett & SSW.Natasha Gray, said in their report that the alleged Defendants Refused to speak to them without legal counsel when in fact both SSW Kennedy and Gray also Detective misik were given Then Attorneys address and complied to meet.

5. WAS THE E.C.O DONE IN MALICIOUS INTENT (IF NOT) THEY HAD THE ALLEGED VICTIM WHAT DID THE OTHER SIX CHILDREN HAVE TO DO WITH THEIR INVESTIGATION!

6. Why did SSW.Kennedy Barrett "commit perjury" her initial report to obtain E.C.O, under sworn Testimony reports that she sent the alleged victim to up hospital according to police report the Alleged victim was transported to M.A.S.H not the university of Kentucky Hospital, Mediate any issues before further proceedings.

There has been two Mediations between D.C.B.S And Parents with No Mediator present and Simply Their reason For That was there wasn't enough funding .It is with these facts that we Respectfully Request the Temporary Removal be Remanded. Lynn Bennett, Kiedra Dixon Kiemoni Bennett and Joshua Coker remain in the cabinet's care where there has been abuse and neglect charges filled with Campbell county cps on the foster parents Rose and Joseph Miller on Lynn Kiemoni and Kiedra with Kiedra having to have reconstructive surgery on her vagina , when we ask the cabinet to provide the doctors report of the incident we have not got those reports to this day we also have audio/video evidence also legal documents that would prove of these wrong doings. Also in an attempt to cover up the abuse from rose and joseph miller the cabinet stopped our visits with Lynn, Kiemoni, and Kiedra, on March 9th in coercion with K.V.C services to cover up the mal-practice have kept us from any visitation with the above, To continue the fraud an unlawful summons affidavit and petition to T.p r claimants Andre Dixon and Kiara Coker I have attached. *REFER EXIHIBIT A Where general requirements of a valid summons under FRCP 4(a)

1. Issued and signed by a clerk
2. Summons has the name of the court and the parties.
3. Summons is directed at Defendant
4. Has the name of the court and time frames to respond
5. States the times in which the defendant must appear.
6. Seal of the court is affixed

Too further show this legislation the gross neglect of public protection, and gross neglect for the constitution and the Kentucky bill of rights these requirements were not present in either half or non-presentment. Also please inspect carefully attached affidavit sworn by a Mrs. Nakia walker in which it seems to say that the allegations are true to the best of her knowledge however right after go on to say Affiant Believes the cabinet for health and family services is unaware of such facts as are unknown to affiant

January 27, 2020

Also the guardian ad litem is Tommy Todd of Todd & Todd plc in the standard code of ethics state 2(g), states that that a GAL shall become informed about the case and contact the parties, and That the GAL shall take into account the position of the parties as s/he investigates the facts of the Case. Tommy Todd openly admits in court on court documents i.e. reports that he hasn't even met with the people named above. Which has been in the cabinets care for OVER 18 months and c.a.s.a has repeatedly falsified reports to the court stating that Lynn, Kiedra, Kiemoni were thriving even after having knowledge from Lynn, Kiemoni & Kiedra of the abuse taking place and instead of moving them sending them to psychiatric wards. Also I have audio evidence where therapist from K.V.C services clearly omit to medical mal-practice. Where Gretchen kvc therapist (don't know her last name) states clearly that before treating the Lynn, Kiedra, Kiemoni with psychotropic medicine they did not obtain their medical history. I have video and audio footage of the attorney for CFHAFS Lexington KY clearly threatening us with a t.p.r if we ask for a fact finding trial adjudication. One that was actually altered to edit that part of the hearing out and the one I got a week before that actually shows the lawyer standing and threatening us.

WE HAVE COMPLETED NUMEROUS ASSEMENTS AND CASE PLANS TO NO AVAIL! Please refer to evidence placed in case filed with the Fayette county clerk and or exhibit b.

With the evidence that I fwd your office today via electronic mail, and in the petition filed January 20th 2020 letter from the board of social workers

Explaining that SSW Kennedy Barrett was not license to practice social work while she was handling our case i.e.; requesting e.c.o giving court reports exedra that we explain in a letter to the aswb.

With the evidence that I we have we could file **18 U.S. Code § 241. Conspiracy against rights & 18 U.S. Code § 242. Deprivation of rights under color of law** .However we would not like to go to the public or the office of the department of justice provided your office do a thorough investigation and provide relief to us by 1. Requesting the **presiding judge which is Lucinda Masterton** order the cabinet to return our property.

THANKING YOUR OFFICE IN GOOD-FAITH THE UNDERSIGNED!

Andre Dion (ar)

Klara Toker