

ORIGINAL

FILED
UTAH SUPREME COURT

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IN THE UTAH SUPREME COURT

PAT BARTHOLOMEW
CLERK OF THE COURT

E.B.

CASE # 20031059

(APPELLANT)

IN THE INTEREST OF J.B. AND L.B.
CHILDREN UNDER THE AGE OF 18 YEARS OLD.

NATURAL MOTHER'S AFFIDAVIT IN SUPPORT OF WRIT OF CERTIORARI

I AM THE NATURAL MOTHER OF J.B. AND L. B.

J.B. IS A VERY BRITTLE JUVENILE DIABETIC AND I HAVE TAKEN CARE OF HIM(AS HAS HIS WHOLE FAMILY WHO LOVES HIM) SINCE HE WAS DIAGNOSED WITH THE DISEASE SINCE HE WAS 11 MONTHS OLD.

J.B. HAS NEVER GONE INTO INSULIN SHOCK IN MY CARE OR BEEN HOSPITALIZED IN MY CARE.

J.B. WAS ILLEGALLY TAKEN FROM ME ON SEPTEMBER 28,2000.

(1) THERE WAS NO 30 INVESTIGATION

(2) I WAS NOT GIVEN 30 DAYS TO CHALLENGE THE ALLEGATIONS MADE AGAINST ME.

(3) NO PREDEPRIVATION SERVICES, NO ADMINISTRATIVE HEARING

(4) NO MEDICAL EMERGENCY

(5) NO 24 HOUR MEDICAL EXAMINATION WHICH IS REQUIRED BY LAW IN MEDICAL NEGLECT CASES. IN FACT JORDAN DID NOT SEE THE DOCTOR WHO CLAIMED HE WAS BEING MEDICALLY NEGLECTED TILL 4 DAYS LATER WHEN HIS PEDIATRICIAN AND I ASKED THAT HE BE HOSPITALIZED DUE TO

THE SHELTER MOTHER NOT FEEDING HIM LUNCH AND SNACKS 2 DAYS IN A ROW.

MOST IMPORTANTLY THE DOCTOR WHO WAS ACCUSING ME OF MEDICAL NEGLECT HAD NEVER MET JORDAN NOR HAD SHE EVER EXAMINED HIM!

SHE ALSO HAD NO IDEA WHO JORDAN'S DOCTOR HAD BEEN BECAUSE SHE STATED IN A LETTER THAT "CLEARLY DR. SWINYARD IS JORDAN'S DOCTOR." WHEN IN FACT HIS DOCTOR WAS DR. RALLISSON SINCE HE WAS 11 MONTHS OLD MY SON SUFFERED TREMENDOUSLY. (SEE DOCTOR'S LETTER)

THERE WAS NO 72 HOUR SHELTER HEARING IN FACT THE SHELTER HEARING WAS NOT HELD TILL 2 WEEKS LATER ON OCTOBER 11, 2000. AT THIS TIME JUDGE OLOF JOHANNSON PUT J.B. AND MY 2 YEAR OLD DAUGHTER L.B. INTO TEMPORARY CUSTODY OF DCFS. BECAUSE OF THE "EMERGENCY THAT EXISTED!"

I WAS FOUND TO BE MEDICALLY NEGLECTFUL BECAUSE JORDAN HAD GONE INTO THE HOSPITAL AND HE WASN'T EVEN IN MY HOME WHEN HE WENT INTO THE HOSPITAL!

LEIGH WAS TAKEN MALICIOUSLY AT THE ORDER OF ASSISTANT ATTORNEY GENERAL PAUL AMANN'S DEMAND.

OCTOBER 3RD 2000 PAUL AMANN TOLD DCFS/CPS WORKER BARRY RICHARDS TO GO AND GET LEIGH BIERLY BECAUSE SHE WAS "MARKETABLE".

THE "OFFICIAL REASON" WAS SHE WAS A SIBLING AT RISK FOR MEDICAL NEGLECT. SHE WAS A HEALTHY, HAPPY LOVING 2 YEAR OLD CHILD WHO WAS ADORED BY HER FAMILY ESPECIALLY HER FATHER (SHE WAS HIS CHILD. THE SUN AND THE MOON ROSE IN HER FACE TO HIM.

BARRY RICHARDS HAD 2 POLICEMEN WITH HIM WHEN HE GRABBED DARRYL'S DAUGHTER AWAY FROM HIM WITH NO COURT ORDER, NO WARRANT AND NO HEARING.

THIS WAS A FLAGRANT VIOLATION AGAIN OF THE RIGHTS OF THE CONSTITUTION.

LEIGH WAS RETURNED TO HER FAMILY ON NOVEMBER 14, 2000 DUE TO THE ASSISTANT ATTORNEY GENERAL'S "MISTAKE".

DECEMBER 7, 2000 LEIGH'S CASE WAS OFFICIALLY CLOSED.

DCFS CASEWORKER KELLIE LEWIS COMPLETES A RISK ASSESSMENT ON OUR DAUGHTER STATING SHE IS "NOT A SIBLING AT RISK".

JANUARY 11, 2001-AT JORDAN'S DISPOSITIONAL HEARING

ASSISTANT ATTORNEY GENERAL PAUL AMANN TOLD JUDGE JOHANNSON "I AM ^{PHYSICAL} TAKING CUSTODY OF LEIGH BACK TODAY".

THIS WAS AFTER THE DISPOSITIONAL HEARING WAS CONTINUED AND THE JUDGE WAS GETTING DOWN OFF THE BENCH. THE JUDGE SAID "IT'S UP TO YOU".

WHEN LEIGH CAME BACK TO US IN NOVEMBER NO ONE IN HER FAMILY COULD LEAVE THE ROOM WITHOUT HER - SHE WOULD CRY. SHE COULDN'T EVEN SLEEP IN HER OWN ROOM ALONE, AND IT WAS JUST "UP TO THE ATTORNEY?"

I HAD COMPLIED WITH THE SERVICE PLAN AND DONE EVERYTHING TO GET MY CHILDREN BACK.

DCFS DIDN'T EVEN KNOW THAT AG PAUL AMANN HAD DONE THIS, THIS HAD NOT BEEN PLANNED, THE ONLY REASON SHE WAS THERE WAS BECAUSE I WAS RUNNING LATE. (SEE PAPERWORK).

LEIGH WAS NEVER THE SAME AFTER PAUL AMANN TOOK HER FOR THE 2ND TIME AND THIS WASN'T THE LAST TIME. AFTER THIS PARTICULAR STEALING OF MY DAUGHTER BY PAUL PHYSICALLY LEIGH BEGAN AN EMOTIONAL DESCENT THAT INCLUDED HER SCRATCHING HER FACE AND PULLING HER HAIR OUT.

DCFS AND THE ATTORNEY PAUL AMANN ALSO HAVE IGNORED DARRYL TAYLOR'S MOTHER NANCY CURTIS PLEAS FOR LEIGH TO BE IN A KINSHIP PLACEMENT WITH HER NATURAL GRANDPARENTS. KINSHIP PLACEMENT ALSO WAS IGNORED. THIS IS ANOTHER LAW THAT WAS BROKEN.

I also had paid \$1,000.00 for a private attorney at this hearing she never showed up but I spent my money anyway Leigh was taken. Again

TO THE SUPREME COURT JUDGES :

I WANT TO APOLOGISE TO YOU FOR MY ERRORS IN MY TYPING AND THE WAY I HAVE PRESENTED THIS AFFIDAVIT. I AM NOT A LAWYER AND DON'T PRESUME TO BE BUT DURING THE LAST THREE YEARS I HAVE LEARNED ALOT ABOUT THE LAW AND HOW IT HAS BEEN SEVERLY IGNORED AND VIOLATED IN THIS CASE.

OUR 4TH, 5TH, AND 14TH RIGHTS IN THE CONSTITUTION HAVE BEEN NON EXISTANT.

UTAH CODES HAVE BEEN IGNORED AND VIOLATED.

CRIMES AGAINST THE PARENTS HAVE BEEN COMMITTED.

JUDICIAL CODE HAS BEEN BROKEN.

DCFS POLICY HAS BEEN IGNORED ACCORDING TO THE SAFE FAMILIES ACT.

OUR CHILDREN WERE TAKEN AWAY FROM US WITH FALSE ALLEGATIONS AND MALICIOUS PROSECUTION COMMITTED BY THE ASSISTANT ATTORNEY GENERAL. THE GUARDIAN AD LITEM IN THIS CASE IS GUILTY OF "FAILURE TO PROTECT".

DCFS IS (CONTINUES TO) ENDANGER MY DIABETICⁱ HEALTH.

MY CHILDREN HAVE GONE OVER THE REQUIRED 12 MONTH FOSTER/ADOPT TIME LIMITATIONS AND 15 month TIME LIMITATIONS ACCORDING TO THE LEGISLATURE.

JORDAN HAS BEEN IN AT LEAST 6 PLACEMENTS AND HAS HAD FAILED ADOPTIVE PLACEMENTS (DURING MY APPEAL HE WENT DOWN TO TEXAS FOR AN ADOPTIVE PLACEMENT WITH AN INSULIN PUMP AND CAME BACK TO SALT LAKE WITHOUT IT.

LEIGH HAS BEEN IN AT LEAST 9 PLACEMENTS 4 OF WHICH OCCURED WITHIN THE FIRST 4 MONTHS IN DCFS CUSTODY. (SEE PATTY VAN WAGONER'S STATEMENT TO MY CHILDREN CONTINUE TO LANGUISH IN DCFS CUSTODY AND I WANT THEM BACK.

I HAVE BEEN TOLD BY NUMEROUS DCFS EMPLOYEES (ADMINISTRATIO AND CASEWORKERS) THAT MY CHILDREN SHOULD NOT HAVE BEEN TAKEN.

I WAS TOLD BY THE PREVIOUS EXECUTIVE DIRECTOR KEN PATTERSON WHEN JORDAN WENT INTO THE HOSPITAL 4 DAYS AFTER HE WAS TAKEN FROM ME "YOU'LL BE GETTING YOUR KIDS BACK WITHIN A COUPLE OF WEEKS".

I WAS ALSO TOLD BY ONE DCFS EMPLOYEE "IF WE WOULD HAVE KNOWN THAT JORDAN WAS SUCH A BRITTLE DIABETIC WE NEVER WOULD HAVE TAKEN HIM, AND WE NEVER SHOULD HAVE TAKEN LEIGH".

THIS SAME DCFS EMPLOYEE TOLD ME "YOUR CASE IS THE BIGGEST SKREWUP IN DCFS HISTORY.

THE ATTORNEY GENERAL'S OFFERED (THEIR LITIGATING ATTORNEYS) ME A SETTLEMENT AMOUNT OF \$ 5,000.00 IN NOVEMBER 2001 TO DROP MY FEDERAL LAWSUIT AGAINST THE ATTORNEY GENERAL'S OFFICE, THE GUARDIAN AD LITEM AND DCFS. I DECLINED.

ALL I WANT IS TO GO BACK HOME TO PENNSYLVANIA, HAVE MY ONLY RELATIVE LIVING MY FATHER SEE HIS GRANDCHILDREN AND HAVE A HAPPY LIFE LIKE EVERYONE ELSE. I WANT THIS NIGHTMARE TO END AND LIVE FOR A CHANGE I HAVE FELT AS THOUGH I'VE BEEN ON DEATH ROW WITHOUT THE CELL. IN THE PAST 3 YEARS MY BELIEF IN THE JUSTICE SYSTEMM HAS VANISHED. IF WE HAVE COME TO A POINT IN TIME WHERE OUR RIGHTS AND OUR LAWS DON'T EXIST, THEN OUR JUSTICE SYSTEM HAS FAILED US. IF OUR MOST PRECIOS CHILDREN CAN BE STOLEN FROM US WITH NO ACCOUNTABILITY OUR SOCIETY AND OUR FAMILIES ARE LOST. OUR LEGACY OF OUR CHILDREN WILL END.

I AFFIRM AND DECLARE THAT THE CONTENTS OF THIS AFFIDAVIT ARE
TRUE AND THAT THE WORDS HEREIN ARE TRUE.

Elizabeth Bierly

ELIZABETH BIERLY

(PROUD MOTHER OF J.B. AND L.B.)