

**WISCONSIN COURT OF APPEALS
DISTRICT 2**

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**Wisconsin appeals court
District 2**

**MANITOWOC DEPT OF HEALTH AND HUMAN SERVICES
PETITIONER/RESPONDENT**

VS.

K.R.

CONSOLIDATED CASES

2022 AP 1975

2022 AP 1976

2022 AP 1977

2022 AP 1975

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INTRODUCTION

What's ironic is that the main purpose of this appeal is opposing counsel violating my rights to do process and the right for me to have a guardian that lighem appointed to me as an incompetent and Opposing counsel would like nothing better for you than to throw this case out on the basis of claiming that the brief doesn't meet the statute requirements. However he had no problem violating the statute requirements all through this case, 54.40 regarding appointing a guardian ad litem 757.48 (1) to the mother and the children yet not for me, chapter 48, 56.07 (4)(a)(c) sharing a bedroom in Foster care of the opposit sex allowing my then 7 year old daughter to sexually assault her 9-year-old logistic brother after she was raped by 12 year old Foster son in the home regarding Least restrictive measures 48.675 (regarding reasonable efforts to reunify), these are just a few examples of the violations of statutes opposing counsel have made I've included the list on the back end of this brief.

Troxel v. Granville, 530 U.S. 57 | He does however expect you to throw this case out on a technicality. When this case was first started the brief was thrown out because it didn't comply with statute requirements and I'm not a lawyer so I don't know if this next one that I submitted complied with the requirements

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however I do know that after not writing a second brief writing several briefs before I finally was comfortable submitting one it was accepted it was accepted long enough for me to send my complaint for opposing counsel to submit a response and now for me to respond to submit a reply and after all that work and all that efforts been done to throw this case out would be unjust, and what would that say about when a court order goes into effect whether it be by a judge or a court commissioner just disregard it it doesn't matter it has no effect what precedent does that set the next

time a judge puts a court order into effect? What makes this court order more important than the original court order? I was unable to sign a legally binding contract due to my incompetency. When do you decide what court orders are more important to disregard and what one's not? This is an appeal submitted by K.R the father of the four minor children J.R, G.R, C.R, AND E.R...After reviewing the volumes of documents that were submitted by opposing counsel. It's clear to see that this is nothing more than his usual deflection from what the problem is and the issues are.

He would like nothing more than for you to get sidetracked by the fact that these children were removed from KH the grandmother of the children for horrendous alleged allegations of abuse. You will notice if you have the desire to review the thousands of pages of documents he submitted there's not one reputable report

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from a mandated reporter such as a doctor, teacher, mentor, pastor, dance instructor the only thing you will find is allegations written out by the social workers located at 926 South 8th Street Manitowoc Wisconsin. What you won't find is one piece of evidence that substantiates anything they've said as a matter of fact the criminal charges my mother was facing started out as five Felony physical abuse causing great bodily harm. At the end of the case she ended up pleading to neglect not causing any harm and disorderly conduct. How does one go from a top level felony to a bottom of the bucket disorderly conduct misdemeanor let me explain how that happens. In order to

convict somebody of a crime there has to be evidence and all they have is a bunch of allegations by people that have no best interest in mind for the children. Their only goal is to reap in Title 4E Federal Funding for five children three of which are disabled.

These children have been to several specialists they've been to pediatricians trauma specialist therapist and not a one wrote a report that would fit their agenda to submit to the court substantiating any claims they've made as a matter of fact the only thing they had to say was these children have no signs of abuse emotional or otherwise and they never made it into the court because they didn't fit the counties agenda. In a criminal or civil Justice system how you can take

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somebody's children away from them without so much as one piece of evidence is beyond me how does that happen in the system when everybody's entitled to equal justice for all as Martin Luther King once said Justice delayed is Justice denied.

This entire case is about the failure to make reasonable efforts to reunify failure to follow chapter 48 protocol failure to appoint a guardian ad litem at which time I was incompetent and unable to enter into a legally binding contract which makes the plea agreement null and void.

When I signed a legally binding contract with CPS I thought I was agreeing to work with them I didn't understand they were getting me to sign something that said I was

incapable of caring for my own children which is why it incompetent is not allowed to enter into a legally binding contract. to the court that I needed assistance caring for the children because I was disabled because I had no time needed their help prior to them being removed, they were initially removed because I had to go into the hospital and it was only supposed to be temporary. Failure to a point of guardian ad litem to me when I was deemed by a court legally incompetent when it was illegal for me to sign a legally binding contract on my own behalf. Based on their coercion and manipulating me into believing I

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could trust them they said the children will be placed in my home under a safety plan and as long as I follow the directions and the recommendations it wouldn't be an issue once they got my signature on the dotted line a few months later they stopped all communication with my children to start building their abandonment case. They had me sign and I know this now but didn't at the time basically I thought I was agreeing to cooperate with them not that I was agreeing that I couldn't care for my own children when I had done just that for previous 7 years and better than they did I might add.

They put my conditions in the court order of what I was supposed to do such as all the assessments which I've done turn them in going to doctor's appointments going to teach your conferences staying up to date with the kids checking in with the foster parents and then once the court order was signed after I did all my assessments that's

how I was able to do because they went behind my back and behind the quartz back and told the schools and doctors they weren't to discuss my children with me so that they would have padding for their case to say that I never showed an interest in my children.

They removed my name from my oldest daughter's school records where they didn't even know she had a father they changed her middle name to Ella when it's supposed to be Helen illegally, I had to correct that. Why would people do

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that that are supposed to be looking out for the best interest of the children it's very simple because it's not about the best interest of the children it's about collecting as much title for a federal funding as possible and five children is a lot of federal funding. Isn't it ironic that they can't muster up one piece of evidence from a professional to substantiate not one allegation they've ever said about my children and their care?

You have the emails from Robert Lemke the transcriber for judge deeds he says right in their playing his day is a particular hearing I was requesting was completely off record that's just one hearing how many other hearings do you think are off record and if they are on record how many are they correct records because they spend more time off the record than they spend on the record because they don't want anybody to be able to appeal their decisions and that needs to be addressed how can a person appeal something if there isn't a record to appeal it with.

This shouldn't be an extensive reply regarding this brief. County would like you to throw it out as not in line with the guidelines.

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One thing you won't see in all those papers that opposing counsel I sent you is any evidence from any third party witnesses such as teachers doctors mentors pastors dance instructors absolutely nothing except for what their office wrote up there's nothing to corroborate anything they've said is true and the fact that my mother took a complete you disorderly conduct and neglect not causing any harm to tell you what kind of evidence they have because if they had any evidence they would not have let her get away with misdemeanors as low as a disorderly conduct that's disgusting that that's how low they had to go to get her to take a plea because they had nothing they have their doctors reports but they don't say what they want him to say the doctors all said these kids don't look like they've ever been abused so they won't show you any of that, they only want to talk about what they want to talk about they don't want to show you any real evidence. Ask yourself if all those allegations are true why

isn't there any evidence to substantiate not one allegations something as simple as being underweight or missing the doctor's appointment

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or not having vaccines surely they can come up with one thing to verify what they say is true.

This case is about one thing and one thing only and that's violating my rights. I had a legal guardian at the time that I entered into the plea arrangement I was never appointed a guardian ad litem and my guardian was not allowed in any of the hearings and it doesn't matter that I had a lawyer, at times there were far more times I was without a lawyer. It doesn't matter if I have a lawyer the lawyer doesn't serve as a guardian item and lawyer and if I'm incompetent what difference does it make if I have a chance to talk if I'm incompetent don't know what I'm talking about?? I've included the statute (757.48 (1)

54.40. I've included the statute that states right out a lawyer does not replace a GUARDIAN AD LITEM You can't have one person act as both guardian ad litem and adversarial counsel in the same proceeding..

Is judicial misconduct to have an ex parte communication, by the supreme Court rule 60.04 is it as a chance of having a benefit to one side and detriment to the other side which in this case it did. November

10th Judge Dietz held a court hearing and there was a warrant out for my arrest which I was unaware of. that had been existing for 5 days and

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instead of having me taken into custody after the hearing was over she had me taken into custody right away and proceeded to continue on with the hearings without me. By her doing that denied me the right to be heard as well as not allowing me to sponsor my aunt's guardianship which was the third effort my aunt and went to court to try and get guardianship and she had me taken into custody to prevent me from being able to do that so she would have a reason to dismiss the claim. Judge deeds has continuously discriminated against me because I'm a man and disabled she allows the mothers who had no time have made any efforts to complete any of their conditions yet have as much visitation as they want without restriction well supervision but as often as she wants. While I have no contact and I've done what conditions I can do that they have not prevented me from doing I've done all my assessments the only thing I haven't done are things in prevented me from doing such as going to doctor's appointments and teaches PTA meetings and such.

90% of the documents that council has supplied you are going back to the beginning of the case which is irrelevant because all those

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allegations were against my mother not me I have no allegations on me.

Which Stephanie Willis admitted in a sworn deposition.

Council also states that the reason my children can't be with me is because I failed to protect them when they were in my mother's care, however he seems to forget to mention that I called in a CPS referral against my mother and objected to them placing my children in her home. He also refuses to mention or forgets to mention that I requested my CPS records and he refused to give them to me for that sole purpose he didn't want anybody else to see that I called in a referral and objected to my mother having placement because that wouldn't fit his scenario!! If anyone's accountable to failing to protect my children it's the county because they placed my children in her home against my wishes.

REPLY TO RESPONSE

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R.G had been asking for placement of the girls since they were first initially removed and not only was he denied placement but he was denied any contact or access at all do you even have visitation it wasn't until they had to move G.R to a new home because the license he was letting their license expire. They even stated in the out of home to out of home placement form they tried to secure another licensed foster home but none were available so they had to choose a family member. If that doesn't show you that this is all about the family first act I don't know what does. The only thing is it's not family first it's anybody but family.

So R.G was given custody of my 9 yr old daughter in 2022, when they had no other choice but to place her with family and instead of giving him both girls like he originally wanted they only gave him the one girl and the youngest one who is now six isn't allowed to live with him because she would have to share a room with my 11-year-old daughter and she's a pedophile because of 22 months she undressed a baby in daycare when she was left on supervised. They also labeled my 11-year-old daughter a pedophile because at the age of seven she was molested in their care and once that happened she acted out on her autistic brother so now she's considered a pedophile. They stated we tried to first find a licensed foster one but none were available so we had to place her with our R.G OUT OF have they have placed her

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with RG when he requested both girls back in 2020... who's responsible for all that the county and they're the ones that are supposed to have the education and be better at protecting children. My autistic son has had a broken arm that requires surgery and a fractured wrist.. My daughter has had seven cavities in one year when she had no cavities when she left.

When these children left my care they had never had a babysitter other than a relative and now they're floating around to every Tom, Dick and Harry.

My 22-month-old was placed in daycare and left unsupervised long enough to play Barbie dolls with a baby boy that was younger than her completely

undressed him so they won't allow my two girls to share a home or a bedroom together because my 22 month old is a sexual deviant because she perpetrated on a baby younger than her, why don't you just call the prosecutor and see if we can put her in prison. My question is where was the supervision when she was in daycare that she was left alone long enough with a baby younger than her to completely undress him. The bigger question is what if she would have picked that baby up and dropped him on his head and he died would she want to prosecute a 22 month old then.

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Ridiculous the ridiculous excuses they give to not place children together you should show you how blatantly obvious they are about not wanting to return the children to

any family and it's been that way since day one there's never been an effort to place these children with family or to reunify which is not the purpose of the funding the purpose of the funding is called family first for a reason because of family first before foster care or adoption and they've made no efforts to do that.

Closing

In closing I'm seeking the relief below I'm entitled to. do process just like anyone else and the laws apply to corporation council as they do to me or anyone else and considering he's a lawyer and knows what my rights are and the judge is a lawyer and knows what my rights should be tells me that this is an intentional act to separate these children from their family and by the way my children were never victims of abuse or witnesses to any abuse and that's according to Judge Roherer when my mother took a plea deal so there's never any accusations of abuse or victimization of the children I'm seeking custody of. Well there's been allegations but

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allegations are not fact and there's never been any evidence to substantiate any of the allegations they've made. I don't understand what kind of Justice this is that a person can walk into a courtroom

and take somebody's children without ever supplying one piece of evidence. For that reason I'm requesting that this court grant me the relief that I'm seeking below.

Relief Sought

- 1.) TPR PETITION BE DISMISSED with prejudice**
- 2.) All cases be stayed**
- 3.) Plea agreement to enter a chips agreement overturned from June 2020 and set for trial for denial of due process. It is illegal for an incompetent to enter into a legally binding contract I was not able at the time to enter into legally binding contract therefore it should be null and void**
- 4.) Begin immediate family reunification starting with family therapy and visitation to undo the damage and trauma caused by the alienation of my children**
- 5.) Order the county to begin reunification with a scheduled timeline as to when it should be completed by. Month by Month how many weeks of**

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visitation supervised how many weeks of visitation unsupervised, how many weeks in home supervision how many weeks in home I'm supervisor how many weeks of overnight weekends and how many weeks before they transitioned fully into

- 6.) my home. They continually tell the courts that the plan is reunification however the controlling say do the exact opposite and do nothing to work towards reunification and the judge is well aware because she's aware that I have not had a visitation for over 3 years I've had no contact whatsoever for absolutely no reason and even if they thought there was a concern they're supposed to use the least restrictive measures phone calls FaceTime none of which occurred.**
- 7.) Be ordered to inform the doctors and teachers and any other providers that they are to disclose any information and that I am allowed to come to doctor's appointments and teachers meetings. Provide a written court order to distribute to these providers so Manitowoc County can no longer interfere with me being able to complete my conditions of return.**
- 8.) Throw out the entire case and send the kids home, to stop this atrocity of emotional abuse psychological abuse that's been caused to my children due to the alienation of their family these children probably think we don't**

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want them or love them because of the only words they've heard is what comes out of the county.

- 9.) Order them to invoke the least restrictive 48.675 measures possible as chapter 48 states. They don't even have any official grounds as to why they terminated

my contact therefore there should be no reason why I can't attend a PTA conference or a doctor's visit what am I going to do in a public place around public employees public people mandated reporters, the fact that they're implying that I would do something that would harm my children in a school or a hospital is so disingenuous the fact that the judge allowed that shows a disregard for the children's best interest. For that reason I'm requesting a change of venue. I'm also requesting this case be started back at the point where the my violations of Rights began and the timeline be started over. They are the ones responsible for disregarding the timelines this case is going on 4 years old and they've done absolutely nothing but Warehouse these kids in foster care there's been no visitation going on there's been no meetings with the workers going on there's no team meetings going on their idea of teams is CVS workers and their supervisors my idea teams is the foster parents the bio parents and the

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social workers and they have no regard for what is in the best interest of these children and never have it's been all about the bottom dollar for them.

STATUTES

For reference to reason I continually talk about judge Jerylynn Dietz

Is because she's currently making the decisions for all four cases I've had Mark roar recused and Robert DeWayne recused due to their inappropriate conduct and not following the statutes of the laws this is a game amongst management County they're all working together to see that these children are adopted out for title for funding otherwise known as The family first act. They're both adopted the same corrupt court orders telling me that I have to confess to a crime I never committed and apologize to a victim that doesn't exist because all charges were dismissed.

When the **ex parte communication may affect the substance of the action or proceeding, the judge promptly notifies all of the other parties of the substance of the ex parte communication and allows each party an opportunity to respond.**

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November 10th 2021 there is a guardianship petition for my aunt to see guardianship of all the children and the judge had me arrested on a warrant that was 5 days old so I wouldn't be present to act as a sponsor to my aunt receiving guardianship and I was not given the opportunity to be heard. Show me arrested before the hearing started and continued with the hearing without postponing it or adjourning it. It affected the substance because I was unable to sponsor my aunt for guardianship because I was unable to be present at the hearing.

1.)the Fifth Amendment (ordering me to go to a therapist and confess to a crime I didn't commit and then apologize to a victim that doesn't exist is a violation of my fifth amendment right you can read it below)

The **presumption of innocence** is recognized as a **due process right** under the Fifth Amendment. The prosecutor has the burden of proof to show you are guilty beyond a reasonable doubt.4 days ago

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a **witness against himself, nor be deprived of life, liberty, or property**, without **due process of law**; nor shall private property be taken for public use, without *just compensation*."

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2.)14th amendment

Unfair discrimination is the **prejudicial treatment** of people and groups based on characteristics such as race, **sex**, age, **disability**, religion, or sexual orientation.

3.) **757.48 (1).**(The responsibilities and duties of a guardian ad litem on behalf of a proposed ward or individual who is alleged incompetent specified in s. 54.40 apply to a guardian ad litem appointed in a proceeding for protective services or protective placement on behalf of an individual sought to be protected).

The guardian ad litem shall be an attorney admitted to practice in this state. **No person who is an interested party in a proceeding, or appears as counsel in a proceeding on behalf of any party or is a relative or representative of any interested party may be appointed guardian ad litem in that proceeding.**

4.) 54.40 Guardian ad litem; appointment; duties; termination.

(2) **QUALIFICATIONS.** The guardian ad litem shall be an attorney admitted to practice in this state and in compliance with **SCR chapter 36. No one who is an interested person in a proceeding, appears as counsel in a proceeding on behalf of any party, or is a relative or representative of an interested person may be appointed guardian ad litem in that proceeding** or in any other proceeding that involves the same proposed ward or ward. As I said he changed his laws to suit himself that's why he said in his response brief that just because I had a lawyer represent me at some of the hearings doesn't mean I'm not entitled to a guardian of litem as you can clearly see the highlighted section of this you cannot have a lawyer represent the same person in the same case. As both a GAL and Lawyer

5.)CONFIDENTIALITY 48.78(2)(aj)

(aj) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, **upon the request of a parent, guardian, or legal**

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custodian of a child expectant mother of an unborn child who is the subject of the record, upon the request of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, or upon the request of an unborn child by the unborn child's guardian ad litem to the parent, guardian, legal custodian, expectant mother, or unborn child by the unborn child's guardian ad litem, unless the agency determines that inspection of the record by the parent, guardian, legal custodian, expectant mother, or unborn child by the unborn child's guardian ad litem would result in imminent danger to anyone.

Peter changes laws as he sees fit to protect him from being outed for his criminal misconduct by providing misinformation about the law and telling me I'm not allow to discuss the case regarding my biological birth and own children. I've had to inform him that it applies to him and anybody else who doesn't apply to family members or parents. I can talk about my kids whenever I choose and I choose to spread the word about all the laws he's breaking.

6.)Systematic Judicially created parental alienation

(Parents are not no longer the only ones that alienate children from their parents the courts too as well) which is what this Pennsylvania case were first too.

https://www.abajournal.com/news/article/appeals_court_criticizes_judicially_created_parental_alienation_in_case_of

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My mom's biological sister was denied placement of the children because they claim that when my Mom was adopted her sister's rights were terminated as you can see according to the Statute that's clearly not the case !!

7.)Relative- 48.38 (4) (b) 1 meaning of sibling

br)1. In this paragraph, “ **sibling**” means a person who is a brother or sister of the child, whether by blood, marriage, or adoption, **including a person who was a brother or sister of a child before the person was adopted or parental rights to the person were terminated.**

Judge Jerylynn Dietz in MANITOWOC WI violated every single one of these statutes in chapter 48 as did opposing counsel, and that's not an error to make that many mistakes that's criminal and intentional and deserves consequences

She would have you believe that my mother's sister is not a viable individual for placement of my children because she's no longer related to my mom because my mom was adopted as a 7 year old by her foster parents and reunited with her family when she turned 16 so above I pointed out the statute where it says including a person who is a brother or sister of a child before the person was adopted or parental rights were terminated.

8.)Least restrictive measures 48.675 (the judge is violating least restrictive measures by not allowing me any contact whatsoever phone calls visits doctor's appointments teachers conferences absolutely nothing and there's no reason to be that restrictive considering there's no allegations on me this is crazy to me) **provides the most effective and appropriate level of care for the child in the least restrictive environment. 48.32(1)(b)1r.c. c. Whether the ...48.33**

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The children are not in the least restrictive environment they are in the most restrictive environment they are not allowed to have any contact with any of their paternal family not even so much phone calls or supervisors and there's no excuse for that other than the systematically judicially alienate the children from their parents for adoption (f) If the agency is recommending that the court order the child's parent, guardian or legal custodian or the expectant mother to participate in mental health treatment, anger management, individual or family counseling or parent or prenatal development training and education, a statement as to the availability of those services and as to the availability of funding for those services.

I'm required by court order to participate in family counseling I'm on a waiting list for a therapist the social worker is not tried to work with me to find me a therapist sooner I'm required to family therapy with the children she refuses to allow the children to do family therapy with me even though it's in the court order and she's using those grounds to try and keep my autistic son and they're trying to keep you out of them for essentially nothing there were no allegations against me the person that was accused of the abuses no longer a guardian but that has nothing to do with me I didn't witness any of any abuse I didn't live with the house where there was any abuse I didn't live with my

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mother I didn't wasn't in the same home where she was abusing the child I had no way of knowing she was abused and so but I did notify the county I did not want her having my children and they did it anyways.

^ 424 U.S. 409 (1976); id. at 429 ("This Court has never suggested that the policy considerations which compel civil immunity for certain governmental officials also

place them beyond the reach of the criminal law. Even judges, cloaked with absolute civil immunity for centuries, could be punished criminally for willful deprivations of constitutional rights on the strength of 18 U.S.C. § 242, the criminal analog of § 1983." (footnote omitted) (citing O'Shea, 414 U.S. at 503)).

Authority

Troxel v. Granville, 530 U.S. 57

6.)"the Due Process Clause does not permit a state to infringe on the fundamental right of parents to make child-rearing decisions simply because a state judge believes a 'better' decision could be made." Id. at p.72, 73.