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**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

NATHANIEL H BRENT

Plaintiff

Case:2:11-cv-10724
Judge: Cook, Julian Abele
MJ: Majzoub, Mona K
Filed: 02-22-2011 At 04:15 PM
CMP BRENT V WAYNE COUNTY DEPARTMENT
OF HUMAN SERVICES, ET AL (EB)

v.

WAYNE COUNTY DHS, STATE OF MICHIGAN DHS
MIA WENK individually and in her official capacity as a DHS CPS worker
SHEVONNE TRICE individually and in her official capacity as a DHS FC worker
HEATHER DECORMIER-MCFARLAND individually and in her official capacity as a DHS
intern MONICIA SAMPSON individually and in her official capacity as a DHS CPS supervisor
CHARLOTTE MCGEHEE individually and in her official capacity as a DHS FC supervisor
JOYCE LAMAR individually and in her official capacity as a DHS sectional supervisor
NOEL CHINAVARE individually and in her official capacity as appointed guardian
MICHEAL CHINAVARE individually and in his official capacity as appointed guardian
METHODIST CHILDREN'S HOME, JUDSON CENTER, WENDOLYN GREENE aka
Wendolyn Anderson individually and in her official capacity as an employee of Judson Center,
THE CHILDREN'S CENTER, DETROIT POLICE DEPARTMENT, EMINA BIOGRADLIJA
and OFFICERS DOE individually and in their official capacity as Detroit Police Officers,
NICOLAS BOBAK individually and in his official capacity as a Wayne County Court Referee,
ANTHONY CRUTCHFIELD individually and in his official capacity as a Wayne County Court
Referee, JUDY HARTSFIELD individually and in her official capacity as a Wayne County
Court Judge, LESLIE SMITH individually and in her official capacity as a Wayne County Court
Judge

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF, DAMAGES AND JURY DEMAND**

INTRODUCTION

1. This is a civil rights action brought pursuant to 42 U.S.C. § 1983 challenging the constitutionality of certain provisions and portions of the Child Protection Law of the State of Michigan, § 722.627, §722.628c, 722.628d, PSM 713-13 both facially and as

- applied against Plaintiff. Plaintiff also seeks an injunction prohibiting Defendants from enforcing the challenged provisions in the future, as well as a declaration that those provisions are unconstitutional.
2. This is a civil rights action brought pursuant to 42 U.S.C. § 1983 in which the Plaintiff seeks compensatory and punitive damages against the Defendants in their individual capacities and compensatory damages against the State and Municipal Defendants for violation of the Plaintiff's rights guaranteed them under the First, Second, Fourth, Sixth and Fourteenth Amendments to the United States Constitution and under Art. I § 6, 11, 13 and 17 of the 1963 Constitution of the State of Michigan.
 3. Plaintiff further seeks declaratory relief that as applied by the Defendants § 722.628(2); § 750.138 MCL; § 750.350a(1) MCL et seq; § 712A.1 et seq. MCL; § 712A.2 et seq MCL; § 712A.14 MCL; § 712A.15 MCL; § 24.271 et seq MCL and PSM 713-1, PSM 713-3, PSM 713-8, PSM 713-11, PSM 715-2, PSM 715-3 of the Children's Protective Service Manual and the State of Michigan and/or Wayne County and City Protocol for Emergency Removal and Placement of Minors (together with other statutes and procedure which may be identified in the course of this action referred to collectively as hereafter as the "Statutes and Protocols") violated Plaintiff's rights guaranteed them under the First, Fourth and Fourteenth Amendments to the United States Constitution and under Art. I, § 11 and 17(1) of the Constitution of the State of Michigan.
 4. Defendants' actions have already deprived and will continue to deprive Plaintiff of his paramount rights and guarantees provided under the United States and Michigan Constitutions.

5. Each and every act of Defendants alleged herein was committed under the color of state law.
6. Plaintiff further seeks permanent injunctive relief prohibiting Defendants from engaging in the conduct declared to be in violation of the Plaintiff's constitutionally protected rights and from enforcing Statutes and Protocols in the manner complained of herein.

JURISDICTION AND VENUE

7. This Court has original jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §§ 1331 and 1343. The Court has jurisdiction over the request for declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202. The Court has jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.
8. Venue is proper in the Eastern District of Michigan pursuant to 28 U.S.C. § 1391(b), because Plaintiff and his children reside in this district, the greater majority of defendants reside within the district, and a substantial part of the events or omissions giving rise to the claim occurred within the district.

PARTYS

9. Plaintiff Nathaniel Brent is a citizen of the United States and at the commencement of this action was a resident of Wayne County Michigan with his principal address in Detroit Michigan located within the Eastern District of Michigan. Plaintiff Nathaniel Brent is the parent of the minors A.L.B., R.A.B, J.A.B. (male), S.A.B, and J.A.B. (female) who all reside in Wayne County and are located within the Eastern District of Michigan.

10. On and before February 18, 2010, Plaintiff Nathaniel Brent was the parent of and had legal care, control and custody of all five minor children and they all resided together at the family home in Detroit, Michigan.
11. Defendant Wayne County Department of Human Services is a Department of the State of Michigan, and is capable of suing and being sued. During the times material it has known as the Department of Human Services. (formerly known as Family Independence Agency (FIA).)
12. Defendant State of Michigan Department of Human Services is a division of the State of Michigan, and is capable of suing and being sued. At all times material to this action its Wayne County component of the Department of Child Protection Services (CPS) section operated (and continues to operate) within the State of Michigan Department of Human Services under the Child Welfare Section – Wayne County Office. (The aforementioned state agency and its related departments and section hereafter are referred to hereafter, collectively, as “DHS.”)
13. Defendant Mia Wenk was at all times material to this action, a child protective services “CPS” caseworker for the Wayne County DHS Child Protection Department. She is sued in both her official and individual capacity.
14. Defendant Shevonne Trice was at all time material to this action, a foster care “FC” caseworker for Wayne County DHS Foster Care Department. She is sued in both her official and individual capacity.
15. Defendant Heather Decormier-McFarland at all time material was a DHS intern. She is sued in both her official and individual capacity.

16. Defendant Monica Sampson was at all time material to this action, a Wayne County Child Protective Services supervisor of Mia Wenk. She is sued in both her official and individual capacity
17. Defendant Charlotte McGehee was at all times material to this action, a Wayne County Foster Care supervisor of Shevonne Trice. She is sued in both her individual and official capacity.
18. Defendant Joyce Lamar was at all times material to this action was the Wayne County Sectional supervisor of Charlotte McGehee and Monica Sampson. She is sued in both her individual and official capacity.
19. Defendant Noel Chinavare at all time material to this action acted as ‘temporary guardian’ for J.A.B. (male), A.L.B. and R.A.B. under the authority granted to her by Shevonne Trice. She is sued in both her official (state actor) and individual capacity
20. Defendant Michael Chinavare at all time material to this action acted as ‘temporary guardian’ for J.A.B. (male), A.L.B. and R.A.B. under the authority granted to him by Shevonne Trice. He is sued in both his official (state actor) and individual capacity
21. Defendant Methodist Children’s Home was at all times material a contracted agency to DHS and is being sued both in it official (as a state actor) and individual capacity.
22. Defendant Judson Center and its subsidiaries Families First and Family Reunification Program at all times material was contracted “service providers” of DHS and are sued in both their official (state actor) and individual capacities.
23. Defendant Wendolyn Greene also known as Wendolyn Anderson at all time material to this action was an employee of Judson center. Ms Anderson acted as both therapist to J.A.B. (female) and S.A.B. during their placement at Davenport shelter as well as

Team Leader for the Family Reunification team assigned to the family after the children were returned to the home. She is sued in both her official (state actor) and individual capacity.

24. Defendant The Children's Center at all time material was contracted by DHS to provide foster care. The agency is being sued in both its official (state actor) and individual capacity.
25. Defendant Detroit Police Department is a police department existing and operating according to the laws of the State of Michigan within the Eastern Judicial District of the State of Michigan and is capable of suing and being sued.
26. Individual Officers Emina Biogradlija and officers John/Jane Doe are being sued in their official and individual capacities.
27. Defendant Referee Nicolas Bobak was at all times material a Referee in the Wayne County Circuit Court Juvenile Division and is being sued in both his official and individual capacity.
28. Defendant Referee Anthony Crutchfield was at all times material a Referee in the Wayne County Circuit Court Juvenile Division and is being sued in both his official and individual capacity.
29. Defendant Judge Judy Hartsfield was at all times material a Judge in the Wayne County Circuit Court Juvenile Division and is being sued in both his official and individual capacity.
30. Defendant Judge Leslie Smith was at all times material a Judge in the Wayne County Circuit Court Juvenile Division and is being sued in both his official and individual capacity.

ALLEGATIONS OF FACT

31. Defendants Wenk, Trice, McGehee, Lamar, Sampson, and Decormier are/were state employees and as state employees are required to take an oath pursuant to MCL 15.151 to uphold the Constitution of the State of Michigan.
32. MCL 722.628(17) requires All DHS employees involved in investigating child abuse or child neglect cases shall be trained in the legal duties to protect the state and federal constitutional and statutory rights of children and families.
33. Michigan has numerous state statutes that address child protection.
34. Michigan DHS has volumes of administrative policy and procedure for a child protective service worker and supervisor; these policies and procedures (protocols) for the state worker carry the force and effect of law.
35. During all times material Michigan DHS was bound by a Consent order pursuant to Dwayne B. *et all* v. Granholm *et all* under the direct jurisdiction of The Eastern District of Michigan case # 2:06-cv-13548. This order has the full effect of law.
36. On January 17, 2010 Detroit Police Officer Donald Coleman made a report by telephone to DHS regarding then 15and 1/2 year old R.A.B. running away from home and arriving at the Police Station.
37. After Officer Coleman's investigation R.A.B. was returned to his parents on January 17, 2010.
38. On January 19, 2010 Officer Coleman effectively withdrew his "complaint" and informed CPS worker Mia Wenk that the incident was the result of poor decision making on the part of the youth.
39. Officer Coleman did not make any written report as required by MCL 722.623.

40. Ms. Wenk did not make contact with any person involved in the investigation prior to Officer Coleman withdrawing his complaint, and thus had not commenced an investigation pursuant to the DHS “protocols”.
41. DHS protocols dictate that runaway situations are not grounds for investigation.
42. Ms. Wenk commenced her investigation acting as both complainant and investigator. This effectively denied Plaintiff of any impartial or objective investigation.
43. On January 20, 2010 Ms. Wenk gained entry to Plaintiff’s home thru deceit and coercion by claiming she was only there to ensure R.A.B. was “alright” so she could close her case file. Ms. Wenk did not inform the family that Officer Coleman had withdrew his complaint.
44. Upon entry to Plaintiff’s home on January 20, 2010 Ms. Wenk began questioning R.A.B. regarding the January 17, 2010 incident. When Plaintiff objected to the suggestive and leading nature of the questioning Ms. Wenk then demanded to speak with R.A.B alone and told Plaintiff father that he could not refuse or he would be in violation of law. Ms. Wenk then had R.A.B. take her to his bedroom.
45. Without parental knowledge or consent Ms. Wenk ordered R.A.B. to show her the entire house. This constitutes an illegal search under U.S. Const. 4th amendment and Mich. Const. art I sec 11.
46. Ms. Wenk admitted through sworn testimony that she had no safety concerns for the children on January 20, 2010.
47. Ms. Wenk admitted that the “complaint” made by officer Coleman was unsubstantiated after her visit on January 20, however she continued her investigation

because “it seemed like there was something going on in that home” and “it just didn’t sit well with me”

48. On January 21, 2010 Ms. Wenk again gained entry into Plaintiff’s home along with her supervisor Monica Sampson and intern Heather Decormier by claiming the visit was for the purposes of an audit before closing the case.
49. Once entry was gained Ms. Wenk kept the parents distracted while Ms. Sampson and Ms. Decormier took photos throughout Plaintiff’s home without his knowledge or consent. This constitutes both an illegal search and seizer under the same provisions as previously stated, and the commission of a felony pursuant to MCL 750.539d
50. Ms. Wenk testified that the scope of her investigation had changed and she did not notify Plaintiff of this.
51. Ms. Wenk testified that the true purpose of the January 21, 2010 visit was to take photos of the Plaintiff’s home.
52. It has been admitted by Defendants that they did not attempt to inform Plaintiff, or obtain consent prior to taking the photos inside his home.
53. On February 9, 2010 Ms. Wenk was informed by Plaintiff father of the Native American heritage of his minor children.
54. The record does not indicate any attempts by defendants to comply with the requirements of the ICWA or their own policies regarding “Indian Children”.
55. On February 16, 2010 Ms. Wenk made a referral to Families First (Judson Center) who in turn made an unannounced visit to Plaintiff’s home after they had already been informed that the family could not meet with them that day.

56. This referral was later acknowledged by Ms. Wenk and Ms. Roshanda Williams of Judson center to be for the purposes of “monitoring” the family.
57. Ms. Williams testified that any services for repairing of the home would have been referred to another agency.
58. Ms. Williams testified that any services regarding J.A.B.’s (male) speech would have been referred to a “social service agency” (DHS).
59. On or about February 16, 2010 Plaintiff was placed on Michigan’s Central Registry for “physical neglect”. Defendants failed to give Plaintiff written notification as required by statute and protocol of this action.
60. Defendants did not give Plaintiff any opportunity to defend himself against being placed on the central registry prior to their action of placing him on such. This denied Plaintiff of fundamental liberties he held before the action denying him of his due process rights prior to the loss of those liberties.
61. On February 18, 2010 a Team Decision Meeting (TDM) was held by telephone conference. It was later discovered through testimony and documents that this “meeting” was a farce and that DHS had already determined that they were filing a petition and removing the children from Plaintiff’s home prior to DHS even scheduling the TDM.
62. The TDM ended by the Defendants hanging up on Plaintiff and his wife.
63. Defendants did not notify plaintiff that they intended to remove his minor children from his home.
64. Defendants did not specify any specific condition that would endanger the children in the home.

65. Immediately after the TDM Plaintiff called and spoke with Joyce Lamar, Plaintiff informed her of the unlawful investigative techniques, the unfair TDM and the fact repairs had been made to the home.
66. At approximately 6:00P.M. Detroit Police officers arrived at Plaintiff's home with weapons drawn. Pursuant to Officer Biogradlija's testimony at least 8 officers were present.
67. When the officers arrived Plaintiff Father answered the door. Officer John Doe informed Plaintiff he had a writ to remove the children, However Officer John Doe refused to allow Plaintiff to see this writ and forced his way past Plaintiff.
68. After Officers "secured" Plaintiff's home and began removing the children, Officer Jane Doe showed Plaintiff the writ. Plaintiff immediately challenged the writ as incomplete (writ did not have Judge's name in appropriate place), contradictory, inaccurate description of the children, improper signature, and exceeding the jurisdictional authority of the court. Officers executed the writ over these objections.
69. No record has been produced showing this warrant was issued as a result of any sworn oath or affirmation.
70. Pursuant to the CPS investigative report the request for a warrant was faxed to the Court's web unit.
71. Ms. Wenk knowingly and intentionally provided false and misleading information to the Court with reckless disregard for the truth.
72. It is unknown if Judge Smith ever personally viewed the warrant authorizing the removal of Plaintiff's children from his home or any other document bearing her stamped "signature"

73. After being removed from the home J.A.B. (female) and S.A.B were place in Davenport emergency shelter. R.A.B. and A.L.B. were placed in Wolverine emergency shelter, and J.A.B. (male) was isolated from his siblings and then taken to Children's Hospital for reacting poorly to this isolation.
74. After J.A.B. (male) was evaluated at Children's Hospital he was then placed with his brothers at Wolverine emergency shelter.
75. J.A.B. (male) did not receive any of the follow up care recommended by Children's Hospital the entire time he was in Foster Care.
76. During the time Plaintiff's children were placed at Wolverine, Wolverine was operating under a provisional license due to environmental concerns.
77. The petition filed by defendants did not meet the minimum requirement of statute, protocol, or court rule and therefore voided the court of jurisdiction. Specifically the petition did not make any specific allegations of abuse or neglect nor did the petition state any harm that had or likely would come to the children without court involvement, thus no "offense against a child" was alleged.
78. The petition filed by Ms. Wenk contained knowingly frivolous accusations. In particular A) Ms. Wenk had already determined that allegation 3 was "unsubstantiated". B) That the parents were well within their legal right to home school their children nullifying allegation 10. Further, Ms. Wenk herself quotes J.A.B.(male) indicating that she in fact could understand what he said. C) Allegations 4 through 9 describe a home in need of repair, but make no claim that such would adversely affect the children. D) Allegations 11, and 12 were not actionable by the

court and could only be used in determining reasonable efforts. E) Allegations 1 and 2 were only identifying the parents.

79. On February 19, 2010 Ms. Wenk placed the Wayne County Juvenile Court on alert in regards to Plaintiff and his wife "as they have rifles and guns"
80. On February 19, 2010 a preliminary hearing was held which was continued on February 24, 2010. Referee Nicolas Bobak presided at both hearings.
81. Neither Referee Bobak nor DHS would even consider placing Plaintiff's minor children with their maternal grandparents whom were present in the court on February 19, 2010.
82. DHS and their agents prevented the children from attending both of these court dates, thereby denying Plaintiff of his due process right of calling witnesses.
83. Referee Bobak denied Plaintiff of his right to self representation without cause or subject matter jurisdiction.
84. Referee Bobak committed libel against Plaintiff by claiming he had "mental health issues" in his written order.
85. Referee Bobak is not a qualified mental health professional and lacked any information to base his defamatory statements on.
86. This defamation of Plaintiff father's mental health tainted all further proceedings and was the bases for other "judicial" decisions.
87. On February 19, 2010 J.A.B. (male) was given a physical and was identified with no speech problems or health concerns
88. On or about March 3, 2010 Ms. Shevonne Trice without any authority to do so appointed "temporary guardians" for Plaintiffs minor children.

89. Noel and Michael Chinavare were named as the “temporary guardians” of R.A.B., A.L.B. and J.A.B. (male)
90. Wendy and Thomas Chinchak were named as the “temporary guardians” of J.A.B. (female) and S.A.B.
91. These guardianship appointments had the effect of denying Plaintiff father of his parental rights regarding the education, and medical treatment of his children including his ability to obtain medical or educational records.
92. All of the Plaintiff’s children were placed in the homes of their “guardians”
93. On March 10, 2010 Ms. Trice inspected the home of Plaintiff and found such to be “suitable” for all of the children.
94. This was the first time any person from DHS entered Plaintiff’s home since January 21, 2010.
95. On March 12, 2010 a pretrial hearing was held before Referee Anthony Crutchfield.
96. Referee Crutchfield denied Plaintiff’s request for the return of his children, there were no allegations that the return of the children would have caused any harm to the children.
97. The consent order demands that the children be returned to the parental home as soon as safely possible.
98. Referee Crutchfield’s reasoning for not allowing the children to return home was based upon the parents requesting a trial by jury.
99. Referee Crutchfield was not acting as a “judicial officer” but as a private citizen and agent of DHS.

100. On March 23, 2010 a pretrial was held before Judge Judy Hartsfield, Judge Hartsfield denied Plaintiff's request to represent himself, and appointed him new counsel.
101. On or about March 23, 2010 Michael Chinavare signed documents authorizing evaluation and treatment of J.A.B. (male) as his "parent or legal guardian" without any consultation or notification to the parents.
102. On March 25, 2010 Noel Chinavare authorized and refused immunizations for J.A.B. (male), including authorizing those not recommended for years to come as his parent or legal guardian. Ms Chinavare also requested unnecessary and non-routine testing to be conducted on J.A.B. No notification to the parents was given.
103. Mrs. Chinavare and Mrs. Chinchak both requested the plaintiff's children be removed from their homes after J.A.B.'s medical testing.
104. On March 26, 2010 the children were removed from the "guardians" homes and replaced in their previous emergency shelters.
105. March 26, 2010 was the last day A.L.B., R.A.B., and J.A.B.(male) attended and/or were enrolled in school. In Fact the entire time they were in foster care (2-18-2010 thru 6-4-2010) A.L.B. and R.A.B. only attended school on 2 days, J.A.B. (male) attended school 4 days.
106. On March 29, 2010 a TDM was held concerning the removal of the children from the "guardians" and their next placement. Present at this meeting for DHS were Shevonne Trice (foster care worker), Charlotte McGehee (Ms. Trice's supervisor), Julie Hamel (facilitator), and Sharonda Gwynn (FC worker for Wolverine shelter), Michelle Hill (FC worker for Davenport shelter) participated through speaker phone.

Also present were Plaintiff, his wife, A.L.B, R.A.B and J.A.B. (male) with J.A.B. (female) and S.A.B participating via speaker phone from Davenport.

107. During the TDM then 16 year and 11 month A.L.B. asked DHS and its agents why he was in ‘protective custody’ and what they were protecting him from. Defendants failed to answer either of these questions.
108. Ms. Hamel responded to Plaintiff’s concerns regarding the neglect of J.A.B. (male) speech delays with a comment to the affect that the department shouldn’t have to do anything since the parents didn’t.
109. Defendants did not entertain any possibly of returning the children to the parental home.
110. Defendants acknowledged during the TDM of J.A.B.’s (male) speech and hearing evaluation needs, J.A.B. (female) needs for a heart evaluation and vitamin D medication, and R.A.B.’s need to be evaluated for a curved spine.
111. On March 29, 2010 Plaintiff father submitted a written request to Mia Wenk for the production of the CPS documents.
112. On March 30, 2010 Assistant Attorney General Linda Handren offered the immediate return of the children if the parents would plead guilty to the allegations against them.
113. On March 30, 2010 another “pretrial” was held before Judge Hartsfield.
114. Judge Hartsfield ordered the Psychiatric evaluations of A.L.B., R.A.B, and J.A.B. (male) over the objections of both counsel for the parents and counsel for the children.

115. The bases for Hartsfield's order was stated as "the conditions and environment that they (the children) have been living under for God knows how many years." And that the parents "may have some mental health issues themselves."
116. No request or order was ever made for the parents to be evaluated for these alleged "mental health issues".
117. Judge Hartsfield did not have authority to order the Psychiatric evaluations on Plaintiff's children as the court lacked any official jurisdiction over the children.
118. On or about April 5, 2010 A.L.B, R.A.B. and J.A.B. (male) were placed in the residential care facility know as Methodist Children's Home.
119. Defendants failed to comply with the requirement of the consent order prior to placing the children in a residential care facility.
120. On April 16, 2010 R.A.B. ran away from Methodist to obtain needed medical care at Botsford Hospital. When R.A.B. left Methodist for the needed care he was coughing up blood.
121. Prior to R.A.B. leaving for medical care, R.A.B. was given expired medication and was refused access to be seen by a physician by Methodist staff.
122. On April 16, 2010 Mia Wenk filed an amended petition with the court adding allegation 13 which states "Since the children had been removed from their parents' care on 2/18/10, maternal cousin Noel Chinavare took James Brent to his regular doctor at Midwest Medical Center in Dearborn for a checkup. Ms. Chinavare was informed by Dr. Banister that James had been tested for lead in the past and that it was very high."

123. The record does not indicate any request or approval for an amended petition, prior to the amended petition being filed.
124. On or about April 18, 2010 in a tape recorded phone conversation Ms. Wenk refused to produce the documents Plaintiff had requested from the CPS file, claiming father was only entitled to view the investigative summary.
125. On or about April 28, 2010 J.A.B. (female) and S.A.B. were moved from Davenport and placed in the home of Renee Samples, a foster parent licensed through Wayne County DHS.
126. Although Ms. Samples was licensed through DHS the supervision of the Female Children was transferred to The Children's Center which is a contracted licensing agency that issues its own foster care licenses.
127. At the first family visit held at The Children's Center, The Children's Center supervisor, stated to the parents in the presence of their children a statement to the effect "If you loved your children you would accept the plea deal."
128. After the first visit at The Children's Center the same supervisor determined that Plaintiff father could no longer have phone contact with his daughters. No explanation for this new restriction was given.
129. On May 3, 2010 yet another "pretrial" was held. At this hearing the GALs appointed for the parents were dismissed and the hearing was adjourned until May 10 "with the expectation that your clients will be prepared to tender to the Court a no contest plea to certain paragraphs in this petition."
130. Judge Hartsfield refused to address any parenting time requests "until after we get past the issue of trial."

131. Judge Hartsfield also acknowledged that the children would be returned to the parents
“if the Court receives a factual basis to support certain paragraphs in this petition...”
132. On May 10, 2010 parents again rejected the “plea offer” and the hearing was ended.
133. All 5 children were present in the Court on May 10, 2010
134. On May 11, 2010 Jury selection and trial began
135. DHS and the Court refused to allow access to the court for J.A.B. (male) and S.A.B.
136. On May 11, Judge Hartsfield ordered to publish the Photos taken by DHS on January
21, 2010 to the Jury
137. Judge Hartsfield had reason to know the photos were obtained in violation of section
750.539d of the Michigan Penal Code.
138. On May 12, 2010 Judge Hartsfield made an “off the record” order that J.A.B. (female)
was not allowed to attend the rest of the trial. This was witnessed by all persons
present after the jury was excused from the court. Further this was over J.A.B.’s own
objections to Hartsfield’s refusal to allow her to be present.
139. MCL 712A.12 prohibits the Court exercising any authority to restrict a child from
attending a hearing.
140. Judge Hartsfield made various rulings on the admission of evidence, such as her ruling
that Father’s testimony regarding his personal actions and observations was
inadmissible hearsay.
141. All 5 children were returned to the parents on June 4, 2010 following the first
dispositional hearing.
142. No services were incorporated into the “service plan” to address any of the alleged
reasons for adjudication.

143. The Family Reunification Program (Judson Center) services that were forced upon Plaintiff and his family were later discovered through documentations to be no more than a coercion attempt for Plaintiff to enroll his children in a public school system, and a fishing expedition by Ms. Wendolyn Anderson/Greene to find some “substantiation” on the parents.
144. On August 26, 2010 a “review hearing” was held before Referee Crutchfield, and was continued until September 10, 2010.
145. During both “hearings” Crutchfield denied Plaintiff father of his right to 1 call witnesses, 2 cross examine witnesses and 3 offer evidence.
146. Father filed a motion for a review and or rehearing which was denied by Hartsfield. However it was Judge Cavanagh that “approved” referee Crutchfield’s recommendations. Both the order denying review and the order of dismissal were signed on September 20, 2010.
147. On October 3, 2010 Plaintiff Father made a written request to have his named removed from the central registry.
148. That request was denied on October 11, 2010. He only reason stated on the denial was “You were found responsible for physical neglect of your children.”
149. Plaintiff father is currently waiting for an administrative hearing to be scheduled on the matter.
150. DHS has not as of the date of this complaint made any specific allegation of how any alleged “physical neglect” harmed or threatened to harm any of his children.

151. On or about December 1, 2010 Plaintiff and his wife attended an “Administrative hearing” concerning an allegation of overpayment of benefits. DHS specialist Jeanette Bastien was present and testified at the hearing.
152. The Administrative Law Judge reversed in part and affirmed in part DHS’s actions
153. The results of that hearing have not been applied as of the date of this complaint.
154. On February 1, 2011 Plaintiff and his wife received a “Notice of Balance Due” which included a payment plan requiring the first payment of \$50.00 to be paid on or before March 3, 2011.
155. Plaintiff and his wife immediately contacted and challenge the claim amount.
156. Records show that a request for review and correction was received by defendants through fax on February 9, 2011 and through certified mail on February 10, 2011.
157. In response to the request for review Plaintiff and his wife both received notices that the entire amount was now past due and they were being placed in the ‘Treasury Offset Program’. These notices were dated February 16, 2011.

**FIRST CAUSE OF ACTION - 42 U.S.C. §1983
(Parental Rights)**

158. Paragraphs 1 through 157 of the Complaint are incorporated herein by reference, the same as though set forth in full.
159. The procedures used by Defendants in the investigation and subsequent removal of the children from the home and assignment of “temporary guardians” abridged the rights of Plaintiff to the care, custody, education of, and association with his children, as guaranteed by the first, fourth and fourteenth amendments to the United States Constitution, and art. I, § 2, 11 and 17 of the Michigan Constitution.

160. WHEREFORE, Plaintiff pray for the relief set forth below.

**SECOND CAUSE OF ACTION - 42 U.S.C. § 1983
(Due Process)**

161. Paragraphs 1 through 160 of the Complaint are incorporated herein by reference, the same as though set forth in full.
162. As applied by Defendants, the Statutes and Protocols deprived the Plaintiff and minor children of their liberties without due process of law in violation of the protection afforded under the Fourteenth Amendment of the United States Constitution.
163. Both facially and as allied against Plaintiff the Statutes and Protocols regarding placement on Michigan's Central Registry denied Plaintiff of his fundamental liberties without due process of law in violation of the protection afforded under the Fourteenth Amendment of the United States Constitution.
164. Pursuant to Statute and Protocol placement on Michigan's Central Registry is permanent until the death of the person named as perpetrator, as such due process require a more definite determination than a mere "preponderance of evidence" and/or "If evidence of abuse or neglect exists".
165. Plaintiff was denied his due process right by Defendant failing to give Plaintiff written notification that he was placed on the Central registry and/or any specific allegation of the alleged "physical neglect"
166. By Defendants restricting the children's access to the Court Defendants not only deprived the children of their due process right to participate in the hearings but also denied Plaintiff of his due process right to call and question witnesses.

167. Judicial Defendants denied Plaintiff of his due process right of choice of counsel by denying him of his right to self-representation without cause.
168. The innate bias of the Judicial Defendants denied Plaintiff of his due process right to an unbiased trial.
169. WHEREFORE, Plaintiff pray for the relief set forth below.

**THIRD CAUSE OF ACTION - 42 U.S.C. § 1983
(Unreasonable Search and Seizure)**

170. Paragraphs 1 through 169 of the Complaint are incorporated herein by reference, the same as though set forth in full.
171. Defendants abridged the right of Plaintiff and his family to be free from unreasonable search and seizure, in violation of the fourth and fourteenth amendments to the United States Constitution, as well as Art. I, Sec. 11 and 22 of the Michigan Constitution.
172. WHEREFORE, Plaintiff pray for the relief set forth below.

**FOURTH CAUSE OF ACTION - 42 U.S.C. § 1983
(Keep and Bear Arms)**

173. Paragraphs 1 through 172 of the Complaint are incorporated herein by reference, the same as though set forth in full.
174. By penalizing Plaintiff for the ownership and storage of firearms in his home with no allegation that Plaintiff had violated any Federal or State firearms laws, Defendants abridged Plaintiffs right to keep and bear arms granted in the second amendment to the United States Constitution as well as Art I Sec. 6 of the Michigan Constitution.
175. WHEREFORE, Plaintiff pray for the relief set forth below.

**FIFTH CAUSE OF ACTION - 42 U.S.C. § 1983
(Hostage Taking)**

176. Paragraphs 1 through 175 of the Complaint are incorporated herein by reference, the same as though set forth in full.
177. Defendants detained and continued to detain Plaintiff's children against the will of Plaintiff and the children.
178. Defendants used the release of the children to the parents in an attempt to coerce parents to waive their right to a trial by jury and enter a plea consenting to the Courts jurisdiction.
179. Pursuant to 18 U.S.C. § 1203 the Defendants continued detainment of Plaintiff's children with the explicate and/or implicate conditions of their release being the acceptance of a plea offer by the parents constitute the taking of hostages.
180. WHEREFORE, Plaintiff pray for the relief set forth below.

**SIXTH CAUSE OF ACTION - Supplemental Jurisdiction
(Intentional Infliction of Emotional Distress)**

181. Paragraphs 1 through 180 of the Complaint are incorporated herein by reference, the same as though set forth in full.
182. Defendants Wayne County DHS workers/supervisors conduct was extreme and outrageous, willfully and intentionally causing emotional distress.
183. Judicial Defendants conduct was extreme and outrageous, willfully and intentionally causing emotional distress.

184. Detroit Police Officer Defendants conduct was extreme and outrageous, willfully and intentionally causing emotional distress.
185. The Defendants DHS contractual agents conduct was extreme and outrageous, willfully and intentionally causing emotional distress.
186. WHEREFORE, Plaintiff pray for the relief set forth below

**SEVENTH CAUSE OF ACTION - Supplemental Jurisdiction
(Familial Integrity)**

187. Paragraphs 1 through 186 of the Complaint are incorporated herein by reference, the same as though set forth in full.
188. Defendants by their acts violated Plaintiff Nathaniel Brent's rights to the care, custody, education of, and association with his children and deprived the children of their right to receive such care, custody, education and association.
189. WHEREFORE, Plaintiff pray for the relief set forth below.

**EIGHTH CAUSE OF ACTION - Supplemental Jurisdiction
(Negligence)**

190. Paragraphs 1 through 189 of the Complaint are incorporated herein by reference, the same as though set forth in full.
191. As professional social workers Defendants Wayne County DHS workers/supervisors had a duty of care towards Plaintiff Nathaniel Brent and his children.
192. As professional social workers Defendants Wayne County DHS workers/supervisors had a duty of protection of Constitutional and Statutory rights towards Plaintiff Nathaniel Brent and his children.

193. As an officer of the Court Judicial Defendants had a duty of care and protection of rights towards Plaintiff Nathaniel Brent and his children.

194. In violating their duty of care, protect, and abide by statute and protocol, Defendants were not acting within the scope of their authority or with the reasonable belief that they were so acting, and acted with gross negligence and reckless disregard to the damages and deprivations of rights suffered.

195. WHEREFORE, Plaintiff pray for the relief set forth below.

UPON THE FOREGOING CAUSES OF ACTION, PLAINTIFF PRAYS THE COURT FOR THE FOLLOWING RELIEF:

- A. Assert jurisdiction over this action;
- B. Award Plaintiff actual damages that incurred as a direct or proximate result of Defendants' actions and/or inactions.
- C. Award Plaintiff compensatory damages against Defendants in their individual capacities;
- D. Award Plaintiff punitive damages against Defendants in their individual capacities;
- E. Declare the Statutes and Protocols unconstitutional as applied by Defendants as complained of herein;
- F. Declare the Statutes and Protocols requiring the mere existence of evidence and or preponderance of evidence regarding the placement of a person on Michigan's Central Registry are unconstitutional on its face and as applied herein;

- G. Order that the Central Registry and all DHS records be expunged of any records of this cause of action, including but not limited to the removal of Plaintiff name as a perpetrator and the destruction of unlawfully obtained photographs.
- H. Enter a preliminary and permanent injunction against Defendants, their agents, employees and officers from enforcing these statutes and protocols.
- I. Award all Plaintiff nominal damages for violation of his constitutional rights.
- J. Award Plaintiff his costs of litigation, including reasonable attorneys' fees and expenses under 42 U.S.C. § 1988 and as otherwise provided by law or equity.
- K. Grant such other and further relief as the Court deems proper.

PLAINTIFF DEMANDS TRIAL OF THIS ACTION BY JURY

Respectfully submitted this 22, day of February, 2011



Nathaniel H. Brent (in pro per)
538 South Livernois
Detroit Mi. 48209
(313) 841-4591

CIVIL COVER SHEET County in which action arose Wayne

This civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by the local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating a civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Brent, Nathaniel H. (in pro per)

(b) County of Residence of First Listed Plaintiff Wayne
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
538 South Livernois
Detroit Mi. 48209 (313) 841-4591

DEFENDANTS

Wayne County Department of Human Services et al

County of Residence of First Listed Defendant Wayne
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Case: 2:11-cv-10724
Judge: Cook, Julian Abele
MJ: Majzoub, Mona K
Filed: 02-22-2011 At 04:15 PM

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP (Indicate Plaintiff and Defendant Citizenship)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. sec 1983

Brief description of cause:
Denial of Civil Rights under the color of law

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$ Injunctive relief
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE February 22, 2011 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

QUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
