

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
INITIAL COMPLAINT

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO
2018 AUG 27 AM 8:14
JEFFREY P. COLWELL
CLERK

BY _____ DEP. CLK

RAYMOND R. SCHWAB
AMELIA D. SCHWAB

(970) 402

7230

5232 Glade Rd
Coveland, CO 80538

Plaintiffs,

18 - CV - 02190

v.

CASE NO.

VIOLATION OF CIVIL RIGHTS
(42 U.S.C. § §1983), FALSE LIGHT,
SLANDER, PUBLIC
DISCLOSING, NEGLIGENCE
JURY TRIAL DEMANDED

KRIS KOBACH in official and individual capacity
KANSAS DEPARTMENT OF CHILDREN AND FAMILIES.
KIM YOXELL in official and individual capacity,
ANGIE SUTHER in official and individual capacity
PHYLLIS GILMORE in official and individual capacity,
THERESA FREED in official and individual capacity
KENDRA BAKER in official and individual capacity

RANDY DEBENHAM in official and individual capacity
BLAKE ROBINSON in individual and professional capacity,
ANDREW VINDUSKA in individual and professional capacity,
MIRANDA JOHNSON in individual and professional capacity,
LORA INGLES in individual and professional capacity,

BARRY WILKERSON in professional and individual capacity,
BETHANY FIELDS in individual and professional capacity,

RILEY COUNTY POLICE DEPARTMENT
CARLA SCHWARTZ in personal and professional capacity
JULIA GOGGINS in personal and professional capacity

Complaint for Violation of Civil Rights

KVC A 501c3 Nonprofit Organization,
RHONDA EISENBAREGER in professional and personal capacity
DEJA JACKSON in personal and professional capacity

PATHWAYS FAMILY SERVICES, LLC

PAWNEE MENTAL HEALTH SERVICE

SUNFLOWER CASA PROJECT 501c3 non profit entity

ST FRANCIS COMMUNITY SERVICES 501c3 non profit entity.
KATHY BOYD in individual and professional capacity,
LAURA PRICE in individual and professional capacity,
KAYLEE POSSEN in individual and professional capacity

ANTHONY ALLISON in individual capacity
MICHELLE ALLISON in individual capacity
AMANDA ALLISON-BALLARD in individual capacity
DOES 1-10 Inclusive,

Respondants.

INITIAL COMPLAINT

Plaintiffs, RAYMOND AND AMELIA SCHWAB (THE SCHWAB'S) for their Complaint
against the above-named Defendants, respectfully states and alleges as follows:

JURISDICTION

1. Plaintiff's brings this civil rights lawsuit pursuant to 42 U.S.C. Section 1983, and the Kansas Tort Claims Act ("KTCA", Kansas Stat. Ann. § 75-6101, *et. seq.*) to redress the deprivation by Defendants, at all times herein acting under color of state law, of rights, secured to Plaintiff under the Constitution of the United States, including the Fourth, Fifth, and Fourteenth Amendments.

2. Jurisdiction is conferred on this Court by 28 U.S.C. Sections 1343(a)(1) and

Complaint for Violation of Civil Rights

(a)(3), which provide for original jurisdiction in this Court of all suits brought pursuant to 42 U.S.C. Section 1983 and 1985. Jurisdiction is also conferred by 28 U.S.C. Section 1331(a) because claims for relief derive from the Constitution of the United States and the laws of the United States. FURTHERMORE, Federal money was received under title IV (e) and (d) for the Schwab children and the Schwab's while the children were held in the State of Kansas,

3. Venue is properly established in the United States District Court for the District of COLORADO pursuant to 28 U.S.C. Section 1332, in that the events and circumstances herein alleged occurred in Riley, Dickinson and Shawnee Counties, Kansas, and all of the respondents resided or were employed in multiple counties within the State of Kansas while all of the plaintiff's are residents of the State of Colorado and the amount of Controversy exceeds \$75,000 hence Diversity Jurisdiction is appropriate for this complaint.

PARTIES

4. At times relevant to the facts and circumstances in the Complaint, Plaintiff's were resident's of Shawnee County, Kansas and Larimer County, Colorado. RAYMOND AND AMELIA SCHWAB (hereinafter collectively, the SCHWAB'S) are the natural mother and father of minors, C.S., A.S., A.S., E.S., and RAYMOND SCHWAB is the step-father of minor child D.B. While AMELIA is the natural mother OF ALL FIVE CHILDREN. (hereinafter collectively, the "SCHWAB CHILDREN"). At the time the incidents giving rise to the causes of action in this Complaint occurred, D.B was 14 years old C.S. was 11 years old, A..S. Was 09 years old, A.S. was 6 years old, and E.S. was 4years old, . At all times relevant herein, prior to the incidents complained of as occurring APRIL 27, 2015, and thereafter THE SCHWAB'S raised, nurtured, provided guidance, and cared for their children, and enjoyed the company, companionship, and society of their children, and all other benefits and burdens

Complaint for Violation of Civil Rights

of her rights of familial association with their children. Such parental care is a fundamental Constitutional right protected by the fourteenth amendment, and upheld as so by the United States Supreme Court and should not be abrogated without due process which the plaintiffs have been denied by all defendants in concert.

5. At all times applicable herein, Respondent KRIS W. Kobach is serving as the 31st Secretary of State of Kansas. Kris Kobach is an individual residing, on information and belief, in Kansas and is the acting Secretary of State, and whose acts as alleged herein were performed in his individual capacity and/or under color of state law.

5. At all times applicable herein, Respondent PHYLLIS GILMORE ("GILMORE") was an individual residing ,on information and belief, in Kansas, and Secretary of the Kansas Department of Children and Families ("DCF")and whose acts as alleged herein were performed in her individual capacity and/or under color of state law. Plaintiff's are informed and believes that defendant "GILMORE" being head over the Executive Branch of the Department of Children and Family Services had full supervisory and Executive powers and oversight to supervise her executive staff and subordinates preventing them from engaging in improper, unlawful, and unconstitutional behavior and actions.

6. At all times applicable herein, Respondent KENDRA BAKER ("BAKER") was an individual residing ,on information and belief, in Kansas, and Director of Client Services for respondent DCF, within the office of the secretary and respondent GILMORE and whose acts as alleged herein were performed in her individual capacity and/or under color of state law. Plaintiff's are informed and believes that defendant "BAKER" being Director of Client Services had full supervisory responsibility and oversight to supervise her executive staff and subordinates preventing them from engaging in improper, unlawful, and unconstitutional behavior and actions.

Complaint for Violation of Civil Rights

7. At all times applicable herein, Respondent KIM YOXELL (“YOXELL”) was an individual residing ,on information and belief, in Kansas, and in the position of Director of Programs for respondent DCF, within the office of the secretary and respondent GILMORE and whose acts as alleged herein were performed in her individual capacity and/or under color of state law. Plaintiff's are informed and believes that respondent “YOXELL” had full supervisory responsibility and oversight to supervise her executive staff and subordinates preventing them from engaging in improper, unlawful, and unconstitutional behavior and actions.

8. At all times applicable herein, Defendant THERESA FREED (“FREED”) was an individual residing ,on information and belief, in Kansas, and Communications Director for respondent DCF within the office of the secretary and respondent GILMORE and whose acts as alleged herein were performed in her individual capacity and/or under color of state law. Plaintiff's are informed and believes that respondent FREED being Communications Director had full supervisory responsibility and oversight to supervise her executive staff and subordinates preventing them from engaging in improper, unlawful, and unconstitutional behavior and actions, as well as refraining from communicating confidential, defamatory, or slanderous information to the public.

9. At all times applicable herein, on information and belief, Department of Children and Family Services (DCF) is an agency of the Kansas Government whom respondent GILMORE was Secretary . DCF's mission statements is to strengthen families, and work collaboratively with families to provide services and investigate various abuse allegations in a lawful and Constitutional fashion. DCF works collaboratively with multiple private and public agencies and individuals to provide services to families. DCF is bound to operate within the constraints and authority of the Constitution, applicable statue and law, and their own policies and procedures.

10. At all times applicable herein, on information and belief, respondent KANSAS

DEPARTMENT OF CHILDREN AND FAMILIES (“DCF”) is an agency of the Kansas Executive branch. Plaintiff’s are informed and believes said agency is tasked with properly investigating abuse and neglect allegations, and protecting children and families in a lawful and Constitutional manner. DCF officers, agents and employees are required by Federal Law, Statue and Policy with also guarding the sacred bond between children and their parents, not to be used as an instrument to deprive parents of their lawful parental authority whose officers and agents are tasked with assuring both the children, and the parents rights and Constitutional Protections are guarded and protected per their own polices and procedures, governing statutes, laws and Constitutional restraints.

11. At all times applicable herein, on information and belief, respondent RILEY COUNTY POLICE DEPARTMENT (“RCPD”) is the local law enforcement branch of Riley County, Kansas in the city of Manhattan. RCPD's mission is to ““To reduce crime and improve the quality of life for the citizens we serve.” The Riley County Police Department holds their employees to a high standard of service to the community and prides themselves on living and working by the following values. Integrity - Adherence to moral and ethical”, and are accredited by the Commission for the Accreditation of Law Enforcement Agencies. Per Kansas Statue each office takes said, sworn oath for accreditation “On my honor, I will never betray my badge, my integrity, my character or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the Constitution, of the United States, and of the State of Kansas, my community, and the agency I serve.

12. At all times applicable herein, on information and belief, Respondent CARLA SCHWARTZ (SCHWARTZ) was a detective for defendant RCPD and hereby all descriptions of the mission and purpose of the RCPD is hereby ascribed to former detective SCHWARTZ.

13. At all times applicable herein, on information and belief, Defendant JULIA GOGGINS (“GOGGINS”) was a detective for respondent RCPD and hereby all descriptions of the mission and

purpose of the RCPD is hereby ascribed to former detective GOGGINS.

14. At all times applicable herein, on information and belief, respondent's BARRY WILKERSON ("WILKERSON) and BETHANY FIELDS ("FIELDS") are individuals residing in the State of Kansas, in or around Riley County Kansas, on information and belief who work as the Riley County Attorney (WILKERSON) and Associate Riley County Attorney (FIELDS). Defendant WILKERSON was elected to office and is tasked with prosecuting crimes in a lawful and constitutional manner. Respondent FIELDS is appointed as an Assistant Deputy District Attorney to assist in the duties of Prosecution. Both are subject to Constitutional restrictions and State Statute as to the nature of their Prosecutorial activities. Both defendants are required by Oath of office, law and Constitutional precedents to not utilize their office for personal gain, retribution against citizens under the color of law, neither participating in the protection or obfuscation of unlawful and unconstitutional activities.

15. At all times applicable herein, on information and belief, Respondent LORA INGLES (INGLES) was an individual residing, on information and belief in or around Riley County within the State of Kansas and was appointed by Judge John Bosch to be Attorney *ad litem* for the SCHWAB CHILDREN. Defendant INGLES is an attorney at the Oleen Law Firm 1619 Poyntz Ave, Manhattan, KS 66502, and was a member in good standing with the Kansas Bar Association subject to all oaths of office including said oath to "Solemnly swear or affirm that you will support and bear true allegiance to the Constitution of the United States and the Constitution of the State of Kansas; that you will neither delay nor deny the rights of any person through malice, for lucre, or from any unworthy desire; that you will not knowingly foster or promote; or give your assent to any fraudulent, groundless or unjust suit; that you will neither do, nor consent to the doing of any falsehood in court; and that you will discharge your duties as an attorney and counselor of the Supreme Court and all other courts of the State of

Kansas with fidelity both to the Court and to your cause, and to the best of your knowledge and ability. So help you God.” As Attorney *ad litem* INGLES was tasked with conducting an independent investigation of the facts, per Kansas Statue, to best represent the rights and interest of the children, including all relevant facts, following all law, Constitutional and Statutory, and not participating in any frivolous, fraudulent, unconstitutional or unlawful behavior in that role.

16. Plaintiff is further informed and believes and on such basis alleges that Respondent BLAKE ROBINSON (ROBINSON) was an individual residing, on information and belief, in or around the county of Riley, State of Kansas and a member in good standing with the Kansas bar association subject to all its laws, oaths and regulations both Constitutional and Statutory. Respondent ROBINSON was a court appointed counsel tasked with providing adequate and effective representation, per the 14th amendment to plaintiff RAYMOND SCHWAB . Respondent ROBINSON was required by oath and law to provide competent representation to plaintiff RAYMOND SCHWAB which herein is defined as, In general, competent legal representation is without errors that would result in the denial of a fair trial. Plaintiff is further informed and believes and on such basis alleges ROBSINSON is subject to the same binding and legal oath of practice per respondent INGLES

17. Plaintiff is further informed and believes and on such basis alleges that Respondent ANDY VINDUSKA (VINDUSKA) was an individual residing, on information and belief in or around the county of Riley, State of Kansas and a member in good standing with the Kansas bar association subject to all its laws, oaths and regulations both Constitutional and Statutory. Respondent VINDUSKA was a court appointed counsel tasked with providing adequate and effective representation, per the 14th amendment to plaintiff RAYMOND SCHWAB . VINDUSKA was required by oath and law to provide competent representation to plaintiff RAYMOND SCHWAB which herein is defined as, In general, competent legal representation is without errors that would result in the denial

of a fair trial. Plaintiff is further informed and believes and on such basis alleges defendant VINDUSKA is subject to the same binding and legal oath of practice per defendant INGLES, and ROBINSON.

18. Plaintiff's are further informed and believes and on such basis alleges that respondent MIRANDA JOHNSON (JOHNSON) was an individual residing, on information and belief in or around the county of Riley, State of Kansas and a member in good standing with the Kansas bar association subject to all its laws, oaths and regulations both Constitutional and Statutory. JOHNSON was a court appointed counsel tasked with providing adequate and effective representation, per the 14th amendment to plaintiff AMELIA SCHWAB . JOHNSON was required by oath and law to provide competent representation to plaintiff AMELIA SCHWAB which herein is defined as, In general, competent legal representation is without errors that would result in the denial of a fair trial. Plaintiff is further informed and believes and on such basis alleges defendant JOHNSON is subject to the same binding and legal oath of practice per defendant INGLES

19. Plaintiff is further informed and believes and on such basis alleges that respondent RANDY DEBENHAM (DEBENHAM) was an individual residing, on information and belief in or around the county of Shawnee, State of Kansas and a member in good standing with the Kansas bar association subject to all its laws, oaths and regulations both Constitutional and Statutory. DEBENHAM was a court appointed counsel tasked with providing adequate and effective representation, per the 14th amendment to plaintiff RAYMOND SCHWAB . DEBENHAM was required by oath and law to provide competent representation to plaintiff RAYMOND SCHWAB which herein is defined as, In general, competent legal representation is without errors that would result in the denial of a fair trial. Plaintiff is further informed and believes and on such basis alleges DEBENHAM is subject to the same binding and legal oath of practice per respondent INGLES

20. Plaintiff is further informed and believes and on such basis alleges that respondent Pawnee Mental Health Services (PAWNEE) is a private, not-for-profit organization licensed by the state of Kansas Department for Aging and Disability Services (KDADS) as a community mental health center, one of 26 in the state of Kansas. Pawnee is also a licensed by the state of Kansas Department of Addiction and Prevention Services (AAPS) as a Substance Abuse treatment facility. Plaintiff is further informed and believes that PAWNEE contracts with DCF, and other agencies under the jurisdiction to provide services.

21. Plaintiff is further informed and believes and on such basis alleges that RESPONDENT'S GILMORE, FREED, BAKER, YOXELL, SUTHER, RCPD, WILKERSON, FIELDS, AND DCF instead of properly supervising and overseeing Their subordinates, agents, and institutions and preventing them from violating Plaintiff's rights as further alleged herein, RESPONDENT'S , GILMORE, FREED, BAKER, YOXELL, SUTHER, RCPD, WILKERSON, FIELDS, AND DCF conspired, aided, assisted, and abetted each of the other defendants in their efforts to violate Plaintiff's rights and due process either intentionally or through negligence. On information and belief, plaintiff alleges that RESPONDENT'S GILMORE, FREED, BAKER, YOXELL, SUTHER, RCPD, WILKERSON, FIELDS, AND DCF knew, or in the exercise of reasonable diligence should have known, of the wrongful nature of their subordinates' conduct.

22. Plaintiff further alleges on information and belief that Defendant's GILMORE, FREED, BAKER, RCPD, WILKERSON, FIELDS, AND DCF through its agents and policies knew or should have known that the wrongful conduct of their subordinates, mentioned herein, created a substantial risk of harm to Plaintiff's, but disregarded said risk by expressly approving, implicitly approving, or failing to take adequate action to prevent the wrongful conduct. Plaintiff is informed and believes that RESPONDENT'S GILMORE, FREED, BAKER, RCPD, WILKERSON, FIELDS, AND DCF's

conduct, or acts of omission, were a substantial factor in causing harm

23. Plaintiff is further informed and believes and on such basis alleges ST FRANCIS COMMUNITY SERVICES, ("ST FRANCIS") is a Kansas Not For Profit Corporation, on information and belief, organized and existing under the laws of Kansas and was qualified to do business in Kansas as well as Mississippi, Nebraska, and Oklahoma. ST. FRANCIS'S registered office is located at 1813 S. Ohio Street, Salina, KS and ST FRANCIS can be properly served at said location. On information and belief, ST FRANCIS's principle place of business is in Salina, Kansas, and ST FRANCIS has additional places of business in other locations within the state of Kansas, including an office located in Shawnee and RILEY COUNTY, Kansas. ST FRANCIS was awarded a social services contract by DCF to provide similar services that DCF would otherwise provide.

24. At all times applicable herein, Defendant KATIE POSSON ("POSSON") was an individual residing on information and belief, in Riley County, Kansas, and was a family support worker, as well as an officer, agent, and employee of ST FRANCIS. Respondent POSSENS'S acts as alleged herein were performed in her individual capacity and/or under color of state law.

25. At all times applicable herein, Defendant LAURA PRICE ("PRICE") was an individual residing on information and belief, in KANSAS, and was a family support worker, as well as an officer, agent, and employee of ST FRANCIS. PRICES'S acts as alleged herein were performed in her individual capacity and/or under color of state law.

26. At all times applicable herein, on information and belief, Defendant social worker KATHY BOYD ("BOYD") was an individual residing, on information and belief, in Kansas, and an officer, agent, and employee of DCF. Plaintiff is informed and believes and on such basis alleges that Respondent BOYD was a Case Managing Supervisor, charged with the duty to supervise her subordinates and prevent them from engaging in improper or unlawful conduct.

27. Plaintiff's are further informed and believes and on such basis alleges that Respondent BOYD, instead of properly supervising her case worker subordinates and preventing them from violating Plaintiff's rights as further alleged herein, Defendant BOYD aided, assisted, and abetted each of the other social worker defendants in their efforts to violate Plaintiff's rights. On information and belief, plaintiff alleges that Respondent BOYD knew, or in the exercise of reasonable diligence should have known, of the wrongful nature of her subordinates' conduct. Plaintiff further alleges on information and belief that BOYD knew or should have known that the wrongful conduct of her subordinates, mentioned herein, created a substantial risk of harm to Plaintiff, but disregarded said risk by expressly approving, impliedly approving, or failing to take adequate action to prevent the wrongful conduct. Plaintiff is informed and believes that BOYD'S conduct, or acts of omission, were a substantial factor in causing harm to the Plaintiff's

28. Plaintiff is further informed and believes and on such basis alleges KVC ("KVC") is a Kansas Not For Profit Corporation, on information and belief, organized and existing under the laws of Kansas and was qualified to do business in Kansas as well and other states under the umbrella of KVC Health Systems. KVC's registered office is located at 21350 W. 153rd Street Olathe, KS 66061-5413 and KVC can be properly served at said location. On information and belief, KVC's principle place of business is in Topeka, Kansas, and KVC has additional places of business in other locations within the state of Kansas, and United States. KVC was awarded a social services contract by DCF to provide similar services that DCF would otherwise provide.

29. At all times applicable herein, Respondent DEJA JACKSON ("JACKSON") was an individual residing on information and belief, in Kansas, and was a family support worker, as well as an officer, agent, and employee of KVC. Respondent JACKSON'S acts as alleged herein were performed in her individual capacity and/or under color of state law.

30 . At all times applicable herein, on information and belief, Respondent social worker RHONDA EISENBARGER (“EISENBARGER”) was an individual residing, on information and belief, in Kansas, and an officer, agent, and employee of DCF. Plaintiff is informed and believes and on such basis alleges that Respondent EISENBARGER was a Case Managing Supervisor, charged with the duty to supervise her subordinates and prevent them from engaging in improper or unlawful conduct.

31. Plaintiff's are further informed and believes and on such basis alleges that Respondent EISENBARGER, instead of properly supervising her case worker subordinates and preventing them from violating Plaintiff's rights as further alleged herein, EISENBARGER aided, assisted, and abetted each of the other social worker's in their efforts to violate Plaintiff's rights and deny due process according to law. On information and belief, plaintiff alleges EISENBARGER knew, or in the exercise of reasonable diligence should have known, of the wrongful nature of her subordinates' conduct. Plaintiff further alleges on information and belief that EISENBARGER knew or should have known that the wrongful conduct of her subordinates, mentioned herein, created a substantial risk of harm to Plaintiff, but disregarded said risk by expressly approving, impliedly approving, or failing to take adequate action to prevent the wrongful conduct. Plaintiff is informed and believes that Respondent EISENBARGER's conduct, or acts of omission, were a substantial factor in causing harm

32. Throughout this Complaint Respondent's GILMORE, FREED, BAKER, DCF, WILKERSON, FIELDS, EISENBARGER, JACKSON, ROBINSON, VINDUSKA, DEBENHAM, INGLES, KVC, ST FRANCIS, PRICE, POSSON, BOYD, YOXELL, SUTHER, ANTHONY AND MICHELLE ALLISON, AMANDA ALLISON-BALLARD and Respondent's DOES 1-10 are referred to collectively as “RESPONDENTS.” As appropriate throughout, the term “RESPONDENTS” should be read to refer to all RESPONDENTS collectively or to each RESPONDENT

individually. RESPONDENTS RCPD, PATHWAYS, PAWNEE, SCHWARTZ and GOGGINS will be designated as such due to the limited nature of their involvement after the initial unlawful detention and transfer of custody to Respondents.

33. Plaintiff is informed and believes, and on such basis alleges, that each of the named Respondent was and is the agent, employee, principal, employer and/or co-conspirator of each of the remaining Respondents and/or vice versa. In addition, Plaintiff's are informed and believes, and on such basis alleges, that the Respondents named here in above, and each of them, are responsible in some manner for the occurrences herein alleged, and that each of the above-named Respondents conspired with, and/or sided and/or abetted and/or jointly collaborated with each of the remaining Respondents and identified persons in committing the acts herein alleged.

34. Plaintiff's are informed and believes and on such basis alleges that each of the above named Respondents and settling co-conspirators were acting under color of law in committing the acts herein alleged, and that in doing the things herein alleged respondents, and each of them, were acting within the course and scope of their duties as employees or agents of each other and the State of Kansas.

35. Plaintiff's are ignorant of the true names and capacities of those Respondents sued herein as DOES 1 through 10, and for that reason have sued such Respondents under such fictitious names. Plaintiff reserves their rights, and will seek leave of Court to amend this Complaint to identify said respondents when their identities have been ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named respondents were, in some manner, liable and legally responsible, in that their conduct caused the damages and injuries set forth herein.

36. Plaintiff's are informed and believes and on such basis alleges that at all relevant times, Respondents, and each of them, were the knowing agents and/or alter egos of one another, and that

Respondents directed, ratified, and/or approved the conduct of each of the other Respondents, and each of their agents or employees, and are therefore vicariously liable for the acts and omissions of their co-defendants, their agents and employees, as more fully alleged herein. Moreover, all of the Respondents, and identified persons, agreed upon, approved, ratified, and/or conspired together to commit all of the acts and/or omissions alleged in this Complaint.

FACTUAL ALLEGATIONS

HISTORY:

37. Son's D.B. was born in December of 1999, C.S. July of 2003, A.S., in August of 2005, A.S. In December 2008 and daughter E.S. was born in October of 2010. THE SCHWAB'S were married May 28, 2003 and RAYMOND AND AMELIA have been the sole caregivers of all children including D.B. The respondent' refused to acknowledge the parentage of RAYMOND SCHWAB to D.B. Even though RAYMOND has been the joint caregiver of D.B. Who also acknowledges RAYMOND as Dad in testimony during the adjudication hearing of the children. Respondent's have done all to sever that parental bond, by not allowing visits, calls, counseling or any other form of communication with D.B. And instead placed him and attempted to reintegrate D.B's biological father, contrary to the welfare of the child, which led to abuse reports, and an emergency move of the child, further severing of the bond between D.B and MR SCHWAB by placing D.B. In the care of family who took the children without parental permission and initiated the Child In Need of Care (CINC) proceedings.

38. April 19, 2015, due to a marital separation between the SCHWABS AMELIA SCHWAB met RAYMOND to discuss their marriage and allow the kids to go with their GRANDMOTHER CINDY BEAR, where Ms. SCHWAB was residing. Instead of leaving with her mother, MRS. SCHWAB stayed to speak with her husband about the future of their marriage. MR SCHWAB already

had an application to transfer his federal job with the VA to Colorado. It was agreed that for a period of separation AMELIA SCHWAB would go to Colorado, where 4 of the Schwab children were born and where the SCHWAB'S had resided for most of their marriage. They had a residence already in Colorado at 5232 GLADE ROAD, Loveland, Colorado 80538 where MRS. SCHWAB would be residing with herself and the children.

39. Mr. Schwab was an employee with the Department of Veteran affairs for many years, and had been applying for a transfer back to the State of Colorado, where 4 or the SCHWAB CHILDREN were born and which the SCHWAB'S considered their home. They determined not to tell the family where they were going, but that they were separating and Amelia and Raymond needed time to pack. C.B. agreed to keep the children in DICKENSON COUNTY, KS while the SCHWABS packed their home.

40. Between April 19-27, 2015, the maternal family hid the children from the SCHWAB's after discovering they were moving back to Colorado. Not wanting to get family members arrested for kidnapping or interference with parental custody AMELIA SCHWAB asked her husband to let her handle it, and begin to try and locate her children leaving multiple messages with family. Mr. Schwab had already notified the maternal family that if the children were not returned by Monday the 2th he would be filing charges on Cindy Baer. On or around April 25th the SCHWABS sent Dickinson County Sheriff Deputy FERRIS to the home in Chapman to tell CINDY BAER (C.B) to return the children. At that point Mr. Schwab gave Cindy Baer until Monday the 27th or he would have her placed in jail. Shawnee County, Topeka PD, and Dickinson County would not further assist the SCHWAB'S stating jurisdictional concerns and that it was a custody issue. Mr Schwab was informed by Amelia that Mrs. Baer had threatened if Mr. Schwab stepped foot on her property to attempt to get his children she would shoot him. It was known by Mr Schwab that C.B. Did have numerous weapons in her

Complaint for Violation of Civil Rights

possession.

41, Topeka P.D. Refused to offer assistance as they said the children were in Dickinson County and it was a custody issue with no court paperwork, and Dickinson County Sheriff informed the Schwab's that they had no jurisdiction as the children were taken from Topeka Kansas. Though Dickinson County Sheriff did make a visit to C.B's where D.B. And Mrs. Baer attempted to convince the sheriff that the children were being abused and neglected. Deputy Ferris reported to the Schwab's he told C.B. To return the children by Monday April 27th or they would allow the Schwab's to pursue charges and any allegations of abuse needed to be made to the proper authorities. At no time did the Schwab's authorize the children to be in the custody of Respondent's Anthony and Michelle Allison (ALLISON'S) or Amanda Allison-Ballard. The Plaintiff's believe, through information and belief, that the children were hidden from the Schwab's at the residence of the ALLISON'S and Maternal Grandmother Cindy Bear, THE ALLISON' and BALLARD conspired to file a false claim and police report with the RCPD stating the Schwab's had abandoned their children while on a drug binge. This allegation was never investigated by the officers SWARTZ and GOGGINS, who were the investigating officers. When Deterctive SWARTZ was asked during the Adjudication hearing around July of 2015 if they had done any investigation to these serious allegations SWARTZ responded under oath "Nope". It was later reported to the Schwab's by officer Ferris of the Dickenson County Sheriff office that Cindy Baer had attempted to lodge child neglect allegations to him, but he informed Mrs. Baer that such concerns should be directed to Kansas Child Protection Services. Failing in the jurisdiction of Dickenson County Cindy Baer then conspired with other respondents to flee with the children to another jurisdiction, one where Mr. Schwab had had legal encounters prior, to shop jurisdictions unlawfully interfering with the Schwab's parental custody.

42. Unbeknownst to the Schwab's Maternal Uncle Anthony Allison. had been in contact with

respondent's RCPD, officer CARLA SWARTZ, and officer JULIA GOGGINS who scheduled an appointment with Mr ALLISON. to bring the children into the police station on April 26th, without notifying the SCHWAB's or investigating why the children were being brought. Officer SWARTZ specified through various witness interviews that the SCHWAB'S were texting the maternal family demanding the return of the children, which contradicted they stoy that the children had been abandoned.

As stated in the State Of Kansas Appeal brief of Mr. SCHWAB, filed in 2015;

With regard to the second statutory option, the law enforcement officer never observed the parents' home, nor did she observe the children in the parents' home. Additionally, she made no attempt to investigate the allegations or to determine whether there was a parent available prior to placing the children into custody, as required by statute. (IV, 32-33.) There was no emergency that called for immediate action and complete disregard of the law. (IV, 42.) The law enforcement officer just heard the relatives' version of past events, and placed the children in custody, ignoring the statutory requirements placed upon her by the legislature to protect the parents' fundamental rights to custody of their children. (IV, 41.) These actions by the law enforcement officer to her duty under K.S.A. 38-2232(a)(1). Further, every word of the testimony presented by the State regarding the environment the children were living in was hearsay.

43. The SCHWAB CHILDREN were seized by Riley County Police without warrant, investigation, contacting the parents, or examining the parents residence. Respondent's RCPD, SCHWARTZ, DCF, GILMORE, THE ALLISONS WILKERSON & FIELDS conspired to unlawfully deprive the SCHWAB's of their parental control and custody. The emergency petition stated that all possible actions were taken to maintain the children in the home, when in fact no action was taken, the children were seized and parents refused access without a warrant or proof of imminent harm to the children. After reviewing the police report Mr. Schwab also noted that defendant RCPD had a snapshot of his FB page where the plaintiff had shared he was moving back to Colorado to receive access to Medical Cannabis, which is illegal in Kansas. It was marked and listed as evidence and signed by Detectives as if moving to Colorado for access to medical Cannabis was cause to seize the children.

Complaint for Violation of Civil Rights

This is why the Schwab's believed initially their children were taken for the claim they were moving from Kansas to receive access to-medical Cannabis.

44. Mr Schwab was not unknown to many of the Respondent's. During the duration of his teenage years Mr. Schwab was a foster child in Kansas DCF custody out of Riley County. Chief judge Wilson, who refused to change jurisdiction or recuse judge Bosch even when BOSCH was listed as a respondent in the SCHWAB'S previous litigation, was the presiding Judge over Mr. Schwab's Child in Need of Care Case. Respondent WILKERSON, in what was perceived to be an attempt to aggravate and intimidate Mr. Schwab, told Mr Schwab during a document review later in the case "I knew you as a child Raymond, so sorry how your life turned out". Mr. Schwab believed this was in reference to being in foster care. In 1990 Mr Wilkerson also tried to prosecute Mr. Schwab, unsuccessfully, multiple times and made it very clear through pursuing Mr. Schwab on cases that had been dismissed with prejudice, that Mr. Schwab was a target of the Riley County Attorney for any frivolous litigation or charge they could bring against Mr. Schwab. It seemed that any chance to embroil Mr. Schwab by litigation or criminal charges was taken by Mr. Wilkerson as a personal vendetta.

45. This vendetta was also displayed in 2007. The Schwab's were engaged in cross Country travel and stopped in Kansas to attend Mrs. Schwab's sisters, Amanda Allison's wedding. Shortly before the wedding, Riley County Police officers surrounded Mr. Schwab and demanded custody of D.B. Apparently a court order to seize the child had been issued at the provocation of Mr. Wilkerson, RCPD detective SWARTZ, KVC and Kansas DCF. The only child which was seized was D.B. Mr. Schwab went on a national radio show which ignited a flurry of public attention. Officers of the Court, KVC and DCF began to threaten the Schwab's that if they continued to speak publicly about the seizure of D.B. They would never see their child again.

After 45 days and intense public pressure the courts relented and released D.B. Citing lack of

jurisdiction. It is believed, through information and belief, that when these respondents were made aware of the children being hidden from the Schwab's by the Allison's, Amanda Allison-Ballard, and Cindy Baer that DCF, KVC, Barry Wilkerson, RCPD, and Carla Swartz did conspire to deprive the Schwab's of lawful custody of their children without warrant, due process, investigation, or evidence.

46. On or around April 29th, 2015 as the SCHWAB'S were frantically searching for their children as the maternal family was refusing to return any of the Schwab's phone calls. Mr. Schwab was attempting to press charges with the Topeka Police Dept, and Dickenson County Sherrif when they received a call around noon from an unknown clerk of Riley County Courthouse reminding them they had court at 3pm. Later it was revealed this person was Judge Bosch's Clerk. The SCHWAB'S were notified by this phone call that their children had been placed into police custody and a temp custody hearing would be held at 3pm. Living in Topeka,KS, 60 miles from Riley County the SCHWAB' s knew they could not make it to the hearing and began calling the Court, respondent's DCF and RCPD and would not even be told why or how the children had been taken.

47. After the Temporary custody hearing was held, without the SCHWAB'S present, it would be 18 days, at what was to be a disposition hearing, where an actual temporary custody hearing would be held. The SCHWAB'S never received any legal paperwork as to why their children were in custody until May 18th. Kansas Statue states that emergency custody hearings must be held within 72 hours and the respondent's manipulated the legal system so that it would be 18 days until an actual temporary custody hearing would be held.

48. During the 18 days between hearings respondent's KVC, DCF, ESIERNBARGER, AND JACKSON, made repeated attempts to intrude upon the SCHWABS 4th amendment protections demanding the parents comply with multitudes of request for drug testing, getting into counseling, have mental health evaluations while signing disclosures so the agencies could have access to protected

health information. Other demands showed no regard for the improper and unconstitutional manner in which the children were taken, nor showed any interest in protecting the rights of the parents despite multiple protestations.

Neither was the potential damage which could be done to the children taken into consideration as evidenced by the respondent's behavior and demands. Every protestation against the egregious violation of their constitutional protections, by the Schwab's, were met by threats from DCF, KVC, INGLES, demanding that the Schwab's allow these intrusions or they would never see their children again. Mr. SCHWAB pleaded with his attorney and respondent ROBINSON to intervene on these unlawful intrusions to which he refused. Mr. Schwab requested a number of motions for defendant ROBINSON to file on his behalf due to the reach of laws which had occurred, to which ROBINSON refused.

49. During this 18 day period JOHNSON was not in communication with MRS. SCHWAB except once seemingly to advocate for the state and demand MRS SCHWAB comply with every request whether constitutional or not. JOHNSON refused to subpoena witnesses or challenge the unconstitutional removal of the children without warrant, or the 18 day lag between the children's being taken into custody and the first actual hearing the Schwab's were able to attend with proper notice.

50. RESPONDENT'S ignored that on the original petition it was marked that the children may be of Native American Descent, as MRS. SCHWAB Great Grandmother was a member of the Minnesota Chippewa White Earth Clan, and D.B. Biological father SCOTT BACKMAN descended from the Blackfoot tribe. No ICWA investigation was initiated by the RESPONDENT'S until almost six months later when Mr. SCHWAB was allowed to represent himself and raised the issue on the record. RESPONDENT JOHNSON informed MRS. SCHWAB that now the children were in state custody ICWA did not apply and she would not pursue any legal action concerning it.

51. What was previously scheduled to be an adjudication hearing on May 13, was changed into the temporary custody hearing by a motion filed from respondent ROBINSON. RAYMOND SCHWAB was late for hearing and upon walking in was demanded by ROBINSON, INGLES, FIELDS AND DCF that all parties would submit to breathalyzers and drug urinalysis testing. This was the first date where any legal paperwork or outline of allegation's was given to the parents concerning the allegations.

Mr. Schwab filed a motion Pro Se, after RESPONDENT ROBSINSON refused to file said motion challenging defendant BOSCH'S orders. During the subsequent motions hearing Judge BOSCH assented that the facts contained in the motion were accurate.

“On May 13th 2015 Raymond R Schwab, being represented by Blake Robinson appeared for a Temporary Custody Hearing in the Riley Co. Courthouse for the above cases. He was met by his Attorney Blake Robinson who immediately informed him that the hearing would not be a full hearing; the defendant was only allotted 30 min, and before any proceedings would occur Mr. Schwab had to submit to an immediate urinalysis and Breathalyzer test. Mr. Schwab’s children had been in police and DCFS custody, without a mandatory hearing and without proper notification as mandated by Kansas law, since April 27th and the respondent was being denied due process until he agreed to submit to this unlawful search violating his 4th amendment rights, and informed that the time took to comply would negate his hearing time by Attorney Blake Robinson. The respondent objected to this request to his counsel and asked to see the court order. When none was provided Mr. Robsinson was asked by Mr. Schwab to be brought into the courtroom so he could receive the order from the judge on record and object to the unreasonable search on record. Mr. Robinson went into the courtroom without Mr. Schwab and made him stand in the hallway. After a short period a man who identified himself as Judge Bosch came out of a side door to the judge’s chambers, outside of the courtroom, without any identification or identifiable attire and stated “I am judge Bosch and I am ordering you to give a UA and BA”. This action was done while the respondent was surrounded by police and other State witnesses potentially hostile to the defendant and instead of giving an opportunity to object the man asked “Any problems with that” where Mr. Robinson again did not object, and the man returned to the office. This appeared to be an attempt to coerce, humiliate and deny Mr. Schwab any attempt to object, or appeal the judge’s decision to the appropriate authorities and within his right of due process. At this point Mr. Robinson looked at Mr. Schwab and stated “I told you so” and refused to go in and get the judge to put his order on the record so the defendant could object. He then told Mr. Schwab if he did not comply, he would not be able to defend Mr. Schwab properly in the hearing and stated “My hands will be tied”. Being unlawfully deprived of his children for almost 16 days without a proper hearing; Mr. Schwab, under duress, coercion and threat of losing his children if he did not comply with this unlawful search and seizure consented to the UA due to ineffective counsel, coercion and threat of denial

of his due process. Neither was the defendant advised of his right to object or appeal the judge's decision before complying, neither did the judge properly identify himself, issue or show a proper court order or provide the credentials of the ones performing the test to demonstrate their professional capacity to administer such test."

52. After Mr. Schwab left the Courthouse to compose himself, rather than defend Mr. Schwab's right's respondent ROBINSON waived MR SCHWAB'S right to a hearing and told MR. SCHWAB he no longer had a right to one. Mr Schwab, as he left the Courthouse to compose himself momentarily and knowing his presence in the courtroom was not required, strictly tasked Mr. Robinson to let the Court know that he was ready to proceed on the temporary custody hearing. Instead respondent Robinson waived Mr. Schwab's right to a temporary custody hearing contrary to the specific instructions he was given. Mr Robinson did not subpoena any of the witnesses Mr. Schwab requested nor petition for any evidence to demonstrate the removal was unconstitutional, without warrant or immediate danger of harm to the children.

53. RESPONDENTS DCF, FIELD'S, KVC, JACKSON AND EISENBERG informed THE SCHWABS they needed to vacate any plans to move to Colorado, despite the job transfer. JOHNSON, ROBINSON, JACKSON, DCF, KVC, JACKSON and EISENBARGER demanded that MRS. SCHWAB needed to move into a homeless shelter since the SCHWAB's had given notice and moved out of 1335 N.W. Jackson. Furthermore they committed perjury by informing the court that the Schwab's were homeless. AMELIA SCHWAB left for her home in Colorado despite the demand, RAYMOND was officially transferred July 27th. RESPONDENT'S refused to return the children.

During this time Amanda Allison-Ballard, Anthony Allison, and Michelle Allison had taken C.S. (And the other children) To various medical professionals and made the claim that C.S. Had disabilities because his mother used meth while pregnant and the children were abandoned by their parents on a drug binge. This slanderous story was repeated to educators, doctors, mental health professionals and others which created a biased and hostile relationship with the Schwab parent's.

Complaint for Violation of Civil Rights

Respondent Pawnee began to diagnose and treat the children based on these egregious fabrications and negligently refused to have any contact with the parent's or seek substantiation for the medical history they were being provided about the SCHWAB CHILDREN.

54. MR SCHWAB filed a complaint with the Kansas Disciplinary Board concerning defendant ROBINSON whom subsequently filed a motion to withdraw as counsel which was granted by Defendant BOSCH. Respondent VINDUSKA was subsequently appointed to represent RAYMOND SCHWAB.

55. June 16th, 2015 Kansas Office of Disciplinary Review Dismissed Mr. Schwab's complaint.

56. June 11, 2015 Mr. SCHWAB represented himself in a motions hearing to challenge the process of drug testing as a violation of his 4th amendment rights. Mr. Schwab was notified that instead of properly testing Mr. Schwab's alleged positive UA for illegal substances through laboratory testing the sample was destroyed. Despite no evidence ALL RESPONDENT'S claimed slanderously Mr. Schwab was a drug abuser and gave a positive drug screen though no such drug screen exist. Judge BOSCH claimed due to an EX PARTE conversation with the Attorney *ad litem* or District Attorney that MR. SCHWAB's behavior was concerning, prior to the temporary custody hearing, which is why drug screen were required for all parties, to justify his arbitrary search of the SCHWAB'S bodily fluids. This story was contradicted by a statement made by defendant BOSCH in the Adjudication hearing when he berated Mr. SCHWAB for being late to every hearing up until that point. None of the RESPONDENT'S challenged BOSCH for this obvious inconsistency or the admission of Ex parte communications with the Ad Litem or prosecutor. Respondent INGLES repeatedly had to correct the judge, during the hearing, and began to act more in a prosecutorial role rather than a guardianship role. All motions were denied and Mr. SCHWAB expressly asked for effective counsel. Respondent Vinduska was appointed and when SCHWAB asked to confer with attorney concerning his rights before submitting to any order

from the bench this request was denied. Judge BOSCH, Wilkerson and INGLES claimed that drug testing was not a violation of Mr. Schwab's rights and they could ask for a drug screen whenever they wanted to, and they drug tested the SCHWAB's for over three years without any evidence of drug abuse or constitutional reason for subjecting them to this intrusive practice and treatment.

57. At the 6/11/2015 Motions hearing Mr Schwab objected to the slanderous and defamatory evidence being manufactured against him, whereas he was arbitrarily ordered to submit to a drug test which he refused citing his 4th amendment protections. Judge Bosch informed him he would be denied access to his children for that decision. RESPONDENT'S in the courtroom, JOHNSON, FIELDS, INGLES, DCF AND KVC did not address this intrusion except to remind Mr. SCHWAB he was going to lose his kids forever if he did not submit to their demands. The Schwab's were also informed that even though they were licensed medical Cannabis patients in the State of Colorado they would be denied their children's visits and their rights terminated if they used Cannabis in their home State.

58. RESPONDENT's KVC, DCF, FIELD'S. INGLES, WILKERSON, EISENBARGER and JACKSON continued to force the SCHWAB'S to surrender their fourth amendment protections through drug testing under threat of termination of their parental rights. Mr. SCHWAB complied, under duress, in order to visit his children. The Schwab's have never given one positive, properly administered and verified drug test for any illegal substance. Mrs. SCHWAB was unable to visit the children due to being moved to Colorado.

59. Prior to the Adjudication Hearing various RESPONDENT'S continued to insist the SCHWABS stay within the jurisdiction of Kansas and threatened to claim abandonment if Mr. SCHWAB transferred his job he had already accepted with the Veterans Administration. Respondent JOHNSON refused to speak with AMELIA save to instruct her she needed to move back to Kansas or she would lose her rights forever.

Complaint for Violation of Civil Rights

60. The Plaintiff's continued to protest the taking of their children contacting by phone or email every agency, individual, municipality and person involved to inform them their behavior was unlawful and Unconstitutional. All their pleas were ignored or they were threatened upon the termination of their rights to be silent and submit to the activities of the Respondent's or they would move to terminate their parental rights.

61. Plaintiff's were denied proper case planning per respondent's DCF declaration of parental rights and DCF policy, and what minimal case planning did occur focused around forcing AMELIA SCHWAB to return to KANSAS, and RAYMOND SCHWAB to cancel his scheduled transfer to Denver on July 27th.

62. Mr. SCHWAB refused to sign releases to access confidential medical information about himself or wife, and did not authorize the Respondent's to make any medical or educational decisions for his children without the Schwab's being involved. Plaintiff's refused to participate or comply with any intrusions into their privacy until after they were able to have a court hearing and was threatened with the terminate his parental rights by the defendants for asserting his Constitutional rights. It seemed all tasks demanded were an attempt to find "Dirt" on the Schwab's to justify the seizure of the children and due to the refusal of the Schwab's to allow this evidence seeking to occur, and the exercise of their constitutional rights to protest and have privacy they were labeled as non compliant and refused visits with their children. For almost three years the Schwab's never got more than an hour visit every few weeks though the case planning was supposed to revolve around reintegration.

63. July 10, 2015 Mr Schwab Attended the Adjudication hearing for the SCHWAB Children. The same day respondent DCF released its report that the Emotional Abuse allegations lodged against the SCHWAB;s was unsubstantiated for no CLEAR or CONVINCING evidence. This was never introduced into the hearing by the AD LITEM INGLES, JACKSON, DCF, KVC, JOHNSON,

VINDUSKA, FIELDS, OR CASA. The fact of the matter is that due to the unsubstantiated finding the adjudication hearing should never have taken place but this information was hid from the court and JOHNSON and VINDUSKA did not move for dismissal as should have been the case.

64. Furthermore INGLES was tasked with doing an independent investigation for her job as Ad LITEM. According to Kansas Statue 22 38-2205 her role was not to be a fact finder for the case but to do an individual and separate investigation into the allegations that she would be able to represent the best interest of the Children. Kansas District Court Rule 110a C.1 specifically states under duties and responsibilities;

“A guardian ad litem must comply with the following standards: Conducting an Independent Investigation. A guardian ad litem must conduct an independent investigation and review all relevant documents and records ,including those of social service agencies, police, courts, physicians, mental health practitioners, and schools. Interviews either in person or by telephone of the child, parents, social workers, relatives, school personnel, court appointed special advocates (CASAs), caregivers, and others having knowledge of the facts are recommended. Continuing investigation and ongoing contact with the child are mandatory.” ’

65. No such investigation was ever conducted. INGLES never interviewed the Schools, saw the SCHWAB'S home, spoke to the children's doctors, spoke to the Schwab's or any other investigation as was her duty to do. This was a mandatory task that did not do She negligently refused to do her job and instead colluded for three years with the other respondent's to spread a fictitious story initiated by the Allison's and Amanda Allison-Ballard that even the State of Kansas officially declared unsubstantiated.

66. Plaintiff AMELIA SCHWAB was not physically present at the adjudication hearing due to the RESPONDENT'S assurance she could participate by phone as told by JOHNSON. This never

occurred and it was noted on the record she refused to be present, JOHNSON did not bring to the record that she advised Mrs Schwab she could participate by phone.

67. Under Kansas Statue, at that time, a child could not be adjudicated without clear and convincing evidence of abuse or neglect by the parent's. The fact that the State of Kansas, by their own investigation declared the allegations against the Schwab's as unsubstantiated three days prior was enough to have the case dismissed. Not only did JOHNSON and VINDUSKA negligently omit this fact from the court record, they continued the hearing with the State presenting only hearsay testimony from a police officer as their entire case. They resented no evidence, no other witnesses, nor the children. Not one family member testified, no school official, doctor, dentist or any other witness. The officer testified she did no investigation whatsoever before taking the children into protective custody. Rather than move for the dismissal of the case VINDUSKA and JOHNSON placed multiple witnesses on the stand, including Mr. Schwab and essentially gave the State 4 hours of testimony. Attorney Jennifer Chaffee told the SCHWAB'S, after taking up representation of Mrs. Schwab in 2017, that VINDUSKA And JOHNSON gave the State what they wanted which was to have Mr. Schwab testify.

67. During a break in testimony VINDUSKA, in the presence of witnesses assured MR SCHWAB that Judge Bosch would adjudicate despite no evidence being produced by the State indicating some knowledge unknown to the Plaintiff's. Mr. Vinduska did not subpoena any of the witnesses instructed to by Mr. Schwab, nor called the children to the stand to refute the States allegations as requested by Mr. Schwab.

68. Plaintiff's produced witnesses who all refuted the States allegation's , including D.B., who allegedly wrote a letter given to the Court and police by ANTHONY AND MICHELLE ALLISON. D.B. ,in his testimony, contradicted the alleged letter and never admitted to writing it. Sibling TYLER ALLISON also testified against the allegations stating they were fabrications. In a

meeting with INGLES, ST FRANCIS, BOYD, YOXELL, SUTHER, and PRICE it was admitted by the respondent's that Mr. ALLISON was refused access to his siblings due to testifying for his parent's. E.S. Reported to her parents that CASA, ST FRANCIS and DCF attempted to solicit a false allegation of abuse against Tyler. E.S. Told her parents that she could not see her brother because he abused her

69. Respondent's, under color of law, retaliated against this testimony by not allowing TYLER access to his siblings by any means of communication or visits for almost two years.

70. Despite the SCHWAB'S providing witnesses, documentation and evidence to counter the respondent's accusation's, the Court Adjudicated the SCHWAB CHILDREN in need of care and to date has refused Mr. SCHWAB any access or communication with D.B. Despite being a primary caregiver to D.B. For the majority of his life, and being identified as his dad from the stand in his testimony.

71. It is herein believed by Plaintiff's this is an intentional act to sever the parental bond which had been carefully and patiently developed with D.B. As DEFENDANTS have assumed that role and have been promising D.B. To pay for his college and other favors if he stay's in their custody. Respondent's refused to allow Mr. Schwab visits, or any contact with D.B. For the entire time the Schwab children were in custody. INGLES, VINDUSKA, FIELDS, DCF, KVC, ST FRANCIS, JOHNSON et. al. Would not allow Mr. Schwab to have any contact with D.B. Though Mr. Schwab raised the child since he was a baby. Their stated reason is that he wasn't Mr. Schwab's child and Mr. Schwab had no rights which goes against Kansas Statues on interested party status. Mr. Schwab believes the parental alienation occurred to keep D.B. From rebuilding his relationship with his stepfather and recanting the false narrative he initially gave to the RCPD. Respondent's DEBENHAM, VINDUSKA, and ROBONSON all refused to demand interested party status and integration for Mr. Schwab with D.B. But actively colluded with the other respondent's to deny Mr. Schwab any contact with D.B. And effectively severed all bond with the child.

72. July 27th 2015 Mr. SCHWAB is relocated by the Dept. of Veteran Affairs to Denver Colorado. The SCHWAB'S begin to treat their medical conditions legally with medical Cannabis. Respondent's repeatedly threatened to terminate rights and forbid the SCHWAB'S this lawful remedy as both are licensed in the State of Colorado to consume and grow cannabis. Repeated slanderous accusations that the SCHWAB's moved to work on pot farm were raised by the respondent's and the SCHWAB'S were denied access to their children due to their lawful medical treatment. Cannabis is illegal in Kansas with severe and harsh penalties, including felony prosecution for Cannabis Possession. In 2016 the respondent's recognized the error of making medical decisions for the SCHWAB'S in penalizing, harassing and restricting access to their lawful use of Medical cannabis. Respondent's consented to the use of medical Cannabis by the Schwab's even though in a prior hearing FIELDS stated on the record the children were taken over Medical Cannabis, though the SCHWAB's did not use medical cannabis within the jurisdiction of Kansas. It is further alleged, through information and belief, that respondent's FIELDS, WILKERSON, and unknown persons may have engaged in modifying court documents to support their false narrative, while accusing the Plaintiff's of such action to cover their unlawful behavior.

73. For the entire duration of the time they were in DCF custody the SCHWAB Children were deprived of their religious faith, holidays, practice and DCF, ST FRANCIS, KVC, BOYD, CASA, ALLISONS, ALLISON-BALLARD, INGLES, FIELDS, JOHNSON, VINDUSKA, YOXELL, and Suther made no attempts to accommodate the faith of the SCHWAB family while negligently and maliciously attacked the SCHWABS religious practice to their children. Throughout the duration of the case the SCHWAB's were denied access to their children during holidays and while the foster parents continued to refuse to even take the children to church the other respondent's told the SCHWAB'S they would not and could not force placement to honor, respect, or accommodate any religious practice. The

Schwab children were told their parent's were crazy, that there is no GOD, that they no longer had to pray anymore and they would celebrate holidays which were against the families beliefs, such as Halloween. Multiple cease and desist letters were sent to the offending parties and all were ignored.

74. Placement had numerous safety plan's developed due to taking minor children to adult concert's, not respecting the parent's or children's faith despite repeated attempts to have respondent's incorporate the parents belief system into any intervention with the children. The SCHWAB children were notified they no longer had to go to church or pray, and they refused to celebrate the SCHWAB'S religious holiday's, as they adhered to a Messianic Jewish Faith. This destruction of the SCHWAB FAMILIES belief system they were raised in has continued for the duration of the children being in State custody. Respondent's ignored every request both on and off record to include the children's faith into their life to minimize the trauma of being torn from their parents to no avail. Respondent's informed THE SCHWAB's they could not force placement to respect their children's religious views and PLAINTIFF'S needed to respect and consent to the PLACEMENT'S secular indoctrination of the SCHWAB CHILDREN. Some of the children were exposed to pornography, smoking, drinking alcohol where as one of the Children currently is in therapy for a pornography addiction and another A.S. who was 12, got caught at school vaping. He said he was given nicotine products the entire time he was in State custody.

75. When Mr. Schwab was contacted by CASA worker Cathie Bear, who was trying to get custody of E.S., she informed the Schwab's that these negligent behaviors toward cultural competency and minimizing the harm done to the children from being removed from their parents were intentional and policy. She also informed the parents during a recorded conversation that she was instructed by the respondent's to not do her job and ignore any contact from the SCHWAB'S. CASA wrote report's which were untrue and slanderous and when Mr Schwab challenged her on this she informed him it was

intentional to demonize and she was only spreading the narrative which was given to her. She admitted she had never even had a conversation with the parents on the recorded call. The Schwab's begged her to take the children at least to church, which she committed to, and then was removed from the case and denied any placement of the Schwab children once it was discovered she was communicating with the SCHWAB'S and was trying to take the children to church.

76. Between 8/15/2015 and Oct 29th 2016 respondent's INGLES and FIELDS refused to allow placement on the record through the filing of motions these civil rights violation's and refused to hear motions filed by Mr. Schwab, such as they did with a subsequent Show Cause motion later in the case where Mr. Schwab was challenging the lack of investigation by INGLES and perjury by other respondent's. JOHNSON, VINDUSKA, DEBENHAM, and ROBINSON refused to file any motions challenging the restriction of the children from the Schwab's, denial of the SCHWAB Families faith and practice, denial of the lawful use of Cannabis in their home State which was essentially the Court determining what medical care was appropriate for the SCHWAB's outside the Courts scope and jurisdiction.

77. JOHNSON refused to file an appeal of the Adjudication of the Children and told the SCHWAB'S we would just have to watch and see what happened with Mr. Schwab's appeal filed by Vinduska immediately after the adjudication. This lack of appeal was later used against Mrs. Schwab by the respondent's attorney's where they spun, in the Federal District Court, the lack of appeal by Mrs. Schwab as evidence to deny her jurisdiction of the Previous lawsuit. When Mrs. Schwab asked JOHNSON why she did not appeal she responded that it would have no purpose to file two, though it was her job to defend the rights and right of due process for Mrs. Schwab.

78. Plaintiff RAYMOND SCHWAB, in desperation began a hunger strike in front of the RILEY COUNTY COURTHOUSE. Due to the exercise of his right to petition the government for redress of

grievances Defendant VINDUSKA attempted to withdraw from representing Mr. Schwab, which was denied. Mr. Schwab Confronted VINDUSKA and asked him why he wasn't defending his right to protest and raise public awareness of what the Schwab's believed was an unlawful removal of their children and continued denial of due process. Mr. Vinduska, rather than effectively defend Mr. Schwab petitioned the Court of Appeals for permission to be released as Mr. Schwab's appellate attorney, which was granted at which point Judge BOSCH released him from representation in the District Court as well. Respondent DEBENHAM was subsequently appointed.

79. Judge BOSCH ordered ICPC home study, but continued to declare if plaintiff's attempted lawful use of Medical Cannabis in their home State they would be denied access to their children. This attempt at an Interstate Compact for the Placement of Children home study, conducted by DCF of Larimer County Colorado 3 times would all be denied. The main reason given to the Schwab's for the denial was that the SCHWAB'S were not complying with the State of Kansas Reintegration plan. KVC, ST FRANCIS, INGLES, BOYD, JACKSON, EISENBARGER, DCF, YOXELL, and SUTHER colluded to tell Colorado that the SCHWAB's were not complying even though this information was false and they all knew it was false. The Third ICPC attempt the State of Colorado did not even contact the Schwab's because they were immediately informed that the Schwab's were non compliant in case planning which was false. The Court and other respondents continued their attempts to place undue hardship upon the Schwab's by forcing them to receive programs in Kansas under Court order. Family Counseling and individual counseling were forced upon the Schwa's in Kansas and the Schwab's had to drive twice a month to Kansas, 16 hours round trip, for counseling in what appeared to be an attempt to set the Schwab's up for failure and prolong the case. Mr. Schwab filed a show cause hearing outlining these attempts at sabotage in 2017. He challenged the fact that INGLES and the other respondent's were intentionally sabotaging the Schwab's care providers through contacting them in secret and

Complaint for Violation of Civil Rights

slandering the Schwab's. The Schwab's went through at least 15 service providers because of this behavior. The motion outlined the refusal of the Ad Litem, INGLES, to do a proper investigation and stop speaking false information to care providers. The judge refused to recuse her and her behavior grew even more prejudicial against the Schwab's in sending emails to care providers, having secret meetings without the Schwab attorney's involved and colluding with the other respondent's in how to deny the Schwab's their children via email, phone calls and meetings without the attorneys present. The motion for show cause was denied to be heard contrary to statute.

80. Neither JOHNSON, INGLES, VINDUSKA, or DEBENHAM challenged the ICPC though the Schwab's asked them to. In their negligence they refused to file that an ICPC was not even required by Kansas or Federal law. It would only be almost three years later when Mrs. Schwab's new attorney Jennifer Chaffee finally challenged the ICPC in a motion and the requirement was dropped after extreme hardship placed on the Schwab's

81. DEFENDANTS DCF, KVC and agents and employees refused to obey court orders and policies to assist the SCHWAB's in participating in case planning, instead they insisted the Schwab's moved back to KANSAS and stated the Plaintiff's were not complying with a case plan they did not even have. KVC, DCF, YOXELL, ST FRANCIS, BOYD, INGLES, SUTHER, and PRICE refused to follow policy and practice as Governed by Kansas Statute to speedily reintegrate the Schwab children. As CASA worker Cathie Bear reported to the Schwab's they had no intention of allowing the Schwab children to be reintegrated and intentionally set unreasonable case planning tasks, place tremendous hardship in the accomplishment of any task for reintegration, committed perjury in court about the Schwab's progress, lied in reports given to and used in the Court then subsequently hidden from the Plaintiff's getting access, and slandered the Schwab's to independent providers the Schwab's were paying for out of pocket to get bias them against the Schwab's that the service providers stop assisting

in the reintegration process when positive reports were written for the Schwab's.

FURTHER COLLUSION AND VIOLATIONS

“Our opinion in *Beltran v. Santa Clara County*, 514 F.3d 906 (9th Cir. 2008) (en banc) (per curiam) disposes of this issue. We held in *Beltran* that social workers may well have absolute immunity when discharging functions that are “critical to the judicial process itself,’ . . . [b]ut they are not entitled to absolute immunity from claims that they fabricated evidence during an investigation or made false statements in a dependency petition affidavit that they signed under penalty of perjury, because such actions aren’t similar to discretionary decisions about whether to prosecute.” 514 F.3d at 908 (quoting *Miller*, 335 F.3d at 896). Accordingly, we affirm the district court’s denial to these defendants of absolute immunity.

Case number 15-55563, *Hardwick v. Vreeken* 9th Circuit Court of Appeals

79. Verifiable three, if not all of the SCHWAB Children have been abused sexually and physically while in care of DCF.

C.S., according to his own report to his parent's, was assaulted repeatedly while in the care of PATHWAYS of which the Schwab's were only notified of one incident on May 17, 2016. DCF closed the investigation and refused to give any documentation to the Schwab's or speak to them other to tell them the report would be available for Mr. Schwab to review at the Courthouse. No such report was made available. C.S. Struggles with nightmares and PTSD due to his treatment in PATHWAYS according to therapist who have evaluated him.

80. In Dec of 2016 it was reported to the Schwab's that their daughter reported inappropriate sexual touching. At that time the children were being allowed around their maternal grandfather, who had been previously accused of covering up the sexual assault of Mrs. Schwab when she was a child. When the Schwab's were notified that their was an investigation into a potential sexual assault against their daughter they were also told that all visits and phone calls would be denied the Schwab's. Neither

of the parent's were part of the allegations since they lived in Colorado and the respondents have never given them access to any information concerning this incident.

81. Respondent's conspired to case plan without the presence of the parents contrary to policy of DCF, and restrict access of documents to Mr. SCHWAB even though he was legally allowed access to those documents due to his pro se Status. Concerning the collusion of all parties to deny the SCHWAB'S their lawful right to their children they had court hearings without notice or any concern for the hardship of the SCHWABS living six hundred miles away and allowed service providers, such as PAWNEE MENTAL HEALTH AND PATHWAYS to make medical decisions for the SCHWAB children, without the parents knowledge, consent, participation or ability to review records, though the parent's had not lost their parental rights.

82. On or around April 29th 2016 KVC, DCF, St Francis, FILEDS and INGLES and DEBENHAM participated in a hearing which produced a court order which allowed KAYLEE POSSEN sign medical consent forms to medicate C.S., and sign for special education services at the schools without the parent's knowledge or consent. Neither of the Schwab's were present for this hearing and when the Court allegedly moved the record of the CINC proceedings to the Federal Court for sealing the transcript from this hearing was absent even though transcripts from other hearings which came later were present. The SCHWAB'S discovered, after St Francis worker Laura Price testified fraudulently the Schwab children were suffering educational neglect due to the Schwab's refusing to sign special education paperwork, that caseworker KAYLEE POSSEN had taken the order from the April hearing and forced the school to let her sign the paperwork. PRICE admitted under cross examination St Francis realized they did not have the lawful authority to sign this paperwork and the school gave copies to the parents which they submitted to the State and Federal Courts.

83. The main incident which led to Mr. Schwab's hunger strike on the Kansas Capitol was the

forced medicating and incarceration of C.S. in PATHWAYS, which the Schwab's believed was retaliation for their public protest and a manipulation of the PRFT criteria by KVC. Early in 2016 the Schwab's discovered that C.S. was being medicated with psychotropic drugs which KVC, JACKSON and EISENBARGER claimed they had no knowledge of until C.S. Shared this information with his parents during a phone call. The Schwab's called for all parties to cease and desist as they had not been involved with any of the psychiatric care given to the children due to PAWNEE and its agents refusing to speak to the Schwab's. In another incident on 6/21/16 Mr. Schwab received the following email from Kim Yoxell, DCF Assistant regional director;

“Mr. and Mrs. Schwab:

This message serves to inform you C. has been evaluated by Pawnee Mental Health and prescribed Intuniv 1 mg daily for ADHD. Pursuant to the Order Regarding Healthcare and Educational Decisions of the Children filed in the District Court of Riley County, Kansas on April 29, 2016 in Case No. 15 JC 30, the agency (DCF) has authority to consent to this prescribed medication for C. under K.S.A. 38-2217(a)(3)(E). St. Francis will keep advised on Caleb's progress.

Thank you.”

84. Again these decisions to medicate C.S. Was with zero interaction with the parent's and much of the mental health treatment was based on the fictitious story that the children were abandoned by drug addicted parent's. Furthermore this Court order was given during a hearing where the Schwab's were not present, and none of the respondent's, including Debenham would give the Schwab's a copy of the transcript, transcribe the transcript, or give them any documentation, or allow them to challenge the order in Court, yet the respondent's used this documentation to qualify the children for programs which allowed Kansas to collect higher Federal incentive payments on the children due to them being identified as “Special needs”.

85. In February 2016, when the Schwab's discovered that C.S. Was being medicated without the Schwab's knowledge or consent by PAWNEE and Cindy Baer. the Schwab's notified DCF to cease

and desist. The respondent's subsequently held a meeting where KVC and DCF attempted to coerce Mrs. Schwab to resume the medication. She denied them asking for a second opinion and proof of what other interventions they had attempted before placing C.S. On psychotropic drugs. In response they created a fraudulent critical incident report, which listed an alleged fire starting incident which occurred two years prior to C.S. Being in state custody, and no evidence was presented that C.S. actually started a small fire in a shed.

86. C.S. Was locked in RESPONDENT'S PATHWAY'S PFRT program for 60 days where, according to C.S after he was returned to his parents, he was assaulted upward of seven times and force medicated again. They continued to force medicate for the duration of the three year case and all parties are refusing to release documentation, though a worker at PATHWAYS informed the Schwab's that St Francis worker Kaylee Possen signed unlawfully for C.S. To be medicated as she did also to have A.S. receive services at his school contrary to Federal Code.

87. In 2017 DCF, St Francis, and INGLES attempted to secretly vaccinate the Schwab Children knowing that the Schwab's had a lawful religious exemption. The Schwab's discovered this plot oneday prior to getting the order to vaccinate and went public and ordered DCF to cease and desist. Despite DCF and St Francis knowing this was a violation of the Schwab's civil rights and liberties they then allowed E.S. To be vaccinated with an emergency vaccination but did not disclose this to the Schwab's until one hour before a scheduled visit. This was on the heels of the plaintiffs making more false accusations that Mr. Schwab had an inappropriate conversation during a visit that distressed A.S. And were going to cease his visits. When he told them he was going to file a show cause order and call the child to the stand they reversed their decision. Mr. Schwab asserts, through information and belief, that the decision to circumvent the rights of the parent's concerning vaccinations was retaliation for challenging their previous false narrative, and an attempt to cause

psychological distress to force Mr. Schwab into a confrontation at the visit, which is why they notified him days after the event and one prior to the visit as much of their case planning seemed to revolve around creating incidents which violated policy, statute, law or constitutional protection and then would demonize the parents as being non compliant when they protested the violations.

88. Many of the Schwab's visits were canceled immediately prior to the visit after the Schwab's had traveled from Colorado to Kansas to see the children. The Plaintiff's believe, through information and belief that these actions were part of the respondent's psychological warfare to wear the Schwab's down so they would fail in their attempts to complete court requirements or maintain gainful employment due to their constant traveling.

89. During the 17 day hunger strike on the Kansas Capitol in March of 2016 the Schwab's were harassed, slandered, and Kansas officials impeded the SCHWAB'S lawful and peaceful petitioning of the Kansas Senate and Legislature by having Mr. SCHWAB arrested on false allegations, stripping him naked and holding him in a cell covered in urine and another parties blood for 24 hours trying to force him to end his hunger strike by shoving food trays through the door. The jail then reported to the press that they had given Mr. Schwab food trays which was published implying that Mr. Schwab was not really on a hunger strike.

90. Unknown Does 1-10 raised a \$100.00 MUNICIPAL bond to 5000.00 immediately upon Mr. Schwab's arrest, refused to tell plaintiffs wife AMELIA where he was being held for 24 hours, took him to a hospital to be cleared while in custody and then billed him 2000.000 and then after his story was reported in the media pushed him out of the SHAWNEE COUNTY JAIL on a PR bond. Prior to being released on bond unknown doe came to Mr. Schwab's cell and threatened to place him in a psychiatric ward if he did not break his hunger strike. Mr. Schwab's charges were later dismissed.

91. Shortly after these event's they subsequently arrested AMELIA SCHWAB on false

allegations that were later dismissed as well. The Plaintiff's believe, through information and belief, these were direct attempt's to harass and intimidate the SCHWAB'S. These events were also used to paint the Schwab's in a false light in the media, casework demands and courtroom though they were never listed as cause for the removal of the children initially.

92. During the hunger strike DCF media liaison KENDRA BAKER began to contact media secretly who were giving the Schwab's fair coverage. According to a journalist, who will be identified at a later time, Mrs. Baker at the instruction of GILMORE attempted to bias the reporter and shared with them information allegedly about the Schwab's case contrary to Kansas Statue. Mrs. BAKER said Mr. and Mrs. Schwab did not have their children taken over medical Cannabis, which was one of the Schwab's claim's.

93. The Schwab's believed that the fact they were moving to access medical Cannabis was a reason the children were detained because the issue was so frequently brought up in Court proceedings prior to the hunger strike. The Court was also insisting that if the Schwab's used their doctor recommended Cannabis while in their home State of Colorado they would be unable to see their children. Even case managers with KVC informed Mr. Schwab that this behavior by Judge Bosch was like nothing they had ever seen. The caseworker EISENBARGER claimed that parent's were never denied visits in Kansas if they had a positive UA for cannabis as long as they did not come to the visit intoxicated. This hostile behavior toward the Schwab's by the Court and Respondent's about Cannabis seemed to be a motivating factor for keeping the children in Kansas since the States own investigation determined no clear or convincing evidence for child neglect

94. Finally in April of 2016, near the end of the hunger Strike, BAKER and other DCF officials publicly, through the media said the SCHWAB'S were being dishonest about the reasons their kids were taken and if Mr. Schwab would sign a release to any party they would open the file and prove it. Mr.

Schwab publicly announced he chose former Gubernatorial Candidate Jeniffer Winn, who DCF then refused to allow access to documents for over a week. Furthermore, due to BAKER and GILMORE'S media smear campaign , promotion of a false narrative, unsubstantiated allegations, and uninvestigated accusations even international newspapers wrote stories that Mr. and Mrs. Schwab were methamphetamine addicts though no evidence or drug test ever substantiated that claim by the State. This led to Mr. Schwab having a tremendous difficulty finding work after he lost his 2 year career with the Department of Veteran Affairs due to the unreasonable demand's made by the respondents to have his children returned, and the stress caused by the tearing apart of his family.

95. Due to the violation of the Plaintiff's due process by not granting Mrs. Schwab legal representation, obfuscating fact, harassing the Plaintiffs with threats and other punitive actions, and refusing the Schwab's access to documents the Plaintiffs were not effectively able to mount an effective defense, which led to a prolonging of the case and further harm to the Plaintiff's and their children. Not all violation's which have occurred can be outlined due to this successful deprivation of material fact and evidence by the respondent's, but the Plaintiff's assure the Court that when they are allowed access to all court records that they may accurately and with surety outline the full scope of their deprivation of civil liberties, collusion and negligent actions.

96. March 31 2016 Mr. Schwab filed a Federal Complaint for the listed above behaviors, activities, and actions by the respondent's. It was around this time that Mr. Schwab, though he was now representing himself pro se, was restricted from adequate access to the documentation needed to mount an effective defense for himself. Throughout the duration of the case all parties individually, or through their representatives were granted full access to the record. Mr. Schwab, however, had to travel to Kansas and view the documents under police escort and was only given a few hours to prepare any defense and review documents. The Court refused to transcribe all the hearings, or assure that all

documentation used against the Schwab's would be made available to Mr. Schwab. Often the record made available for review was absent document's being used in court and Mr. Schwab protested on the record but was even told by FIELDS he could not take notes of what he was reviewing. In March of 2016 when Mr Schwab went to view the Court and Social records the file was incomplete. When WILKERSON and FIELDS were confronted they refused to release any more documents, Mr WILKERSON screamed at Mr Schwab that he needed to "Shut his damn mouth" and he would "Never get the file" in the presence of witnesses.

97. In another instance on January 23, 2016 while Mr. Schwab was seeking to receive access to all the documents which would be used against him in an upcoming hearing he requested all reports that would go to the judge, be given to Mr. Schwab. Emails were sent to FEILD'S, INGLES, KVC, EISENBARGER, JACKSON and DCF requesting the Court reports that Mr. Schwab had a right to view and challenge. He received the following response from the attorney for KVC Dan Gronniger;

"Good afternoon, Mr. Schwab.

Ms. Deitrich shared your January 23, 2016 email request for KVC's court reports with me. The following day, the Deputy Riley County Attorney, Ms. Bethany Fields, shared with KVC a copy of Judge Bosch's "Order Regarding Confidential Records" dated January 19, 2016. I've attached a copy of that Order for your ease of reference.

Thank goodness Ms. Fields sent KVC a copy of Judge Bosch's Order! If Ms. Fields hadn't done that and if KVC's staff had complied with your request, KVC would have inadvertently helped you violate Judge Bosch's Order. We can't be doing that. KVC cannot satisfy your January 23, 2016 request for copies of KVC's court reports because KVC is obligated to comply with Judge Bosch's order limiting the manner by which KVC's court reports may be reviewed by parties and interested parties who are not represented by an attorney. As you can see, Paragraphs 1 and 2 of the attached Order set out the process you will need to follow in order to access and review KVC's court reports and other records on file in your children's cases. That process described by Judge Bosch does not authorize or permit KVC to help you circumvent the Order by providing you with copies of KVC's court reports upon your request.

If you were referring to a ruling by Judge Bosch which is different from the ruling in the Judge's January 19, 2016 Order, please send a copy of it to me and to everyone copied on this email. Thank you.

98. The requested documents were never provided and when Mr. Schwab scheduled an appointment to be escorted to the prosecutors office to review the Court and Social files the reports were absent, though entered into the Court record without Mr. Schwab being able to even mount a defense against their claims on the record.

99. Around this time Mr. Schwab filed pro se motions for all parties named in the litigation to recuse themselves due to being a conflict of interest. Rather than withdraw INGLES, FIELDS, BOYD, PRICE, EISENBARGER, JACKSON, WILKERSON, and at the time Judge BOSCH, who was listed as a previous respondent, refused to recuse themselves and even used the Venue of the State Court to attempt to get a recording of a CASA worker which was submitted to the 10th Circuit court of appeals so they could ascertain the workers identity.

100. August 4 2016 a motion was filed to seal the State Child In Need Of Care proceedings and the entire court and social file of the case be moved to Federal Court under seal. The respondent's attorneys claimed to have moved the entire file, up to the date of request, to the court for sealing. However, an entire transcript was missing from the file.

101. Sometime on or around October 2016 a permanency hearing was held to ascertain if reintegrating the children was still a viable alternative even though little to no reintegration had occurred by the respondent's. Mr. Schwab was informed by a source within DCF that the parties were intending to move to terminate the rights of the Schwab parents. Mrs. Schwab was in the process of acquiring a new attorney, Jennifer Chafee of Lawrence Kansas. The Plaintiff's had already met with the attorney who agreed to take representation of Mrs. Schwab. The Schwab's entered a motion, pro se, for a continuance that Jen Chaffee could enter her appearance. The motion was denied.

102. The day of the hearing Mr. Schwab, again made an oral motion based on **Article 22 REVISED KANSAS CODE FOR CARE OF CHILDREN 38-2205** which states “(1) If at any

Complaint for Violation of Civil Rights

stage of the proceedings a parent desires but is financially unable to employ an attorney, the court shall appoint an attorney for the parent.”. The court denied this oral motion and argument with the verbal assent of FIELD's and INGLES who asked the judge on record to deny the motion for counsel and continuance even though an attorney was attempting to enter an appearance. Previously when Mrs. Schwab's attorney JOHNSON was granted her motion to be relieved based on being named as a respondent in previous litigation, Johnson informed Mrs. Schwab that the Court would not appoint her another attorney and refused to do so. Nevertheless the Schwab's sought to hire private counsel though they could not afford to do so.

103. In a hearing that usually takes 45 minuets historically on most cases, the Schwab's endured over 8 hours of fabrications and perjury by BOYD, DCF, ST FRANCIS, and PRICE who recommended the Schwab's have their parental rights terminated. Such perjury included the testimony by PRICE that the parent's did not keep in contact with her while the Schwab's had hundreds of emails and recorded phone calls demonstrating the contrary. While Mrs. Schwab was attempting to question witnesses she was repeatedly stopped by the Judge who berated her for asking inappropriate questions. Repeated objections and request for a continuance for Mrs. Schwab to have counsel were denied. Eventually, due to the emotional stress Mrs. Schwab told the Court “I don't know why you keep correcting me I told you I have no idea what I am doing and you have denied me an attorney”. Mrs. Schwab broke down emotionally under the pressure of her inability to defend herself and left the courtroom weeping saying she couldn't continue.

104. Mr. Schwab pleaded with the Court to cease and desist from forcing Mrs. Schwab to defend herself when she had stated on the record she was not able, the emotional distress was to heavy, an attorney was ready to make an appearance if the Court would file allow a continuance, and the hearing was a critical one where the State was moving for termination of the parental rights of the

Schwab's. Judge BOSCH denied the motion again and continued the hearing without the presence of Mrs. Schwab or her being represented. The hearing continued for hours, even after the Courthouse had closed to the public. After an hour or so Mrs. Schwab reentered the Courtroom and continued the remainder of the hearing silently weeping, unable to mount any defense.

105. While the prosecution was allowed from the morning until late afternoon to present their case as to why reintegration was no longer a viable alternative, when Mr. Schwab was presenting their defense Judge Bosch continued to hinder Mr. Schwab's questions and demanded he "Hurry up". Mr Schwab informed the Court he intended to be allowed as much time as the prosecution was given to refute the perjury occurring which led to a sharp disagreement between judge Bosch and Mr. Schwab. Finally, at close to seven in the evening, Judge Bosch relented and granted a continuance. This permanency hearing, which on average only lasts for 45 min, continued for two more, full day hearings over the course of three months.

106. On or around February of 2017 Mr Schwab received a call from a CASA case worker identified as Cathie Bear. Mrs. Bear believed two of the Schwab children were being emotionally abused by placement, and due to the Schwab's protesting were seeking to terminate placement. E.S. And A.S. Both confirmed abuse such as E.S. Being hit with a brush as a form of corporal punishment. The Children were also still being denied any sort of religious practice to the point placement, who was respondent's Anthony and Michelle Allison, held E.S. Down while she was screaming to cut her hair off, and refused to allow E.S. To wear dresses as she was accustomed to at home. As part of their religious practice E.S. Wore dresses and never cut her hair until placement forced her causing extreme emotional distress which was reported to the parents in a visit. It was shared by A.S. That placement held E.S. Down while they cut her hair and she was screaming and crying. At a subsequent visit she asked her parents "Am I still a princess" in tears. Respondents refused to address this negligence and abuse by

placement and Mrs. Bear was seeking to get custody of the children.

107. Mr. Schwab recorded the conversation and submitted it as evidence in the Federal litigation at the 10th circuit court of appeals. In the conversation Mrs Bear apologized for what was happening to the Schwabs and informed them she was ordered by DCF, KVC, and CASA not to do her job and not to respond to any attempted contact by the Schwab's. She was informed by KVC that the children would not be reintegrated which she interpreted as the State and their contractors had no plans to allow the Schwab's to get their children back and were intentionally sabotaging reintegration. The respondent's, through their attorneys attempted to force the 10th circuit to compel Mr. Schwab to give up the disk and the identity of the worker as Mr. Schwab was attempting to protect the identity of Mrs. Bear as she feared retaliation for her efforts to help the Schwab's and their children. As stated in previous litigation the conversation with Mrs. Bear contained the following with the appropriate time marker where the statement was made in the recording.

a.) The Children are being coached and manipulated by other parties in the case. (9:30)

b.) That the Children's therapist (PAWNEE) are refusing to do any counseling with the parents until the parents "Accept" the allegations against them, and the worker is aware that if the parents are coerced into acknowledging such things it will be presented in court against them and the worker acknowledged there would be severe consequences (38:00)

c.) That caseworkers are committing perjury. This an attempt to retaliate against the Schwab's so their rights will be terminated. (27 :00; 31 :00; 58 :00)

d.) They corroborate Mrs. Schwab being forced to represent herself (17:30)

e.) They observe that the parties involved will try to interfere with the case moving forward by making things difficult (21:09)

f.) Confirms their attack upon the Schwab's faith and states its policy of DCF, KVC, and St

Francis to negligently not accommodate religious practice while children are in custody (48:30)

108. Cathie Bear was discovered speaking with and helping the Schwab's and was removed from the case shortly after.

109. FIELD'S and INGLES demonstrated incredible bias and abuse of power when they failed at the Federal level and tried to use the charge of non compliance with reintegration for refusing to identify the worker, who even claimed the Schwab children had been manipulated and coached by the respondent's to say they did not want to be returned to their parent's. They filed motions in the State court seeking to get custody of the disk demonstrating they should have recused themselves when named as litigants because they continued to use their positions in the State Court to apply pressure on Mr. Schwab to abandon his attempts at relief in the Federal Court.

110. As a matter of fact in whatever form the Schwab's sought relief it seems the respondent's conspired to hinder or threaten the Schwab's with the termination of their rights. One such incident is why KOBACH is listed as a defendant in this litigation. The Schwab's were working with Family Advocate Jennifer Winn to initiate a petition under Kansas law that with enough signatures they could have the chief judge of Sedwick County Kansas to convene a grand jury that the Schwab's and others could present the evidence they had acquired as to the civil rights violations going on in the dependency Court's. K.S.A. 22-3001 States that;

“(c) (1) A grand jury shall be summoned in any county within 60 days after a petition praying therefor is presented to the district court, bearing the signatures of a number of electors equal to 100 plus 2% of the total number of votes cast for governor in the county in the last preceding election.’

111. The Schwab's and many others initiated a media campaign to gather the required signatures including a FB live planning session. It is alleged, through information and belief that many of the

respondent's were monitoring the Schwab's FB. Price stated under oath she did not monitor our FB but slipped and shared something that was only knowable if someone was on the Schwab's FB. When Mr. Schwab confronted Price she responded "I said on the stand I do not monitor your FB, there is a team that monitors your FB. The Schwab's do not know who formed this team or whom it consisted of but prior to the November 8th signature gathering day Judge Bosch scheduled a hearing on November 8th date so the Schwab's could not participate in their own petition. Both Sam Brownback and Judge Bosch, who was appointed by Brownback as a judge, were listed on the grand Jury petition. There were also petitions for St Francis workers and other family court judges.

112. The Schwab's were informed they had to be at Court and therefore could not collect signatures. Jennifer Winn contacted the election commission to make sure the petitioners were obeying the law and she was assured by the commission that what they were doing was not definable as electioneering. The Schwab's and Winn had every voting station covered by two signature collectors with signs that said to sign the petition to have Brownback indicted. They received favorable media coverage so it is believed the respondents were aware of this effort and conspired with other Kansas Agencies, including KOBACH to hinder the Plaintiffs effort and deny them due process.

113. The main trust of gathering signatures was going to be November 8th 2016 which was the Kansas midterm elections. The morning of November 8 the petitioners were harassed by various law enforcement agencies, including Wichita PD and Sedwick County Sheriff, who moved them away from the polling booths and seized the petitioners signs. The petitioners were informed that Secretary of State Kris Kobach had ordered the police departments to arrest any petitioner near the polling station and to seize their signs. Activist Mike Shatz and Jennifer Winn ordered the police to cease and desist and eventually got a meeting with Sedwick County Sheriff Jeff Easter. Easter informed them Kobach personally called the sherriff and ordered them to harrass through taking of signs,

relocating and arrest the petitioners. Jennifer Winn told the sheriff she would be filing litigation against the police. Sheriff Easter contacted KOBACH and informed him that unless he placed his order to arrest in writing the Sheriff would allow the petitioners to continue. KOBACH refused to put the order in writing and Sheriff Easter asked his Deputies to stop engaging the petitioners.

114. This process took half the day of lost signatures and ultimately hindered the collecting of signatures both by the Schwab's being forced into court and KOBACH'S unconstitutional harassment. After Kobach failed various parties began to confront and harass the petitioners. One group of young ladies came to a petitioner table and attempts to get them to quit collecting signatures. They said that Winn and the Schwab's were evil people and liars. They disclosed they were St Francis caseworkers. When the petitioners refused to stop collecting signatures the ladies went into the polling station and accused the petitioners of electioneering and demanded they be removed. Another gentlemen who was harassing the petitioners were eventually arrested by Wichita PD. This is the level of constitutional violations and lack of relief from legal avenues that the Respondent's were willing to engage in to suppress the Schwab's attempts to legally stop their behavior. This attempt succeeded and the petition measure was not successful partially due to the level of harrasssment by KOBACH and the respondent's.

115. In early 2017, after successful stopping the State from moving for the termination of parental rights, Mr. Schwab abandoned his pro se representation due to Casey Yingling, an attorney from Kansas, and Michael Minardi, A civil rights attorney from Florida taking his case Pro Bono. Both INGLES and FIELDS objected to Mr. Schwab having representation and asked judge BOSCH to deny the entry of appearance. Fortunately it was granted but it would still be over a year before Kansas would relent and return the Schwab children to their parents and home state of Colorado.

Complaint for Violation of Civil Rights

116. The respondents continued to promote a false narrative of noncompliance, and repeatedly committed perjury concerning the Schwab's case plan tasks completion all while contacting any service provider who seemed sympathetic to the Schwabs to try and gather protected health information to use against the Schwab's in court and bias the providers against the Schwab's. This led to one provider, Women's Crisis Center, to retain legal counsel to protect them from the behavior of INGLES and St Francis while assisting the Schwab's in meeting their case plan tasks for reintegration.

117. During hearings in 2017 it was determined by the Court and agreed to by the respondent's that Mr. Schwab would have to do family counseling and individual counseling in the State of Kansas. It was revealed to him in a meeting with YOXELL, INGLES, SUTHER, PRICE, and BOYD that the reason for making him travel was because they could not subpoena to Court providers in Colorado. This created an incredible hardship for the Schwab's as Mr. Schwab was expected to maintain full time work while traveling 559 miles one way twice a month for counseling. Meanwhile INGLES and other respondent's would make claims that Mr. Schwab was non compliant with case planning because he could not maintain a normal job during this time and claimed because of this inability to maintain a full time job he could not afford to have the children reintegrated. Mr. Schwab had lost his career with the VA due to the stress of the case and time required off work. He worked Uber when he wasn't traveling and various supporters assisted the Schwab's in their financial burdens.

118. The respondent's were also demanding that Mrs. Schwab enter a 6 month batterer intervention program in Kansas even though her therapist at the Wichita Crisis Center said it would be harmful to her. Both therapist, for the SCHWAB's, at the Wichita Crisis Center informed the Schwab's that they were forced to use an attorney to stop respondent's from constantly calling trying to bias the providers against the Schwab's by spreading false information about their case, and demanding information without a signed release by the Schwab's. The Schwab's did not have access to a BIP

program in Colorado as they were the first State to remove that type of therapy for domestic violence. Mrs. Schwab was forced through all the demands to stay in Kansas for months at a time while the respondent's attempted to get Mrs. Schwab to separate from Mr. Schwab telling her that Mr. Schwab was the source of all the problems in the case and she would get the kids back faster if she left him.

119. The Schwab's scheduled an evaluation with the Domestic Violence professional who helped author the Domestic Violence Assessment. The Respondent's were aware that this appointment was scheduled but kept claiming to various parties that Mrs. Schwab was non compliant because she had not started the BIP program in Kansas. The respondent's refused to assist the Schwab's in receiving any services in Colorado and placed enormous hardship on the Schwab's by forcing them to do all their services in Kansas. However, when the BIP evaluator recommended that Mrs. Schwab not participate in the BIP program in Kansas, the task was dismissed by the Court.

120. Michael Minardi flew from Florida to Kansas in order to interview the Schwab children for the first time to gather details about the case. INGLES refused to speak with or allow Minardi to interview the Children prior to Court. It was at this time that INGLES and other respondent's began to slander Mr. Schwab with a new false allegation and claimed that Mr. Schwab had thrown one of his children down the stairs previous tot he children being taken. They shared this information with Minardi which cast Mr. Schwab in a false light. After a month of this slander, and after Mr. Schwab was restricted from Family Counseling, which was a requirement for him, Mrs. jasper and Mrs Schwab asked the children if they had ever made this claim. The Children told the therapist that the story was an utter lie, never happened, and they never said those things.

121. This was the type of false allegation the Schwab's were subjected to for three years. Previous attorneys and respondents did little to challenge them. The Respondent's would make a horrendous claim against the Schwab's without evidence or substantiation and then restrict the

Schwab's from discussing it with the Children, not allow motions to be heard which challenged the accusation, refused to give the Schwab's documentation or access to any paperwork concerning the accusation and then would accuse them of being hostile and non compliant when they challenged this behavior and slander from the respondents.

122. PAWNEE, INGLES, FIELDS, BOYD, SUTHER, YOXELL and PRICE would also continually contact the Schwab's care providers and attempt to bias them by sharing with them biased and slanted facts about the case, or outright slander like Mr. Schwab threw a child down the stairs. Mr. Schwab tried to stop this by filing a show cause motion which Judge BOSCH refused to hear. The respondent's where challenged for this behavior by Mr. Schwab's attorney's and were given a guarantee that no more conversations would occur between therapist, the prosecutor, case workers, and the ad litem without the Schwab's attorneys being notified and allowed to participate. Nevertheless the behavior continued.

123. As Loretta Jasper facilitated the disclosure, by the children, of what they endured in foster care, how they felt lied to about their parent, and the States case further disintegrated, the attempts to bias the providers to give a bad report against the Schwab's intensified with the Attorney's never being notified. Loretta Jasper began to share the email streams with Mr. Schwab, and his attorney's and even shared her discomfort with the respondent's behavior.

124. One such email stream was give to Mr. Schwab by Mrs Jasper in November of 2017. In the stream PAWNEE, INGLES, FIELDS, SUTHER, YOXELL and private contractor Paul miller were discussing that Mr. Schwab had unaddressed mental health issues and they were concerned about his participation in family therapy. No specifics were given and Mrs. Jasper stated in reply "I am more concerned about these conversations and how they are being conducted than any alleged mental health issues that Mr Schwab is not addressing". Mr. Schwab received the stream of emails from Mrs. Jasper

and forwarded it to his attorneys while sending a reply that the respondents cease and desist from these attempts to bias the Schwab's providers so that the Therapist would not give positive reports.”

125. In August of 2017 BOYD and PRICE were removed from the case after Mr. Schwab filed his show cause motion accusing them of perjury which Judge Bosch refused to hear on the record. Private contractor Paul Miller took over the case and from that point on reintegration occurred swiftly.

126. The respondent's continually claimed the Schwab's were non compliant with case plan requirements because the Schwab's refused to sign blanket releases to let the respondent's look at all their protected health information while sharing with each other what information they could gather to coordinate against the Schwab's. It was also ruled by the Court, and assented to by the Respondent's that the Schwab's could not find their own family therapist but had to choose from a list of providers that St Francis gave to them restricted their care. In every demand the respondent's made they also created obstacles for the Schwab's to successfully complete the task and then claimed to the Court that the children should not be reintegrated, and the Court should move for termination of parental rights even though the Schwab's were going above and beyond what was requested of them.

127. In August of 2017 Mr. Schwab got a job offer to fly to Puerto Rico and help restore the telecommunications after the devastating hurricane maria. Since the Respondents were claiming the Schwab's didnt make enough money to take care of their children, Mr. Schwab took the well paying, short term position. INGLES, FIELDS, YOXELL, and SUTHER now began to say that since Mr. Schwab went to Puerto Rico he was non compliant with counseling and they had to stop reintegration. For the duration of the case this behavior persisted where the Schwab's would meet a demand, and the Respondent's would negatively twist the facts to the Court. Whereas first, Mr. Schwab was too poor to have his kids, now he couldn't come to Kansas for counseling and was therefore non-compliant.

128. Judge Bosch ruled in Mr. Schwab's favor in November of 2017 and ordered the children be

returned to Colorado by Christmas. D.B., however would continue to be restricted from Mr. Schwab and the State refused to move him back with the other children claiming he was too old and did not want to come home. The Schwab's relationship with D.B has been severed to this day due to the actions of the respondent's and their fraud.

129. During the Last months of the children being in Kansas the ALLISONS and BALLARD caused immense stress on the children by telling them they would never go home, that the Schwab's were non compliant and the children would never see their parent's again. These things were brought up in family counseling and the Schwab's repeatedly asked the Respondents and Paul Miller to stop the harmful behavior of placement, but to the Schwab's knowledge nothing was done. At the end of Dec 2017 the Schwab children were released to move to the State of Colorado by the Court.

130. The Kansas Appeal for the CINC proceeding was never filed for Mrs. Schwab by JOHNSON. Mr Schwab's appeal was filed in 2015 and affirmed the adjudication of the Schwab children in April of 2016.

131. Kansas Federal District Court Case 16-CV-4033-DDC-KGS was dismissed without prejudice on June 30th, 2017 for failure to state a claim, and on jurisdictional abstention due to the ongoing state proceedings in Kansas.

132. The Schwab children were returned to their home State of Colorado in December of 2017 and the dependency proceedings were terminated in May of 2018. D.B. Continued to be a ward of the State of Kansas until August of 2018 when his case was also dismissed.

Deprivation of constitutional rights "for even minimal periods of time, unquestionably

Complaint for Violation of Civil Rights

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: Violation of Civil Rights 42 U.S.C. 1983, 1985

Supporting facts:

Supporting Facts outlined in pages 15 - 60

constitutes irreparable harm." *Elrod v. Burns*, 427 U.S. 347, 373 (1976); see also *Awad*, 670 F.3d at 1131

(Against Respondent's RCPD, GOGGINS, SWARTZ, WILKERSON, FIELDS, GILMORE, FREED, BAKER, EISENBARGER, JACKSON, INGLES, JOHNSON, SCHWARTZ, KVC, ST FRANCIS, PRICE, ROBINSON, VINDUSKA, DEBENHAM ET. AL. and DOES 1 through 10, inclusive)

Violation of Plaintiff's Federal Civil Rights (42 U.S.C. §§ 1983, 1985)

(Fourteenth Amendment Familial Association, Warrantless Seizure of Children, violation of 4th Amendment illegal search and seizure of body fluids)

133. Plaintiff's realleges, and incorporates herein as if set forth in full, all of the preceding Paragraphs (1-132) above.

134. The right to be free from unreasonable searches and seizures and/or any unjustified separation from one's children is a right that is guaranteed under the Fourteenth Amendment to the United States Constitution. This right is so "clearly established" such that a reasonable social worker and/or police officer in defendants' situation would know or should know that it is unlawful to remove a child from the care, custody, and control of its parents or to question, threaten, examine, or search a child in the absence of exigent circumstances without first obtaining a warrant to do so.

135. Commencing on APRIL 27, 2015, and continuing through the date of the filing of the present action, RESPONDENT'S were acting under color of state law when they acted, or knew and agreed and thereby conspired, to unlawfully remove, detain, question, threaten, examine, investigate, and/or search all five children of THE SCHWAB'S as stated above without proper justification or authority, and without , exigency, or court order. The actions of Responden's were taken

Complaint for Violation of Civil Rights

with deliberate indifference to Plaintiff's rights.

136. Respondent's, and each of them, voluntarily collaborated, acted in concert, and maliciously conspired as employees of DCF or contracted agents, or those tasked to assure state and municipal employees and contractors were acting constitutionally and lawfully to violate the civil rights of the Plaintiff's either intentionally or through negligence, including violation of Plaintiff's rights found in the Due Process Clause under the Fourteenth Amendment of the United States Constitution, by, *inter alia*, removing the CHILDREN from the care, custody, and control of their parent's without exigent circumstances and without providing adequate notice or observance of statutory and legal opportunity to be heard.

137. Plaintiff is informed and believes and on such basis alleges that these respondent's voluntarily collaborated with and participated in the various actions approved by DCF and other Respondent's to ensure the warrantless seizure of the SCHWAB CHILDREN of at various times noted above, and their removal from Plaintiff's care. These respondent's, and each of them, knew or should have known that Plaintiff's constitutional rights would be violated, inasmuch as there was no evidence that Plaintiff's were putting any of the CHILDREN in imminent danger of serious bodily injury or death—or any other danger for that matter. The acts of these Respondent's, and each of them, were wrongful and unlawful, and Respondent's knew it, going as far as to restrict recording, record keeping or give the Plaintiff's access to documents they were legally able to have possession of in order to hinder the SCHWAB'S from having evidence of and challenging their pattern of manipulation of the dependency proceedings. Indeed, any government agent faced with similar circumstances would have known that it was wrongful and unlawful to seize any of the five children of the SCHWAB's, or to wisely cause their seizure, from the care of Plaintiff under the circumstances then present.

138. Respondent's Anthony and Michelle Allison, Amanda Allison-Ballard, KVC, ST FRANCIS, and their case worker's as employees/agents of DCF and Respondent's BOYD, EISENBARGER, JACKSON, POSSEN and PRICE, as employees/agents of defendant's KVC and ST FRANCIS were the moving force behind the violations of Plaintiff's constitutional rights, including collusion from the agents of the court and law enforcement, including those arising under the Fourteenth Amendment to the United States Constitution, as follows:

a. the policy and/or practice of detaining and/or removing children from their family and homes without exigent circumstances (imminent danger of serious bodily injury), court order and/or consent as part of their greater efforts to collaborate with government child welfare agencies in fabricating evidence to support the government's unlawful detention of children from their parents;

b. the policy and/or practice of conducting medical/psychological examinations of children without a warrant or court order, parental consent, or exigent circumstances, in connection with investigations of child abuse as part of their greater efforts to collaborate with government child welfare agencies in fabricating evidence to support the government's unlawful detention of children from their parents;

c. the policy and/or practice of examining children without exigency, court order, or parental consent, and without the presence and/or consent of their parent or guardian as part of their greater efforts in fabricating evidence to support the government's unlawful detention of children from their parents;

d. the policy and/or practice of falsely accusing parents of suffering from other undiagnosed mental disorders as a basis for removing children from their parent's care as part of their greater efforts to collaborate with government child welfare agencies in fabricating evidence to support the government's unlawful detention of children from their parents;

Complaint for Violation of Civil Rights

e. the policy and/or practice of fabricating evidence against a parent in order to support a knowingly false referral for child abuse;

f. the policy and/or practice of withholding exculpatory evidence from investigators of child abuse and Dependency Court as part of their greater efforts to collaborate with government agents and child welfare agencies in fabricating evidence to support the government's unlawful detention of children from their parents;

g. the policy and/or practice of accusing parents of child abuse in order to intimidate parents to providing "consent" to perform medical procedures, investigative procedures, or other invasive and unnecessary examinations of a child; or parent

h. the policy and/or practice of knowingly assisting in the wrongful removal and detention of children, and continuing to detain them for an unreasonable period after any alleged basis for detention is negated;

i. by acting with deliberate indifference in implementing a policy of inadequate training and/or supervision, and/or by failing to train and/or supervise its officers, agents, employees and state actors, in providing the constitutional protections guaranteed to individuals, including those under the Fourteenth Amendment, when performing actions related to child abuse and dependency type proceedings.

j. The policy and/or practice of knowingly and willingly violating the SCHWAB's right to privacy and to be secured in their persons from unreasonable search and seizure. The United State Supreme Court has repeatedly ruled that compulsory drug testing is a violation of the 4th amendment. Yet the respondents required the Schwab's to submit urinalysis test for almost three years despite repeated calls to cease and desist from the Schwab's. The justification for this repeated testing was an alleged positive drug test given by Mr. Schwab that does not exist, in conjunction with the false

Complaint for Violation of Civil Rights

narrative that the children were abandoned while the Schwab's were on a drug binge. The Schwab's never gave one positive drug test for illegal substances the entire three years they were subjected to this intrusion.

139. On information and belief, DCF previously contracted out core public functions to private not for profit corporation's. On information and belief, KVC and ST FRANCIS were charged with and carried out the policies and procedures as stated above in Paragraph 133 (a-j) and is Respondent's' actions under the "state action doctrine," in that KVC and ST FRANCIS knew or should have known that the policies and procedures carried out by its agents/employees violated Plaintiff's rights as discussed above. And that further denial of plaintiff Tyeler Allison access to his siblings was a further tearing and harming of the familial structure, when no allegation was lodged against the oldest sibling.

140. On information and belief, the aforementioned acts of Defendants, and each of them, were undertaken knowingly, willfully, and maliciously with the intent to harm Plaintiff's, or alternatively with a conscious disregard of Plaintiff's substantive rights, and did in fact result in severe harm to Plaintiff in an amount according to proof at trial.

141. As a direct and proximate result of these Defendants' violations, and in accordance with 42 U.S.C. Sections 1983 and 1985, Plaintiff's civil rights have been violated in that they have suffered, and will continue to suffer, damages, including but not limited to, physical and/or mental anxiety and anguish, as well as to incur attorney's fees, costs and expenses in the underlying case and in this matter, as authorized by 42 U.S.C. Section 1988 in an amount not yet ascertained, all of which shall be shown according to proof at trial.

142. The wrongful conduct of all the Respondent's, and DOES 1 through 10 as herein alleged was intentional, done with malice, and with a conscious disregard for the rights of the

CLAIM TWO: Violation of Civil Rights ⁴² U.S.C 1983, 1985

Supporting facts:

Facts outlined in Pages 15-61

Count / Claim 3-8 Continued on Pages 62-75

Plaintiff. As a result of this despicable conduct, Plaintiff is entitled to recover punitive damages from said Respondent's only in an amount commensurate with the nature of the Respondents' wrongful acts and the amount of the individual Respondent' wealth.

COUNT 2

Violation of Plaintiff's Federal Civil Rights (42 U.S.C. §§ 1983, 1985)

(Fourteenth Amendment Familial Association)

143. Plaintiff's realleges, and incorporate herein as if set forth in full, all of the preceding Paragraphs (1-142) above.

144. Plaintiff is informed and believes and thereon alleges that at all times relevant herein, there existed a clearly established due process right not to be subjected to false accusations on the basis of false evidence that was deliberately fabricated by the government, such that a reasonable agent in Respondent' situation would know, or should know, it is unlawful to lie, fabricate evidence, and/or suppress material exculpatory evidence in court reports or any other document filed with the juvenile court to influence judicial decision making.

145. In fact, Respondents, and each of them, had the affirmative and self-evident duty to be truthful, accurate, and complete in providing information which they knew, or had reason to know would be repeated and treated as evidence in petitions, reports, and documents submitted to a sovereign court with power to adjudicate substantial rights, including parental rights, and to refrain from using improper and deceptive means to obtain judicial sustention of recommendations seeking to disparage Plaintiff's liberty interests.

146. Respondent's knew or should have known that by presenting false allegations and evidence to a Court, and conspiring to invent reasons for removing Plaintiff's children from her care, and keeping them for three years by the same methodology, would lead to the deprivation of Plaintiff's civil

Complaint for Violation of Civil Rights

rights. Said Respondent's, like any reasonable person, knew or should have known that Plaintiff had a constitutionally protected right not to be lied about in such consequential judicial proceedings.

147. In doing the things alleged hereinabove, Respondent's, and each of them voluntarily collaborated, acted in concert, and conspired to violate the above identified rights of the Plaintiff, including violation of Plaintiff's rights found in the Due Process Clause under the Fourteenth Amendment of the United States constitution by, but not limited to, presenting false allegations, false or coerced testimony, fabricated evidence, and/or suppress exculpatory evidence, before the court, thereby violating Plaintiff's rights found in the First, Fifth and Fourteenth Amendment to the United States Constitution and breaching their duty to Plaintiff, and their oath of offices if one applied.

148. In so doing, Respondents, and each of them, were acting under color of state law. They did these things without proper justification or authority. Further, Defendants' actions were taken with deliberate indifference to Plaintiff's due process rights, and in conscious disregard of Plaintiff's right to not be lied about by government agents/employees in any court proceeding where substantial rights were at stake.

149. Respondents and each of them, maliciously conspired to violate the civil rights of Plaintiff, including violation of Plaintiff's rights found in the Fourteenth Amendment of the United States Constitution by the use of coercion and duress to obtain evidence and testimony, and by maliciously falsifying evidence, and presenting fabricated evidence to the court, and maliciously refusing to provide exculpatory evidence during the pendency of the dependency proceedings.

150. As the direct and proximate result of the aforementioned actions of Respondents, each of them, Plaintiff's have suffered, and will continue to suffer, physical, mental, and emotional injury, all to an extent and in an amount subject to proof at trial. Plaintiff has also incurred, and will continue to incur, fees, costs and expenses, including those authorized by 42 U.S.C. Section 1988, to an

extent and in an amount subject to proof at trial.

151. On information and belief, said respondents, and each of them, acted with malice and with the intent to cause injury to Plaintiff, or acted with a willful and conscious disregard of the rights of Plaintiff in a despicable, vile, and contemptible manner. Therefore, Plaintiff is entitled to an award of punitive damages for the purpose of punishing Defendants and to deter them and others from such conduct in the future.

COUNT 3

(Against Defendant's ST FRANCIS, KVC and DOES 1 through 10, inclusive)

Violation of Plaintiff's Federal Civil Rights (42 U.S.C. §§ 1983, 1985)

MONELL-Related Claims

152. Plaintiff realleges, and to the extent applicable, incorporates herein as if set forth in full, each of the foregoing Paragraphs (1-151) above.

153. Respondent's ST FRANCIS AND KVC are non-profit corporation's organized in the State of Kansas where DCF previously contracted out core public functions to this private not for profit corporation. ST FRANCIS, KVC and Does 1 through 10 are "persons" within the meaning of 42 U.S.C. §§ 1983 and 1985, and subject to *Monell* liability and is known as the *Monell* Defendants. *See Monell v. Dept. of Social Services*, 436 U.S. 658 (1978).

154. When working in joint collaboration with Government to curtail the rights of Plaintiff, Respondent's ST FRANCIS AND KVC had a duty to Plaintiff at all times, to establish, implement and follow policies, procedures, customs and/or practices (hereinafter referred to as "policy" or "policies") which confirm and provide the protections guaranteed Plaintiff under the United States Constitution, including those under the First and Fourteenth Amendments, to include without limitation, the protection of the right to familial relations; the right to privacy; the right not to be

defamed or stigmatized; and the right to procedural due process. Said Respondent also had a duty to use reasonable care to select, assign, supervise, train, control and review the activities of all their agents, officers, employees and those acting under them—including Defendants ,GILMORE, WILKERSON, BOYD, EISENBARGER, JACKSON, POSSEN, AND PRICE—so as to protect Plaintiff’s constitutional rights; and to refrain from acting with deliberate indifference to the constitutional rights of Plaintiff in order to avoid causing the injuries and damages alleged herein. Based on the duties charged to ST FRANCIS AND KVC the *Monell* Defendant, including the nature of their work relating to juvenile dependency proceedings, RESPONDENT'S knew or should have known of the obvious need to establish customs, policies, and practices as would be required to protect the aforementioned civil rights of parents and their children.

155. In collaborating with DCF to improperly curtail Plaintiff’s constitutional rights, the *Monell* Defendants, and each of them, established and/or followed policies, procedures, customs, and/or practices which policies, procedures, customs, practices and/or usages were the moving force behind the violations of Plaintiff’s constitutional rights, including those arising under the Fourteenth Amendment to the United States Constitution, as follows:

a. the policy and/or practice of jointly collaborating with state child welfare services agencies in detaining and/or removing children from their family and homes without exigent circumstances (imminent danger of serious bodily injury), court order and/or consent as part of their greater efforts to collaborate with government child welfare agencies in fabricating evidence to support the government’s unlawful detention of children from their parents;

b. the policy and/or practice of conducting medical/psychological examinations of children without a warrant or court order, parental consent, or exigent

circumstances, in connection with investigations of child abuse as part of their greater efforts to collaborate with government child welfare agencies in fabricating evidence to support the government's unlawful detention of children from their parents;

c. the policy and/or practice of examining children without exigency, court order, or parental consent, and without the presence and/or consent of their parent or guardian as part of their greater efforts to collaborate with government child welfare agencies in fabricating evidence to support the government's unlawful detention of children from their parents;

d. the policy and/or practice of falsely accusing parents of suffering from Bi-Polar and Borderline Personality Disorder, or other undiagnosed mental disorder as a basis for removing children from their parent's care as part of their greater efforts to collaborate with government child welfare agencies in fabricating evidence to support the government's unlawful detention of children from their parents;

e. the policy and/or practice of fabricating evidence against a parent in order to support a knowingly false referral for child abuse;

f. the policy and/or practice of withholding exculpatory evidence from investigators of child abuse as part of their greater efforts to collaborate with government child welfare agencies in fabricating evidence to support the government's unlawful detention of children from their parents;

g. the policy and/or practice of accusing parents of child abuse in order to intimidate parents to providing "consent" to perform medical procedures, investigative procedures, or other invasive and unnecessary examinations of a child, prior to reporting any instance of child abuse to child welfare services agencies;

Complaint for Violation of Civil Rights

h. the policy and/or practice of knowingly assisting in the wrongful removal and detention of children, and continuing to detain them for an unreasonable period after any alleged basis for detention is negated;

i. by acting with deliberate indifference in implementing a policy of inadequate training and/or supervision, and/or by failing to train and/or supervise its officers, agents, employees and state actors, in providing the constitutional protections guaranteed to individuals, including those under the Fourteenth Amendment, when performing actions related to child abuse and dependency type proceedings.

156. Plaintiff is informed and believes and on such basis alleges that all of the foregoing customs, policies, practices, and usages of ST FRANCIS AND KVC were promulgated in order to increase revenues for said agencies, in that each child that is brought within their respective grasp and processed, in search of a diagnosis of child abuse, (on information and belief) generates a government-funded revenue stream, which brings a massive inflow of revenue to DEFENDANT'S when they wrongfully removes children from their homes. Hence, it benefits KVC AND ST FRANCIS to voluntarily collaborate with the government, or to act on its own, to generate false evidence to support over-reaching claims of child abuse when none in fact exists.

157. *Monell* Defendant'S KVC AND ST FRANCIS breached its respective duties and obligations to Plaintiff, including but not limited to, failing to establish, implement and follow the correct and proper Constitutional policies, procedures, customs and practices; by failing to properly select, supervise, train, control, and review its agents and employees as to their compliance with Constitutional safeguards; and by deliberately permitting Defendants BOYD, EISENBARGER, JACKSON, POSSEN, PRICE AND DOES 1 through 10, inclusive, to engage in the unlawful and unconstitutional conduct as herein alleged with at total indifference to the rights of affected parents,

including Plaintiff herein.

158. *Monell* Defendant ST FRANCIS AND KVC knew, or should have known, that by breaching the above mentioned duties and obligations that it was reasonably foreseeable that its agency policies, practices, customs, and usages would, and did, cause Plaintiff to be injured and damaged by *Monell* Defendant's ST FRANCIS AND KVC wrongful policies, or deliberate lack thereof or deliberate indifference to the need for such policies and/or training, and other acts as alleged herein, and that such breaches occurred in contravention of public policy and their legal duties and obligations to Plaintiff; and that such policies were the moving force behind the violation of Plaintiff's constitutional rights as alleged herein above.

159. These actions, and/or inactions, of *Monell* Defendant's KVC AND ST FRANCIS are the moving force behind, and direct and proximate cause of Plaintiff's injuries, as alleged herein; and as a result, Plaintiff has sustained general and special damages, to an extent and in an amount to be proven at trial. In addition, Plaintiff has incurred, and will continue to incur, attorney's fees, costs and expenses, including those as authorized by 42 U.S.C. § 1988, to an extent and in an amount subject to proof at trial.

COUNT 4

(Against All Individual Defendants and DOES 1 through 10, inclusive)

False Light

160. Plaintiff realleges, and to the extent applicable, incorporates herein as if set forth in full, each of the foregoing Paragraphs (1-159) above.

161. Plaintiff's have a protected liberty interest in the privacy and integrity of their immediate family, comprised of Plaintiff and their children as named above. As part of said protected liberty interest, Plaintiff had a reasonable expectation of privacy over the facts concerning the seizure of

Complaint for Violation of Civil Rights

her children by DCF and RESPONDENTS, the ongoing juvenile dependency proceedings, the children's medical history, and others, that were not widely known, and were in fact private.

162. Within the duration of the three year CINC case, all the individual defendants and each of them, publicized information or material that showed Plaintiff in a false light, by falsely stating, among others, that Plaintiff's had abused their children when in fact even the subsequent DCF investigation stated the allegations were not substantiated and the Schwab's were not placed on a child abuse registry. On information and belief, Respondent's, and each of them, knew or should have known that the information entrusted to them was private, confidential, and subject to the adjudicatory process, at the time of each such publication. On information and belief, said Respondents, and each of them, knew or should have known each such publication would create a false impression with the listener that Plaintiff abused their children despite the Plaintiff's extraordinary efforts of petitioning for redress due to the egregious nature of their offenses, including two hunger strikes.

163. Each and every act mentioned hereinabove was carried out intentionally, and with full knowledge of the probable consequences thereof, or with a reckless disregard of the fact that a reasonable person in Plaintiff's position would consider its false publicity highly offensive, such that punitive damages should be imposed against these respondent's, and each of them.

164. As the direct and proximate result of respondents' dereliction of duty and invasion of privacy, Plaintiff 's have suffered, and will continue to suffer, physical, mental, and emotional injury, as well as damage to their reputation and consequent harm to their business and profession, all to an extent and in an amount subject to proof at trial. Plaintiff has also incurred, and will continue to incur, attorney's fees, costs and expenses, to an extent and in an amount subject to proof at trial.

COUNT 5

Complaint for Violation of Civil Rights

(Against all Individual Defendants and DOES I through 10, inclusive)

PUBLIC DISCLOSURE OF PRIVATE FACTS

165. Plaintiff realleges, and to the extent applicable, incorporates herein as if set forth in full, each of the foregoing Paragraphs (1-164) above.

166. Plaintiff has a protected liberty interest in the privacy and integrity of her immediate family, comprised of Plaintiff and her five children as named above. As part of said protected liberty interest, Plaintiff had a reasonable expectation of privacy over the facts concerning the seizure of their children by agents/employees of DCF and its contractors, the ongoing juvenile dependency proceedings, the children's medical history, and others, that were not widely known, and were in fact private.

167. Within the duration of the three year CINC case, the individual respondents and each of them, intruded upon the privacy of Plaintiff's family by, but not limited to, disclosing to third parties that THE SCHWAB'S were involved in a juvenile dependency proceeding, that their children had to be taken due to abuse and an active drug addiction of Mr. SCHWAB, and that MRS SCHWAB suffered from a fictitious mental disorder that resulted in abuse to her children. Plaintiff is informed and believes and thereon alleges that on each such occasion, these respondents identified Plaintiff and their children by their full names. On information and belief, Respondents, and each of them, knew or should have known that the information entrusted to them was private and confidential at the time of each such publication. These events and disclosures led to the extraordinary attempts at countering these disclosures by appealing for redress through various protesting activities whereas RESPONDENT'S disclosed through the media slanderously, and with the intent to defame and harm the plaintiffs that the SCHWAB'S were lying and implied they abused their children to various media sources. Various parties have also unlawfully shared the SCHWAB'S AND THEIR CHILDREN'S

Complaint for Violation of Civil Rights

protected health information in violation of Federal law, and without consent of the parents or legal POA for the children, JENNIFER WINN

168. On information and belief, said intrusions upon the family home and privacy interests of Plaintiff would be highly offensive to any reasonable person, and was, in fact, highly offensive to Plaintiff, in that nobody would want the badge or stigma of a child abuse investigation, or of any medical conditions, or of moving the children to various foster homes, to be the subject of widespread publicity, particularly when the facts remained to be adjudicated in confidential proceedings, though the SCHWAB's were forced into the public sphere through the unlawful actions of the defendant's due to any administrative or legal remedies being denied them causing harm to their reputation and lives.

169. On information and belief, each and every act of mentioned above was carried out intentionally, and with full knowledge of the probable consequences thereof, or with a reckless disregard of the fact that a reasonable person in Plaintiff's position would consider the publicity highly offensive, such that punitive damages should be imposed against these defendants, and each of them.

170. As the direct and proximate result of Respondents' dereliction of duty and invasion of privacy, Plaintiff's have suffered, and will continue to suffer, physical, mental, and emotional injury, all to an extent and in an amount subject to proof at trial. Plaintiff has also incurred, and will continue to incur, costs and expenses, to an extent and in an amount subject to proof at trial.

COUNT 6

Slander

171. Plaintiff realleges, and to the extent applicable, incorporates herein as if set forth in

full, each of the foregoing Paragraphs (1-164) above.

172. Within the past year, the individual Respondent's caused to be published false statements of or concerning Plaintiff to third parties.

173. On information and belief, said third parties reasonably understood that the statements were about Plaintiff, and, further, reasonably took those statements to mean that Plaintiff's suffered from a mental disorder's, Substance Use Disorders and had abused or neglected their children.

174. The statements were false, and, on information and belief, these Respondent's knew or should have known of the falsity thereof at the time published, or failed to use reasonable care to determine the truth or falsity of the statements.

175. As a consequence of said conduct, Plaintiff is entitled to actual damages for harm suffered to her property, business, trade, profession, or occupation; expenses paid as a result of the defamatory statements; harm to their reputation; as well as their shame, mortification, and humiliation.

176 . Additionally, Plaintiff is entitled assumed damages, because each of these Defendants knew that the statements published were false or had serious doubts about the truth of the statements, as well as punitive damages, because these defendants also acted with malice, oppression, or fraud.

**SCHWARTZ, KVC, ST FRANCIS, PRICE, ROBINSON, VINDUSKA, DEBENHAM,
JOHNSON, PAWNEE, PATHWAYS
and DOES 1 through 10, inclusive)
NEGLIGENCE/MALPRACTICE**

Complaint for Violation of Civil Rights

177. Plaintiff realleges, and to the extent applicable, incorporates herein as if set forth in full, each of the foregoing Paragraphs (1-151) above.

178. Plaintiff asserts, through information and belief that where JOHNSON, ROBINSON, VINDUSKA, INGLES and DEBENHAM were required to not engage in frivolous and improper litigation, represent the Plaintiff's according to their oath of office by defending the Schwab's against encroachment's upon their liberty. file pleadings in a thorough and timely fashion, know and apply the law in a manner which challenged the false narrative and unlawful seizure of the Schwab Children while adequately defending the Schwab's right to due process, thoroughly investigate the allegations, file appropriate documents and give the Schwab's access and information about the claims and evidence being used against them, obtain the consent of their clients before proceeding on a legal strategy, file legal pleadings timely, not withdraw improperly, not withhold evidence or document's from their client's, be honest, subpoena witnesses and mount an effective defense, and disclose and utilize exculpatory evidence.

179. Instead the Respondent's refused to challenge appropriately the States narrative, allowed the Court to impose requirements which were not required, failed to challenged the perjury being committed by other respondent's, failed to file appropriate appeals, refused to do a proper investigation and follow policy and Statue of the dependency hearings, restricted documentation from their client's, participated in EX PARTE conversations with Judge BOSCH.

180. JOHNSON failed and refused to file an appeal of the adjudication and told Mrs. Schwab they would just see how Mr. Schwab's appeal worked out for him, lied to her client by telling her she could participate in hearings by phone call, refused to work as Co-counsel with Mr. Schwab or even speak to him, misrepresented the law and requirement's to Mrs. Schwab, insisted that Mrs. Schwab needed to comply with every request whether constitutional or not, failed to subpoena witnesses, and

threatened Mrs. Schwab that if she didn't comply with the State and stop protesting she would lose her kids forever. Mrs. JOHNSON also failed to challenge the adjudication hearing by either being unaware of or intentionally hid from the Court the results of the DCF investigation which found the allegations of neglect and emotional abuse unsubstantiated prior to the hearing.

181. DEBENHAM, VINDUSKA, and ROBINSON committed similar offenses against Mr. Schwab by refusing to file motions requested by Mr. Schwab, refusing to withdraw when asked and yet, VINDUSKA withdrew due to Mr. Schwab's first hunger strike because he was "Causing to many problems and would never get his kids back", lied to Mr. Schwab about his rights, refused to subpoena witnesses or call the Schwab children to testify and do a proper investigation. ROBINSON waived Mr. Schwab's temporary custody hearing after being instructed not to and refused to challenge the unconstitutional search of Mr. Schwab's bodily fluids as demanded by Mr. Schwab. All three participated in not fully informing Mr. Schwab of his rights, refusing to participate in case planning meetings while other respondent's were making extremely burdensome demands, shared false information and forced Mr. Schwab to file his own motions in protest, and eventually taking on his own defense because of the inadequate representation Mr. Schwab was receiving. All three restricted document's from Mr. Schwab and let false and defamatory allegations go relatively unchallenged and told Mr. Schwab he just needed to comply with the State. Mr Debenham refused to withdraw and even participated in a hearing without Mr. Schwab present, refused to get Mr. Schwab documentation and reports from these hearings, and told him he needed to quit protesting or Mr. Schwab would lose his children forever.

182. INGLES refused to do an independent and thorough investigation as required by the District Court rules and acting in a prosecutorial role toward the Schwabs which was outside her scope of responsibilities. Eventually, when the Schwab's received their children back she abandoned her role

as Ad Litem and became the sole fact finder for the Court. INGLES continued to slander and spread false information about the Schwab's and consistently attempted to bias their providers against them from giving favorable reports. She falsely claimed the children did not wish to be with their parents and allowed the children to be told their parents were on drugs, that they weren't fighting for them to come home, refused the Schwab's access to their children or to even interview them for court proceedings and spread malicious lies about the Schwabs such as Mr. Schwab allegedly throwing a child down stairs that never happened. All four respondents refused to apply the ICWA to the proceedings as even the original petition for removal stated the children may be of native American descent. All four participated in the alienation of D.B. From Mr. Schwab and refused to file motions to have Mr. Schwab visit with his stepson who he raised from 2 years old. Respondent's allowed and participated in the coaching and manipulation of the children's testimony.

175. As a consequence of said conduct, neglect and refusal to do their job's they prolonged the dependancy proceedings and Plaintiff is entitled to actual damages for harm suffered to their reputation, family bond and structure, property, business, trade, profession, or occupation; expenses paid as a result of the defamatory statements; harm to their reputation; as well as their shame, mortification, and humiliation.

176 . Additionally, Plaintiff is entitled assumed damages, because each of these Respondent's knew that the allegation's were false or had serious doubts about the truth of the petition to remove children, as well as punitive damages, because these defendants also acted with malice, oppression, or fraud and negligence.

COUNT 8 MALICIOUS PROSECUTION /ABUSE OF POWER WILKERSON and FEILDS

Complaint for Violation of Civil Rights

177. Plaintiff realleges, and to the extent applicable, incorporates herein as if set forth in full, each of the foregoing Paragraphs (1-176) above.

178. Respondent's WILKERSON and FIELD'S should have and did know, through information and belief that subjecting an individual to unconstitutional searches and seizures, restricting documents, operating in a biased and malicious manner toward the SCHWAB'S, and prosecuting a case with no investigation or evidence was improper and a violation of the SCHWAB'S and their children's Constitutional rights and right to due process.

179. The Respondent's were aware and did know, through information and belief that the allegations against the Schwab's were the result of familial interference with lawful parental custody, that the family members who took the Schwab Children to Riley County did so at an attempt to jurisdiction shop for a favorable venue, that no investigation had been done by RCPD, and the allegations against the Schwab's were false, without substantiation or fact.

180. WILKERSON and FIELDS willingly and knowingly pursued litigation knowing the facts of the case were coerced, the seizure of the children improper and worked in concert with other respondent's to maintain the false narrative of abuse and neglect against the Schwab's successful achieving adjudication of the Schwab children through manipulating the legal process.

181. WILKERSON and FIELDS participated in and assented to the manipulation of the PFRT program by St Francis against C.S. Leading to his abuse. They continued for three years to spread misinformation, have EX PARTE conversations with Judge BOSCH, restrict document's, and assent to burdensome and unconstitutional requirements forced on the Schwab's to get their children back. FIELD'S, on the record, objected to MRS. Schwab receiving representation when it was her statutory right to have counsel and proceeded without objection through a hearing where Mrs. Schwab was forced to represent herself.

182. WILKERSON knows the Schwab's and has unsuccessfully attempted to prosecute Mr. Schwab multiple times in a seeming agenda against Mr. Schwab. During a document review he informed Mr. Schwab he "Knew him as a child and was sorry how his life turned out" in an attempt to intimidate and cause distress Mr. Schwab while he was attempting to look at documents essential to raise an adequate defense. When files were found to be missing, such as E.S. Abuse report, Mr Schwab and Mr. Wilkerson got into a heated argument where WILKERSON ordered Mr. Schwab to "Shut his damn mouth" and insisted that "You will never get that file" to Mr. Schwab in the presence of witnesses. WILKERSON, with other respondent's, unsuccessfully attempted to seize D.B. In Kansas when the Schwabs came back for a wedding. After public pressure due to Mr. Schwab repeatedly going on a national radio show which brought national public attention to the case, WILKERSON and other respondent's threatened the Schwab's repeatedly if they were not silent they would lose all their kids forever. After 45 days and intense public outcry D.B. Was given back with the Court citing jurisdictional issues. The Schwab's believe, through information and belief, the Dependency Court prosecution initiated in April of 2015 was retaliation and a malicious attempt at retribution against Mr. Schwab for previous prosecution failures which is why the respondent's allowed family members to kidnap the Schwab's children and flee to Riley County, where they had never lived and were not authorized to be, with people that were not supposed to have any custody or control over the children, and allow their false testimony through no investigation initiate a Court proceeding which lasted 3 years and caused immense hardship, suffering, defamation and harm to all of the Schwab family members.

PRAYER

WHEREFORE, Plaintiff prays for judgment against Respondent's as follows:

Complaint for Violation of Civil Rights

1. General damages and special damages according to proof, but in no event less than \$1,000,000 per child per year they were held unlawfully and in denial of Plaintiff's civil right's and due process. This is equal to 15,000,000
all the expenditures the Schwab's incurred out of pocket for therapist, travel, drug test, and other associated cost.
2. As against only the individual Defendants punitive damages as allowed by law;
3. General damages and special damages according to proof for the loss of Mr. Schwabs career with the VA. This was caused by the mental anguish and stress, as well as the burdensome requirements and travel forced upon the Schwab's to comply with demands of the respondent's in the amount of 3,000,000
3. Attorneys' fees pursuant to 42 U.S.C. § 1988, and any other appropriate statute; if Plaintiff's choose to retain counsel.
4. Costs of suit incurred herein; and return of the child support collected through fraud upon the Court and deprivation of civil liberties
5. Such further relief as the Court deems just and proper.

PLACE OF TRIAL

In accord with Local Rule 40.2(a), Plaintiff hereby designates Denver Colorado as the place of trial in this matter.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

/s/ Raymond Schwab 8-27-2018
RAYMOND SCHWAB
In propria persona

/s/ Amelia Schwab 8-27-18
AMELIA SCHWAB
In propria persona

LIST OF RESPONDENT'S: Service required

Pathways Family Services

4101 SW Martin Dr # C,
Topeka, KS 66609

St Francis Community Services (Corporation and Individuals)

509 E Elm St
Salina, Ks 67401

St Francis Community Service Workers Manhattan ks.

Kathy Boyd

Laura Price

Kaylee Posson

222 Southwind Rd,
Manhattan, KS

Randy Debenham, Debenham Law Firm

3615 SW 29th St,
Topeka, KS 66614

Pawnee Mental Health (Unkown individuals involved listed as Does 1-10)

437 Houston St,
Manhattan, KS 66502

Riley County Police Dept

1001 S. Seth Childs Road
Manhattan, Ks 66502

Julia Goggins

1001 S. Seth Childs Road
Manhattan, Ks 66502

Complaint for Violation of Civil Rights

CARLA SWARTZ

16960 Munkers Creek Rd
Alta Vista, KS 66834

Riley County Prosecutor

Barry Wilkerson (Official and Personal Capacity)
ADA Bethany Fields (Official and Personal Capacity)
105 County Court Sidewalk
Manhattan Ks 66502

Blake Robinson (individually and in official capacity)
211 South 4th St
Manhattan ks 66502

Andy Vinduska (individually and in official capacity)
555 Poyntz Ave #225
Manhattan, Ks 66502

Miranda Johnson (individually and in official capacity)
1001 S Seth Childs Road
Manhattan Kansas 66502

Lora Ingles (individually and in official capacity)
1619 Poyntz Ave
Manhattan Ks 66502

KVC

235 S Kansas Ave,
Topeka, KS 66603

KVC WORKERS

Deja Jackson (Individual and Official Capacity)
Ronda Eisenbarger
235 S Kansas Ave,
Topeka, KS 66603

Kansas Department for Children and Families

1. Kendra Baker (Individual and Official Capacity)
2. Phyllis Gilmore (Individually and Official Capacity)
3. Theresa Freed: Director of Communications (Individual and Official Capacity)
4. Kim Yoxell
5. Angie Suther

Complaint for Violation of Civil Rights

Service Address:
Office of the Secretary
555 S. Kansas Avenue
Topeka, Kansas 66603

Anthony Allison and Michelle Allison
201 E Cedar ST
Riley Ks. 66531

Amanda Allison-Ballard
115 N Noble St
Riley, Ks 66531

Defendant's

Kris Kobach

120 SW 10th Ave
Topeka, Ks 66612

Kansas Department for Children and Families

Office of the Secretary
555 S. Kansas Avenue
Topeka, Kansas 66603

Kendra Baker

Office of the Secretary
555 S. Kansas Avenue
Topeka, Kansas 66603

Phyllis Gilmore

Office of the Secretary
555 S. Kansas Avenue
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Theresa Freed

Office of the Secretary
555 S. Kansas Avenue
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Kim Yoxell

Office of the Secretary
555 S. Kansas Avenue
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Angie Suther

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Julia Goggins
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Alta Vista, KS 66834

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Topeka, KS 66603

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235 S Kansas Ave,
Topeka, KS 66603

Ronda Eisenbarger
235 S Kansas Ave,
Topeka, KS 66603

Pathways Family Services
4101 SW Martin Dr # C,
Topeka, KS 66609

Pawnee Mental Health (Unknown individuals involved listed as Does 1-10)

437 Houston St,
Manhattan, KS 66502

Sunflower CASA Project

115 N 4th St.
Manhattan, KS 66502

St Francis Community Services

509 E Elm St
Salina ,Ks 67401

Kathy Boyd

509 E Elm St
Salina ,Ks 67401

Laura Price

509 E Elm St
Salina ,Ks 67401

Kaylee Posson

509 E Elm St
Salina ,Ks 67401

Anthony Allison

201 E Cedar ST
Riley Ks. 66531

Michelle Allison

201 E Cedar ST
Riley Ks. 66531

Amanda Allison-Ballard

115 N Noble St
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