

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

LALANEA STAR LITTLE,
INDIVIDUALLY AND AS NEXT FRIEND
OF CHILD, ANDREW LITTLE,

Plaintiffs,

vs

Case No: 2:18-CV-____
Honorable:
United States District Judge

PRESQUE ISLE COUNTY,
DEPARTMENT OF CHILD PROTECTIVE
SERVICES, et al.,

Defendant(s).

_____ /

INTRODUCTION

This case is a civil action commenced pursuant to 42 U.S.C. § 1983 to redress the deprivation by Defendants of rights secured to Plaintiffs under the Fourth and Fourteenth Amendments to the United States Constitution, as well as state claims for assault, battery, false imprisonment, and intentional infliction of emotional distress.

JURISDICTION AND VENUE

1. The Plaintiff Lalanea Star Little and her children who reside Onaway, Michigan, bring this civil rights lawsuit pursuant to 42 U.S.C. § 1983 to redress the deprivation, by the Defendant under color of state law, of rights secured to them under the Fourth and Fourteenth Amendment to the United States Constitution.

2. Jurisdiction is conferred on this court by 28 U.S.C. § 1343(3) and 1343(4), which provide for original jurisdiction in this court of all suits brought pursuant to 42 U.S.C. § 1983; by 28 U.S.C. § 1331(a) because the cause of action arises under the Constitution and laws of the United States; and by 28 U.S.C. § 1367 because the state claims are part of the same case and controversy.

3. Venue properly lies in this Court pursuant to 28 U.S.C. § 1391 in that a substantial part of the events or omissions giving rise to the claim occurred in this federal district.

PARTIES

4. Lalanea Star Little is a United States citizen who resides in Onaway, Michigan. She is the parent and next friend of C.L., a child.

5. Defendant PRESQUE ISLE COUNTY is a nonprofit Michigan corporation located in, PRESQUE ISLE COUNTY, Michigan.

6. Defendant Unknown Defendant is a psychiatrist employed by Defendant PRESQUE ISLE COUNTY, and an agent of the Defendant PRESQUE ISLE COUNTY, and was at all pertinent times herein on or about its business in the course and scope of her employment.

7. Upon information and belief, Unknown Defendant is a citizen and resident of PRESQUE ISLE COUNTY Michigan and employed with the Michigan Department of Health and Human Services. Unknown Defendant was acting under the authority or

color of state law at the time the following claims occurred as she was acting for the state in her role as a caseworker for Defendant Michigan Department of Health and Human Services.

FACTS

PRESQUE ISLE COUNTY SEIZES LITTLE CHILD,
DENIES MOTHER FAMILY INTEGRITY RIGHTS

8. Lalanea Star Little is the proud mother of C.L., Ms. Little’s minor son. Ms. Little suffers from Borderline Personality Disorder, a mental illness.

9. The Little Family has been under the control of PRESQUE ISLE COUNTY, and its Child Protective Services Department, since 2015. Subsequently, the County held an emergency hearing to seize Little’s child and terminate her parental rights. Defendants knew that Ms. Little was hospitalized, under anesthesia, and could not attend the hearing. Despite this knowledge, Defendants would not attend the hearing. The child remains under the control of PRESQUE ISLE COUNTY, and its Child Protective Services Department.

10. Ms. Little suffers from Borderline Personality Disorder, a mental illness, but she is stable, and under her doctor’s care. Ms. Little has adverse reactions to lithium, but is otherwise receiving medically approved therapy and stabilizing treatment. While Ms. Little’s therapist advises against lithium use, Defendants are denying Ms. Little parenting visits unless she takes lithium. A caseworker advised

Ms. Little that she could not see her child until she submits to the government's approved course of treatment.

11. At all times relative to this action, Defendants limited the Little family's ability to function as a family, with integrity. At no time did Ms. Little exhibit symptoms associated with psychosis.

12. Defendants initiated a baseless behavior/medical treatment plan against the Little Family, with inapplicable protocols and conflicting mandates. The Defendants' behavior/medical treatment plan, and other wrongful acts, caused an unreasonable disruption of the Little Family's right to exist as a family, free from arbitrary government power. Defendants' acts created a tapestry of confusion, subjecting the Little Family to a web of constant, unreasonable civil rights deprivations.

13. In 2017, and all times relevant thereto, Defendants Child Protective Services, and their agents, recklessly caused numerous baseless investigations to be opened against the Plaintiffs, each with different Case Plans, protocols, and conflicting mandates. Through material misrepresentations and arbitrary methods, Defendants caused unreasonable and unlawful seizures of Plaintiff Lalanea Star Little's children—and unreasonably denied unification of Plaintiff Lalanea Star Little's children through willful and/or reckless misrepresentations to courts and law enforcement officials. Each baseless seizure and case plan caused an

unreasonable disruption of the Plaintiffs' respective rights to exist as a family, free from arbitrary government power.

**FIRST CAUSE OF ACTION
UNLAWFUL SEIZURE OF PERSON
UNDER SECTION 1983 OF THE CIVIL RIGHTS ACT OF 1964**

14. Plaintiffs incorporate by reference and re-alleges paragraphs 1 through 13 herein.

15. To sustain a claim under 42 U.S.C. § 1983, Plaintiffs must allege (1) that some person has deprived them of a federal right and (2) the person who has deprived them of that right acted under color of state or territorial law. *Gomez v. Toledo*, 446 U.S. 635, 640 (1980).

16. As a parent, Plaintiff Ms. Little has a liberty interest in their family's integrity. The Constitution protects from wrongful governmental interference of parental decisions, as it is "perhaps the oldest of the fundamental liberty interests." *Troxel v. Granville*, 530 U.S. 57, 72 (2000).

17. Moreover, the Ms. Little's parenting right to "bring up children" is a "liberty interest" guaranteed by the Fourteenth Amendment of the Constitution. See *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); see also *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944); *Santusky v. Kramer*, 455 U.S. 745, 753 (1982)("historical recognition that freedom of personal choice in matters of family life is fundamental").

As the Supreme Court explained in *Prince v. Massachusetts*:

It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.

Prince v. Massachusetts, 321 U.S. 158, 166 (1944). Thus “[p]arental autonomy to care for children free from government interference... satisfies a child's need for continuity and thus ensures his or her psychological and physical well-being.”

Newark v. Williams, 588 A.2d 1108, 1115 (Del. Super. 1990). See also Goldstein, *Medical Care for the Child at Risk: On State Supervention of Parental Autonomy*, 86 YALE L.J. 645, 649 & n. 13 & 14 (1977)(noting that "law does not have the capacity to supervise the delicately complex interpersonal bonds between parent and child.").

18. Defendants’ seizure of C.L without a court order, consent of the parents, probable cause, or exigent circumstances violated the Plaintiffs’ Fourth Amendment right to be secure against unreasonable seizures.

19. Defendants acted under a color of state law when they set in motion a series of events and acts by others that Defendants knew, or should have known, would cause others to inflict a constitutional injury upon Plaintiffs. Defendants wrongfully deprived Plaintiffs of privileges and/or immunities guaranteed by the Constitution and the laws of the United States.

20. Defendants had no objective reason to believe that the child’s life or limb was in immediate jeopardy. Defendants violated Plaintiffs’ rights through distortion, misrepresentation, and reckless omission of facts.

PLAINTIFFS REQUEST that this Court enter judgment against Defendant for the following:

- (a) A declaratory judgment, pursuant to 28 U.S.C. § 2201 declaring that Defendants' actions were unlawful and violate Plaintiffs' rights under the Section 1983;
- (b) Preliminary and injunctive relief pursuant to Fed. R. Civ. P. 65;
- (c) Compensatory and exemplary damages;
- (d) That Defendant be specifically required to perform contract; and
- (e) All other relief that may be proper.

**SECOND CAUSE OF ACTION
CONSPIRACY TO DEPRIVE CONSTITUTIONAL RIGHTS,
IN VIOLATION OF SECTION 1983 OF THE CIVIL RIGHTS ACT OF 1964**

- 21. Plaintiffs incorporate by reference and re-alleges paragraphs 1 through 20 herein.
- 22. Defendants conspired by concerted action to accomplish an unlawful deprivation of Plaintiffs' well-established constitutional rights, by unlawful means.
- 23. Each of the named Defendants committed willful, overt acts in furtherance of the conspiracy.
- 24. The misconduct described in this Complaint was undertaken with malice, willfulness, and reckless indifference to Plaintiffs' rights.

25. Such acts proximately caused Plaintiffs damages, pain, suffering, embarrassment and humiliation.

THIRD CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

26. Plaintiffs hereby incorporate by reference Paragraphs 1 through 25 of this Complaint as if fully set forth herein and for a cause of action alleges as follows:

27. A person may recover damages for intentional infliction of emotional distress if she suffers severe emotional injury caused by Defendant's outrageous conduct with the intent to cause, or with reckless disregard of the probability of causing, emotional distress.

28. Defendants' baseless accusations of imminent mental danger, and reckless disregard of objective medical evidence, constitute extreme and outrageous conduct toward the Little Family.

29. Defendants used their positions of prestige and authority to damage Plaintiffs' interests. Defendants acted wrongfully, despite knowing that their conduct would likely result in serious damage to Plaintiffs, and with reckless disregard for the well being of Plaintiffs.

30. Plaintiffs continue to suffer shock, fear, indignity, terror and apprehension due directly to actions of Defendants, and are elementally vulnerable and further frightened, humiliated, and terrorized by their ongoing conduct.

31. Defendants breached a duty of due care which it owes to Plaintiffs by failing to adhere to acceptable hiring standards, or provide adequate guidance, oversight, supervision and training to its employees.

32. Defendants breached that duty of due care owed to Plaintiffs by failing to implement or enforce any policy that will preclude and prevent the unlawful processes and procedures which result in a wrongful child seizure by case care workers, police, and others in their employ.

33. Defendants' actions described above are intentional and carried out with deliberate indifference to and callous disregard of the rights, well- being, and best interests of Plaintiffs.

34. That by subjecting Plaintiffs to baseless and coercive tactics designed to make Plaintiffs seem neglectful, Defendants maximized that damage, justifying punitive damages against individual defendants, in amounts to be proved at trial.

35. That each of the actions of Defendants has resulted in Plaintiffs suffering severe emotional injuries.

36. Plaintiffs suffer from injuries including but not limited to: high anxiety; fear of separation from their minor children; emotional distress; inability to sleep or eat.

WHEREFORE, Plaintiffs request the court to grant them the following relief, jointly and severally, against the Defendants:

A. Compensatory damages;

- B. Punitive damages in an amount sufficient to satisfy statutory requirements;
- C. Attorney's fees pursuant to 42 U.S.C. § 1983; and
- D. Any such further relief as this court may deem appropriate.

**FOURTH CAUSE OF ACTION
ABUSE OF PROCESS**

37. Plaintiffs incorporate by reference and re-alleges paragraphs 1 through 36 herein.

38. Defendants arbitrarily and capriciously ignored administrative requirements, to the disadvantage of Plaintiffs, under the guise of baseless accusations of mental health danger.

39. Defendants arbitrarily and capriciously caused Plaintiffs unlawful deprivation of Plaintiffs' well-established constitutional rights—the fundamental liberty interest in their respective family integrity. Defendants failed to follow established administrative procedures, to Plaintiffs' detriment.

40. Such use of the administrative process was not legitimate, regular, or legal.

41. As a direct result of Defendants' abuse of the administrative process, Plaintiffs have suffered damages.

JURY DEMAND

Plaintiffs demand a trial by jury.

Respectfully submitted,

/s/ Allison Folmar

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