

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT
AT NASHVILLE, TENNESSEE

WENDY HANCOCK, personally
And as Next Friend of B.B.

Plaintiffs

v.

No. _____

DEANDRA MILLER

JURY DEMAND

ANGELA BROWN

TRACY HETZEL

SARAH CRIPPS

MICHAEL COLLINS

JAMES CORNELIUS

MATTHEW HOLMES

ROBERT WILLIAMS

FANETHA SNEED

WENDOLYN MILLER

EASTER WILLIAMS

CHRISTA WILSON

AMY HOLLARS

CITY OF SMITHVILLE

COUNTY OF SMITH

KEYS GROUP HOLDING LLC

KEYS GROUP OF MEMPHIS, LLC

Defendants

COMPLAINT FOR DECLARATORY RELIEF
AND FOR DAMAGES

Now comes the Plaintiffs, WENDY HANCOCK, personally and as next friend for B.B., by and through Counsel, and files this Complaint for damages under the authority of 42 U.S.C. Sec. 1983 for the individual violations of constitutional rights; 42 U.S.C. Sec. 1985 for the collective conspired actions by the defendants as set forth herein in the

violations of constitutional rights; 42 U.S.C. Sec. 1988 for attorney's fees; for municipal liability; and for other tort actions as identified below. Plaintiffs would show as follow:

1. Plaintiff, **Wendy Hancock**, is an adult residing in Dekalb County, Tennessee. She is the biological and legal mother of **B.B.**, a minor child born in 2006. The minor child resides with and is in the legal custody of the Mother. Wendy Hancock is bringing this action in her own behalf and in behalf of her minor daughter. She is referred to as Wendy Hancock, Hancock, or Mother.
2. **Deandra Miller** is an adult believed to be residing in Dekalb County, Tennessee. At all times during the events described herein she was employed by the State of Tennessee, Department of Children's Services (DCS) that maintains an office in Dekalb County, Smithville, Tennessee. She served in the capacity of case worker (investigator) for DCS. She is named in her individual capacity. She is referred to as Ms. Miller, DeDe Miller, Deandra Miller or CW Miller.
3. **Angela Brown** is an adult believed to be residing in Dekalb County, Tennessee. At all times during the events described herein she was employed by DCS that maintains an office in Dekalb County. She served in the capacity of Family Services Worker. She is named in her individual capacity. She is referred to as Ms. Brown, Angela Brown, Angie Brown, or FSW Brown.
4. **Tracy Hetzel** is an adult believed to be residing in McMinnville, Warren County, Tennessee. At all times during the events described here she was employed by DCS and it is believed that her office is located in Cookeville, Putnam County, Tennessee. She served in the capacity of DCS attorney. She is named in her

individual capacity. She is referred to as Tracy Hetzel, Attorney Hetzel or DCS Hetzel.

5. **Sarah Cripps** is an adult believed to be residing in Dekalb County, Tennessee. She is licensed to practice law and was appointed by Judge Michael Collins to serve as Guardian ad litem for B.B. and her brother in August 2018. Said appointment is believed to be under the authority of Tenn. Sup. Ct. 40 and Tenn. Code Ann. 37-1-149. As GAL, Cripps has a duty to present evidence on the best interests of the children and to inform the Court if the children's desire for advocacy differs from her opinion on the best interest outcome. Plaintiffs hold that any immunity she may enjoy under federal or state law does not apply herein. Cripps acts of First Amendment retaliation, coercion of testimony, and the unlawful retention of B.B. in foster care are in direct contravention to her duties and roles assigned by the law and the Courts. Said immunity is based on the presumption that the GAL acts in the best interests of the child. Acts intended to interfere with due process, unlawful retention, and retaliation are not protected. Cripps is a state actor for purposes of this action. Further, Cripps had a special relationship with the children and had a duty to protect them from the abuses caused by foster care. Cripps neglected that duty which is the proximate cause of the injury to B.B. She is named in her individual capacity. She is referred to as Sarah Cripps or GAL Cripps.

6. **Michael Collins** is an adult believed to be residing in Carthage, Smith County, Tennessee. At all times during the events described here, he was employed by Smith County as a county General Sessions/ juvenile court judge. He is named in his

individual capacity for acts taken in which he did not have jurisdiction. Any immunity that Collins may enjoy in his judicial capacity is lost when he acts without authority¹. As stated herein, Collins lacked subject matter jurisdiction on August 13, 2018 when he entered an ex parte order against the Plaintiffs. His acts caused the unlawful seizure and retention of B.B., the unlawful arrest of Hancock, and violated the due process rights of the Plaintiffs. He shall be referred to as Michael Collins or Judge Collins.

7. **James Cornelius** is an adult believed to be residing in Dekalb County, Tennessee. At all time during the events described herein, he was employed by the Smithville Police Department as a Detective. He is named in his individual capacity. He shall be referred to as James Cornelius or Det. Cornelius.

¹ No doubt that Defendant Collins, or the Attorney General acting in his behalf will explain Collins' jurisdiction was being valid under a Supreme Court "standing order" entered by Justice Bivins that allows for several general sessions court judges (from several counties) to exchange their jurisdictions. First, this Court should know that there was NO order of recusal or transfer of the case in the court file of the Plaintiff at any time during the pendency of this matter. And when Plaintiff's counsel spoke to the Court Clerk on August 15, 2018 and asked for an order of recusal or transfer to Judge Collins, the Clerk admitted that it did not exist. Judge Cook would later testify before Judge Hollars that there was NO order of recusal or transfer and he admitted that the General Sessions Judges listed on the order participated in a wholesale shuffling of jurisdictions by frequently substituting for each other with no formal authority. Judge Cook will be a material witness to this case. Plaintiff would argue that this process of shuffling general sessions judges is unauthorized and a violation of separation of powers. The Tennessee Constitution as a clear separation of powers clause (Art. II) and the legislature is given the power to create courts and assign jurisdiction. (Art. XI, Sec. 1). As provided herein the jurisdiction of the general sessions judges is limited to the county of the court's situs. The Sixth Circuit Court addressed the separation of powers clause of the Tenn. Const. in *Lindenberg v. Jackson Natl. Life Ins. Co.*, 912 F.3d 348 (6th Cir. Dec. 2018) when the General Assembly passed legislation to cap punitive damages. Likewise, where the General Assembly is given the authority to assign jurisdiction, the Tenn. Supreme Court cannot shuffle judges from county to county with a "standing order." Further, the Tenn. Sup. Court ruled that a search warrant was invalid and unconstitutional when a judge in a neighboring county executed a search warrant without having properly received any authority for a transfer of jurisdiction. *State of Tenn v. Frazier*, 558 S.W.3d 145, (Tenn. 2018)

8. **Matthew Holmes** is an adult believed to be residing in Dekalb County, Tennessee. At all times during the events described herein, he was employed by the Smithville Police Department as an officer or detective. Holmes participated with Cornelius in violating the Fifth Amendment rights of Plaintiff Hancock. He is named in his individual capacity. He shall be referred to as Matt Holmes or PD Holmes.
9. **Robert Williams** is an adult believed to be residing in Dekalb County, Tennessee. At all times during the events described herein, he served in the capacity of Foster Care Review Board member, believed to be appointed by Dekalb County Juvenile Court Judge Cook and as Juvenile Court Probation Officer/Youth Services Officer of the Dekalb County Juvenile Court. He is named in his individual capacity. He is referred to as Robert Williams or R. Williams.
10. **Fanetha Sneed** is an adult believed to be residing in Jackson, Madison County, Tennessee. At all time during the events described herein, she served in the capacity of foster parent employed or contracted through an entity referred to by DCS as Keys. Plaintiffs believe that this refers to Keys Group of Memphis, LLC or Keys Group Holdings, LLC. Fanetha Sneed is paid by this private contractor to provide foster care services making her a state actor for purposes of this complaint. She is named in her individual and official capacity. She is referred to as Fanetha Sneed or Sneed.
11. **Wendolyn Miller** is an adult believed to be residing in Jackson, Madison County, Tennessee. At all times during the events described herein, she served in the capacity of foster care supervisor over the home of Fanetha Sneed and believed to

also be the supervisor over the foster home of Easter Williams making her a state actor for purposes of this complaint. Wendolyn Miller is employed by Keys which is believed to be Keys Group of Memphis, LLC or Keys Group Holdings, LLC. She is named in her individual and official capacity. She is referred to as Wendolyn Miller or W. Miller.

12. **Easter Williams** is an adult believed to be residing in Jackson, Madison County, Tennessee. At all times during the events described herein, she served in the capacity of foster parent, believed to be employed or contracted through an entity referred to by DCS as Keys making her a state actor for purposes of this Complaint. Plaintiffs believe that this refers to Keys Group of Memphis, LLC or Keys Group Holdings, LLC. Easter Williams is paid by this private contractor to provide foster care services making her a state actor for purposes of this complaint. She is named in her individual and official capacity. She is referred to as Easter Williams or Ms. Williams.

13. **Christa Wilson** is an adult residing in Macon County, Tennessee. At all times during the events described herein, she served in the capacity of foster parent believed to be receiving funds for foster care directly from the State of Tennessee making her a state actor for purposes of this Complaint. In the event, discovery determines that Wilson is employed by a third-party contractor, the Plaintiffs reserve the right to amend and join said contractor. After a diligent review of DCS records, no third-party private contractor is identified. She is named in her individual capacity. She is referred to as Christa Wilson or Wilson.

14. **Amy Hollars** is an adult believed to be residing in Livingston, Overton County, Tennessee. At all times during the events described here, she served in the capacity of Circuit Court Judge for the Thirteenth Judicial District of the State of Tennessee with general jurisdiction over circuit and criminal matters. She is named in her individual capacity for non-judicial acts for which she does not enjoy judicial immunity. She is referred to as Amy Hollars or Judge Hollars.

15. **City of Smithville** is a municipal entity that employs James Cornelius and Matt Holmes in the capacity of law enforcement. Plaintiffs would show that other Smithville employees are liable in their official capacity for the acts of Cornelius in that they engage in a custom and practice of engaging in coordination with DCS to remove children from homes while violating the Fourth and Fifth Amendment Rights of citizens. Plaintiffs would also show that the overriding desire to remove children from parents is the moving force of repeated constitutional violations of parents. Plaintiffs would also show that the failure to train and supervise Cornelius and Holmes on the Fourth and Fifth Amendment constitutional rights of citizens results in deliberate indifference to the rights of citizens which was the moving force behind the violations of plaintiffs' rights set forth herein. Since any individual responsible for training and supervision would be named in their official capacity, said action would be an action against the municipality, therefore City of Smithville is liable for damages caused by Cornelius and Holmes. City of Smithville is located in Dekalb County, Tennessee. It shall be referred to as Smithville.

16. **County of Smith** is a municipal entity that employs Michael Collins as a county court, i.e, juvenile court, judicial officer. Plaintiffs would show that other employees of Smith County have a duty to make sure the Collins is trained and supervised in his judicial capacity and that the customs and practice of this county court are the moving force of the constitutional violations of Collins, therefore Smith County is liable for the acts of Collins. The juvenile court (General Sessions Court) system engages in a custom and practice of relying on the ex parte petitions filed by DCS employees based on hearsay affidavits and for which DCS has done little to no investigation. The juvenile court system also engages in such wholesale shuffling of cases along with other county courts that citizens cannot be secure in the legitimacy of the court's authority. In accordance with the Tennessee Constitution, only the Legislative Branch of Tennessee government can create courts and assign jurisdiction. The juvenile courts of Tennessee are identified as county and municipal courts under Tenn. Code Ann. Sec. 37-1-101 & 102. Michael Collins did not have jurisdiction to enter an ex parte order on August 13, 2018. Smith County did not provide supervision and training to Judge Michael Collins such that he would be aware of the limitations of his jurisdiction. The customs and practice of the Smith County juvenile court system along with the deliberate indifference in the lack of training and supervision of Michal Collins is the moving force behind the constitutional violations of Collins. Since any individual responsible for the training and supervision of Collins would be named in their

official capacity, Smith County bears municipal responsibility. It is referred to as Smith County.

17. Keys Group of Memphis, LLC and Keys Group Holdings, LLC (Keys) are entity doing business in the State of Tennessee and holds a contract with DCS to provide services for the housing and care of children when they are removed from parents. The Tennessee Secretary of State show that Keys Group of Memphis, LLC was administratively dissolved August 8, 2018 (prior to the children being placed in their foster homes). The agent for service of process of Keys Group of Memphis, LLC is its single member located at 5184 Marlboro Ct. Memphis, TN 38125. (no name provided in state records) The agent for service of process for Keys Group Holdings, LLC is Corporation Service Company, 2908 Poston Ave. Nashville, TN 37203. The foster care contract provides for payments from taxpayer funds (state and federal) for children ranging from \$153.67 to \$482.50 per day depending on the level of need. On information and belief, B.B. and her brother were Level II and therefore, Keys received between \$106 and \$150 per day for each child. Keys is believed to pay approximately one-half of this amount directly to the foster parent and retains the other 50% for operations and profit, including the payment of supervisors such as Wendolyn Miller. Keys' lack of training and supervision over the foster care services of Sneed and Williams are the proximate cause and moving force of the constitutional violations perpetrated by the foster parents. To the extent the claims set forth herein are state tort claims for negligence, Keys is vicariously liable due to their duty to provide supervision over the children in their care and has

a heightened special relationship duty of care. Keys negligence in providing the children a safe and secure environment in the homes of Sneed and E. Williams, and for the lack of supervision by W. Miller is the proximate cause of the emotional damage to the children. As of the filing of this Complaint, the Plaintiffs believe that only one of these entities are involved, but the DCS records fails to provide sufficient information to discern which entity should be named. The reference to Keys herein shall refer to the culpable entity. And if and when appropriate, this complaint will be amended to make proper reference.

JURISDICTION AND VENUE

18. Jurisdiction is proper in this Court under the authority of 28 U.S.C. Sec. 1331, 1343, & 1367 for all actions brought under 42 U.S.C. Sec. 1983 and Sec. 1985 and ancillary jurisdiction for state tort actions.
19. Venue is proper in the Middle District Court. 29 U.S.C. Sec. 1391.

RELEVANT AUTHORITY

20. The establishment of juvenile court jurisdiction is found under Tenn. Code Ann. Sec. 37-1-201 et seq in which juvenile court jurisdiction may be placed with the general sessions judge or by special district juvenile courts. Where special juvenile courts are created, they may be designated to serve more than one county. The jurisdiction of general sessions is found at Tenn. Code Ann. Sec. 16-15-503 which is defined geographically by their county boundaries. Judge Collins is a general sessions judge for Smith County located north of Dekalb County.

21. The Department of Children's Services (DCS) is created under Tenn. Code Ann. Sec. 37-5-101 et seq. DCS has the power to create administrative regulations and administrative policies and procedures (APP). APP 14.7 and 14.12 describe investigative tasks and considerations to be made prior to removal of a children from his parents. Included under APP 14.12 is the requirement of the DCS case worker to have a child and family team meeting which includes the parents to address safety issues (CFTM) and arrange for services within the home to prevent removal. Emergency and ex parte orders are only to be sought where (1) the child is in danger of imminent danger of serious bodily injury and custodial removal is reasonably necessary to avert a specific injury; (2) there is an immediate threat of specific, serious, irreparable harm; (3) where there is a particular injury or condition endangering the child; or (4) an immediate threat of harm.

22. Tenn. Code Ann. Sec. 37-1-103 provides that the juvenile court has exclusive jurisdiction over petitions brought to prosecute allegations of dependent and neglect (37-1-102). Venue is statutorily defined as the location where the child resides or is located at the time of the initiation of the action. B.B. did not reside in, nor was she located in Smith County at the time of the initiation of the action taken against Hancock.

23. Foster care review boards are authorized under Tenn. Code Ann. Sec. 37-2-404 & 406. The code describes the duties and responsibilities of the board as a mechanism to report to the Court the status of the conditions under which a child is housed by DCS and the services provided to the parent. There is no requirement for the parent

or counsel to sign a confidentiality form to participate in the meeting. The board is required to submit a report to the judge within ten days of each meeting.

24. A guardian ad litem in dependency cases is appointed under the authority of Tenn. Code Ann. Sec. 37-1-149 and Tenn. Sup. Ct. Rule 40. Part (b) provides: Any guardian ad litem or special advocate so appointed by the court shall be presumed to be acting in good faith and in so doing shall be immune from any liability that might otherwise be incurred while acting within the scope of such appointment.
25. The Tennessee juvenile courts are courts of limited jurisdiction. They are creations of legislation and were not known in the common law. Consequently, juvenile courts may exercise only such jurisdiction and powers as have been conferred on them by statute. *Green v. Green*, M2007-01263-COA-R3-CV, pg. 18. (Tenn. Ct. App. Feb. 11, 2009) Tenn. Code Ann. Sec. 37-1-101 and 37-1-102(19) states that juvenile courts are municipal and county courts.
26. Tenn. Code Ann. Sec. 37-1-108 provides that the commencement of an action occurs on the transfer of a case or the “filing of a petition”.
27. Juvenile procedure Rule 103 establishes that the commencement of an action is the **filing of the petition with the clerk**. Rule 114 provides that dependent and neglect proceedings are not open to the public.
28. Tenn. Code Ann. Sec. 37-1-153 limits access to files and records of the juvenile court clerks. Those allowed access include the parties, their attorneys, and their representatives.

FACTS

29. Wendy Hancock is the biological and legal mother of three children. One child has reached the age of majority. At the time of the events set forth herein, Hancock had two minor children. Hancock resided in Dekalb County, Tennessee at all times. Hancock and her children are Anglo, protestant, and political conservatives. Hancock has actively supported the child welfare reform movement through social media since 2014. Her opinions about DCS, foster care, and family court have been documented through social media platforms. The acts of the defendants are in retaliation against her First Amendment rights.
30. Since 2010, DCS had a history of harassment against Hancock and her children. On multiple occasions, DCS workers went to the school and pulled her children out of class to interview them privately without her knowledge or permission. During many of these encounters, Hancock did not have an attorney and was without legal advice on how to resolve DCS issues.
31. In about 2015, DCS filed a petition for dependency and neglect against her regarding allegations of abuse and neglect against her children. This time, Hancock hired Attorney Reguli who challenged the petition. Before the matter was taken to trial, DCS agreed to dismiss the petition. DCS counsel sent an email to Hancock's attorney and told her that the petition was dismissed.
32. After the 2015 legal tangle with DCS, Hancock became more active in the grassroots movement for child welfare reform, including seeking accountability of the agency employees and exposure of the perverse financial incentives of Title IV

E federal funding. Hancock joined social media groups including Family Forward Project on Facebook whose members post news stories of foster care abuse; legal news on lawsuits filed against state agencies; arrests of agency employees and foster parents related to child abuse, pornography, substance abuse, and falsification of records; events organized by movement leaders in various states; actions taken by state and national legislative bodies; individual stories of family trauma created by child welfare agencies; and other related matters. Hancock selected Attorney Reguli as her counsel knowing that she would vigorously defend her personal and constitutional rights. Defendants Cripps, Hetzel, Brown, Miller, and Cornelius retaliated against Hancock's political positions and open criticism of DCS which denied fair and equal access to the courts in retaliation for Hancock's participation in this movement. Hancock was also retaliated against due to her selection of an attorney that was known to be politically active for child welfare reform.

33. In May 2017, CW Miller contacted Hancock and told her that there was another referral that DCS needed to investigate but that she would not be conducting the investigation because there was a conflict since Miller personally knew Hancock. To Hancock's knowledge, DCS never followed up on this referral.

34. In October 2017, Hancock's son was in juvenile court related to some unruly conduct and was placed on house arrest and community service. Shortly thereafter, he was disciplined at school for having cigarettes at school.

35. In October 2017, CW Miller left a card on Hancock's door. Instead of contacting CW Miller, Hancock contacted the same attorney, Connie Reguli, and told her about the contact.
36. Attorney Connie Reguli called CW Miller and told her that Hancock had an attorney and that CW Miller should no longer make any personal contact with Hancock. CW Miller refused to discuss and hung up the phone.
37. On Monday, August 6, 2018, Mother went to juvenile court and swore out an unruly petition on her son.
38. On Monday, August 6, 2018, Hancock had an argument with her teenage son over his girlfriend and his daily habits. Her son called the police who came to the home. No arrests were made at that time but the officers took some drug paraphernalia found in her son's room.
39. On Tuesday, August 7, 2018, Hancock's teenage son left the home disgruntled because Hancock told his girlfriend that she could not stay at their home. Her son left the home and did not tell his mother where he was going. He was 16 years old at the time and had several friends from school often gave him rides to school. Mother believed the he had contacted friends to pick him up.
40. On August 8, 2018, CW Miller contacted Hancock again regarding another referral for abuse and neglect. Due to federal and state laws, Hancock has never been able to determine the source of the multiple reports causing her to be subject to investigation.

41. Later Wednesday August 8, 2018, Mother went to the Smithville Police station to make a missing person's report.
42. When Hancock arrived at the Smithville Police Department, Detective Cornelius and CW Miller met her in the lobby and quizzed Hancock about her son. Det. Cornelius took Hancock to another office upstairs and left Miller below. Det. Cornelius gave Hancock a Miranda warning form to fill out, however, he never informed her that she had been accused of any criminal activity. This was NOT a custodial interrogation. Hancock did not understand the need for the Miranda, but Cornelius insisted on her signature.
43. Plaintiff Hancock contacted her attorney, Connie Reguli, and told Reguli about her son. Reguli called CW Miller on or about August 9, 2018 and left a message that Miller was not to speak Hancock without her attorney and that a meeting could be set up to address safety issues. CW Miller did not call back.
44. Unknown to Plaintiff Hancock at the time, DCS took possession of Hancock's son on August 10, when his estranged father, Kevin Bowling, contacted Miller and agreed to meet with her and the teenager. When they met, Mr. Bowling tested positive for meth. CW Miller had no authority to take control or possession of Plaintiff Hancock's teenaged son. CW Miller and Cornelius secreted and controlled the possession of Hancock's son without her permission and in violation of her procedural and due process rights.
45. On Friday, August 10, 2019, Detective Cornelius called Hancock and told her that he had some important information on her son, but she had to COME in to the police

station to tell her. Hancock contacted Atty Reguli who called Cornelius. Cornelius refused to disclose the information he had about Hancock's son. Attorney Reguli told Cornelius that he was not to talk to Hancock again without her attorney present. Reguli asked again about Hancock's son and he said that Hancock had to come to the station. Reguli specially asked Cornelius if there was any emergent information that Hancock needed to know about, and Cornelius said 'no.'

46. Unknown to Hancock at the time, DCS had already taken possession of her son and knew his location. DCS Miller refused to contact Hancock and let her know where her son was located. The unlawful seizure of Hancock's son violated her Fourth and Fourteenth Amendment rights.

47. Unknown to Hancock at the time, DCS employee Felicia Harris contacted Dekalb County Juvenile Court Judge Cook's secretary on Friday, August 10, to ask if Judge Cook would be available to sign an ex parte order against Ms. Hancock. Hancock was told by the judge's secretary that Judge Cook would not hear a case regarding Wendy Hancock due his prior involvement. (Ms. Hancock would not become aware of this until nearly six weeks later when Judge Cook was called to testify by Judge Hollars on Hancock's Writ filed with the Circuit Court.) CW Miller secreted from Hancock and her attorney this ex parte communication with the Court. This is further evidence that there was NO imminent threat of serious harm to B.B. in that the petition was not even filed until Monday, August 13.

48. Over the weekend, Saturday (Aug. 11) and Sunday (Aug 12) neither DCS Miller or Detective Cornelius made any attempt to contact Reguli or Hancock.

49. On Monday, August 13, 2018, Attorney Reguli called CW Miller and left another message, Miller did not call back. Attorney Reguli called CW Miller's supervisor Mary Baker and left a message. Baker did not call back. Attorney Reguli called the Dekalb County Juvenile Court Clerk several times on Monday, August 13, 2018, and asked if any petitions had been filed regarding Hancock or her son. Reguli was told NO. At about 4 pm, Reguli made a final call to the clerk and was told that a petition had just been filed. Reguli asked the clerk to fax it to her office (which is nearly two hours away from Dekalb County). Reguli was told by the Clerk that it would be faxed. The Clerk did NOT fax the documents.

50. On Monday, August 13, Attorney Reguli also contacted Det. Cornelius and left a message. Cornelius did not call back.

51. Unknown to Plaintiff Hancock and her attorney at the time, CW Miller took a verified petition to Judge Michael Collins in Smith County prior to filing said petition with the Dekalb County Juvenile Court Clerk and Collins executed an ex parte order based solely on CW Miller's verified petition at approximately 1:00 pm (two hours prior to filing the petition with the court clerk). This order placed Plaintiff Hancock's child in protective custody of DCS. The verification was executed by CW Miller and was based solely on the hearsay information she received from unknown sources. The petition claimed that Plaintiff Hancock was a drug dealer, drug addict, and was physically abusive to her children. The petition referred to a adult source as "BM" without identifying the name of this person. The

petition did not provide a basis of facts for an immediate and irreparable risk of harm (or substantial risk of harm) to B.B. at the time the ex parte order was executed.

52. CW Miller made NO effort to contact Plaintiff Hancock or her attorney prior to seeking an ex parte order. Judge Michael Collins knew that the petition had not been filed with the Dekalb County Court. Judge Michael Collins knew that there was no order which recused Judge Cook of Dekalb County. Judge Michael Collins knew that there was no order which provided for a transfer of the case, the substitution of judge, or any other documentation within the file that would remove jurisdiction from Judge Cook and give him authority over this Dekalb County case. Collins was without jurisdiction, violating the Fourth Amendment and Fourteenth Amendment rights of the plaintiffs, and is liable for damages.

53. Also, unknown to the Plaintiff and her attorney at the time, Judge Michael Collins set a preliminary hearing for the following morning, August 14 and no efforts were made to serve the DCS petition or contact Plaintiff's attorney to advise her of the hearing. However, DCS produced Plaintiff's teenaged son and took sworn testimony from him outside of the presence of the Plaintiff or her attorney. On information and belief, her son again told Judge Collins, DCS attorney Hetzel, GAL Cripps, and CW Miller that Plaintiff Hancock was represented by Attorney Reguli. An order was prepared from a "form" but was NOT filed with the Dekalb County Juvenile Court Clerk or served on Plaintiff or her attorney. This order was NOT in

the court file on August 15, 2018 when Plaintiffs' counsel was provided a copy of the petition².

54. On Tuesday morning, August 14, 2018, Attorney Reguli contacted the Dekalb County Juvenile Court clerk to see why they had failed to fax the court documents. Attorney Reguli was told that the clerk was not allowed to fax it and that Reguli would have to come to the Clerk's office in Dekalb County to get it. Still no efforts had been made by Attorney Hetzel or CW Miller to contact Plaintiff's counsel or serve the petition on the Mother. No efforts were made by CW Miller or DCS Hetzel to contact Hancock or her counsel.

55. On Wednesday, August 15, Attorney Reguli traveled two hours to the Dekalb County Juvenile Court Clerk's office and asked for a copy of the petition. Reguli was asked if she was accepting service and the Clerk was told "no." Reguli was provided a copy of the petition and order. Reguli asked the Clerk who signed the ex parte and was told it was Smith County Judge Collins. Reguli asked the Clerk for a copy of any order of recusal and was told there was NONE. The Clerk stated that she believed that DCS called the local judge and was told to go to another county. The file contained no order of recusal or transfer. Nor did the file contain any proof of service on the Plaintiff/Mother. Nor did the file contain the order from the hearing held on Tuesday, August 14. On the face of the order and the court file,

² In a hearing in September 2018 before Judge Amy Hollars, Judge Cook was summoned to the courtroom by Hollars via a post-it note she passed to the Court Clerk. Judge Cook now offered yet another standing order from Sup. Ct. Justice Bivins providing for the wholesale transfer of cases. This order was not in the Plaintiffs' file and was not even in the possession of the Court Clerk. The standing order does not address the manner of substitution or transfer of cases.

Judge Michael Collins, a county judge of Smith County, lacked jurisdiction over the petition when he entered the order. Judge Collins had also signed an ex parte order even before the petition was filed with the Court Clerk. This was done by DCS CW Miller and Judge Michael Collins to conceal from Plaintiff Hancock and her counsel that this calculated, devious, and secretive action was taken violating the due process rights of Hancock and her daughter, B.B. Plaintiff would show that the entry of the ex parte order without the filing of the petition was not a judicial act. The rules of procedure are clear that an action is initiated with the filing of the petition with the clerk.

56. The August 13, 2018 petition sworn to by Deandra Miller is tainted with false statements for which Miller knew were false and for which she conducted no investigation. Miller had the resources and access to information and witnesses which would have revealed that Mother was not a drug dealer or drug addict and did not physically abuse her children. As of the date of the filing of this complaint, the Mother/Plaintiff has never been found to be a drug addict, a drug dealer, or child abuser. This petition was fabricated for the sole purposes of obtaining an ex parte order to remove Plaintiff's children from their home.

57. By Wednesday, August 15, Detective Cornelius had still not returned the phone call left by Attorney Reguli on August 13. Instead, Cornelius unlawfully pinged Plaintiffs' phone in violation of the Fourth Amendment. Detective Cornelius wrongfully concealed the information he had on the missing teenaged son of Plaintiff Hancock. As the events unfolded, it became obvious that Cornelius was

acting in concert with CW Miller to trap Hancock with a warrant so her children could be taken from her. Mother had offered to cooperate with Cornelius with her attorney present in his investigation. However, Cornelius did not want to investigate as to criminal activity at all. His goal was to assist CW Miller in taking Hancock's children. When B.B. was forcefully removed from her Mother, there was NO evidence that B.B. was an endangered child. The reporting officer from the Brentwood Police Dept stated that there were no signs of injury, she appeared to have just taken a shower, and was affectionate to her Mother. There was no showing of fear or intimidation by B.B.

58. On Wednesday, August 15, CW Miller, DCS attorney Hetzel, and Det. Cornelius caused the images of B.B. and Plaintiff Hancock to be publicly broadcast under the Amber Alert system identifying B.B. as an "endangered child" and Plaintiff as a criminal defendant. Again, no effort was made to contact Mother's attorney. B.B. was NOT an endangered child at the time of this public broadcast. Det. Cornelius later admitted under oath that he had NO facts to substantiate that B.B. was endangered, but he just had "a feeling" that this was so. Cornelius has admitted that he was the one who contacted T.B.I. to have the child's likeness broadcast. The photograph published by Cornelius was retrieved from the Mother's Facebook profile.

59. On Thursday, August 16, Plaintiff Hancock was arrested and B.B. was taken into custody. The police officer that picked up B.B. stated that she appeared to be clean and he saw no injuries to her. She was affectionate to her mother and hugged her.

Because he saw no signs of fear in B.B. he continued to allow them to interact until DCS could provide transportation for B.B. Plaintiff Hancock was booked on two warrants, assault and contributing to the delinquency of a minor. The underlying events occurred prior to August 10 and it was later discovered that Cornelius took these warrants out on Plaintiff Hancock August 10 right after he told Attorney Reguli that was no emergent situation for which her client needed to be advised. Cornelius made no attempt to serve Plaintiff Hancock or contact her attorney for Hancock to surrender to law enforcement knowing that Hancock's counsel had already offered cooperation.

60. On Friday, August 17, communication was faxed to Judge Collins office demanding the required 72-hour hearing. A hearing was set for Monday, August 20, 2018. Judge Collins therein recused himself and no hearing was held.

61. Plaintiff Hancock was transported to Dekalb County where Det. Cornelius and Matt Holmes commenced a custodial interrogation. Holmes and Cornelius did NOT go through Hancock's Miranda rights against self-incrimination and did NOT have Hancock execute a Miranda waiver. Cornelius flippantly asked Hancock if she knew her rights. Hancock who had been transported under the stress of the events; who suffers from multiple sclerosis; and who had been cuffed, shackled, and transported for several hours said, yeah. Cornelius had already been instructed by Attorney Reguli to not have any conversations with Hancock without counsel present. Cornelius later released this audio to GAL Cripps unlawfully (as an open investigation) and the statements of Hancock were used to prosecute her. Cornelius

and Holmes violated the Fifth Amendment rights of Plaintiff Hancock. For the first time, Plaintiff Hancock discovered that Cornelius had warrants issued for acts that occurred prior to August 10 for which Cornelius had concealed from Attorney Reguli. Det. Cornelius later admitted that he failed to take photos of the alleged assault and that he did not have the dates of the video of the alleged contributing acts. Det. Cornelius still refused to provide Plaintiff Hancock information on her missing son. Cornelius has admitted under oath that he “pinged” the location of Plaintiffs’ phone which is a Fourth Amendment violation.

62. Mother later discovered that her son had slept in the DCS office and had been sent to stay with his friend from Thursday, August 9 through Thursday, August 16 with knowledge and complicity of CW Miller and Det Cornelius; knowledge was withheld from Plaintiff Hancock. Det. Cornelius also took the cell phone of Mother, in the possession of her teenaged son without a warrant and maintained control over that phone for eight months, wiping it clean before returned it to mother. Cornelius unlawfully seized the property of the Mother without a warrant. CW Miller and Det. Cornelius acted in concert to unlawfully seize Hancock’s son and conceal his location violating the Fourth and Fourteenth Amendment rights of the Mother.

63. Plaintiff B.B. was transported first to Dekalb County and then transported with her brother, 200 miles away to the foster home of Fanetha Sneed. Sneed operates and receives payments for foster care services through Keys. Sneed is an African American residing in south Jackson, Madison County, Tennessee. She took the children to a church that preached on the impeachment of President Trump and the

children were required to attend a public school that was predominantly African American. The children later reported that there were fights everyday and they felt labeled as outcasts, being white-foster children plunged into that environment. The children arrived at the Sneed home on or about August 17th and remained there until about September 13th. CW Miller, FSW Brown, and GAL Cripps had a duty to secure the safe and secure environment of the children in foster care. They breached this duty (special relationship) which was the proximate and legal cause of emotional and psychological injury to B.B. and emotional stress to Hancock. These defendants also had a duty to protect the constitutional rights of B.B. to be free of punitive and toxic conditions of confinement. The defendants were deliberately indifferent to the conditions which caused injury to B.B. and Hancock.

64. Unknown to Plaintiff Hancock at the time, CW Miller and FSW Brown arranged for B.B. and Hancock's teenaged son to receive the highly controversial HPV vaccine without Mother's knowledge or consent on the ex parte order of custody executed by Judge Collins. FSW Brown had specifically asked Mother if DCS could get her teenaged son a haircut, but they did NOT ask about the invasive medical treatment of the children.

65. Mother traveled three hours each direction to visit with B.B. in Madison County. Due to the arrest, she was prohibited from visiting with her teenaged son.

66. On September 14, CW Miller and GAL Cripps finally visited the children in Madison County at the Sneed home, 27 days after placement. The children complained that they were not getting enough food and were not allowed to make

their own peanut butter and jelly sandwiches. Sneed told the children that if they did not buy food, they were not allowed to eat it. Sneed wrote on the milk with a permanent marker "Chantz don't open the milk." Plaintiff's children were not even allowed to get ice from the refrigerator. The children were not allowed to take a nap after school and had to go to bed at 10 pm, not any sooner or later. When Sneed would take the family out to eat, Plaintiff's children were required to buy their own food. B.B. was required to sleep with Sneed's 20-year old daughter. The Keys supervisor, Defendant Wendolyn Miller was aware of these circumstances and was deliberately indifferent to the safety and care of the children. W. Miller, Sneed, and E. Williams had a duty (special duty) to provide for the safety and security of B.B. They breached this duty which was the proximate cause of the emotional and psychological injuries to B.B. and emotional stress to Hancock. Sneed would not let the children use a hairdryer and told them that if they did not bring it, they were not to use it. When B.B. arrived at her home, she was crying over her mom. Sneed told B.B. that she was too old to act like that. Sneed was emotionally abusive to the children. Two weeks after the children were in the home, Sneed and W. Miller took the children to a Labor Day party and exposed them to several adults drinking alcohol and smoking marijuana. Wendolyn Miller was to transport the children to court (three hours away from the foster home) on August 20; and W. Miller did not feed the children breakfast and got a speeding ticket with the children in the car.

67. On or about September 14, 2018, the children, B.B. and her teenaged brother, were picked up from Sneed's home and dumped at the home of Easter Williams, another

Keys foster home. The children were dropped off with their belongings in trash bags and neither CW Miller nor GAL Cripps nor FSW Brown inspected the inside of the foster home. Within a day, Hancock's son was crying out for help and was able to contact Tommy Plunkett with Natchez Trace. (Mother still does not know what services Natchez Trace was to provide.) Plunkett was able to get CW Miller on the phone prior to the children being forced to live there. Williams was screaming in the background saying it was her damn phone and he could not use the phone unless she said he could. Hancock's teenaged son told CM Miller that the home was nasty, and that Williams was hateful and hostile. Williams did not provide beds for the children. B.B. was required to sleep on the couch and Hancock's son on the floor. Briefly, B.B. got on the phone call and although B.B. was reluctant to talk, she was noticeably upset. CW Miller was told that there was vodka in the refrigerator and needles in the home. CW Miller told the children that she was looking for a "closer" home for the children, but it took time. When CW Miller finally made it to the home, the following day, she noted the no trespassing signs in the yard and metal bars on the doors. The house was dirty and unkept on the outside. When CW Miller entered the home there were clothes piled on the chair several feet high. There were bottles of champagne on tables in the living room; and one of Williams' children was drinking a beer. When asked where the foster children slept, Williams showed CW Miller a room with no lights; and a bed with no sheets. There was female clothing strung all over the floor and the dresser was covered with female deodorant, perfume, and cigarettes. Williams told CW Miller

that B.B. had to sleep on the couch. Hancock's son slept on the floor. The rooms were cluttered, and random items were piled in the corners and on furniture. The kitchen and bathroom counters, the bathrooms, the refrigerator, and the stove were dirty. The children were afraid to eat due to the roaches crawling in the kitchen. In the hallway, accessible to the children, were several medicine bottles with 90-day supply on the label. The children reported that a man was also living in the home and they were not sure of his identity. They observed him come into the home drunk and fought with Williams. The children heard the man pick up something and say that he would bash Williams in the head. One of Williams' daughters came in drunk at 3 am in the morning and woke the children up with loud noises in the kitchen. When the children told Williams that they wanted food, she told them that she did not have enough money to get gas to drive to the store. Hancock's teenaged son was able to take photos of the alcohol in the refrigerator, but DCS Miller destroyed the photos. When Hancock's son asked Williams to use the phone to call GAL Cripps or CW Miller, Williams told him that DCS would have to put minutes on the phone before he could use it. Hancock's son recorded some of the arguing in the home and DCS Miller refused to preserve the recording destroying and manipulating evidence critical to the care of the children. Williams told Hancock's son, "No wonder your mom don't want you, you are a smart ass." Williams threatened to hit Hancock's son.

68. Under information and belief, Easter Williams is also a Keys foster home and received about \$1,500 per month (pro-rated per day) for the care of the children.

Keys designated the Williams home as a “respite” home when the children were removed from the Sneed home under abusive circumstances. Keys is paid by the State of Tennessee per child.

69. Keys, Sneed, W. Miller, and E. Williams are all state actors for the purposes of this complaint. Keys, Sneed, W. Miller and E. Williams also had a special relationship to the children and had a heightened duty of care for the safety and security of the children. They breached their duty of care and were deliberately indifferent to the constitutional rights of B.B. to be free of toxic and punitive conditions of confinement. They also served as caretakers and parent surrogates for the children. They are liable for the civil rights violations under 42 U.S.C. 1983 and for negligent infliction of emotional distress, outrageous conduct, and negligence under state tort law. Due to the tender age and vulnerability of B.B. a special relationship existed which heightened the duty of care for her safety and security. As state actors, the defendants were deliberately indifferent to the conditions in which B.B. was required to reside. As state tort defendants, the defendants were negligent in their care of B.B. and the emotional distress of B.B. was the proximate result of the actions of these defendants collectively and individually. The conditions of foster care for the children rises to a state-created danger which resulted in emotional abuse to the children.

70. CW Miller, FSW Brown, Keys, E. Williams, W. Miller, Sneed, and Cripps are collectively responsible for the state-created danger of the inappropriate and unsafe environments for which B.B. was forced to live.

71. Mother's attorney complained that the children were not in a culturally appropriate setting in south Madison County, not knowing the severe conditions in which B.B. and Hancock's son were forced to live. Plaintiff Hancock was not informed of the abusive environment in which the children were living until the end of December when she was finally provided the records. Neither was the juvenile court, nor the foster care review board were apprised of the abusive conditions under which the children resided in Madison County.

72. In mid-September, the children were moved to another respite home in another county in Tennessee and then to the home of Christa Wilson in Macon County, Tennessee. Under information and belief, Wilson was a foster home controlled and paid by the state of Tennessee. During all times the children were under her control and possession, CW Miller, Cripps, and FSW Brown were responsible for the well-being of Plaintiffs' children. Wilson was paid \$1,500 per month per child, tax-free, from the State of Tennessee.

73. Wilson's home operated more like an unlicensed group home than a "family-like" foster setting. Thirteen people resided in the home, six of which were unrelated foster children ranging from age five to sixteen. The five-bedroom home also housed other extended relatives of Wilson. Two teenage foster girls that resided with Hancock's children in the foster home had to be removed for violence, cutting, and inappropriate sexual conduct. Wilson was heard yelling and slapping one of the girls. The teenaged son was required to share a bedroom with a five-year-old hyper-active child that spread feces on the walls and Hancock's son was forced to

clean it up. Wilson had two large dogs which lived inside leaving dog hair all over the residence. One dog chewed up and destroyed B.B.'s hearing aid. Wilson refused to comply with court ordered phone calls and cancelled six of the children's weekly visits with Hancock for no reason other than her inconvenience.

74. On multiple occasions, Wilson would complain that she needed a break and FSW Brown and CW Miller would remove the children for "respite" away from her home, placing the children in others' care without notice to the Mother. B.B. would later report to Mother that over her spring break from school she was sent to spend the night with the "bus driver." Wilson took the children to the counselor of HER choosing and Mother was never able to obtain those records. When Wilson was finally required to take the children to counselor Crody for family therapy, she cancelled appointments or just did not show up. Wilson insisted on the children talking to their mother on speaker phone so she could hear what they were saying and would signal to them to cut off the phone call.

75. B.B. lost nearly twenty pounds while in foster care from lack of food.

76. Hancock was not assigned a new judge until October 2018 and the first hearing date was set for November 7, 2018. Even though DCS attorney Hetzel had been served with a discovery request about September 28, 2018, Hetzel refused to produce any records regarding the children purposefully withholding valuable information from Plaintiff/Hancock such as the despicable conditions of the foster homes, the unauthorized inoculations of the children, and the destruction of B.B.'s hearing aid.

The records were not produced until the end of December 2018 and even then, the most recent record provided was November 2018.

77. The State of Tennessee dismissed the charge of domestic assault on Plaintiff Hancock without a trial in November 2018. This charge was based on an allegation made by Hancock's son. Det. Cornelius stated that he "investigated" these allegations but did not preserve any evidence, i.e., he did not photograph any alleged injury to the child or preserve a recording of the child's disclosure/report. This arrest was malicious and without a legal basis. Det. Cornelius initiated this warrant for the sole purpose of assisting CW Miller to remove her children. Hancock's rights were violated by Cornelius by malicious prosecution and negligent investigation.

78. Although GAL Cripps and DCS attorney Hetzel lobbied for dismissal of Hancock's unruly petition against her teenaged son, Hancock objected, and her son was placed on probation in November 2018.

79. Due to the obsequious delays in getting to a final adjudication, Hancock followed her attorney's advice to proceed with a psychological evaluation by a Tennessee licensed psychologist which she completed in December 2018. Hancock had also been under a lingering medical treatment plan with Xanax due to her multiple sclerosis and on her attorney's request, Hancock detoxed off Xanax and sought an alternative medication to remove any claim of abuses of her medication. Hancock was never adjudicated as a substance abuser. Mother's program was completed by February 7, 2019.

80. Although, both DCS atty Hetzel, GAL Cripps, CW Miller, and FSW Brown were informed that Mother had completed these services, they refused to return the children to their home. Instead DCS Hetzel and GAL Cripps insisted that Mother's accomplishments were not acceptable because they (Hetzel and Cripps) had not chosen the providers. There is no law or requirement that a parent must use a DCS provider to satisfy the requirements of a reunification plan.
81. In February 2019, Mother cooperated with a nail bed drug test for twelve substances. This type of substance testing is sensitive for substances in the body for eight to twelve months. The only indication in the test results was THC which was too slight to produce a positive result. Still DCS atty Hetzel, CW Miller, GAL Cripps, and FSW Brown refused to allow the children to return home.
82. Mother cooperated with another psychological evaluation and the DCS records show that the children received a psychological evaluation in January 2019. CW Miller, FSW Brown, and DCS attorney Hetzel had access to these records and refused to produce them even after direct requests from Hancock's attorney.
83. Even after Mother completed the nail bed test and the psychological evaluation (by May 7), DCS Atty Hetzel, CW Miller, FSW Brown, and GAL Cripps refused to take steps to return the children to their home.
84. B.B. was coerced by GAL Cripps to change her testimony. B.B. had testified in January 2019 that she did not fear her mother and did not feel that her mother had harmed her or placed her danger. However, after her January testimony, GAL Cripps had a meeting with B.B. threatening that if she did not testify as Cripps told

her that she would never go home. Cripps demonized Mother's boyfriend to B.B. until B.B. believed that he would murder Hancock if B.B. returned home. When B.B. was called back to the witness stand in February 2019, B.B. changed her testimony and stated that she did not want to go home until her Mother completed the "plan." B.B. had no apparent knowledge of the substance of the plan. The Court never made a finding that the Mother was a drug dealer or physically abused her children as alleged in the DCS petition.

85. CW Miller had plead in the petition filed in August 2018 that Mother sold drugs to "B.M." Mother knew that this likely referred to a friend of hers named Britta Morgan, but she did not know where she was currently living. CW Miller failed to properly investigate these allegations and never interviewed Morgan on the statements CW Miller made in the petition. DCS attorney Hetzel did NOT call Morgan as a witness at any time. Only by happenstance, Hancock saw Morgan in the courthouse one day and served her with a subpoena. GAL Cripps and DCS Hetzel objected but the Court allowed the testimony. Morgan testified that she did not buy drugs from Hancock and that the allegations in the petition were a lie. The alleged text messages between Hancock and Morgan were fabricated and CW Miller did nothing to verify the alleged evidence. DCS Hetzel cross examined Morgan about her own children being removed and Morgan's recent meeting with DCS. Hancock's attorney objected in that DCS Hetzel and GAL Cripps had insisted that the DCS meetings were confidential. The judge sustained the objection, but DCS

Hetzel asked Morgan the same question two more times and had to be called out and silenced by the Court.

86. It became obvious that DCS Hetzel used this proceeding to intimidate Mother in her selection of counsel, Connie Reguli. In a court proceeding in February 2019, Hetzel stated that the children would have gone home by Christmas but for Attorney Reguli and in informal communication during a court break, Hetzel cajoled with FSW Brown that the “barrier to reunification” was Connie Reguli. Brown and Hetzel also sneered about how the children should never be returned to their home in spite of the official DCS documentation that stated that the agency goal was “reunification with parent.”

87. It is clear that DCS atty Hetzel was not concerned about reunification, and stonewalled the release of valuable discovery, including updated DCS records, evaluations of the children and even the Mother’s own psychological evaluation. These actions were done in retaliation against the Mother in violation of her First Amendment rights.

88. In April 2019, all parties appeared before Judge Hollars of the 13th Judicial District Circuit Court on Mother’s motion for recusal. The local radio station had promoted the local Democratic Party Reorganization Meeting on their website promoting the featured speaker as Judge Amy Hollars. Hollars was to be introduced at the meeting by GAL Cripps, evidencing a political affiliation and relationship between Cripps and Hollars outside of the Courtroom. Further, Tenn. Sup Ct. Rule 10, Canon 4 strictly prohibits sitting judges from promoting a political party when they are not

running for re-election. Hancock requested that a motion for recusal be filed and set before Judge Hollars took any further action on her case. The court proceeding was abrupt and emotionally damaging to the children. Hollars first stated she would recuse herself but admonished Hancock for her choice of attorney. Then Judge Hollars removed her robe and walked behind Hancock and her attorney in the courtroom sneering, “Congratulations Ms. Reguli.....” In the meantime, both minor children were cornered across the courtroom by FSW Brown and CW Miller. The children were told, “We were going to send you home today but now we don’t have a judge.” B.B. started crying and Hancock’s son was visibly shaken.

89. At the same time, Hancock was notified by FSW Brown that the children could no longer stay with Christa Wilson and would have to be moved again. B.B. was asked by GAL Cripps if B.B. wanted to stay with her brother or have him put in a detention center. Cripps confronted B.B. on this issue, knowing that the ultimate decision was not up to B.B., but merely to threaten and intimidate her. This gave B.B. heightened anxiety.

90. By May 2019, Mother’s attorney resorted to sending specific detailed complaints on the conduct of the DCS employees, Hetzel, Miller, and Brown; and the foster parents directly to Commissioner Nichols of the Department of Children’s Services. Although Commissioner Nichols acknowledged receipt of the complaints, no action was taken to remedy the claims raised in the complaints.

91. Throughout the course of foster care placement, the Juvenile Court is required by statute to provide a foster care review board to examine the safety and

appropriateness of the placement of the children. The “report” is presented through a form created by DCS identified as form CS-0510. The Board is required to make sure that the parents (and their counsel) have been notified of the meeting and mark the form appropriately. The members of the board are appointed by the Juvenile Court Judge, presumably Judge Cook in this case, and required to make reports for the judge to review. The reports are to be provided to the parents, attorneys, and court clerk.

92. In this case, the Plaintiff and her children were not provided a foster care review board meeting until November 6, 2018. Plaintiff Hancock was not notified of this meeting. The completed form is woefully inadequate in its findings. It shows that no person from the agency appeared; that the children did not appear; and only three board members appeared. The children were obviously not present, but the form fails to even address this. The handwritten notes state: Need more information and more board members present. The form is signed by FSW Angie Brown. The form was NOT filed with the court until May 31, 2019 nor was it provided to Mother until June 4, 2019. There is no mention of the children’s prior foster care trauma; the fact that 13 unrelated persons resided with the children in the foster home; that other unruly teenage foster girls were removed from the home due to violence; or that B.B. had lost considerable weight from lack of food. Since this document was not even filed with the Clerk until May 31, 2019, the juvenile court judge could not have been aware of the lack of attendance or lack efficiency of its board. Another foster care review board meeting was held December 4, 2018. It shows that Mother

was present as was DCS attorney Tracy Hetzel. The notes state, “The mother’s attorney can get somewhat aggressive – but as a voluntary board, we don’t feel like we have to put up with it.” There is no substance to this comment and had to come from DCS atty Tracy Hetzel who had already withheld valuable information from Hancock’s attorney. Since the board members had NEVER met Hancock’s attorney prior to this meeting, this information was intended solely to prejudice the board members against the Mother. Robert Williams lead this foster care review board meeting. These notes were not provided to Hancock or her counsel and were not filed with the Court until May 31, 2019. Mother was unaware of the unwarranted comments from Hetzel at this meeting. When the next foster care review board was set for February 5, 2019, B.B. started to cry knowing that she would miss Christmas and her birthday with her mother. Another foster care review board meeting was held February 5, 2019, B.B. had testified in Court and stated that she did not believe that she had been in danger while living with her mother. In the February 5 meeting, B.B. sat next to her Mother. It is unknown if the review board generated any report from this meeting, however, it has never been provided to Hancock nor has it been filed with the Court.

93. The next foster care review board meeting was held May 7, 2019 however, the review board did not allow Mother to stay in the meeting when her attorney advised her that she should not sign confidentiality statements since there was no law or policy that required this. Robert Williams and GAL Cripps connived a “motion” under Roberts Rules of Order that if Mother refused to sign a confidentiality

statement that she would be excluded from the meeting. Hancock's attorney attended the meeting by telephone and argued that there was NO authority for this outrageous exclusion from the meeting, however, Robert Williams (who chaired the meeting) hung up the phone on Hancock's attorney and demanded that Mother leave the building. This was obviously done to exclude and silence the Mother from the inappropriate and secretive actions of the board and the agency on the mistreatment of her children and expose incompetence. Mother was kicked out of the meeting. Neither Hancock nor her attorney received notes from the meeting until June 4, 2019 nor were they filed with the Court until May 31, 2019. R. Williams and Cripps deliberately interfered with the Mother's right to participate in the foster care review board meeting knowing that it would block the children's return home. These defendants were deliberately indifferent to the Fourteenth substantive and procedural due process rights of Hancock and B.B. R. Williams and Crips had a special duty of care in the administration of their roles to expediate the return home of the child (as indicated in the DCS permanency plan). They breached that duty causing emotional and psychological injury to Plaintiffs.

94. On or about Monday, June 3, DCS atty Hetzel telephoned Hancock's attorney and stated that the children could be sent home and the case would be closed if Mother would share her certificate of completing her substance detox and outpatient treatment.

95. On Tuesday, June 4, another foster care review board meeting was held. Defendant Robert Williams, foster care review board member and apparent chair of the

meeting, and GAL Cripps were present. Cripps and Williams again demanded that Mother and her attorney sign confidentiality agreements and turn off the audio recorder. Hancock, to date, had not received a single report from the foster care review board. She had completed two psychological evaluations, a twelve-panel nail bed drug test, and completed detox for Xanax. She had also reassigned her medicine management to another provider who replaced Xanax with other medications. Hancock's attorney again asked for authority which would require this form and stated concern that the review board had failed to provide its reports in the past. The children, who had now been moved to yet another foster home, were present via video. Hancock's attorney said that Mother would not sign the documents. GAL Cripps called the police and had a Smithville police officer stand behind Hancock and her attorney in the DCS meeting room. This served no purpose other than to intimidate Hancock and her counsel. No action was taken by the officer. Even though DCS Hetzel was present at the meeting by telephone, she had not informed Cripps or Robert Williams that DCS atty Hetzel had already stated that the children were to be returned home. Hancock's attorney disclosed the intent to return the children and close the case. The fighting over this form was nonsense since Hetzel already stated that the case was to be closed. Cripps made repeated outrageous claims that Hancock would "post" the audio of the meeting on Facebook. The acts of R. Williams and Cripps amount to First Amendment retaliation intended to silence Hancock from publicly disclosing the continued abuses and incompetency of DCS, its contractors, agents, and employees.

96. On Friday, June 7, 2019, DCS had the Mother/Hancock pick up the children from the foster home and an order was entered dismissing the case. B.B. had been in six homes in ten months. They had attended four schools and returned to their original school just two weeks before the release of classes for the summer. The children had been cut off from their grandfather and their dying great grandmother. B.B. had been removed from her friends in Dekalb County and cut off from her activities including, cheerleading, 4-H, Girl Scouts, gymnastics, softball, and routine outings with her close friends. Hancock's contact with her children went from supervised visits of two hours a week to a dismissed case with no in-home serves, no home visit, no ongoing drug screens, and no other follow-up. Obviously, DCS Hetzel, CW Miller, and FSW Brown had no concern for the safety of the children.

97. On July 19, 2019, Hancock/Mother was arrested for custodial interference based solely on the August 13, 2019 ex parte order of Judge Michael Collins. Mother contends that said order violated her constitutional rights; was entered by Collins without subject matter jurisdiction; and was entered based on extrajudicial communication, therefore, it is unenforceable. The criminal investigation was triggered by Judge Hollars, Tracy Hetzel, and Sarah Cripps. It was published by News Channel Five on July 19, 2019 that "The indictments came after a judge (Hollars) questioned Reguli's motive in Hancock's case in April. In the excerpt it said, "Ms. Hancock, I think you should consider very carefully whether your counsel is looking to your interest and the interests of your children about reunification or simply launching another attack upon the judiciary and the system."

98. The defendants Hollars, Hetzel, and Cripps are liable for the First Amendment retaliation against Hancock. Hollars made statements from the bench intended to intimidate Hancock from using a activist attorney. Then sealed her contempt by leaving the bench and making additional remarks as she walked past Hancock and her attorney. Cripps had Hancock removed from a foster care review board meeting for recording a meeting claiming that Hancock intended to post the audio publicly. Hetzel and Cripps initiated a police investigation against Hancock's attorney related to Collins ex parte order in September 2018 with the intent to intimidate Hancock from being outspoken for child welfare reform. Hetzel attempted to have Hancock's attorney removed from the case and even made a statement that she knew that Hancock's attorney would be disbarred in "two minutes." These defendants all served in the role of state actors and do not enjoy immunity for these constitutional violations.

99. Throughout the course of this case, Mother disclosed the actions of the defendants on social media and voiced her frustration. Live videos were published through the Facebook public group Family Forward Project and widely shared through the social media child welfare reform community. This outraged DCS Hetzel, GAL Cripps, CW Miller, FSW Brown, Robert Williams, Michael Collins, and Amy Hollars. Hetzel and Cripps relied on Tenn. R. Juv. Proc. 114 and Tenn. Code Ann. Sec. 37-1-153 to support their motion requesting a gag order. These provisions do NOT prevent parents from disclosing the personal information of their case to others, but only limit access to the records and proceedings by third parties. This

order was no appealable and therefore, Plaintiff was without relief on this First Amendment sanction. This gag order (which relied on no other authority) was granted in November 2018 and remained in place until February 2019. While the gag order was pending, Hancock refrained from public disclosure, but started posting live broadcasts again after the February 22 hearing. The entry of the gag order during this period emboldened Cripps and Hetzel who became even more aggressive. It was while this gag order was in place that Cripps coerced B.B. to change her testimony and Cripps and Hetzel objected to Mother's private selection of providers (psychological and detox programs). Cripps and Hetzel openly made statements and complaints about Hancock's public disclosure. Others expressed their hostility through the actions impeding the children's ability to return home. It was clear that the defendants took adverse actions against Hancock to deter her public disclosure of the constitutional violations and incompetence of the agency and the surrounding proceedings. Hetzel's comments that "Connie Reguli" was the barrier to reunification and that the children would have returned home but for Hancock's selection of counsel are overt examples of this retaliation. Hetzel did not otherwise cite any action taken by counsel that had justified the continued retention of the children. Cripps and R. Williams aggression in the foster care review board meetings prohibiting a recording of the meeting are overt examples of their intent to place obstacles to the reunification between Hancock and her children. Hollars comments in the open courtroom regarding Hancock's selection of her attorney and her sneering remarks off the bench are overt examples of her intent to intimidate

Hancock against her speech against the public officials. Collins remarks in the courtroom that Hancock's attorney's public comments on Hancock's arrest were ethical violations were intended to retaliate against Hancock for selecting counsel that openly exposed gross incompetency in the child welfare agency. These multiple offensive attacks against Hancock for her personal statements protected under the First Amendment and her selection of counsel that was known for openly defending parental rights amount to First Amendment civil rights retaliation. Collins is liable for First Amendment retaliation as well.

100. The toxic and punitive conditions of foster care and the coercive tactics of GAL Cripps amount to Eighth Amendment violations and are the proximate cause of the emotional injuries to B.B.
101. During this course of events, Mother and B.B. suffered great emotional and psychological distress. Both Mother and B.B. were left to believe that they would never be reunited as a family. B.B. suffered from emotional distress being exiled from her community, her activities, her friends, her grandfather, and her great grandmother.
102. The acts described herein that amount to constitutional violations were taken with deliberate indifference and/or recklessness in regard to the constitutional rights of the plaintiffs.
103. The acts described of herein are the proximate and legal cause of the emotional and psychological damage to the plaintiffs.

104. The defendants acted with malicious intent or with such reckless disregard for the constitutionally protected rights of the plaintiffs that they are liable for exemplary / punitive damages.

105. The municipalities named herein are liable for the damages caused by their hires as set forth above.

106. The private actors are liable for damages cause by themselves and their hires as set forth above.

CAUSE OF ACTION FOR DAMAGES

As stated herein, the acts of the defendants, individually and collectively, amount to the Constitutional violations of substantive and procedural due process violations, unlawful search and seizure, unlawful removal and retention, First Amendment retaliation, Eighth Amendment toxic/punitive conditions of confinement, denial of access to the courts, malicious prosecution, and violations of the privacy interests of family integrity and right to personal privacy.

Further, the acts of the defendants, constitute state tort actions: assault, invasion of privacy, infliction of emotional distress (negligent/intentional), negligence (under the special duty doctrine), malicious prosecution, false statements to procure ex parte relief, manipulation of evidence, and conspiracy to commit said torts, the defendants are liable for damages, both individually and jointly and severally, as appropriate. Liability for damages lies with the individuals and the municipalities that employment under GTLA (Government Tort Liability Act)

The Fourth Amendment rights of B.B. were violated by the wrongful removal and retention (held hostage) by DCS and the foster care system. The Fourteenth Amendment rights of substantive and procedural due process of B.B. were violated for the improper removal and a violation of her privacy interests of family integrity. The Eighth Amendment and Fourteenth Amendment rights of B.B. were violated for improper care and toxic conditions of confinement in foster care. B.B. was assaulted with vaccines, emotionally abused, and terrorized. CW Miller and Det. Cornelius are also liable to B.B. for invasion of privacy for causing her likeness to be published as an endangered child where no threat of harm to her wellbeing existed. Defendants are liable for the state created danger and special duty doctrine for the injuries that were the direct result of the negligent and intentional acts of the defendants.

The First, Fourth, Fifth, Ninth, and Fourteenth Amendment rights of Hancock were violated by the unlawful seizure of her cell phone, the unlawful pinging of her telephone, the unlawful seizure and retention of her children, substantive and procedural due process, the violation of her parental rights to make medical decisions for her children, the unlawful interrogation, malicious prosecution, and civil rights intimidation against Hancock for her public advocacy.

The defendants are liable in their concerted and collective actions to violate constitutional rights under 42 U.S.C. Sec. 1985. No single defendants could have accomplished the destruction of the family rights of the Plaintiffs alone. It required the concerted efforts to obtain secret court orders, assault the children with inoculation,

repeatedly place the children in strange and dangerous environments, stonewall the reunification process, and obliterate procedural and substantive due process.

County of Smith has civil rights municipal liability for the acts of Judge Michael Collins.

City of Smithville has civil right municipal liability and GTLA liability for the acts of Det. James Cornelius and Matthew Holmes.

Keys Group Holdings LLC has private actor civil rights liability and state tort vicarious liability for the acts of Fanetha Sneed, Wendolyn Miller, and Easter Williams.

CAUSE OF ACTION FOR DECLARATORY RELIEF

Plaintiffs seek declaratory judgment on the ex parte order and the actions of Judge Michael Collins as follows:

That the ex parte order entered by Judge Michael Collins on August 13, 2018 violates the Fourteenth Amendment substantive and procedural due process rights of Hancock and B.B.

That the ex parte order entered by Judge Michael Collins on August 13, 2018 which was the direct and proximate cause of the seizure and retention of B.B. violates the Fourth Amendment rights of B.B.

That Judge Michael Collins was without jurisdiction to enter the ex parte order on August 13, 2019 rendering the ex parte order void.

That the Dekalb County Juvenile Court file as of August 15, 2018 was void of any basis of providing Judge Michael Collins jurisdiction over the Dekalb County matter which

lead to the removal of Hancock's children and the subsequent arrest of Hancock for custodial interference.

That the entry of the ex parte order prior to the filing of the agency petition renders the order unenforceable as being based on extrajudicial communication.

That the Tennessee Supreme Court is without authority to provide for the wholesale shuffling of juvenile court judges in that jurisdiction of the Tennessee juvenile courts lies within the county as set forth by the Tennessee General Assembly and under Tenn. Const. Art. XI, the Tennessee legislative branch has exclusive authority to establish courts and determine their jurisdiction. Therefore, Tenn. Code. Ann. Sec. 16-15-503 controls the extent of juvenile court jurisdiction which is within the county of the court situs.

Declaratory relief is appropriate because the validity and enforceability of said order is at issue in the criminal court proceedings against Hancock.

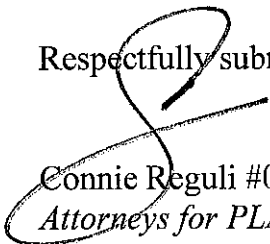
PRAYER FOR RELIEF

1. That Plaintiffs' Complaint be served upon the Defendants requiring a response as provided by law.
2. That a jury of twelve hear this cause.
3. That the plaintiffs be awarded monetary damages nominal, compensatory, and punitive/exemplary in an amount not to exceed forty million dollars.
4. That said damages shall be placed against the defendants individually, jointly, and severally as provided by law.
5. That the Court enter declaratory judgment on the validity and enforceability of the August 13, 2018 ex parte order as stated above.

6. For attorneys' fees, expenses, and costs against the Defendants.
7. For other relief as deemed appropriate under the law.

This is the 31 day of JULY 2019.

Respectfully submitted,



Connie Reguli #016867

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