

Amber J. Williams

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

AMBER J. WILLIAMS,

CV 20-00023-H-DLC-JTJ

PLAINTIFF,

VS.

**MOTION TO ADD HEATHER
CRANE (HEATHER C), ACADIA
MONTANA STAFF MEMBER TO
ORDER LISTING AS UNSERVED
DEFENDANTS AND TO PROVIDE A
MORE DEFINITE STATEMENT**

CANDICE OSTERMAN, et al.,

DEFENDANTS,

Plaintiff, Amber J. Williams, biological and natural mother of N.M. respectfully moves the Court to have Heather Crane (Heather C.), Acadia Montana staff member, removed from the list of unserved defendants in this matter. To be

served and added to the claim against her. To Answer to the allegations therefore and herein.

BACKGROUND

On, July 01, 2018, at Acadia Montana in Butte, Montana, Nevaeh was involved in a severe accident involving a staff member named Heather C. (last name unknown). Nevaeh was outside playing with all the other children and Nevaeh began to climb the fence, just like children do. Staff member, Heather C. took it upon herself to pull little, tiny Nevaeh by both her ankles off of the fence and drop her on her face onto the cemented ground beneath her from approximately 3-5 feet in the air. Suzy Combs, CASA worker had just arrived to the scene as Nevaeh was being wheeled out of the group home to be taken to St. James Hospital in Butte, Montana, as Nevaeh was gushing blood out of her chin and her face was instantly swollen. Once at St. James Hospital, Nevaeh received 7 stitches inside her chin to stop the bleeding and to begin healing. The doctor performed an x-ray but didn't see the break and told staff members and Acadia group home nothing was wrong, but Nevaeh had a sprain in her jaw. The swelling was so bad, little Nevaeh was unrecognizable. Suzy Combs, CASA worker, was denied all access to Nevaeh and kicked out of the hospital room with Nevaeh, even though Suzy was legally allowed to be involved at all times because the courts gave her the authority to do so. Suzy Combs and Acadia Montana made several calls to Candice Osterman to report the situation. Candice did not respond. Suzy made complaints to the Central Intake Office for abuse and neglect, with NO RESPONSE. I, Amber Williams, biological mother, with all her parental rights, was NOT notified of this incident by Jennifer Hedke, therapist for Nevaeh at Acadia; Candice Osterman, C.P.S., or anyone in the matter concerning my child. The next day, Nevaeh and I were supposed to have a Leave of Absence from the facility for a visit. This is where I would get to take Nevaeh out on the town. My mother, Beverly Ashley, was present during this interaction. Jennifer Hedke, Nevaeh's

therapist, met me at the front desk without Nevaeh. Jennifer proceeded to tell me that our leave of absence visit had been cancelled but I could have an in-house visit with Nevaeh as Nevaeh had been in an accident which resulted in Nevaeh getting her visit taken away. I was confused. Nevaeh then came running to me from behind the locked doors with the Acadia nurse, Tiffany. Nevaeh hugged me very tightly. I then looked at Nevaeh's severely swollen face, I was very angry. Her tiny little face was so swollen that I could barely see the tip of her ear and she had a huge gash with stitches under her chin. We were taken to our visiting room, Jennifer Hedke, tried to make excuses and blamed Nevaeh for the incident. Nevaeh could barely open her mouth to talk, eat, or drink. I had the nurse come into the visit and asked her what she had planned to care for Nevaeh's swelling and pain. She proceeded to tell me nothing because the hospital said nothing was wrong. I got very angry and demanded Nevaeh receive an icepack and Tylenol as needed for her pain and swelling. I told the nurse not to give me no grief about it because anyone could look at Nevaeh to see that she could barely open her mouth and see the pain she was in and that her little face was so swollen that she was unrecognizable. After my visit, I immediately sent out an email to all parties involved. This email included C.P.S. Candice Osterman, my lawyer Mariah Eastman, CASA Suzy Combs, Acadia Therapist Jennifer Hedke and Acadia Therapist Karen Galvin, I also called the central intake office, as well, these people forwarded my email to whom they needed involved. Upon this email, Suzy Combs, CASA, informed me that she was present immediately following this incident. I had sent an email to Candice Osterman demanding that Nevaeh get a second x-ray performed because the swelling was not going down and she was having severe issues opening her mouth to eat. Candice proceeded to deny this request against me, Amber, Nevaeh's biological mother, as I am not a medical professional. After, I, Amber Williams, plaintiff, raised multiple concerns with several state employees including Acadia Montana Jennifer Hedke (N.M.'s Acadia Therapist), Karen Galvin (Acadia Therapist), Nurse Tiffany, risk manager Julie, and Candice Osterman (Child Protection Specialist), Emily McVey (C.P.S Supervisor), Mariah Eastman(mother's lawyer), Suzy Combs (CASA worker), Brenda Walher(child's lawyer), N.M. was placed inside my home on August 02,2018.

LEGAL STANDARD

Plaintiff asserts a host of claims against a Defendant, Heather Crane (Heather C.) Acadia Montana Staff Member. Based on the legal terms of said claims against all of the Defendants involved in this matter, it is presumed to be valid to hold Heather Crane (Heather C.) Acadia Montana Staff Member, accountable for her individual involvements in aiding Child Protection Specialist, Candice Osterman, of the following allegations against them. These claims are including but not limited to the injuries as well that were and have been acquired to said child and myself, Amber Williams and N.M. in this matter. Child Protection Specialist Candice Osterman gained temporary guardianship of N.M. based on another case, which was ordered by Judge Kathy Seeley, in which Amber Williams was the non-offending parent, the plaintiff, Amber Williams, parental rights were still intact throughout the entirety of the temporary placements of N.M. and her mother, Amber Williams was forced to endure the following during their time of forced separation. Leaving a wide variety of injustices that took place while N.M. was forced into the states care. Thus, creating grounds for the following to take place while N.M. was placed inside states temporary custody, against the will of the plaintiff, Amber Williams. The Plaintiff, Amber Williams, asserts that Heather Crane (Heather C.) Acadia Montana Staff Member, is responsible for the following allegations against her.

Robbery by a Government Entity, is the action of taking property unlawfully from a person or place by force or threat of force. Deprivation of her Civil Rights by Torturous Intervention of a Mother Child Relationship, is the act of when an infant or child is unable to form a warm, intimate, and continuous relationship with its mother or maternal figure, then the child is at risk of developing behavioral and emotional disorders. Enslavement by a government entity, the action of making someone a slave against their will and or well-being. Terrorism by a government entity, the unlawful use of force or violence against a person(s) or property to intimidate or coerce. Interference of Civil Rights, if two or more persons in any state or territory conspire to prevent, by force, intimidation, or threaten any person from accepting or holding any office, trust, or place of confidence under the United States. Interference of Constitutional Rights, the

person injures, oppresses, threatens, or intimidates another person with the intent to deprive that person of a right, privilege, or immunity in fact granted by the constitution or laws of the state. Violation of Parental Rights, Mont. Code Ann. 40-4-227, it is policy if the state of Montana to recognize the constitutionally protected rights of parents and the integrity of the family unit. Parental Alienation is the process and the result of psychological manipulation of a child into showing unwarranted fear, disrespect, or hostility towards a parent or other family members. Furthermore, the asserted claims that may be listed under the "Injuries" section of the complaint are listed as injuries because they are a direct result of said claim. Therefore, making them injuries that were acquired due to the lack of a timely and lawfully interference of an appropriate manner which therefore lead to the abuse of state officials in this matter. Under Mont. Code Ann. 40-4-212 Best Interest of Child. (A) The wishes of the child's parent or parents. (B) the wishes of the child. (C) the interaction and the interrelationship of the child with the child's parent or parents and siblings and with any other person who significantly affects the child's best interests. (D) the child's adjustments to home, school, and community. (E) the mental and physical health of all individuals involved. (H) continuity and stability of care. (I) developmental needs of the child. (L) whether the child has frequent and continuing contact with both parents, which is considered to be in the child's best interests unless the court determines, after a hearing, that contact with a parent would be detrimental to the child's best interests. In making that determination, the court shall consider evidence of physical abuse or threat of physical abuse by one parent against the other parent or child. Mont. Code Ann. 41-3-102 Definitions. 2 "A person responsible for a child's welfare". 2 (b) a person providing care in a day- care facility. 2(d) any other person responsible for the child's welfare in a residential facility. 7(i) actual physical or psychological harm to a child. 7(ii) substantial risk of physical or psychological harm to a child. 7(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare. 8 "Concurrent Planning" means to work toward reunification of the child with eh family while at the same time developing treatment plans or making placement decisions or both. 21(i) inflicts or allows to be inflicted upon the child physical abuse, physical neglect, psychological abuse or neglect. 21(ii) commits or allows sexual abuse or exploitation of the child. 21(v) exposes or allows the child to be exposed to an

unreasonable risk to the child's health or welfare by failing to intervene or eliminating the risks. 23(b) the term may not be construed to hold a victim responsible for failing to prevent the crime against the victim. Mont. Code Ann. 45-5-634 Parental Interference (A) before the entry of a court order determining parenting rights, takes, entices, or withholds a child from the other parent when the action manifests a purpose to substantially deprive that parent of parenting rights. (B) is one of two persons who has parenting authority of a child under a court order and takes, entices, or withholds the child from the other when the action manifests a purpose to substantially deprive the other parent of parenting rights. Mont. Code Ann. 45-5-622 Endangering welfare of children. 1 A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if the parent, or guardian, or other person knowingly endangers the child's welfare by violating a duty of care, protection, or support. Mont. Code Ann. 45-8-212 Criminal Defamation, 1 Defamatory matter is anything that exposes a person or a group, class, or association to hatred, contempt, ridicule, degradation, or disgrace in society or injury to the person's or its business or occupation. Upon further review of the legal basis to the claim, the plaintiff, Amber Williams, would like the courts to review the legal grounds for failure to protect as being defined as when an adult fails to do something generally considered to be a safeguard or rescue a child from abuse or neglect. The negligence in this matter is to be defined as failure to take proper care or actions in doing something. Abuse of Power, official misconduct is the commission of an unlawful act, done in an official performance of official duties. Lack of Supervision, failed to provide the child with the supervision required to keep the child (1) from hurting self or others, (2) away from dangerous objects or situations. Chemical restraint, is a form of medical restraint in which a drug is given to restrict the freedoms or movement of a patient or in some cases to sedate a patient if they are in the realms of harming themselves or others.

ARGUMENT

In this Motion to Add Heather Crane (Heather C.) Acadia Montana Staff Member, to the list of unserved defendants, should be fully able to ascertain the nature of

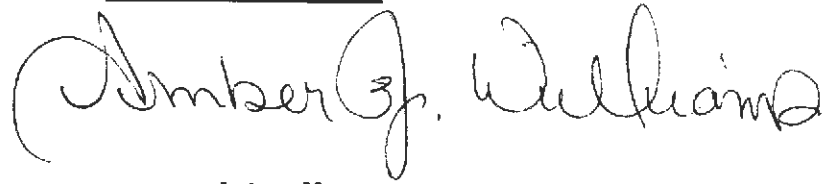
the claims and determine which claims are asserted against her. As a result, Heather Crane (Heather C.) Acadia Montana Staff Member, can indeed formulate its response to the Plaintiffs Complaint in question. The Legal Standard in this case shows that multiple laws were violated and infringed upon by Heather Crane (Heather C.) Acadia Montana Staff Member, as defined in said section of this motion. Therefore, leaving ground for Heather Crane (Heather C.) Acadia Montana Staff Member, to provide a proper response to the claim against them .Whether or not this defendant, Heather Crane (Heather C.) Acadia Montana Staff Member, is privately owned or state owned or an individual, she should be held fully accountable for her involvement in this claim and not protected under color of law. Due to the fact that her responsibilities are to provide care, treatment, housing, and basic necessities of living to children that enter the care of the state of Montana as youth in need of care, even when said family and children are forced against their will, they should be held to the same exact standards as any other state entity in the state of Montana. The Plaintiffs conclusory allegation that "all defendants aided" Osterman does cure this defect because it does clarify how this alleged conduct results in constitutional liability for Heather Crane (Heather C.) Acadia Montana Staff Member.

CONCLUSION

The Plaintiff has hereby produced a more definite statement in response, to add Heather Crane (Heather C.) Acadia Montana Staff Member from the unserved defendant list to the complaint against her. The Defendant, Heather Crane (Heather C.) Acadia Montana Staff Member, should in fact be able to formulate a correct and true statement to the claims against her. The Defendant, Heather Crane (Heather C.) Acadia Montana Staff Member, can ascertain the nature of the claims and provide a correct response therefore and herein.

Dated this 05th day of November 2020.

By: Amber J. Williams

A handwritten signature in black ink that reads "Amber J. Williams". The signature is written in a cursive style with a large initial "A" and a distinct "J" and "W".

Plaintiff

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