

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE, SC. SUPREME COURT

In the Matter of

DOE, Sara

(FC. No.: 2006-0882-01
Pet. No.: NNG-06-0012)

DOE, Mary

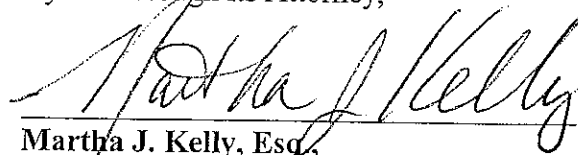
(FC. No.: 2006-0882-02
Pet. No.: NNG-06-0013)

THE DEPARTMENT OF CHILDREN, YOUTH & FAMILIES'
OBJECTION TO ANNE GRANT'S MOTION
FOR WRIT OF CERTIORARI

Now comes the Department of Children, Youth and Families, by and through its attorney, hereby objects to the Writ of Certiorari moved by Anne Grant in the instant matter, attaches a Memorandum in Support of said Objection: :

STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES,

By and through its Attorney,



Martha J. Kelly, Esq.,
Senior Legal Counsel
Department of Children, Youth and Families
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CERTIFICATION OF NOTICE

I, the undersigned, hereby certify that I caused a true copy of the within to be furnished to all parties in interest this January 3, 2008:

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Linda A. Ormerod

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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DOE, Sara (FC. No.: 2006-0882-01
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**MEMORANDUM IN SUPPORT OF
DEPARTMENT OF CHILDREN, YOUTH & FAMILIES' OBJECTION TO
ANNE GRANT'S MOTION PETITION
FOR WRIT OF CERTIORARI**

INTRODUCTION

The Petitioner has moved the Rhode Island Supreme Court for the issuance of a Writ of Certiorari seeking to vacate on August 17, 2007 Order of the Rhode Island Family Court, whereby a blog, admittedly authored by the Petitioner, was referenced.

The Department of Children, Youth & Families respectfully requests that this Honorable Court deny the Petitioner's requests for relief.

**ISSUE 1: IS THE PETITION FOR WRIT OF CERTIORARI PROPERLY
BEFORE THIS HONORABLE COURT**

The petitioner in this instant matter is asserting that the Rhode Island Family Court holds no jurisdiction over her and thus cannot order her in any form. See Petitioner's **Memorandum in Support of Writ of Certiorari**, pp 2-4). Any Court speaks through its decrees. The August 17, 2007 order prepared by the Department of Children, Youth & Families counsel and entered by the Rhode Island Family Court is clear (see

Attached Exh. A): nothing in the language of the order mandates Anne Grant to do anything (see Para 3). In fact, it was respondent mother's counsel at that time who argued that it was the Department of Children, Youth & Families's responsibility as temporary custodian of the children to oversee the cessation of the blog, which contains confidential information (regarding the minor children and evaluations performed on the respective parties) and photographs of the minor children.

Under RIGL 1956 Sec 8-10-1, et seq., the Rhode Island Family Court is charged with protecting the best interests of children under its jurisdiction. In April, 2006, these children were placed in the temporary custody of the Department of Children, Youth & Families and thus under the protection of the state's Family Court, pursuant to a duly filed Department of Children, Youth & Families neglect petition, and in conjunction with an ongoing domestic matter.

It is imperative to note that these matters are protected by several levels of confidentiality. While all the Department of Children, Youth & Families matters are protected by confidentiality under RIGL 1956 Secs. 14-1-1 et seq. and 40-11-1, et seq., Associate Justice John Mutter took the added step in June 5, 2007 of placing a "gag order" on the domestic petition and barred the parties from disclosing information about this litigation and these children. The issues in this case have remained so volatile throughout its tenure, that the Court issued this additional layer of protection to guard these children's privacy rights. Furthermore, information published on this "blog" contained confidential health care information protected by state and federal law.

Despite these safeguards, counsel for respondent father brought the existence of this blog to the attention of Justice Mutter through motions presented on August 17, 2007; these motions asserted that respondent mother was facilitating the publication of custodyscam.blogspot.com that posted the children's personal information, including a description of their residence, photographs of them (including one of a naked three year old in a bath), unsubstantiated information regarding the respondent father and these children, medical reports, copies of pleadings, and assertions relating to the ongoing litigation and court rulings, on the internet. This blog contained personal information identifying the children and the parents, and contained pictures and the children's diary

entries. Further, the initial Department of Children, Youth & Families petition was filed based on mother's actions (including in her discussion of the father's unfounded sexual abuse of the child in front of the child's classmates, their parents, and her teachers). The Department of Children, Youth & Families administrative hearing officer unfounded the initial allegations of same against the father, and they are not the subject of the Department of Children, Youth & Families's petition.

Petitioner Grant testified that respondent mother provided her with the blog information and of ongoing events in the confidential and "gagged" court proceedings. Petitioner further testified that mother's associates would also provide like information to her in furtherance of this blog, making the children, despite the use of Petitioner's pseudonyms, easily identifiable to **anyone** with computer access. Justice Mutter immediately acted pursuant to the Family Court's statutory authority, and ordered respondent parents, and the Department of Children, Youth & Families to conduct efforts to assist in the cessation of the dissemination of the information posted on this blog.

Department counsel, as a courtesy to the Reverend Grant, and, charged with this order, sent, by certified mail, an explanatory cover letter to Reverend Grant attached to a copy of the redacted August 17, 2007 order (as the confidentiality issues of these cases were and are paramount). The Department had notice that the Reverend Grant, or a representative of hers at the Parenting Project, received official notice (signed for) of the order soon after (**See Attached Exh. B**). This letter at no time threatened the Reverend Grant with any legal action. For the Reverend Grant to argue a clear implication of the cover letter is at best a misreading of it. Further, to state the obvious, the **order** speaks for itself, and at no time did Reverend Grant seek clarification of it (or the cover letter for that matter) from the undersigned in the Department of Children, Youth & Families Legal Department.

The blog continued after the August 17, 2007 order and the Department's service of its terms to the Petitioner by certified mail. On September 7, 2007, the Department of Children, Youth & Families brought a Motion for Review and respondent father, brought a Motion for Contempt as to Respondent Mother, before the Family Court, and in support of the latter motion, subpoenaed the Petitioner as a witness. It was further discovered, on

or about September 5, 2007, that Petitioner Anne Grant's Parenting Project had sent an e-mail to the younger child's school system, suggesting the child¹ was in danger and slandering the father, and. (See Attached Exh. C), directing the administrations and teachers to the custodyscam.blogspot.com. This action amounts at best, to a continuing flouting of the court order and confidentiality statutes by the respondent mother, and at worst, Petitioner's continuing complete disregard for this child's privacy and best interests

A writ of certiorari will be issued to prevent harm when no other legal remedy is available. State v. Coleman, 190 A. 791 (RI 1937). In light of all of the above, and based on the testimony by both the respondent mother and the Petitioner, in the respective August 17, 2007 and September 7, 2007 hearings, what was clear to the Family Court is that the parties suffering the most harm are the children. Included in this continuing harm is the publication of inappropriate photographs of the children on the Internet. The Family Court thus determined that the existence of the blog violated the family's privacy, created significant risk of harm to the children, and was not in their best interests.

ISSUE II: JURISDICTION OVER THE PETITIONER

The Petitioner, in her Memorandum, seeks a public debate of confidential matters entrusted to the Family Court for determination. The Department will not address these issues, as it is clear that the Petitioner is still seeking a forum to air her views, The children's privacy rights continuing to suffer with the Petitioner's seeking to publish her blog and violate the confidentiality protection in these cases. The Department abides by the Family Court Orders surrounding these matters. The decisions on both cases are pending before the Rhode Island Family Court, awaiting submission of Final Argument Memoranda by all parties.

It is patently ironic that the Petitioner is arguing a lack of jurisdiction by the state's Family Court, yet seeks in the guise of a Writ of Certiorari, a platform for airing her views about these cases. Further, the Orders of the Family Court never asserted

¹ The child was placed in her father's home in August, 2007, and still resides there.

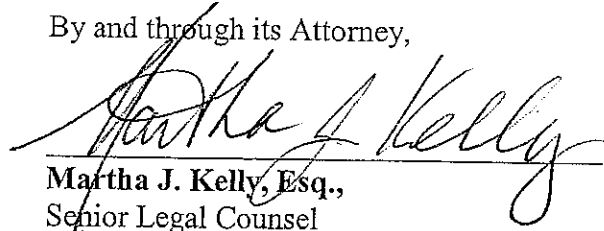
jurisdiction over the Petitioner, or ordered her to do anything; its orders ran to actions to be taken by the Department and/or the respondent parents. In determining the children's best interests, the State's Family Court is statutorily charged with protecting the children's best interests. RIGL. 1956 Sec. 40-11-7.1; and 40-11-37. The Court must consider all pertinent evidence in reaching such a determination. The Court has jurisdiction over the children and the parents, and must enter orders it determines to be in their best interests. Clearly in light of the testimony before the trial judge on both August 17, 2007, and September 7, 2007, the Family Court acted within its authority to protect and/or direct the Department to protect, these children.

CONCLUSION

Based on the fact that the instant Petitioner has no standing to request relief in this matter and that the Family Court acted within its statutory jurisdiction in issuing orders as to the parents and in the children's best interest, the Department of Children, Youth & Families respectfully requests that this Honorable Court deny Petitioner's request for relief and Writ or Certiorari.

Respectfully Submitted,
**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES,**

By and through its Attorney,



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