

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPREME COURT

In the Matter of Sara Doe
and Mary Doe

No. 07-334-M.P.
(Petition NNG-06-000012)
(Juvenile #2006-0882-1)
(Petition NNG-06-000013)
(Juvenile #2006-0882-2)

**ANNE GRANT'S REPLY
TO DCYF OBJECTION TO PETITION
FOR WRIT OF CERTIORARI**

The First Amendment activity that is the subject of the petition for certiorari filed by Anne Grant is the publication of a web blog containing her criticisms concerning the use of the controversial clinical psychological theory of Parental Alienation Syndrome (PAS). Her writings posted in the blog criticize the reliance placed on that theory by a DCYF hearing officer in determining the reliability of a child's sexual abuse allegation, and the role that finding may play in a Family Court custody dispute concerning that child and her sibling.

Grant has asked this Court to require that a Family Court order "advis[ing]" her "to cease publication of the blog as it pertains to the[] children[.]" be vacated on two grounds. First, the Family Court did not have the requisite personal jurisdiction over her to require her to stop publication; and second, even if it did, it was constitutionally overbroad under the First Amendment and art. 1, sec. 21 of the Rhode Island Constitution.

DCYF concedes that the Family Court had no jurisdiction over her, and has not disputed her claim that any such order would be constitutionally overbroad. Instead, DCYF claims Grant

is not entitled to relief from this Court because it also concedes, as it now must before this Court, that “nothing in the language of the order mandates Anne Grant to do anything[.]” (DCYF Obj. at 3).¹

DCYF does not explain, however, why it refuses to agree to vacate the portions of the order concerning Grant’s web blog, which it concedes has no legal effect with respect to her.² Leaving the order in place still represents a potential threat burdening Grant’s exercise of constitutionally protected core political speech. While DCYF has judicially admitted that the Order does not bind Grant, neither the Family Court, the father – who according to DCYF brought the blog’s existence to its attention – nor the children’s guardian ad litem, have admitted that – each one of whom Grant had criticized in her blog.

Consequently, continued existence of the portion of the order addressing her web blog only serves one purpose – as a potential vehicle for legal action against her if she begins publishing matters “pertain[ing]” to the children – including matters critical of the judicial proceedings and judicial decisions concerning the parent’s access to the children and reliance on the theory of PAS. Even though she may have solid defenses to any contempt action based on

¹When it delivered the order to Grant by certified mail on August 17, 2007 it represented the nature and effect of the order quite differently. DCYF warned her that “[i]f the information outlined in the order is not removed from the website immediately, the Department will be forced to bring this matter back before the Family Court.” DCYF’s representation to this Court that the “letter at no time threatened the Reverend Grant with any legal action[.]” even viewed in the kindest light, defies credulity. The letter was plainly designed to convince Grant she would face legal consequences in the nature of contempt proceedings if she continued to publish the web blog. Given the conceded lack of authority to order her to shut down the web blog, misrepresenting the actual reach of the order to induce her to stop publication out of fear of a contempt proceeding is grounds for vacating the offending portion of the order by itself.

² While the order requires DCYF to “advise” Grant to do certain things, DCYF has already complied, and Grant does not seek any relief with respect to the part of the order directed to the mother and father.

the order, she should not be subject to the spectre of legal proceedings for what she might post. Her exercise of core political speech must not be threatened or burdened by an order that can only serve that purpose.

Grant asks that this Court exercise its revisory and appellate authority to order that the decree at issue be vacated insofar as it pertains to Grant ceasing publication of the web blog.

Petitioner,
Anne Grant

By her Attorney,



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PROOF OF SERVICE

I hereby certify that on this // day of December, 2007, I served the within document upon **Lise Iwon, Esq.**, Lawrence & Iwon, 11 Caswell Street, Wakefield, RI 02879; **Deborah M. Tate, Esq.**, McIntyre, Tate & Lynch, 321 South Main Street – Suite 400, Providence, RI 02903; **Lise Gescheidt, Esq.**, MacFadyen, Gescheidt & O'Brien, 101 Dyer Street, Providence, RI 02903; **Martha J. Kelly, Esq.**, Department of Children, Youth and Families, Office of Legal Counsel, 101 Friendship Street, Providence, RI 02903-1892; **Nicholas L. Colangelo, Esq.**, 838 Reservoir Avenue, Cranston, RI 02910; **Matthew McGowan, Esq.**, CASA Office, One Dorrance Plaza, Providence, RI 02903; and **Richard Ducote, Esq.**, 3501 North Causeway Blvd., Suite 357, Metairie, LA 70002 by mailing copies of same at their usual business addresses.



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