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The Honorable John C. Coughenour

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

THE UNITED STATES OF AMERICA,
ex rel., AMAR SAFADI, appearing qui tam,
Plaintiff,

v.

STATE OF WASHINGTON,
Defendant.

NO. 2:18-cv-01304-JCC

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

1. FINDINGS OF FACT

a) Background

During the 1930s, the United States of America was facing the Great Depression, a time when poverty was universal. On August 14th, 1935, President Franklin D. Roosevelt signed the Social Security Act (SSA) into law (42 U.S.C. ch. 7). This Act became law at such a difficult time in our history when the nation needed a solution for poverty, unemployment, and the burdens of widows and fatherless children. It was a great initiative by the Federal Government to advocate federal assistance for the needy. Signing this Act into law was historic and in good faith. In 1975, the Federal Government enacted the Child Support Enforcement and Paternity Establishment Program (CSE). This act was put in place to not only pursue a parent who was responsible for the financial support of a child, but to

*FINDINGS OF FACT AND
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1 also establish paternity for a child who is born outside of marriage, so child support can be collected
2 from the biological father. The Law also amended the Social Security Act (Title IV, part D),
3 authorizing Federal matching funds for enforcement purposes. The States are the primary
4 administrators of the CSE program, but the Federal Government serves to direct and help the
5 states. However, States are required to meet certain federal standards to receive the block grant
6 funding. The CSE program was intended to help strengthen families by securing financial support for
7 children on a consistent and continuing basis and by helping some of these families to remain self-
8 sufficient and off public assistance. When the program was first established, its goals were to
9 reimburse the states and the federal government for the welfare payments they provided families.
10 However, over the years, few sections of this law became outdated and abused.

11 **b) Findings of Fact**

12 *Abuse of Process*

13 For the past ten years, the State of Washington has been receiving around \$78M annually from the
14 Federal Government for the Child Support Enforcement Program (CFDA Numbers 93563 and 93564)
15 (Source: taggs.hhs.gov). It was found that the State of Washington represented by Snohomish County
16 Prosecutor's Office has abused the process in relation to the administration of the Child Support
17 Enforcement Program since 2001. The Snohomish County Prosecutor's Office has secretly appointed
18 a Snohomish County Deputy Prosecutor who works in family division to work as a pro bono legal aid
19 family law attorney in Snohomish County Legal Services. Snohomish County Legal Services is a
20 501(c)(3) tax-exempt charitable organization that is incorporated in Everett, Washington. This legal
21 aid firm has been appointing to its board of directors several of the Snohomish County Superior Court
22 judges in clear conflict of interest. In 2015, Snohomish County Legal Services concealed the sources
23 of \$539,081 in grant funding. It was found that the State of Washington represented by Snohomish
24 County Prosecutor's Office has been presenting restraining and protection orders to the Snohomish
25 County Superior Court judges and commissioners in Dissolution of Marriage with Children cases.

1 These orders were presented with baseless allegations of domestic violence. The Snohomish County
2 Superior Court signed these orders in the absence of due process thus barring parents' access to their
3 children. It was found that this was an effort by the State to maximize the child support payment and
4 thus the federal incentive that the State receives for enforcing child support pursuant to 42 U.S.C. §
5 658a. The Snohomish County Prosecutor's Office has conspired with the Washington State
6 Department of Health and Social Services to issue Income Withholding Orders (IWO) to extort child
7 support payments from parents regardless of their financial abilities. This scheme has led to many
8 absent-parent households and escalated the problem of homelessness in the State of Washington. The
9 Washington State Bar Association has also conspired to protect State officials from discipline and
10 prosecution by dismissing numerous grievances despite evidence of professional misconduct that
11 included corruption. Over the years, the State of Washington has repeatedly violated Americans' civil
12 rights by denying citizens equal due process in court proceedings in violation of the equal protection
13 clause of the Fourteenth Amendment of the United States Constitution. Furthermore, it was found that
14 Washington State's statutes in regards to child custody and support are unconstitutional. A child has a
15 right to experience a consistent, loving, and reciprocating relationship with both parents. No state can
16 deprive any person of life, liberty or property without due process of law nor deny any person the
17 equal protection of the laws.

18 2. CONCLUSIONS OF LAW

19 a) This Court finds by a preponderance of the evidence that the State of Washington has abused
20 the process in relation to the Child Support Enforcement Program. The court concludes that the State
21 of Washington's participation in the Child Support Enforcement Program and the federal incentives
22 received under this program shall be suspended until the State reforms its family courts and audit its
23 judiciary and bar association. The State shall amend its statutes to be in compliance with the United
24 States Constitution, Articles, and Amendments. The State shall provide proof of the amendments to its
25 statutes to this court before participation in the CSE Program is reinstated. Without delay, the State

1 shall arrest and hand over to the Federal Bureau of Investigation any individual found to be directly
 2 involved in the racketeering and corruption. This court shall retain jurisdiction over this case to
 3 enforce this order. Moreover, the plaintiff could bring a motion for enforcement and further relief.

4 b) In regards to child custody, this court concludes that the current state law violates the legal
 5 custody of children. Both mothers and fathers have equal rights to the *legal* custody of their children
 6 under the equal protection clause of the Fourteenth Amendment. Legal custody and physical custody
 7 are two distinct terms. If one parent is the *physical* custodian, that should not deprive the other parent
 8 of his or her *legal* custody of a child. The State should not interfere in the physical custody of children
 9 in the absence of limitation. Limitation shall be applied only after strict scrutiny of evidence and
 10 testimonials brought by any party. In the absence of limitation, the State should defer decisions on
 11 physical custody to Alternative Dispute Resolution (ADR) where all parties are encouraged to work
 12 out a schedule that is in the best interest of their children.

- 13 • The 9th Circuit recognized that “a parent has a constitutionally protected liberty interest in the
 14 companionship and society of his or her child.”

15 *Ward v. City of San Jose, 967 F. 2d 280; US Ct App 9th Cir, (1992)*

- 16 • The 9th Circuit held that 'the integrity of the family unit has found protection in the Due Process
 17 Clause of the Fourteenth Amendment, the Equal Protection Clause of the Fourteenth Amendment,
 18 and the Ninth Amendment'. *Kelson v. Springfield, 767 F 2d 651; US Ct App 9th Cir, (1985)*

- 19 • The 10th Circuit has expressly recognized that “the forced separation of parent from child, even
 20 for a short time (in this case 18 hours); represent a serious infringement upon the rights of both.”

21 *J.B. v. Washington County, 127 F.3d 919, 923; US Ct App 10th Cir, (1997)*

- 22 • The 7th Circuit concluded “the Due Process Clause of the Fourteenth Amendment requires that
 23 severance in the parent-child relationship caused by the state occur only with rigorous protections
 24 for individual liberty interests at stake.”

25 *Bell v. City of Milwaukee, 746 F 2d 1205; US Ct App 7th Cir WI, (1984)*

1 • The rights of parents to the care, custody and nurture of their children is of such character that it
2 cannot be denied without violating those fundamental principles of liberty and justice which lie at
3 the base of all our civil and political institutions, and such right is a fundamental right protected by
4 this amendment (First) and Amendments 5, 9, and 14.

5 *Doe v. Irwin, 441 F Supp 1247; U.S. D.C. of Michigan, (1985)*

6 • The several states have no greater power to restrain individual freedoms protected by the First
7 Amendment than does the Congress of the United States.

8 *Wallace v. Jaffree, 105 S Ct 2479; 472 US 38, (1985)*

9 • Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes
10 irreparable injury. Though First Amendment rights are not absolute, they may be curtailed only by
11 interests of vital importance, the burden of proving which rests on their government.

12 *Elrod v. Burns, 96 S Ct 2673; 427 US 347, (1976)*

13 • Law and court procedures that are “fair on their faces” but administered “with an evil eye or a
14 heavy hand” are discriminatory and violate the equal protection clause of the Fourteenth
15 Amendment. *Yick Wo v. Hopkins, 118 US 356, (1886)*

16 • Even when blood relationships are strained, parents retain vital interest in preventing irretrievable
17 destruction of their family life; if anything, persons faced with forced dissolution of their parental
18 rights have more critical need for procedural protections than do those resisting state intervention
19 into ongoing family affairs. *Santosky v. Kramer, 102 S Ct 1388; 455 US 745, (1982)*

20 • Parents have a fundamental constitutionally protected interest in continuity of legal bond with their
21 children. *Matter of Delaney, 617 P 2d 886, Oklahoma (1980)*

22 • The liberty interest of the family encompasses an interest in retaining custody of one’s children
23 and, thus, a state may not interfere with a parent’s custodial rights absent due process protections.

24 *Langton v. Maloney, 527 F Supp 538, D.C. Conn. (1981)*

25 • Parent’s right to custody of child is a right encompassed within protection of this amendment

1 which may not be interfered with under guise of protecting public interest by legislative action
2 which is arbitrary or without reasonable relation to some purpose within competency of state to
3 effect. *Regenold v. Baby Fold, Inc.*, 369 NE 2d 858; 68 Ill 2d 419, appeal dismissed 98 S Ct 1598,
4 435 US 963, IL, (1977)

- 5 • Parent’s interest in custody of her children is a liberty interest which has received considerable
6 constitutional protection; a parent who is deprived of custody of his or her child, even though
7 temporarily, suffers thereby grievous loss and such loss deserves extensive due process protection.
8 *In the Interest of Cooper*, 621 P 2d 437; 5 Kansas App Div 2d 584, (1980)
- 9 • Father enjoys the right to associate with his children which is guaranteed by this amendment
10 (First) as incorporated in Amendment 14, or which is embodied in the concept of “liberty” as that
11 word is used in the Due Process Clause of the 14th Amendment and Equal Protection Clause of the
12 14th Amendment. *Mabra v. Schmidt*, 356 F Supp 620; DC, WI (1973)
- 13 • Separated as our issue is from that of the future interests of the children, we have before us the
14 elemental question whether a court of a state, where a mother is neither domiciled, resident nor
15 present, may cut off her immediate right to the care, custody, management and companionship of
16 her minor children without having jurisdiction over her in personam. Rights far more precious to
17 appellant than property rights will be cut off if she is to be bound by the Wisconsin award of
18 custody. *May v. Anderson*, 345 US 528, 533; 73 S Ct 840, 843, (1952)
- 19 • A parent’s right to care and companionship of his or her children are so fundamental, as to be
20 guaranteed protection under the First, Ninth, and Fourteenth Amendments of the United States
21 Constitution. *In re: J.S. and C.*, 324 A 2d 90; *supra* 129 NJ Super, at 489 (1974)
- 22 • The Court stressed, “the parent-child relationship is an important interest that undeniably warrants
23 deference and, absent a powerful countervailing interest, protection.” A parent’s interest in the
24 companionship, care, custody and management of his or her children rises to a constitutionally
25 secured right, given the centrality of family life as the focus for personal meaning and

1 responsibility. *Stanley v. Illinois*, 405 US 645, 651; 92 S Ct 1208, (1972)

- 2 • Parent’s rights have been recognized as being “essential to the orderly pursuit of happiness by free
3 man.” *Meyer v. Nebraska*, 262 US 390; 43 S Ct 625, (1923)
- 4 • The U.S. Supreme Court implied that “a (once) married father who is separated or divorced from a
5 mother and is no longer living with his child” could not constitutionally be treated differently from
6 a currently married father living with his child.

7 *Quilloin v. Walcott*, 98 S Ct 549; 434 US 246, 255^Q56, (1978)

- 8 • No bond is more precious and none should be more zealously protected by the law as the bond
9 between parent and child. *Carson v. Elrod*, 411 F Supp 645, 649; DC E.D. VA (1976)
- 10 • A parent’s right to the preservation of his relationship with his child derives from the fact that the
11 parent’s achievement of a rich and rewarding life is likely to depend significantly on his ability to
12 participate in the rearing of his children. A child’s corresponding right to protection from
13 interference in the relationship derives from the psychic importance to him of being raised by a
14 loving, responsible, reliable adult. *Franz v. U.S.*, 707 F 2d 582, 595^Q599; US Ct App (1983)
- 15 • A parent’s right to the custody of his or her children is an element of “liberty” guaranteed by the
16 5th Amendment and the 14th Amendment of the United States Constitution.

17 *Matter of Gentry*, 369 NW 2d 889, MI App Div (1983)

- 18 • Reality of private biases and possible injury they might inflict were impermissible considerations
19 under the Equal Protection Clause of the 14th Amendment.

20 *Palmore v. Sidoti*, 104 S Ct 1879; 466 US 429

- 21 • Legislative classifications which distributes benefits and burdens on the basis of gender carry the
22 inherent risk of reinforcing stereotypes about the proper place of women and their need for special
23 protection; thus, even statutes purportedly designed to compensate for and ameliorate the effects of
24 past discrimination against women must be carefully tailored. The state cannot be permitted to
25 classify on the basis of sex. *Orr v. Orr*, 99 S Ct 1102; 440 US 268, (1979)

- 1 • The United States Supreme Court held that the “old notion” that “generally it is the man’s primary
2 responsibility to provide a home and its essentials” can no longer justify a statute that
3 discriminates on the basis of gender. No longer is the female destined solely for the home and the
4 rearing of the family, and only the male for the marketplace and the world of ideas.
5 *Stanton v. Stanton, 421 US 7, 10; 95 S Ct 1373, 1376, (1975)*
- 6 • Judges must maintain a high standard of judicial performance with particular emphasis upon
7 conducting litigation with scrupulous fairness and impartiality.
8 *28 USCA § 2411; Pfizer v. Lord, 456 F.2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972)*
- 9 • State Judges, as well as federal, have the responsibility to respect and protect persons from
10 violations of federal constitutional rights. *Gross v. State of Illinois, 312 F 2d 257, (1963)*
- 11 • The Constitution also protects “the individual interest in avoiding disclosure of personal matters.”
12 Federal Courts (and State Courts), under *Griswold* can protect, under the “life, liberty and pursuit
13 of happiness” phrase of the Declaration of Independence, the right of a man to enjoy the mutual
14 care, company, love and affection of his children, and this cannot be taken away from him without
15 due process of law. There is a family right to privacy, which the state cannot invade or it becomes
16 actionable for civil rights damages. *Griswold v. Connecticut, 381 US 479, (1965)*
- 17 • The right of a parent not to be deprived of parental rights without a showing of fitness,
18 abandonment or substantial neglect is so fundamental and basic as to rank among the rights
19 contained in this Amendment (Ninth) and Utah’s Constitution, Article 1 § 1.
20 *In re U.P., 648 P 2d 1364; Utah, (1982)*
- 21 • The rights of parents to parent-child relationships are recognized and upheld.
22 *Fantony v. Fantony, 122 A 2d 593, (1956); Brennan v. Brennan, 454 A 2d 901, (1982)*
- 23 • State’s power to legislate, adjudicate and administer all aspects of family law, including
24 determinations of custodial; and visitation rights, is subject to scrutiny by federal judiciary within
25 reach of due process and/or equal protection clauses of 14th Amendment...Fourteenth Amendment

1 applied to states through specific rights contained in the first eight amendments of the Constitution
 2 which declares fundamental personal rights... Fourteenth Amendment encompasses and applied to
 3 states those preexisting fundamental rights recognized by the Ninth Amendment. The Ninth
 4 Amendment acknowledged the prior existence of fundamental rights with it: "The enumeration in
 5 the Constitution, of certain rights, shall not be construed to deny or disparage others retained by
 6 the people." The United States Supreme Court, in a long line of decisions, has recognized that
 7 matters involving marriage, procreation, and the parent-child relationship are among those
 8 fundamental "liberty" interests protected by the Constitution. Thus, the decision in *Roe v. Wade*,
 9 *410 US 113; 93 S Ct 705; 35 L Ed 2d 147, (1973)*, was recently described by the Supreme Court as
 10 found on the "Constitutional underpinning of ... a recognition that the "liberty" protected by the
 11 Due Process Clause of the 14th Amendment includes not only the freedoms explicitly mentioned
 12 in the Bill of Rights, but also a freedom of personal choice in certain matters of marriage and
 13 family life." The non-custodial divorced parent has no way to implement the constitutionally
 14 protected right to maintain a parental relationship with his child except through visitation. To
 15 acknowledge the protected status of the relationship as the majority does, and yet deny protection
 16 under Title 42 U.S.C. § 1983, to visitation, which is the exclusive means of effecting that right, is
 17 to negate the right completely. *Wise v. Bravo, 666 F.2d 1328, (1981)*

- 18 • In controversies affecting the custody of an infant, the interest and welfare of the child is the
 19 primary and controlling question by which the court must be guided. This rule is based upon the
 20 theory that the state must perpetuate itself, and good citizenship is essential to that end. Though
 21 nature gives to parents the right to the custody of their own children, and such right is scarcely less
 22 sacred than the right to life and liberty, and is manifested in all animal life, yet among mankind the
 23 necessity for government has forced the recognition of the rule that the perpetuity of the state is the
 24 first consideration, and parental authority itself is subordinate to this supreme power. It is
 25 recognized that: 'The moment a child is born it owes allegiance to the government of the country

1 of its birth, and is entitled to the protection of that government. And such government is obligated
 2 by its duty of protection, to consult the welfare, comfort and interest of such child in regulating its
 3 custody during the period of its minority.’ *Mercein v. People, 25 Wend. (N. Y.) 64, 103, 35 Am.*

4 *Dec. 653; McKercher v. Green, 13 Colo. App. 271, 58 Pac. 406*

- 5 • But as government should never interfere with the natural rights of man, except only when it is
 6 essential for the good of society, the state recognizes, and enforces, the right which nature gives to
 7 parents [48 Colo. 466] to the custody of their own children, and only supervenes with its sovereign
 8 power when the necessities of the case require it. The experience of man has demonstrated that the
 9 best development of a young life is within the sacred precincts of a home, the members of which
 10 are bound together by ties entwined through ‘bone of their bone and flesh of their flesh’; that it is
 11 in such homes and under such influences that the sweetest, purest, noblest, and most attractive
 12 qualities of human nature, so essential to good citizenship, are best nurtured and grow to
 13 wholesome fruition; that, when a state is based and built upon such homes, it is strong in
 14 patriotism, courage, and all the elements of the best civilization. Accordingly these recurring facts
 15 in the experience of man resulted in a presumption establishing *prima facie* that parents are in
 16 every way qualified to have the care, custody, and control of their own offspring, and that their
 17 welfare and interests are best subserved under such control. Thus, by natural law, by common law,
 18 and, likewise, the statutes of this state, the natural parents are entitled to the custody of their minor
 19 children, except when they are unsuitable persons to be entrusted with their care, control, and
 20 education, or when some exceptional circumstances appear which render such custody inimicable
 21 to the best interests of the child. While the right of a parent to the custody of its infant child is
 22 therefore, in a sense, contingent, the right can never be lost or taken away so long as the parent
 23 properly nurtures, maintains, and cares for the child.

24 *Wilson v. Mitchell, 111 P. 21, 25-26, 48 Colo. 454 (Colo. 1910)*

- 25 c) In regards to child support, this court concludes that the current state law is in direct violation

1 of the United States Constitution (Article I, Sections 9 and 10) that prohibits bills of attainder or *ex*
 2 *post facto laws*. The law currently classifies divorcing parents as custodian (obligee) and non-custodian
 3 (obligor), denies the non-custodial parent equal due process by trial, then “punishes” the non-custodial
 4 parent with child support. Punishment has the forms of wage withholding, liens on property; offset of
 5 unemployment compensation payments; seizure and sale of personal or real property; reporting
 6 arrearages to credit agencies to prevent the undeserved extension of credit; seizure of State and
 7 Federal income tax refunds; revocation of various types of licenses (driver’s, business, occupational,
 8 recreational), attachment of lottery winnings and insurance settlements of debtors parents; requirement
 9 that recipients of financial assistance from the Small Business Administration, including direct loans
 10 and loan guarantees, must certify that the recipient is not more than 60 days delinquent in the payment
 11 of child support, authority to seize assets held by public or private retirement funds and financial
 12 institutions; deprivation of a debtor to a fresh start to discharge a debt completely, pay a percentage of
 13 the debt, or pay the full amount of the debt over a longer period of time because debts for child
 14 support and alimony are not dischargeable, and State or Federal imprisonment, fines or both.

- 15 • The Supreme Court has explained that a bill of attainder is a law that legislatively determines guilt
 16 and inflicts punishment upon an identifiable individual or group of individuals without provision
 17 of the protections of a judicial trial. *United States v. Brown, 381 U.S. 437, 448-50 (1965)*
- 18 • There are 3 requirements for a bill of attainder (1) specification of the affected person or persons;
 19 (2) punishment; and (3) lack of conviction by trial. The Bill of Attainder Clause is to be liberally
 20 construed in the light of its purpose to prevent legislative punishment of designated persons or
 21 groups. *United States v. Brown, 381 U.S. 437 (1965)*
- 22 • “The Due Process Clause” is a restraint on the legislative as well as on the executive and judicial
 23 powers of the government, and cannot be so construed as to leave congress free to make any
 24 process “due process of law,” by its mere will.

25 *Rafedie v. INS, 880 F. 2d 506; US Ct App DC Cir, (1989)*

1 **3. CONCLUSION**

2 In light of the findings of fact and conclusions of law, the Court ORDERS that:

3 **The States of Washington shall:**

- 4 - Arrest and hand over to the Federal Bureau of Investigation any person found to be directly
- 5 involved in the Racketeering and Corruption to be prosecuted pursuant to 18 U.S.C. § 1963.
- 6 - Amend the Revised Code of Washington to be in compliance with the United States Constitution,
- 7 Articles, and Amendments by 12/31/2019.
- 8 - Revise Washington Court Form FL All Family 140 (Parenting Plan) by 12/31/2019.
- 9 - Prosecute against perjury to the maximum allowed by law.
- 10 - Reform the State’s Family Courts by 12/31/2019.
- 11 - Allow for *equal* due process in State’s courts.
- 12 - Allow 50/50 legal shared custody of children.
- 13 - Not to interfere with the physical custody of children if there is no valid limitation on their parents.
- 14 - Defer physical custody decisions to Alternative Dispute Resolution in the absence of limitation.
- 15 - Immediately halt the issuance of all Bills of Attainder.
- 16 - Audit the State’s judiciary and bar association.
- 17 - Immediately halt all child support enforcement.
- 18 - Release all detainees who are imprisoned for failing to pay child support.
- 19 - Investigate election frauds in Snohomish County.

20 **IT IS SO ORDERED.**

21 Done in open Court this 22nd day of October 2018.

22 Presented By: Amar Safadi, qui tam

23 

24 _____
25 Signature



U.S. District Judge / U.S. Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the United States District Court, Western District of Washington – Seattle Division. I certify that service will be accomplished upon:

Lianne S. Malloy

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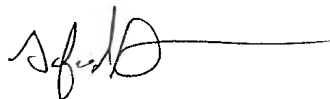
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///

Dated: October 22nd, 2018



Amar Safadi