

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

CANDACE PAIGE BELL,

Petitioner,

v.

STATE OF TEXAS,
JAMES DEAN HAWKINS

Respondents.

**On Petition For A Writ Of Certiorari
To The United States Supreme Court
For The Texas Supreme Court**

Candace Paige Bell
Petitioner

ALLEN, TEXAS 75002

Tel.:(682)386-0440

E-Mail: candacepaigebell@gmail.com
cbell523@yahoo.com

FACTS TO BE JUDICIALLY NOTICED

1. On 10/05/2017, James Hawkins filed a Suit against Candace Bell to temporarily modify the parent-child relationship.
2. On 10/18/2017, Candace Bell filed medical documents with the court in response to being served with a suit to modify the parent-child relationship.
3. The terms of the Associate Judge's Report on 10/23/2017 abate the child support payments, removes electronic communication, and orders the parties to make a monetary exchange of \$500 in return of a signed temporary order and scheduled a follow up hearing for 12/12/2017.
4. The associate judge had the modification go to trial without legitimate cause or reason and on 1/16/2018, granted the opposing party's motion to abate a hearing for temporary orders scheduled to be heard in a follow up proceeding on 1/23/2018
5. The terms of conservatorship in an Order rendered by the court contradict or violate the provisions of existing law and The United States Constitution.
6. The terms of conservatorship of an Order rendered on 2/21/2018 by the court contradict the terms of conservatorship in the previous Order of the Court rendered on 2/23/2017.
7. The terms of the Order rendered on 2/21/2018 restrict possession and access to the child to supervised visitation. The Order fails to name any cause of action for the limitation of the court order.
8. Candace Bell motioned for Modification of the Parent-Child relationship, temporary restraining order, and injunction on 8/7/2018
9. James Hawkins applied for and was granted a protective order on 8/14/2018
10. The judge denied Candace Bell's emergency restraining order and temporary orders and never made a decision on the restraining order against James Hawkins.
11. Candace Bell applied with the Advocacy Office for a protective order and the advocacy office told her by email that the judge's absolutely would not hear the case and that suggested that she go to another county.
12. Candace Bell was declined representation by a public defender for the protective order hearing now against her.
13. A judgment was granted against Candace Bell of \$1000 for attorney's fees.
14. The application for the Protective Order rendered on 9/18/18 does not list the child as a protected person.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

15. Candace Bell motioned for a psychological evaluation of James Hawkins on the basis to identify a dangerous personality disorder
16. Candace Bell motioned to have the child appointed an evaluator and filed a separate motion for the child to be interviewed in chambers.
17. The court granted summary judgment on 12/3/2018.
18. Candace Bell filed a complaint with the Commission on Judicial Conduct on Judge Lopez
19. Candace Bell filed a grievance with the State Bar Grievance Committee on attorney, Brian Andrade
20. James Hawkins Motioned to Modify Protective Order 2/21/2019
21. The Court rendered an Agreed First Amended Final Protective Order on 4/9/2019, the modification was made to the Order to allow the child to be dropped off at Candace Bell's residence by James Hawkins for visitations.
22. Candace Bell filed her 2nd motion to modify the parent-child relationship
23. Alternative Service Order rendered due to avoidance of constable's office.
24. The court delayed proceedings on 6/11/2019, and later on 7/16/2019 Motion to declare protective order void or in the alternative voidable was denied
25. The Court denied the opposing party's delaying motion to require security and rule Candace Bell a vexatious litigant
26. The Court granted a continuance for attorney, Brian M. Andrade to attend a jury trial
27. Brian M. Andrade did not have a jury trial scheduled anymore on the day that the court granted the continuance
28. The court denied the opposing party's motion to strike statements from the record
29. The opposing party filed Motion to Enforce Child Support on 9/6/2019
30. The motion of enforcement for child-support states specific dates for unpaid child support to be enforced
31. The Attorney General's office piggy-backed on this case in representation by attorney Matt Garcia
32. The court denied Candace Bell's motion for temporary orders on 9/20/2019
33. The court was scheduled to hear the motion on 'Appeal for Temporary Orders,' on 11/11/2019
34. The court did not hear Candace Bell's Motion scheduled to be heard on Appeal for Temporary Orders on 11/11/2019
35. The Court granted the opposing party's Motion for summary judgment on 11/11/2019.
36. Judge Lopez refused to recuse himself from the case
37. Child support hearing was delayed until after Recusal hearing

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

38. The court sentenced Candace Bell to confinement for Contempt of Court/Enforcement of Child Support on 2/20/2020, after the pandemic had begun.
39. Candace Bell was transferred to Denton County and incarcerated for a charge on a violation of the protective order rendered by the 256th Court.
40. Judge Lopez recommended that Candace Bell file a motion for a Bill of Review in hearing for Candace Bell's Motion to Dismiss Summary Judgement on 8/24/2020
41. The Court determined that Candace Bell was entitled to representation in the hearing for Enforcement of Child Support.
42. Candace Bell was released from confinement 8/2/2020
43. The public defender, Catherine Estrada, representing Candace Bell was granted a motion to withdraw on 9/10/2020
44. The public defender's motion for continuance was denied to Candace Bell and the court proceeded with the scheduled hearing without allowing Candace Bell representation
45. Judge Lopez told Candace Bell that he would not hear a motion on Bill of Review
46. Judge Lopez told Candace Bell that she needed to take responsibility for not paying child support
47. Judge Lopez told Candace Bell that she should have paid the child support instead of the cost for supervised visitation in order for the parent and child to see each other after being apart for so long
48. The Court Ordered Candace Bell to Confinement as a result of the Enforcement hearing.
49. The dates being enforced on the Order for Enforcement rendered by the Court are unrelated to the case heard.
50. Judgments were granted against Candace Bell for unmatching and inconsistent monetary judgments of child support and medical support, attorney's fees, and increased court fees.
51. Candace Bell has not hugged her child since 8/29/2020.

GROUND

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

- 1) The Court is causing or permitting the petitioner and the petitioner's child to be in a situation in which the petitioner and the petitioner's child sustain ongoing mental or emotional injuries that result in observable and material impairments of mental and psychological functioning without any rationale that makes sense.
- 2) Without any fault or negligence of her own, the court has caused a significant and injurious undue delay in proceedings and granted improper Orders and judgments in violation of the law.
- 3) The 256th District Court has disrespected the rule of law and lost the integrity of the court by gross negligence, gross mismanagement between the judges and the staff, gross waste of the court's resources, substantial violations of law, rules, and regulations, and engaged in conduct that undermines the independence or integrity reasonably expected.
- 4) The Court has granted improper judgments and rendered Orders from proceedings in the Court that total an unwarranted 62 court appearances and 268 filings.
- 5) The 256th District Court has failed to carry out policy and uphold the responsibility of all trial and appellate courts and their court administrators, to encourage the peaceable resolution of disputes, with special consideration given to disputes involving the parent-child relationship, including the mediation of issues involving conservatorship, possession, and support of children, and the early settlement of pending litigation through voluntary settlement procedures in accordance with Texas Civil Practices and Remedies Code 154.003.
- 6) Petitioner believes that she cannot get a fair trial in Dallas County or before Judge David Lopez, and this is supported by the sworn statements of other credible persons. The court is perpetuating a sense of hopelessness coercing parties to resolve the conflict outside of the courts and has been ineffective as an arbiter of facts for the resolution of the dispute.
- 7) The Court is acting in the case with improper jurisdiction and has summarily denied all requested relief, senselessly retaliated against and harassed the petitioner, and failed to dispose of the matter as law and justice require. Dallas County is an improper venue in which the action is under the court's jurisdiction according to the Texas Civil Practice and Remedies Code Sec. 15.063, Texas Civil Practice and Remedies Code Sec. 15.002, Texas Rules of Civil Procedure 502.4., and general statute for United States federal courts 28 U.S.C. § 1391, *Where a Lawsuit May be Brought*. The proper venue is Collin County, Texas.
- 8) There are substantial irregularities and evidence of systemic fraud. This is a rare and extraordinary request for relief where the state court's processes have been used as a scheme to

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

interfere with the judicial machinery performing the task of impartial adjudication, failing to uphold and respect the Constitution and federal laws.

- 9) By surprise, after rendering an Order that she was entitled to representation by a public defender in a proceeding, the judge abused his contempt power and had her taken into custody, unmixed with any fault or negligence of her own, in hearing on February 20, 2020, when she was properly attacking the validity of the Court's Order and made the statement, "Despite apparent adherence to procedural form, the effect of the Court's departure from recognized and established practices of law is a deprivation of one's Constitutional right."
- 10) Candace Bell was then held in jail during the high risk Covid-19 outbreak for nearly 6 months based on a charge that was then placed on her for a violation of a protective order that the Court rendered in an overstep of its authority. The rendering of the Protective Order violates the rules and regulations and omits the necessary qualifications stated in the rules of Chapter 85 of the Texas Family Code for the Protective Order to be rendered against her. The Court had rendered this Order knowing that it was a direct act of retaliation when the petitioner had filed for modification to the parent-child relationship and requested a temporary restraining order and injunction and protective order days before and simultaneously failed to render a necessary protective order against the other party despite the preponderance of credible evidence against him that revealed past family violence and the likeliness of family violence in the future.
- 11) The charge against her was the result of this illegal protective order and of a malicious accusation when the 'protected person' was not present during an event between the petitioner and her child. Petitioner had walked 3 ½ miles in the freezing rain one day to give her son a hug before school started because the Court had allowed them to be kept apart without communication for a time period exceeding three months that was dangerous to the child's well-being. The child then requested the parent's presence at a school event for the holidays and although the Petitioner did not disrupt the peace in any way or do anything that justifies a criminal charge against her, the opposing party called the police and requested charges be placed against her for giving her son a hug and denying his demands for sex as an exchange to visit with the child. The Court has knowingly permitted the opposing party to have this power over the petitioner and severely oppressed her for disagreeing and refusing to comply with his demands.
- 12) When the parties returned to court following her incarceration, the judge suggested that Ms. Bell file a motion for the Court to hear on a Bill of Review, so Candace Bell did as suggested.
- 13) When the parties returned to Court again, the judge stated that he would not hold a proceeding for the motion that she had filed to be heard on a Bill of Review.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

14) In the same proceeding, the judge allowed ineffective representation to withdraw from the case, denied Respondent the right to representation, he had previously entitled her to, and without notice proceeded to hear the case and sentence her again while denying Petitioner her rights in a violation of her 6th amendment right to "adequate representation."

15) Children have the constitutional right to avoid dislocat[ion] from the emotional attachments that derive from the intimacy of daily association with the parent.

Skinner v. Oklahoma, 316 U.S. 535, 536 (1942).

16) "If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void."

(1Freeman on Judgments, 120c.)

17) "Constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority. Minors, as well as adults, are protected by the Constitution and possess constitutional rights."

Planned Parenthood of Central Missouri v. Danforth, 428 U.S. 52, 74 (1976).

18) The United States Supreme Court noted that a parent's right to "the companionship, care, custody and management of his or her children" is an interest "far more precious" than any property right.

May v. Anderson, 345 U.S. 528, 533; 73 S.Ct. 840, 843, (1952).

19) A parent's right to the preservation of his relationship with his child derives from the fact that the parent's achievement of a rich and rewarding life is likely to depend significantly on his ability to participate in the rearing of his children. A child's corresponding right to protection from interference in the relationship derives from the psychic importance to him of being raised by a loving, responsible, reliable adult.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

Franz v. U.S., 707 F 2d 582, 595-599; US Ct App (1983).

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

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

From the beginning, the decisions, judgments, and Orders were complete nullity and without any legal effect. See Hobbs v. U.S. Office of Personnel Management, 485 F.Supp. 456 (M.D. Fla. 1980). In 2015, Petitioner Candace Paige Bell entered into a suit affecting the parent-child relationship with James D. Hawkins in the matter of marriage and in the interest of Jameson Nicholas Hawkins, a child.

The interference in the right of a parent to have a relationship with his children is so unreasonable in its intrusion on a relationship protected as a matter of fundamental right as to constitute an abuse of the courts discretion to impact a fundamental right.

“The liberty interest at issue in this case — the interest of parents in the care, custody, and control of their children — is perhaps the oldest of the fundamental liberty interests recognized by this Court.” Troxel v. Granville, 530 U.S. 57 (U.S. 2000)

After years of unexplained inaction on the case, Judge Lopez and Associate Judge Moore have granted two summary judgments in under a year, forbidding the modification of the parent-child relationship. The Order to be modified is void or in the alternative, voidable; the terms of the ‘Order in Suit to Modify’ exceeds the Court’s inherent authoritative power. The gross-negligence of the Court permitted ongoing child abuse and sexual abuse against the other parent. The judges heard the motions for emergency orders, temporary orders, admitted evidence, and questioned documentary evidence, and then failed to apply the future dangerousness of the admitted evidence that would have caused the temporary orders to be rendered.

The terms of conservatorship in the ‘Order in Suit Affecting the Parent-Child Relationship’ directly contradicted the terms of the current Order of the court, ‘Order in Suit to

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

Modify.’ Petitioner unsuccessfully appealed, and the Court declined to review. Further, Petitioner submitted documentary evidence showing that the court had disregarded vital facts about the prior history of the actions and intentions of the opposing party, opposing counsel, and the rulings of the court in their relation. The judges, opposing counsel, the attorney representing the attorney general’s office, and the public defender all behaved in a way that undermines the integrity of judicial proceedings. Judge Lopez did not recuse himself from the case and the judge that heard the case for recusal denied the motion for recusal brought by the petitioner. Judge Lopez’s allowances of false factual assertions coupled with the judge’s delays or declination of admitting wrongdoing or making modifications, or legally deciding a case in any manner, contributed greatly to the duration and cost of proceedings and harm done. The initial complaint made to the Commission on Judicial Conduct was not resolved and still lacks any investigation or punishment which must be called into serious question. The district court stated that they would not hear the case for a Bill of Review once filed immediately after previously suggesting it. This is a constant run around in the courts with and government without anyone willing to do their job. Every senator, state representative, related or affiliated government agency fails to give this case the attention justice requires.

In *Santosky v. Kramer*, 455 U.S. at 749, 753-54, the Court expressly held that the interest of a parent, who has temporarily lost custody of his child, “rights ever to visit, communicate with, or regain custody of the child” is important enough to entitle him to the procedural protections mandated by the Due Process Clause.” Despite apparent adherence to procedural form at first, the court’s departure from recognized and established practices of law is violation of one’s constitutional right.

QUESTIONS PRESENTED

Where court officials violate the Rule of law, our fundamental rights, Constitutional rights, family code laws and guidelines, including public policies of the state, civil and criminal procedure, evidence rules, and basic human rights, is abuse, waste, and fraud upon the Court, and by the Court itself, with malice and gross negligence including misrepresentations of fact and law while minimizing a critical genuine issue of material fact in the case of *James Hawkins v. Candace Paige Bell*, enough reason to investigate and prosecute judicial misconduct and reckless disregard, invalidate an Order, discredit officials and attorneys, return the parent’s child to Candace Bell permanently, and demand restitution and all relief they are entitled to?

1. Did the Court violate procedural protections mandated by the Due Process Clause by placing illegitimate limitations and restrictions on the parent-child relationship that are not authorized by the law and not in accordance with accepted standards or rules, without

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

findings of fact and conclusions of law, legal reasoning, or any appropriate cause of action?

2. Is the court permitted to cause undue burden on a parent's associational rights, undue intrusion by the State, and unjustified interference" from the government?
 - a. *The court must weigh the individual interests to determine whether the conduct of the governmental actor constituted an undue burden on a parent's associational rights.*
See Hodgson, 110 S. Ct. at 2943 (familial privacy interests protected against undue state interference); Roberts, 468 U.S. at 617-18
 - b. *"choices to enter into and maintain certain intimate human relationships must be secured against undue intrusion by the State"*
See *Arnold*, 880 F.2d at 312 (right protected against "unjustified interference" from the government).
3. Is the judiciary overstepping its authority by exceeding the Court's inherent powers and limitations?
4. Is the Court in violation of the petitioner's fundamental rights, the Rule of Law, and the U.S. Constitution?
5. Is the Judge found to be engaging in conduct of intention and willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful and persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit on the judiciary or on the administration of justice, including ethical and criminal misconduct, high crimes and misdemeanors, constitutional issues, and the lack of merits for decisions or procedural rulings, as well abusive violations of the Texas Family Code?
- 6.

If the void judgment exception recognizes that there are some rare situations in which a trial court's judgment is accorded no respect due to a complete lack of power to render the judgment in question and a void judgment is a "nullity" and can be attacked at any time, (*Ex Parte Patterson*, 969 S.W.2d 16, 19 (Tex. Crim. App. 1998).)

Are the Orders of this court worthy of the respect afforded a valid adjudication or enforcement?

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

7. Is it wilful neglect of evidence-supported allegations of gross-negligence and reckless disregard by officials, is it right or wrong to allow arbitrary exercise of powers diminishing a parent-child relationship as a result of the mother saying “No,” to unwanted sexual acts?
8. Is this a case of malice and gross negligence with coercive interference on the parent-child relationship, acts defined by the Texas Family Code section 261.001 (a) and (b) as child abuse and neglect?
 - a. Is there substantial cause to investigate when officers of a court who have an obligation to promote justice and uphold the law, work together in acts of collusion, retaliation, and willful misconduct with attorneys and the opposing party, resulting in false incarceration, erroneous deprivation of the right to counsel, wrongful judgments, and Orders unfavorable to the best interest of the child with reckless disregard for the safety and well-being of the child and the other parent?
 - b. After multiple subjugations, including but not limited to unlawful incarceration and inaction to safeguard Candace Bell from harmful and forced sexual acts, is this a case that could have national significance with an outcome that might harmonize conflicting decisions in District Family Courts, and could have continuing public precedential value for posterity?
 - c. Is further investigation necessary when the 256 District Courts, The Fifth Circuit Court of Appeals, the Texas Supreme Court, The Attorney General’s Office, and the State Commission on Judicial Conduct have irrefutably denied basic fundamental human rights, Constitutional rights, and natural rights among continuous acts of wrongdoing? **Fraud and False Statements Federal law, at 18 U.S.C. §1001, authorizes prosecution and penalties of fine or imprisonment for conviction of “whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry.”**

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

II. Table of Contents

I.	Questions Presented.....	2
II.	Table of Contents.....	<u>6</u>
III.	Table of Authorities.....	<u>8</u>
IV.	Petition for Writ Of Certiorari.....	<u>10</u>
V.	Opinions	<u>10</u>
VI.	Jurisdiction.....	<u>11</u>
VII.	Constitutional Provisions Involved.....	
VIII.	Statement of the Case.....	12

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

1. PETITIONER REQUESTS FOR WRIT OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS, AND ALL ENTITLED RELIEF

IX. REASONS FOR GRANTING THE WRIT... **A state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.** Officials have engaged in the most egregious conduct unbecoming a member of the Bar of this Court. Petitioner requests the Court to enter an order suspending that member from practice before this Court and affording the member an opportunity to show cause, within 40 days, why a disbarment order should not be entered. Upon response, or if no response is timely filed, the Court will enter an appropriate order.

A. FRAUD UPON THE COURT, AND BY THE COURT ITSELF, WASTE, ABUSE, MALICE, GROSS-NEGLIGENCE, VIOLATIONS OF FUNDAMENTAL CONSTITUTIONAL RIGHTS AND LIBERTIES, AND CRIMINAL ACTS OF ABUSE AND SEVERE CRIMES INVOLVING MORAL TURPITUDE.

B. RELIEF FROM JUDGMENT(S)

1. ORDER ON MOTION FOR ENFORCEMENT CHILD SUPPORT AND MEDICAL SUPPORT
2. FIRST AMENDED AGREED FINAL PROTECTIVE ORDER
3. FINAL PROTECTIVE ORDER
4. ORDER IN SUIT TO MODIFY
5. ORDER IN A SUIT AFFECTING PARENT-CHILD RELATIONSHIP
6. JUDGMENTS TO ATTORNEY BRIAN M. ANDRADE
- 7.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

C. TO AVOID DEPRIVATIONS OF THE RIGHT TO COUNSEL, THIS COURT SHOULD CLARIFY THE “INITIATION” STANDARD THAT INVOKED THEIR RIGHT TO COUNSEL

D. THIS IS A CASE THAT COULD HAVE NATIONAL SIGNIFICANCE WITH AN OUTCOME THAT MIGHT HARMONIZE CONFLICTING DECISION IN THE FAMILY COURTS, AND COULD HAVE PRECEDENTIAL VALUE FOR THE SAKE OF POSTERITY.

X.	CONCLUSION.....	43
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III. Table of Authorities

Cases

<u>Meyer v. Nebraska, 262 U.S. 390 (1923).</u>	17
<u>Santoskyv. Kramer, 455 U.S. 745, 753 (1982).</u>	21,22
<u>Duchesne v. Sugarman, 566 F.2d 817, 825 (2d Cir. 1977).</u>	21,22
<u>Lassiter v. Dep’t of Soc. Servs., 452 U.S. 18 (1981).</u>	21,22
<u>Caldwell v. Barnes, 154 S.W.3d 93, 96 (Tex. 2004).</u>	22
<u>Caldwell I, 975 S.W.2d at 537.</u>	23,51
<u>Rozier v. Ford Motor Co., 573 F.</u>	28
<u>Aetna Casualty & Surety Co. v. Yeatts, 122 F.2d 350 (4th Cir. 1941).</u>	29
<u>Martina Theatre Corp. v. Schine Chain Theatres, Inc., 278 F.2d 798, 801 (2d Cir. 1960).</u>	32

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

<u>SchalL 467 U.S. at 265</u>	19
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Statutes

<u>18, U.S.C., Section 241</u>	26
<u>28 U.S. C 2243</u>	26,60
<u>28 U.S. C 1257</u>	27
<u>18 U.S.C. § 1581</u>	27

Constitutional Provisions

United States Constitution, Amendment I	24
United States Constitution, Amendment II	24
United States Constitution, Amendment IV	24
United States Constitution, Amendment V	25
United States Constitution, Amendment VI	25
United States Constitution, Amendment VII	25
United States Constitution, Amendment VIII	25
United States Constitution, Amendment..IX	25
United States Constitution, Amendment X	25
United States Constitution, Amendment XIII	26

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

IV. Petition for Writ of Certiorari

Candace Bell, Petitioner, respectfully petitions this court for a writ of certiorari to review the judgments of the 256th District Court, Writ of Habeas Corpus, Bill of Review, Motion to Return Child, Emergency Temporary Orders, relief from invalid Judgments and Orders, findings, conclusions, and recommendations.

V. Opinions Below

The decisions by the 256th District Court are attached at **Appendix (“App.”) at 1-13.**

1. The rendition of a declaratory judgment(App. 1) in the matter of marriage,
2. The court ordered Candace Bell to sign an inaccurate and fraudulently altered Order of the court in a suit affecting the parent-child relationship (App. 2-4),
3. Abated temporary orders hearing,
4. Rendered and Ordered Candace Bell to sign an Order in Suit to Modify(App. 5-6),
5. Denied a rendition of temporary orders, denied Candace Bell’s Original Petition for Modification of the Parent-Child Relationship in improper summary judgment(App. 7),
6. Rendered an unlawful protective order and judgment against Candace Bell(App. 8),
7. Rendered an unlawful agreed protective order(App.9),
8. Denied motion to declare protective order void or in the alternative voidable (App. 10),
9. Denied temporary orders and opted to hear the opposing party’s motion for summary judgment instead of Candace Bell’s Appeal for temporary Orders(App. 11),
10. Denied Modification of the Parent-Child Relationship in an improper summary judgment (App. 12),

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

11. Denied the Collateral Attack of the Invalid Orders, and rendered an Order in Contempt of Child Support and judgment(App. 13) against her and placed Candace Bell in confinement.
12. After determining indigency and making a decision that it was necessary to appoint Candace Bell a public defender, in hearing on 8/24/2020, the court proceeded in hearing after dismissing the public defender from her responsibilities and denied Candace Bell the opportunity to submit necessary exhibits to the court that the public defender, Catherine Estrada, failed to submit prior to the court appearance. Then despite evidentiary facts that should have been judicially noticed, the court ruled against her in judgment rendered and contempt with incarceration for 180 days for each month picked at random that unable to pay, ordered by acts of fraud upon the court, and by the court itself.

VI. Jurisdiction

Candace Bell's petition for hearing to The Court of Appeals was denied on November 21, 2019. Candace Bell's petition for hearing to the Texas Supreme Court denied review of the petition on December 20, 2019. The Texas Supreme Court then denied rehearing on January 24, 2020. Candace Bell was then falsely incarcerated under terms that had not been heard in a court of law yet and in violation of her First Amendment rights and Sixth Amendment Rights on February 20, 2020, and again in violation of her Sixth Amendment Rights, after deciding that Candace Bell was entitled to an attorney, without a fair hearing, ORDERED, DECREED AND ADJUDGED that Obligor is in contempt of Court for each separate violation stated, unmatching even the Motion addressed, and unmatching the Order rendered, and then ORDERED that punishment for contempt is assessed against Obligor by confinement in the County Jail of Dallas County, TX., for a period of 180 days, for each separate act of contempt.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

Statement of the Case

The terms of the Order and descriptions of the conservatorship with limitations and restrictions of possession of and access to the child fail to specify the reasons for the interference on the parent-child relationship and the rights and duties appointed to them. Therefore the terms of the Order are in fact too vague to be enforced, do not meet the legal standard, and are unconstitutional. The Court has overstepped its authority and granted relief beyond its inherent power.

The recognized and established standard order guidelines are general enough to apply to a wide range of people, however, the limitations and restrictions cannot exceed those of the standard order without a reasonable cause of action for increased limitations or restrictions. The effect of the lack of reason or rules to show cause is an appearance of partiality and intentional infliction of emotional distress with potentially harmful serious consequences on an intimate relationship in which the child has a close emotional bond. There is no explanation for the Court's intrusive action and the abridged rights are not an acceptable appointment for conservatorship in the best interests of the child.

Additionally, the prolonged alienation and child endangerment as well as obvious abuse implicates the current parent appointed sole managing conservatorship, in the inability to act in the best interests of the child with the given opportunity.

In accordance to Section 153.004(b) of the Texas family code, "it is a rebuttable presumption that the appointment of a parent as the sole managing conservator of a child or as the conservator who has the exclusive right to determine the primary residence of a child is not in the best interest of the child if credible evidence is presented of a history or pattern of past or present child neglect, or physical or sexual abuse by that parent directed against the other parent," therefore, it is a rebuttable presumption that the appointment of James Hawkins as the sole managing conservator of a child or as the conservator who has

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

the exclusive right to determine the primary residence of a child is not in the best interest of the child because credible evidence has presented has prove a history or pattern of past or present child neglect, or physical or sexual abuse by that parent directed against the other parent.

This is a case for a Court to decide if the Constitution was the supreme law of the land in judicial review and to issue writs of mandamus for legal orders compelling government officials to act in accordance with the law or for a judge or the judges of a District Courts of the State who is (are) incompetent to discharge the duties of his office, or who shall be guilty of partiality, and oppression, and other official misconduct, and whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge; or who shall fail to execute in a reasonable measure the business in his courts, to be removed by the Supreme Court. Causes of this kind shall have precedence and be tried as soon as practicable.

After years of unexplained inaction on the case, Judge Lopez and Associate Judge Moore granted two summary judgments to forbid the modification of the parent-child relation and permit ongoing child abuse and sexual abuse against the parent, the petitioner, by the other parent. The judges heard, admitted, and questioned documentary evidence, and then failed to apply the future dangerousness of the admitted evidence that would have directly contradicted the current Order of the court and then abruptly and summarily denied all requested relief repeatedly. Petitioner unsuccessfully appealed, and the Court declined to review. Further, Petitioner submitted documentary evidence showing that the court had disregarded vital facts about the prior history of the actions and intentions of the opposing party, opposing counsel, and

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

the rulings of the court in their relation. The judges, opposing counsel, the attorney representing the attorney general's office, and the public defender all behaved in a way that undermines the integrity of judicial proceedings. Judge Lopez did not recuse himself from the case and the judge that heard the case for recusal denied the motion for recusal brought by the petitioner. Judge Lopez's allowances of false factual assertions coupled with the judge's delays or declination of admitting wrongdoing or making modifications, or legally deciding a case in any manner, contributed greatly to the duration and cost of proceedings and harm done. The initial complaint made to the Commission on Judicial Conduct was not resolved and still lacks any investigation or punishment which must be called into serious question. The district court stated that they would not hear the case for a Bill of Review once filed immediately after previously suggesting it. This is a constant run around in the courts with and government without anyone willing to do their job. Every senator, state representative, related or affiliated government agency fails to give this case the attention justice requires.

In *Santosky v. Kramer*, 455 U.S. at 749, 753-54, the Court expressly held that the interest of a parent, who has temporarily lost custody of his child, "rights ever to visit, communicate with, or regain custody of the child" is important enough to entitle him to the procedural protections mandated by the Due Process Clause." Despite apparent adherence to procedural form at first, the court's departure from recognized and established practices of law is violation of one's constitutional right.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

On Petition for a Writ of Certiorari

Cause No. _____

Candace Paige Bell

§

§

V.

§

No. _____

§

STATE OF TEXAS,

§

§

**PETITION FOR A WRIT OF CERTIORARI BEFORE AND AFTER
JUDGMENT, WRIT OF HABEAS CORPUS, BILL OF REVIEW, MOTION TO
RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID
JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND
RECOMMENDATION, AND ALL ENTITLED RELIEF**

COMES NOW, Candace Bell, Petitioner, respectfully petitions this court for a writ of certiorari to review the judgments of the 256th District Court, Writ of Certiorari Before and After Judgment, Writ of Habeas Corpus, Bill of Review, Motion to Return Child, Emergency Temporary Orders, relief from invalid Judgments and Orders, findings, conclusions, and recommendations, and all relief she is entitled to for good cause shown and in the interests of justice. Cause number of the District Family Courts is DF-15-12975.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

I

The factual and legal grounds for seeking this remedy from a court begin with several violations of fundamental and constitutional rights, including 14th amendment right to substantive and procedural due process, as well as the 13th amendment rights in decisions to deprive the parent and the parent's child of life, liberty, and property without due process of law, including but not limited to involuntary servitude by incarceration and forced sexual acts by form of coercion for unsupervised child visitation. The interference on the parent-child relationship originally stemmed from decisions made in acts of discrimination based on religion, previous disability, and gender discrimination.

“The stakes are never higher than when a parent faces the possibility of losing a child,” said Assistant Attorney General Eric Dreiband of the Civil Rights Division. “Individuals with disabilities have just as much a right to raise their children as any other person in this free country, and no government should unnecessarily infringe upon that sacred right. While child welfare agencies are faced with challenging and weighty decisions on a daily basis, they must always strive to ensure that no child is removed from a parent on the basis of unsupported stereotypes, discriminatory attitudes, or other unlawful reasons. This agreement will ensure that parents with disabilities are treated as individuals, and that they receive the supports and services they need to have an equal opportunity to retain or regain custody of their children. We believe this agreement will not only help thousands of families in Massachusetts, but also will provide a roadmap for child welfare agencies nationwide on how to treat parents with disabilities with the fairness, dignity, and respect that they deserve.”

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

“Parents with disabilities should never lose custody of their children due to discriminatory assumptions about their abilities. The love of a parent, coupled with proper support services, can overcome a multiplicity of challenges,” said Roger Severino, Director of the HHS Office for Civil Rights. “We are pleased to have reached this great result with the Department of Justice and Massachusetts.”

Candace Bell’s “right to marry, establish a home, and bring up children” has been infringed upon (Meyer v. Nebraska, 262 U.S. 390 (1923)). The terms of an Order affecting the parent-child relationship are so extremely unjust, or overwhelmingly one-sided in favor of the party who has the superior bargaining power, that they are contrary to good conscience. The terms of the Order also directly contradict rebuttable presumptions of the Texas Family Code, chapter 153, sections 153.004 and Sec. 153.252

- A. “It is a rebuttable presumption that the appointment of a parent as the sole managing conservator of a child or as the conservator who has the exclusive right to determine the primary residence of a child is not in the best interest of the child if credible evidence is presented of a history or pattern of past or present child neglect, or physical or sexual abuse by that parent directed against the other parent, a spouse, or a child.” (Tex. Fam Code 153.004)**
- B. “In a suit, there is a rebuttable presumption that the standard possession order in Subchapter F:**
 - (1) provides reasonable minimum possession of a child for a parent named as a possessory conservator or joint managing conservator; and**

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

(2) is in the best interest of the child.”(Tex. Fam Code 153.252)

The decision of the Court lacks a reasonable relation to any purpose within the competency of the state. There are unconscionable occurrences of fraud upon the Court where a material misrepresentation has been made to the court, and by the court itself. The impartiality of the court has been so disrupted that it won't perform its tasks without bias or prejudice.

The lawyer has not made reasonable efforts under the circumstances to persuade his client, James Hawkins, the opposing party, to take corrective action. The 256th Court judges have disregarded the substantial and undisputed evidence of this case proving the party's egregious actions, bias, intent, and contentions of undue delay. The lawyer knowingly assisted James Hawkins in criminal or fraudulent conduct. The lawyer's conduct in irrefutable collusion with the judicial officers over a period of time exceeding five years, was of recommending and carrying out the means by which a crime and fraud was committed with impunity. The District Judge, David Lopez, associate judge, Regina Moore, and attorney Brian M. Andrade, the opposing party's lawyer, and now the attorney general's attorney, Matt Garcia, continue to assist James Hawkins, in conduct that is criminal or fraudulent.

Statement of facts

II

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

This is a case for a Court to decide if the Constitution was the supreme law of the land in judicial review and to issue writs of mandamus for legal orders compelling government officials to act in accordance with the law.

A. ORDER IN A SUIT AFFECTING PARENT-CHILD RELATIONSHIP

- a. Order rendered by fraud upon the court, and by the court itself in coercing Candace Bell to sign a fraudulently altered ORDER of the Court by use of threat of incarceration.

B. ORDER IN SUIT TO MODIFY

- a. Order rendered by fraud upon the court, and by the court itself in false statements of material fact and law.

C. FINAL PROTECTIVE ORDER

- a. Order rendered by fraud upon the court, and by the court itself in decisions made in excess of the court's jurisdiction.

D. FIRST AMENDED AGREED FINAL PROTECTIVE ORDER

- a. Order rendered by fraud upon the court, and by the court itself in decisions made in excess of the court's jurisdiction.

E. CONTEMPT AND CONFINEMENT in Dallas County Jail and Denton County Jail from February 20, 2020 until July 2, 2020 Violation of First Amendment Rights and Sixth Amendment Rights by sentencing Candace Bell for the use of a legal argument and under an alternate and false charge.

F. ORDER ON MOTION FOR ENFORCEMENT CHILD SUPPORT AND MEDICAL SUPPORT

- a. Order rendered by fraud upon the court, and by the court itself in decisions based off of a fraudulently altered order of the court.
- b. Order rendered by fraud upon the court, and by the court itself in misrepresentations of facts and false information, it's the use of intentional deception for monetary or personal gain, including false statements, misrepresentations and deceitful conduct that the court officials and attorneys as perpetrators know to be false.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

- i. The Court falsely states to have found that Obligor could have timely paid the above specified required medical support in full and on the dates ordered.
 - ii. The Court falsely states to have found that Obligor is guilty of a separate act of contempt for each such separate failure to pay the required medical support.
 - iii. The Court falsely states to have found that Obligor has failed to pay the required medical support to Intervenor in the amounts and on the dates ordered by the Court, through the state disbursement unit; the court-ordered registry.
 - iv. The Court ORDERED that Obligor is in contempt of Court for each separate violation stated in the Order.
 - v. The court ORDERED the imposition of an unfair court fine of \$500.00, more than the usual court fees assessed.
- c. Violation of Sixth Amendment Rights, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges and evidence against you.

III

Merits of the case

The legal principles upon which a party's assertion of rights is based. The terms of multiple Orders exceed the Court's jurisdiction. From the beginning, the Order was complete nullity, primarily the excessive limitations and restrictions on the parent-child relationship without an adequately stated cause of action. Despite apparent adherence to procedural form, the effect of the Court's departure from recognized and established practices of law is a deprivation of fundamental and Constitutional rights; acting as perpetrators of human rights

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

violations and destruction of our “blessings of liberty.” The Court explained that the Due Process Clause of the Fourteenth Amendment protects this liberty, incorporating “the right to marry, establish a home, and bring up children.” Declaring parents' liberty interest in the "care, custody and management" of their children to be fundamental and requiring states to prove parental unfitness sufficient to terminate those rights by clear and convincing evidence, {Santoskyv. Kramer, 455 U.S. 745, 753 (1982)}. {Duchesne v. Sugarman, 566 F.2d 817, 825 (2d Cir. 1977)}, The Second Circuit held “[T]he right of the family to remain together without the coercive interference of the awesome power of the state . . . encompasses the reciprocal rights of both parent and child.” The court explained that “children have the constitutional right to avoid dislocat[i]on from the emotional attachments that derive from the intimacy of daily association with the parent.” They have also violated the Equal Protection Clause of the Fourteenth Amendment because it infringed upon the fundamental “right to have offspring.” {Lassiter v. Dep’t of Soc. Servs., 452 U.S. 18 (1981)}. The Court held parents have a due process right to a fundamentally fair procedure that may require the appointment of counsel. {Santosky v. Kramer, 455 U.S. 745 (1982)}, The Supreme Court declared and held that parents retain constitutionally protected parental rights.

IV

This is a rare case of extremely miscarriage of justice and unconstitutional abuse of power and discretion that needs to be reviewed. The Judges of the 256th District Family Court have made false and misleading statements of material fact and law and made decisions that impose limitations and restrictions on our parent-child relationship that violate our fundamental

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

and Constitutional rights. The Court explained that the Due Process Clause of the Fourteenth Amendment protects this liberty, incorporating “the right to marry, establish a home, and bring up children.” Declaring parents' liberty interest in the "care, custody and management" of their children to be fundamental and requiring states to prove parental unfitness sufficient to terminate those rights by clear and convincing evidence, {Santosky v. Kramer, 455 U.S. 745, 753 (1982)}. {Duchesne v. Sugarman, 566 F.2d 817, 825 (2d Cir. 1977)}, The Second Circuit held “[T]he right of the family to remain together without the coercive interference of the awesome power of the state . . . encompasses the reciprocal rights of both parent and child.” The court explained that children have the constitutional right to avoid dislocat[ion] from the emotional attachments that derive from the intimacy of daily association with the parent.” They have also violated the Equal Protection Clause of the Fourteenth Amendment because it infringed upon the fundamental “right to have offspring.” {Lassiter v. Dep’t of Soc. Servs., 452 U.S. 18 (1981)}. The Court held parents have a due process right to a fundamentally fair procedure that may require the appointment of counsel. {Santosky v. Kramer, 455 U.S. 745 (1982)}, The Supreme Court declared and held that parents retain constitutionally protected parental rights. These judges are acting without fear or hesitation as if with exemption from punishment or freedom from the injurious consequences of their actions. We have suffered the consequences of their actions though. We have lost each other, our lives, our civil rights and liberties; our freedom to love and our right to the pursuit of happiness. Candace Bell has no reason to defend herself against anything, there is no cause of action for the action taken by the Court, and there is clear and convincing evidence of the Orders of the court being fraudulently altered as well. The case

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

needs to be heard on the substance of the legal dispute, engaging in vertical stare decisis, the doctrine of precedent applying precedent from a higher court, and not the technicalities that can affect a lawsuit. A judgment must be made on the merits for a final resolution of the disputes. Petitioner has meritorious grounds for this request in that she was prevented from motions for Mandamus, Habeas Corpus, New Trial, Pretrial, Application to Interview Child in Chambers, Psychological Evaluation of James Hawkins, Appeal for Temporary Orders, and Bill of Review by fraud, misrepresentation, and misconduct by an opposing party, and by official mistake, inadvertence, surprise, or excusable neglect; the judgment is void; or applying it prospectively is no longer equitable and in the interests of justice. Petitioner is seeking judgments to be set aside or void after time has passed to hear a motion and the improper summary judgment is no longer appealable unmixed with the Petitioner's own fault or negligence. {*Caldwell v. Barnes*, 154 S.W.3d 93, 96 (Tex. 2004)}. The Court has made it clear that the machinery is damaged and unwilling to consider the facts or any void, or voidable Orders, and that a Bill of Review would be useless and delayed further in gross negligence, fraud, and malice. Petitioner has exercised due diligence to assert all adequate legal remedies before filing the bill of review. *Caldwell I*, 975 S.W.2d at 537. The Orders and judgments are of fundamental error that violate federal fundamental rights. Despite apparent adherence to procedural form, the effect of the court's departure from accepted and established practices of law, is a deprivation of one's Constitutional rights.

V

The Court has acted in violations of the following Amendments to The Constitution:

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

1. The First Amendment provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the Government for a redress of grievances.
2. The Second Amendment gives citizens the right to bear arms.
3. The Fourth Amendment protects citizens from unreasonable search and seizure. The government may not conduct any searches without a warrant, and such warrants must be issued by a judge and based on probable cause.
4. The Fifth Amendment provides that citizens not be subject to criminal prosecution and punishment without due process. Citizens may not be tried on the same set of facts twice, and are protected from self-incrimination (the right to remain silent). The amendment also establishes the power of eminent domain, ensuring that private property is not seized for public use without just compensation.
5. The Sixth Amendment assures the right to a speedy trial by a jury of one's peers, to be informed of the crimes with which they are charged, and to confront the witnesses brought by the government. The amendment also provides the accused the right to compel testimony from witnesses, and to legal representation.
6. The Seventh Amendment provides that civil cases also be tried by jury.
7. The Eighth Amendment prohibits excessive bail, excessive fines, and cruel and unusual punishments.
8. The Ninth Amendment states that the list of rights enumerated in the Constitution is not exhaustive, and that the people retain all rights not enumerated.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

9. The Tenth Amendment assigns all powers not delegated to the United States, or prohibited to the states, to either the states or to the people.
10. The Thirteenth Amendment Section 1, Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. The state proceeded in acts perpetuating involuntary servitude of a sexual nature, that would never be acceptable even if they were as a punishment for crime, as well as involuntary servitude in a resulting punishment as a consequence of a crime of a fraudulent and wrongly rendered Order whereof the party had not been duly convicted within the United States, or any place subject to their jurisdiction.
11. The Fourteenth Amendment Section 1, All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Court has acted in violations of the following Statutes:

18, U.S.C., Section 241

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. § 1581

a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

28 U.S. C 2243

A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto. The writ, or order to show cause shall be directed to the person having custody of the person detained.

It shall be returned within three days unless for good cause additional time, not

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

exceeding twenty days, is allowed. The person to whom the writ or order is directed shall make a return certifying the true cause of the detention. When the writ or order is returned a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed. Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained. The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts. The return and all suggestions made against it may be amended, by leave of court, before or after being filed. The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require. (June 25, 1948)

28 U.S. C 1257

(a)Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

(b)For the purposes of this section, the term “highest court of a State” includes the District of Columbia Court of Appeals.

VI

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

This is a case of fraud on the Court, or fraud upon the Court, where a material misrepresentation has been made to the court, and by the court itself. “[O]nly the most egregious misconduct, such as bribery of a judge or members of a jury, or the fabrication of evidence by a party in which an attorney is implicated, will constitute fraud on the court.” (Rozier v. Ford Motor Co., 573 F). The impartiality of the court as a result has been so disrupted that it can't perform its tasks without bias or prejudice. The opposing party instituted legal proceedings against Candace Bell without a reasonable cause of action. In order to preserve the appearance of the case, the attorney misrepresented the facts and events of procedural history in collusionary efforts to the public defender and attorney general's office as well. The motions in this cause, including a motion for new trial and a motion to dismiss the 'No-Evidence Summary Judgment' and Motion to Appeal for temporary Orders were necessary to remedy a situation where the judgment rendered in the case is a miscarriage of justice. It is necessary to “examine a whole case on the law and the evidence, with a view to securing a result, not merely legally, but also manifestly against justice,- a power exercised in pursuance of a sound judicial discretion, without which the jury system would be a capricious and intolerable tyranny, which no people could long endure.” {Aetna Casualty & Surety Co. v. Yeatts, 122 F.2d 350 (4th Cir. 1941)}. Petitioner has long endured this capricious and intolerable tyranny though to protect and care for her child and his physical, medical, behavioral, or developmental needs as a child subjected to the mental and emotional abuse resulting from extreme and excessive, unethical legal abuse and the court's inadvertance to find a resolution to the dispute. Candace Bell challenged the validity of the Order of the court in hearing which resulted in an extensive incarceration. “ A void judgment

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court.” See *Long v. Shorebank Development Corp.*, 182 F.3d 548 (C.A. 7 Ill. 1999). “One which has no legal force or effect, invalidity of which may be asserted by any person whose rights are affected at any time and at any place directly or collaterally.” *Reynolds v. Volunteer State Life Ins. Co.*, Tex.Civ.App., 80 S.W.2d 1087, 1092. “One which from its inception is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right, of no legal force and effect whatever, and incapable of confirmation, ratification, or enforcement in any manner or to any degree. Judgment is a “void judgment” if the court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process.” *Klugh v. U.S.*, D.C.S.C., 610 F.Supp. 892, 901. Petitioner was not released from jail until time had passed to hear the motions filed previously for new trial.

VII

In a motion to modify the parent-child relationship, opposing counsel brought forth a motion for No Evidence Summary Judgment stating that the essential elements had not been met. In two summary judgment motions, Respondent responded to the motions with an answer, met the essential elements and brought forth probative evidence to raise a genuine issue of material fact. Evidence exists of one or more essential elements of the claim. Respondent produced evidence and filed supporting evidence.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

VIII

Supporting evidence included medical records and also in hearing, admitted credible evidence of sexual abuse by the opposing party directed against the other parent of the child. Section 153.004 of the Texas Family Code distinguishes that in determining whether to appoint a party as a sole or joint managing conservator, the court shall consider evidence of sexual abuse by a party directed against a parent of the child within a two-year period preceding the filing of the suit or during the pendency of the suit.

XIV

Without facts sufficient to justify a right to institute legal proceedings against the Petitioner, unfair or improper legal actions were initiated with selfish or malicious intentions. Abuse originated from frivolous and vexatious litigation, incompetency of a careless or corrupt attorney, and by official mistake, and from the judiciary itself. The court orders were procured by fraud when opposing counsel misled and persuaded or caused the judges to abate a temporary orders hearing and to go to trial, omit essential admissible evidence subject to Rule 408 (Rule 408, Texas Rules of Evidence) in proving the party's intent negating contentions of undue delay, and to render an Order in a Suit to Modify, in two improper summary judgments, and two protective orders.

XV

The complaint needed more detail. The Court held a trial and made a ruling as a result of the fraud on the court. The Order and live pleadings failed to show a cause of action for the terms of an order that deny possession of a child to a parent or impose restrictions or limitations on a

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

parent's right to possession of or access to a child. The court's decisions in the two summary judgments granted, an order to modify, and a protective order were all results of fraud on the court. The mother is entitled to her parental rights by virtue of law. All biological parents have the right to physical custody of their child, as well as the right to make important legal decisions on behalf of their child. Family law generally recognizes these parental rights with parents who have shown the ability to act in the best interest of the child; this is recognized and established as public policy in section 153.001 of the Texas Family Code.

XVI

Limited by court order, Petitioner is prohibited from possession of and access to her child without supervision. There is no legal reasoning or an ethical cause of action for this deprivation of fundamental rights recognized by the Supreme Court as requiring a high degree of protection from government encroachment. Fraud on the court will, most often, be found where the fraudulent scheme defrauds the “judicial machinery” or is perpetrated by an officer of the court such that the court cannot perform its function as a neutral arbiter of justice. {Martina Theatre Corp. v. Schine Chain Theatres, Inc., 278 F.2d 798, 801 (2d Cir. 1960).} 9 Fraud directed at the “judicial machinery” an mean conduct that fraudulently coerces or influences the court itself or a member of the court, such that the impartial nature of the court has been compromised. (0 Bulloch v. United States, 721 F.2d 713, 718 (10th Cir.1983))

XVII

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

State Public Policy

Public policy of this state is to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; provide a safe, stable, and nonviolent environment for the child; and encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage.

A court also may not render an order that conditions the right of a conservator to possession of or access to a child on the payment of child support (Texas Family Code 153.001).

It is the policy of this state to encourage the peaceable resolution of disputes, with special consideration given to disputes involving the parent-child relationship, including the mediation of issues involving conservatorship, possession, and support of children, and the early settlement of pending litigation through voluntary settlement procedures (CIVIL PRACTICE AND REMEDIES CODE | Sec. 154.002).

The Court has failed to uphold every part of these state policies failing to to assure that children will have frequent and continuing contact with parents, render an order that conditions the right of a conservator to possession of or access to a child on the payment of child support, and failing to encourage the peaceable resolution of the dispute upon voluntary settlements.

XVIII

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

Supervised visitation originally by means of judiciary bribery and was Ordered in acts of undue interference to coerce Candace Bell into participating in unwanted sexual acts with the opposing party. There is an Order supporting this fact in another Order procured by fraud on 04/09/2019 titled, 'First Agreed First Amended Final Protective Order.' There is supportive material evidence apart from the order in a recording from 02/11/2019, as well as the associate judge's report dated 10/23/2017. This has clearly been an ongoing problem without a way for resolution. The 'Final Protective Order' was modified so that James Hawkins would be legally permitted to drop the child off at the mother's home for unsupervised, overnight visitations without risk of violating the protective order again. Mr. Hawkins, the opposing party, and alleged-father of the child, received a trespassing warning at the residence of Candace Bell on 11/12/2018, and then finally proposed the amended the protective order on 2/11/2019. Supervised visitation was not enforced by the opposing party unless the Petitioner declined to comply with James Hawkins' sexual demands in exchanged for unsupervised overnight visits until the petitioner could no longer mentally or emotionally bare to agree to further sexual abuse by the opposing party in exchange for visitation with the child. The court's decisions repeatedly and endlessly enabled Mr. Hawkins to have this egregious coercive power which was proven many times without opposition in evidence admitted in hearings of the 256th associate judge's court, last on September 20, 2019, *that raises a fact issue on the challenged element*. This evidence was also included in documentary evidence in answer filed by Candace Bell on record with the Court, then read and specifically acknowledged in verbal statement to both parties by the district judge, in proceeding on the opposing party's denied 'Motion to Rule Candace Bell a

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

Vexatious Litigant Requiring Security,’ in the second motion filed for Modification by Candace Bell, as another successful delay in the appropriate and necessary legal obligation of the Court to modify the parent-child relationship.

The impartiality of the associate judge had been so disrupted that she could not perform the court’s tasks without bias or prejudice and did not make a change necessary to end this cycling of ongoing abuse. Candace Bell first reported the sexual abuse and coercion in 7/08/2018, then again in multiple affidavits and motions which the associate judge verbally confirms in a statement on the record, in hearing, on 9/20/2019. There were several incidents including, police reports, medical examinations, and evidentiary records of stalking, trespassing, sexual abuse, sexual assault, acts of child endangerment and child abuse (Tex. Fam Code 261.001) by James Hawkins. After the sexual abuse was confirmed in hearing on September 20, 2019, the associate judge acknowledged that she remember Candace Bell’s claims of sexual abuse previously and acknowledged that this was “sick” behavior to be exchanged for the right to visitation with child. However, the associate judge failed to take any corrective action. The judge denied the requests to make the immediately necessary change to the terms of the parents’ assignment of conservatorship by means of temporary order of the court. By the court’s failure to act by disregard or omission over a course of proceedings leading to two improper summary judgments over two years time, the judge was effectively and knowingly assisting a party in the commission of further criminal acts.

XIX

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

It is self-evident that the entire case has been totally without merit against Candace Bell's right to raise her child, and the child's right to maintain an active intimate relationship with the person whom he is closest to, his mother. This is extreme and torturous intentional infliction of ongoing emotional distress. The opposing party has filed excessive motions and caused unreasonable delay by intentional misuse of the court system as a form of harassment and litigation abuse. There is no rational basis for the dispute by the opposing party. The terms of an order that deny possession of a child to a parent or imposes restriction or limitation on a parent's right to possession of or access to a child exceed what is recognized and established even in a standard possession order of the Texas Family Code's guidelines as reasonable minimum possession of a child for a parent named as a possessory conservator or joint managing conservator and is established to be the maximum limitations of an order in the best interest of the child. (Texas Family Code Sec. 153.252. REBUTTABLE PRESUMPTION.)(Texas Family Code Sec. 153.193. MINIMAL RESTRICTION ON PARENT'S POSSESSION OR ACCESS.) Sec. 153.252 provides for a REBUTTABLE PRESUMPTION. In a suit, there is a rebuttable presumption that the standard possession order provides reasonable minimum possession of a child for a parent named as a possessory conservator or joint managing conservator; and is in the best interest of the child.

XX

Despite apparent adherence to procedural form, the effect of the court's departure from recognized and established requirements of law, is a deprivation of one's Constitutional right. The Liberty Clause of the 14th Amendment gives parents the right to raise their own children, as

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

long as there is no abuse or neglect. Also, “Children. by definition, are not assumed to have the capacity to take care of themselves. They are assumed to be subject to the control of their parents,...the State must play its part as *parens patriae*.” *Schal* 467 U.S. at 265. In this case, prompt action is needed from the government, or any other authority, regarded as the legal protector of citizens unable to protect themselves.

XXI

Before the current Order was rendered, Petitioner was working with the opposing party on matters involving visitation with the child during a temporary health crisis for a time period of illness in the year 2017. Although inappropriate restrictions were placed on the parent-child relationship, including the removal of certain unnecessary privileges such as termination of electronic communication, the petitioner agreed on the terms of a temporary order provided that the attorney remove a false statement of abuse or neglect. This temporary order was agreed to in an effort to keep the peace and prevent unnecessary stress and conflict when the suit for temporary orders was filed against her. The associate judge then Ordered Mr. Hawkins to pay Candace Bell \$500 in exchange for signing the order of the court... This temporary circumstance transgressed into a trial by fraud on the court designed and initiated for the purpose of emotional and psychological or mental abuse.

XXII

From the beginning, the Court’s processes have been abused “as a scheme to interfere with the judicial machinery performing the task of impartial adjudication, as by preventing the opposing party from fairly presenting his case or defense.” *In re Coordinated Pretrial*

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

Proceedings in Antibiotic Antitrust Actions, 538 F.2d 180, 195 (8th Cir. 1976) Every judgment of the Court in this suit has been rendered by fraud upon the court.

1. Following the Order in Suit Affecting the Parent-Child Relationship, opposing counsel instituted legal proceedings against the Petitioner when she became ill and acted appropriately in the best interests of the child by asking for help when she was too ill to care for the child on her own. Due to medical extension needs, a status and follow-up hearing were postponed until her health was acceptable to care for the child fully on her own. Upon regaining her health, petitioner scheduled a hearing for temporary orders and opposing counsel unethically motioned to abate this hearing to save the courts time with this statement,

“Abating the hearing will not prejudice Candace Bell’s rights since she has a right to present her case in full on February 21, 2018. Abating the case will make better use of the court’s time, will reduce effects on witnesses having to attend two hearings and will reduce the overall costs associated with the case.”

The motion was granted and the tribunal has failed to examine the pleadings and the evidence on file, interrogate counsel, ascertain what material fact issues exist and make an order specifying the facts that are established as a matter of law, and direct such further proceedings in the action as are just. In hearing, the associate judge made statements that prove a material misrepresentation had affected her ability to make a decision without prejudice or bias when she denied the request for temporary orders and wrongly stated to the petitioner that she had done this to herself.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

XXIII

This motion is a genuine and necessary request in a meritorious claim. Fraud on the Court has occurred and the outcome of the Order rendered as a result of fraud would have been substantially different without the false statements and misrepresentations of both material fact and law.

1. In a case that never should have gone to trial, a trial was held and an Order was rendered as a result of opposing counsel's false statements made under oath to violate the law, in material misrepresentations of material fact and law, and the judgment was obtained by perpetrating a fraud on the court.
2. The trial was held based on false statements having a purpose to deceive and not merely negligent misrepresentation and failure to apprise another of relevant information. The trial in a suit to modify was a means of harassment used to harm the parent and child of the suit negating contentions of undue delay. During trial, significant and relevant evidence was not considered because of false statements of genuine material fact and law proving at a minimum that a significant bias was held against Candace Bell, as a pro se litigant. This substantially prejudiced the petitioner and constituted a fundamental breach of natural justice. The document titled 'Subject to Rule 408 Offers and Compromise,' was not made conditional or dependent upon the rule by the court. The exhibit was not admitted into evidence due to incompetence in the law and Fraud on the Court as an absolute miscarriage of justice . The judge did not allow

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

the qualified permissible document to be admitted. The Texas Rules of Evidence Rule 408(b) allows for:

Permissible Uses. The court may admit this evidence for another purpose, such as proving a party's or witness's bias, prejudice, or interest, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution. The document clearly shows that there is no concern or valid cause of action as it was clear and convincing evidence allowing for periods of Possession and Access to the mother and child. The Court illegal proceeded with a claim against Candace Bell for over \$12,000 in child support due with attorney's fees over \$4000 and the evidence shows, 'confirmation that Candace Bell has a zero dollar balance as of February 21, 2018. Child support will resume on August 1, 2018.' Also medical support was confirmed at a zero balance and set to resume. Additional payments are currently be claimed to not have been paid, however they were taken out of Candace Bell's checks by her employer. Mr. Hawkins also confirmed in hearing on 9/20/2019 that there was no concern for the issue of child support when he had filed a claim against Candace Bell on 9/6/2019 as a means of retaliation for her motion for modification of the parent-child relationship and retaliation in response to Candace Bell's refusal to cooperate in undesired and traumatic sexual exchanges for child visitation.

3. Additionally, one cannot logically accept an Order's assignment of conservatorship with copies of the Orders that inaccurately reflect the Court's

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

decisions. The Order's assignment of Conservatorship does not agree with the previous Order's statement of conservatorship. The first Order was fraudulently altered and stated that James Hawkins was the Sole Managing Conservator when the second Order states that the previous Order named both parents joint managing conservators. Clearly these are very different conservatorship roles that could not have been misstated by accident. This genuine issue of material fact precludes summary judgment and should have prevented the judgment from happening. "Void judgment is one that, from its inception, is complete nullity and without legal effect." (Holstein v. City of Chicago, 803 F.Supp. 205, reconsideration denied 149 F.R.D. 147, affirmed 29 F.3d 1145 (N.D. Ill. 1992)) . There is a genuine issue of material fact that brings the validity of the Court's Order into question. The integrity and validity of the orders has been compromised.

XXIV

The matters of law disputed were misrepresented and deceitfully misled the tribunal to engage in bias-motivated decisions and judgments that are unwarranted without any legal or justifiable reasoning and are not valid or deserving of respect of a valid adjudication or for enforcement. Procedural History

1. The Court made a Declaratory Judgment denying the existence of an informal marriage
2. The cause number was incorrectly documented either by error or deceit.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

3. The Court Ordered Candace Bell to sign a Decree of Divorce that does not exist
4. The Court rendered an Order in Suit Affecting the Parent-Child Relationship
 - a. Decision made without proper adherence to the rules and considerations specifically covered for children under the age of three years old.
5. The Court Abated Temporary Orders hearing
6. The Court Abated temporary orders hearing
7. The Court held a trial and rendered an Order in Suit to Modify
8. The Court denied a necessary protective order, injunction, and emergency temporary orders
9. The Court rendered an unlawful protective order against the petitioner that exceeds its inherent power and lacks the criteria for an essential element in its finding of family violence and declared judgment of \$1000 owed to Mr. Brian Andrade, Counsel of record for the opposing party.
10. The court denied motion to declare the protective order void or in the alternative voidable.
11. The Court denied the motion for temporary orders
12. The Court filed or titled the petitioner's answer to a motion for no evidence summary judgment in her Original Motion to Modify the parent-child relationship, The evidence and answer to the motion were filed together with the court clerk and are reflected on the case events.
13. The court granted improper summary judgment.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

14. The Court rendered an agreed protective order that exceeds its inherent power and lacks the criteria for an essential element for an agreed protective order under Chapter 85 of the Texas Family Code.
15. The Court denied Petitioner's motion to declare the protective order void or voidable
16. The Court allowed further delay and GRANTED a stay on proceedings and
17. The court denied opposing counsel's motion to rule the Petitioner a vexatious litigant and to require security
18. The court delayed proceedings further and Granted a frivolous movement for Continuance due to jury trial appearance falsely stated
19. The Court denied temporary orders.
20. The Court held a hearing for the appeal for temporary orders but did not hear it and granted an improper summary judgment

Despite apparent adherence to procedural form, the Court's departure from accepted and established practices of law is a deprivation of one's Constitutional Rights.

The Summary Judgments were Granted improperly due to false claims that lack any factual foundation and by fraud upon the court. Opposing counsel filed the first motion for No Evidence Summary Judgment on October 12, 2018 and did not provide a true and correct copy of the motion and serve to Candace Bell until October 18, 2018. This delay was falsely claimed to be served on the 12th of October and this delay is a violation of the Dallas County Local Rules. Respondent presented Summary Judgment evidence provided by expert witnesses and

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

filed answers with the court. Also, the respondent is not required to marshal its proof; its response need only point out evidence that raises a fact issue on the challenged element.” TEX.R.CIV.P. 166a(i) cmt. “In reviewing the trial court’s order granting a no-evidence summary judgment, we consider the evidence in the light most favorable to the respondent and disregard all contrary evidence and inferences.” *King Ranch, Inc. V. Chapman*, 118 S.W. 3d 742, 750-51 (Tex. 2003) Thus, a no-evidence summary judgment is improperly granted if the respondent brings forth more than a scintilla of probative evidence to raise a genuine issue of material fact. *Id.* At 751; see TEX.R.CIV. P. 166a(i)cmt. The court has improperly granted TWO No-Evidence Summary Judgments in qualified motions for modification. The petitioner is entitled to her parental rights as a matter of law in the issues expressly set out in the motion or in an answer or any other response. The opposing party must identify each claim or defense, or the part of each claim or defense on which summary judgment is sought. The moving party must prove that there is no genuine dispute about any of the material facts of the case as the motion statement is not supported by the facts. (Frcp 56(c)(3) Materials Not Cited.) The court need consider only the cited materials, but it may consider other materials in the record. (Frcp 56 (c) (3))

XXV

Due to fraud upon the court, the court failed to render a necessary protective order. Due to fraud upon the court, the court failed to render temporary orders for child's safety and well-being in the best interests of the child. Following the Order in Modification, by manufacture or manipulation of evidence the court rendered two protective orders without

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

meeting the criteria for a Title IV Protective Order of chapter 85 of the Texas Family Code and it exceeded its jurisdiction in its inherent power.

XXVI

Motions for writ of habeas corpus, psychological evaluation of James Hawkins, application for the Court to interview the child, and to appoint an evaluator, as well as the appeal for Temporary Orders, and Pretrial and New Trial were not heard. The Court held a hearing and incarcerated Candace Bell in her valid request that the law and local rules provide for, of a collateral attack on the validity of the court's order. The Court did not hear Candace Bell's motion for Appeal of Temporary Orders and denied the motion to Dismiss No Evidence Summary Judgment. "An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (see *Rose v. Himely* (1808) 4 Cranch 241]

Candace Bell was falsely incarcerated under the terms of 'Contempt for Enforcement of Child Support.' Candace Bell was held in confinement after wrongfully detained into custody of the Sheriff's department for contempt. She was then held for charges placed on her for hugging her child who is not a protected person of an invalid and or fraudulent protective order rendered by this court in excess of its jurisdiction and inherent power that was presented for enforcement in a criminal charge as a means of harassment.

XXVII

In Motion for Modification petitioned by Candace Bell, the attorney stated the elements were not met when they actually were. This case of 267 filings and 61 hearings has been

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

intentional or reckless conduct causing extreme and excessive emotional abuses to a child, and severe mental or emotional distress by extreme and outrageous conduct in frivolous filings and proven sexual abuse against a parent of the child. Opposing counsel failed to plead any valid missing elements of the case and the fact is that there is no cause of action, there is no valid order of the court, and the child should be with his mother. The motion must state the elements as to which there is no evidence. *Id.* at Comment–1997.” The complaint needs more detail. “It is well settled that a trial court cannot grant a summary judgment motion on grounds not presented in the motion. *Brewer & Pritchard, P.C.*, 73 S.W.3d at 204; *Science Spectrum, Inc. v. Martinez*, 941 S.W.2d 910, 912 (Tex. 1997). The attorney stated the elements of material and substantial change were not met when they actually were, but they ought not be necessary as there is no just cause to keep the mother and child in this deprivation of their right to be together.

XXVIII

This should have only been a temporary change and the Court permitted a temporary condition to go to Trial without an existing cause. When I was ill with a parasitic infection three years ago, my child’s father took me to court and had temporary orders made. After a few months we came back to have new temporary orders made and opposing counsel had the temporary orders hearing abated. This case went to trial when it never should have gone to trial. Attached is a document that Mr. Andrade wrote and titled, “SUBJECT TO RULE 408 OFFERS AND COMPROMISE,” I would like to admit this evidence for the purpose of proving a party’s bias, prejudice, and interests, negating a contention of undue delay.

XXVIX

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

This document clearly shows the party's bias, prejudice, and interests, negating contentions of undue delay. The document also proves other motions both previous and pending, to be frivolous and malicious acts of legal abuse and fraud. When I offered this evidence to the court in trial, opposing counsel misled the court into believing that it was not admissible as evidence when the rule allows for the evidence to be permitted. This matter of material fact and law would have changed the outcome of the court's decision. The judge then suggested that Candace Bell return to the court with a statement from an expert witness to verify psychological soundness after going through such a traumatic event and this would be considered material and substantial change to allow for the modification of the parent child relationship following the trial. Due to clerical error of the court or court's clerk, the court's filing system did not appear to reflect the expert's psychological report produced and respondent's answer to the first No Evidence Summary Judgment motion and on the public record of case events, the answer was filed on 11/7/2018. The report is authenticated in accordance with rule 902 of the Texas Rules of Evidence. It is thorough and extensive and there is absolutely no reason to cause such mental and emotional distress on the parent and the child.

XXX

On February 21, 2018, the Court scheduled a trial without legitimate existing cause or reason. There was no fact issue requiring trial. The judge denied Candace Bell's request for a continuance as she was suffering from a concussion as the result of a head injury incurred two days prior in an automobile accident. Judge Lopez also wrongly declined the admission of permissible evidence that would have changed the outcome of the trial court's decision by review of an offer presented to Candace Bell. The offer proves the opposing party's bias, prejudice, or interest, negating a contention of undue delay.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

Section (b) Permissible Uses. The court may admit this evidence for another purpose, such as proving a party's or witness's bias, prejudice, or interest, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Tex. R. Evid. 408

Judge Lopez was either dishonest or failed to have the necessary competence in the law as required by the Judicial Code of Conduct. Additionally, Judge Lopez declined to verify the readily available knowledge of the law.

After five hours of trial litigation, the judge made his decision. In the judge's decision, he made awkward or inappropriate commentary in a statement acknowledging how well Candace Bell had done in trial and then explained that because of his bias or prejudice against her experience of a temporary physical disability, as well her demeanor demonstrated Candace Bell would only be granted supervised visitation access to her child. The judge stated that if Candace Bell had a psychiatric professional or expert verify her parental fitness, this would qualify as a 'material and substantial change necessary to modify the Order in less than a year.'

The demeanor referenced was likely a result of head injury previously addressed so the judge should not have denied a continuance to a later date if he was going to make a final decision based on the effects of a concussion. Then the judge made it clear that he was making a psychiatric decision based on a previous physical medical condition.

See TEX. HEALTH & SAFETY CODE §§ 574.001-.203. Through this chapter, the Legislature authorized certain judges to commit individuals to involuntary psychiatric care in specific circumstances.

See id. §§ 574.034-.035 Specifically, the law requires that the "statutory or constitutional county court that has the jurisdiction of a probate court in mental illness matters" conduct the proceedings for court-ordered mental health services. Id. § 574.008(a).

Had Judge Lopez appropriately heard and admitted the permissible evidence 'subject to rule 408 offers and compromise,' and complied with the law, Candace Bell would not have been unable to protect her own child or herself from excessive, long-term and ongoing abuse. She also would have also had years of quality time with her son to love him and to influence his upbringing without unlawful and unconstitutional interference, would not have spent months in jail unnecessarily, or have unsurmountable judgments against her by the court. In effect of the Court's unwillingness to perform its duties and consider the child's best interests with evidence provided, Candace Bell has lost her home, and suffered health implications, lost her employment.

When Candace Bell returned with the authenticated psychological evaluation requested, Judge Lopez made false statements that the evidence and answer filed by Candace Bell on November 7, 2018, in response to the opposing party's 'Motion for No Evidence Summary Judgment,' had not been filed. This filing of both answer and evaluation are on the public record of the case events. Judge Lopez willingly took the evaluation from Candace Bell at the bench but declined to review the expert's opinion provided. As the respondent, Candace Bell produced summary judgment evidence raising a genuine issue of material fact. Judge Lopez failed to check with the clerk, and then granted an unlawful improper summary judgment. The evidence presented that Judge Lopez had in hand at the proceeding had been

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

properly sent to the opposing counsel and filed appropriately with the court clerk 23 days prior in accordance with Texas Rules of Civil Procedure 166a.

(i)No-Evidence Motion. After adequate time for discovery, a party without presenting summary judgment evidence may move for summary judgment on the ground that there is no evidence of one or more essential elements of a claim or defense on which an adverse party would have the burden of proof at trial. The motion must state the elements as to which there is no evidence. The court must grant the motion unless the respondent produces summary judgment evidence raising a genuine issue of material fact.

Tex. R. Civ. P. 166a

The Ninth Amendment provides: "*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.*" U.S. CONST. amend. IX. Justice Goldberg in his concurring opinion in *Griswold v. Connecticut*, 381 U.S. 479 (1965), stated:

[It is] clear that the Framers did not intend that the first eight amendments be construed to exhaust the basic and fundamental rights which the Constitution guaranteed to the people. . . . The home derives its preeminence as the seat of family life. *And the integrity of that life is something so fundamental that it has been found to draw to its protection the principles of more than one explicitly granted Constitutional right....*

In addition to Judge Lopez's false statement of the filed answer, Under Rule 166a,

Summary Judgment,(d) Appendices, References and Other Use of Discovery Not Otherwise on File. Discovery products not on file with the clerk may be used as summary judgment evidence if copies of the material, appendices containing the evidence, or a notice containing specific references to the discovery or specific references to other instruments, are filed and served on all parties together with a statement of intent to use the specified discovery as summary judgment proofs: (i) at least twenty-one days before the hearing if such proofs are to be used to support the summary judgment; or (ii) at least seven days before the hearing if such proofs are to be used to oppose the summary judgment.

The following year, Judge Lopez scheduled a hearing and agreed to hear Candace Bell's Motion for Appeal for Temporary Orders after his associate judge had declined to render temporary orders because of a claimed fear of criticism. On November 11, 2019, **Judge Lopez skipped over the motion scheduled to be heard without hearing Candace Bell's Appeal for Temporary Orders and granted another No Evidence Summary Judgment that was scheduled for 11/16/2019.** In another scheme to interfere with the judicial machinery performing the task of impartial adjudication, Judge Lopez maliciously deceived Candace Bell encouraging her to agree to have both motions heard in the same proceeding. Ms. Bell affirmatively responded in a cooperative effort, provided they heard the appeal first. The judge then began the recording and refused to let the motion on appeal for temporary orders be heard by ending the hearing with the granting of another improper summary judgment.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

The child has suffered harm and loss as a result of frivolous claims and improper judgments. The child has incurred mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning. Opposing party has caused and permitted the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning. Due to fraud upon the court, the parent and child are being denied equal protection of the laws and their fundamental rights and liberties. The court should recognize or adhere to accepted and established legal principles enunciated and embodied in judicial decisions derived from the application of particular areas of law to the facts of the case. "Whatever may be their precise impact, neither the Fourteenth Amendment, nor the Bill of Rights, is for adults alone." *In re Gault*, 387 U.S. 1, 13 (1967). The Supreme Court has further said, "Constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority. Minors, as well as adults are protected by the Constitution and possess constitutional rights." *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52, 74 (1976). Even if procedural protections are present or the rights are not specifically mentioned elsewhere in the US Constitution, United States constitutional law provides for substantive due process as a principle allowing courts to protect certain fundamental rights from government interference. Substantive due process has been interpreted to include things such as the right to work in an ordinary kind of job, marry, and to raise one's children as a parent. The current order and the courts enactment cannot be enforced

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

as such, regardless of whether the processes of enactment and enforcement were actually fair. The Court's order fails to uphold the integrity of the Court by fundamental error. The judgement violates a federal fundamental right with special significance under the U.S. Constitution.

XXXI

“For over 30 years, clinicians have described the effects of child abuse and neglect on the physical, psychological, cognitive, and behavioral development of children...Psychological consequences range from chronic low self-esteem to severe dissociative states. The cognitive effects of abuse range from attentional problems and learning disorders to severe organic brain syndromes. Behaviorally, the consequences of abuse range from poor peer relations all the way to extraordinary violent behaviors. Thus, the consequences of abuse and neglect affect the victims themselves and the society in which they live.” Understanding Child Abuse and Neglect (1993) Chapter 6: Consequences of Child Abuse and Neglect, The National Academics of Sciences Engineering Medicine. The effect of the fraud upon the court is perpetuating abuse and neglect causing or permitting the child to be in a situation in which the child sustains mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning. “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws (14th Amendment of the U.S. Constitution, Section 1) .

XXXII

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

There is no merit to the complaint made by the opposing party. In hearing on 10/30/2018, material misrepresentation was made by the court itself by the associate judge. The court set a time and place for the temporary orders hearing, on the basis of the affidavit, that the court determined the facts stated are adequate to support the allegation, and the proceeding ended with the associate judge's report denying the petitioner's motion for temporary orders on the basis of misrepresentation of fact. The judge ruled that in accordance with TFC 156.006(b-1), the petitioner had not submitted an adequate affidavit when the judge signed off on the motion and affidavit as being adequate and scheduled the hearing on August 17, 2018.

XXXIII

Texas Family Code 156.006(b-1) allows for:

“A person who files a motion for a temporary order authorized by Subsection (b)(1) shall execute and attach to the motion an affidavit on the person's personal knowledge or the person's belief based on representations made to the person by a person with personal knowledge that contains facts that support the allegation that the child's present circumstances would significantly impair the child's physical health or emotional development. The court shall deny the relief sought and decline to schedule a hearing on the motion unless the court determines, on the basis of the affidavit, that facts are adequate to support the allegation are stated in the affidavit. If the court determines that the facts stated are adequate to support the allegation, the court shall set a time and place for the hearing.”

A. In hearing on 6/11/2019, to declare a motion void or in the alternative voidable, the associate judge denied the petitioner's motion on a protective order

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

rendered in excess of the court's jurisdiction and its inherent power. The Order states that the court found a finding of family violence but the court did not have a finding of family violence. The law is well-settled that a void order or judgement is void even before reversal", VALLEY v. NORTHERN FIRE & MARINE INS. CO., 254 U.S. 348, 41 S. Ct. 116 (1920) "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal." WILLIAMSON v. BERRY, 8 HOW. 945, 540 12 L. Ed. 1170, 1189 (1850). It has also been held that "It is not necessary to take any steps to have a void judgment reversed, vacated, or set aside, It may be impeached in any action direct or, collateral.' Holder v. Scott, 396 S.W.2d 906, (Tex.Civ.App., Texarkana, 1965, writ ref., n.r.e.). A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court", OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907). Judgment is a void judgment if the court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Const.

B. In hearing on 9/20/2019, the associate judge failed to render an order necessary with probative, uncontested, and admitted evidence of ongoing sexual abuse

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

against a parent of the child, being forced upon the petitioner in exchange for visitation and the allowance of a parent-child relationship. The judge verbally recognized the length of time she has known the abuse was going on for and without a cause of action, acting as if in fear of scrutiny-and in total violation of the Judicial Code of Conduct, became accessory to the abuses.

C. The opposing counsel gave Mr. Hawkins the option of including a finding of family violence or not when creating the First Agreed First Amended Final Protective Order. A finding of family violence was stated in the Original and Amended order, however there was no qualifying event of family violence required in accordance to section 71.004 of the Texas Family Code. By manufacture or manipulation of evidence and findings, the court rendered two protective orders. The Protective Orders exceed the court's inherent limitations in inclusions of law that are not permitted and exceeding the time length of permitted enforcement.

D. There are no findings of fact or conclusions of law that state why the Orders vary from a standard order and the validity of the current Order of the Court has reasonably come into question. No answer was filed with any findings of fact or conclusions of law for its decisions when requested in a timely manner (Texas Rules of Civil Procedure § 297) (Texas Family Code § 153.258. Request for Findings When Order Varies from Standard Order). Temporary Orders and

Modification to the Parent-Child Relationship should have been GRANTED by virtue of law and fundamental Constitutional Rights.

XXXIV

Petitioner was prevented from a new trial or appeal by the fraud and wrongful acts of the opposing party, and by the court itself. Petitioner has a meritorious claim and is seeking judgments to be set aside after time has passed to file a motion for new trial and the judgment is no longer appealable. Petitioner has exercised due diligence to assert all adequate legal remedies before filing the bill of review. Caldwell I, 975 S.W.2d at 537.

XXXV

The Orders or judgments in question that have been rendered as a result of fraud on the court are as follows:

Order in Suit Affecting Parent-Child Relationship 02/23/2017, Order in Modification of Parent-Child Relationship 02/21/2018, Final Protective Order 09/18/2018, judgment against petitioner for \$1000 owed to Mr. Brian Andrade 09/18/2018, Agreed First Amended Final Protective Order 04/09/2019, Summary Judgment 12/03/2018, No-Evidence Summary Judgment 11/11/2019, and enforcement of child support.

XXXVI

“From the beginning, the judgment was complete nullity and without legal effect.” [Lubben v. Selective Service System Local Bd. No. 2 7, 453 F. 2d. 645, 14 A.L.R. Fed 298 (C.A. 1 Mass. 1972)], as decided on in law established by judicial decision in cases as distinguished from law created by legislation. The court is proceeding in a manner that coerces parties into

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

surrendering the right to have the controversy resolved by the courts. After 267 court filings and 60 court appearances, the Court has failed to render an Order appropriate for the child. The court has not considered the effect on the child as a result of separation from the parent; the physical, medical, behavioral, and developmental needs of the child; the child's need to develop healthy attachments to both parents; and other evidence in the best interest of the child. The court has removed the parent's rights that the Texas Family Code section 153.073 provides for that a parent appointed conservatorship is to have at all times. The mother does not receive information from the other conservator of the child concerning the health, education, and welfare of the child; the parent is prohibited from conferring with the other parent before making a decision concerning health, education, and welfare of the child; access to medical, dental, and psychological, and educational records of the child and is not designated on the child's records as a person to be notified in case of an emergency . She is not permitted to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child. The order does not retain the parent's or the child's rights, when the law provides for this at all times.

XXXVII

IN SUIT TO MODIFY PARENT-CHILD RELATIONSHIP 10/05/2017, An emergency order authorized possession of a child in a suit, issued a temporary restraining order, made a temporary order for the conservatorship of a child under section 105.001(a)(1)(2)(3)(4)(5).

The defendant had a right to an attorney, was not informed of this right, was not offered an

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

attorney, was indigent and unable to afford an attorney, and the court denied her request to appoint the respondent an attorney.

Sec. 262.102. EMERGENCY ORDER AUTHORIZING POSSESSION OF CHILD.

(a) Before a court may, without prior notice and a hearing, issue a temporary order for the conservatorship of a child under Section 105.001(a)(1)

TFC 105.001(a) In a suit, the court may make a temporary order, including the modification of a prior temporary order, for the safety and welfare of the child, including an order: (1) for the temporary conservatorship of the child; (2) for the temporary support of the child; (3) restraining a party from disturbing the peace of the child or another party; (4) prohibiting a person from removing the child beyond a geographical area identified by the court; or (5) for payment of reasonable attorney's fees and expenses.

(d) The temporary order, temporary restraining order, or attachment of a child rendered by the court under Subsection (a) must contain the following statement prominently displayed in boldface type, capital letters, or underlined:

"YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY.

IF YOU ARE INDIGENT AND UNABLE TO AFFORD AN ATTORNEY, YOU HAVE THE RIGHT TO REQUEST THE APPOINTMENT OF AN ATTORNEY BY CONTACTING THE COURT AT [ADDRESS], [TELEPHONE NUMBER]. IF YOU

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

APPEAR IN OPPOSITION TO THE SUIT, CLAIM INDIGENCE, AND REQUEST THE APPOINTMENT OF AN ATTORNEY, THE COURT WILL REQUIRE YOU TO SIGN AN AFFIDAVIT OF INDIGENCE AND THE COURT MAY HEAR EVIDENCE TO DETERMINE IF YOU ARE INDIGENT. IF THE COURT DETERMINES YOU ARE INDIGENT AND ELIGIBLE FOR APPOINTMENT OF AN ATTORNEY, THE COURT WILL APPOINT AN ATTORNEY TO REPRESENT YOU."

The mother did not receive proper notice of temporary restraining order granted.

TFC105.001(d) The temporary order, temporary restraining order, or attachment of a child rendered by the court under Subsection (a) did not contain the following statement prominently displayed in boldface type, capital letters, or underlined:

"YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY. IF YOU ARE INDIGENT AND UNABLE TO AFFORD AN ATTORNEY, YOU HAVE THE RIGHT TO REQUEST THE APPOINTMENT OF AN ATTORNEY BY CONTACTING THE COURT AT [ADDRESS], [TELEPHONE NUMBER]. IF YOU APPEAR IN OPPOSITION TO THE SUIT, CLAIM INDIGENCE, AND REQUEST THE APPOINTMENT OF AN ATTORNEY, THE COURT WILL REQUIRE YOU TO SIGN AN AFFIDAVIT OF INDIGENCE AND THE COURT MAY HEAR EVIDENCE TO DETERMINE IF YOU ARE INDIGENT. IF THE COURT DETERMINES YOU ARE INDIGENT AND ELIGIBLE FOR APPOINTMENT OF AN ATTORNEY, THE COURT WILL APPOINT AN ATTORNEY TO

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

REPRESENT YOU."

The Court heard the evidence against Mr. Hawkins, a preponderance of evidence was presented in the associate judge's court in hearing for Temporary Orders, Restraining Order, and Injunction, and the associate judge declined to render a restraining order and rendered a protective order against Candace Bell without giving her proper opportunity to be heard. The Government therefore forbade Candace Bell from possessing guns. A protective order was invalid with false statements of fact in order to have the authority to render the Order. The court issued a protective Order based on a false statement of fact, stating that there is a finding of family violence when no act was committed by Candace Bell as a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), (K), and (M), by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Section 71.0021. Candace Bell was therefore barred from exercising Second Amendment rights upon the rendition of the protective order which resulted in the inability to defend herself against the opposing party during criminal stalking and sexual assault acts as defined in Sections 22.011 and 42.072 of the Texas Penal Code. Candace Bell was then held in jail for 4 ½ months for unwarranted charges of violation of a protective order.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

In a motion for enforcement of child support, the court acted beyond its authority. The Court first determined that incarceration of the respondent is a possible result of the proceedings. The court informed the respondent not represented by an attorney of her right to be represented by an attorney. The respondent claimed indigency and requested the appointment an attorney. The respondent was then incarcerated for challenging the validity of the court order as the law allows. “A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court.” (See Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999)) The court required the defendant to sign an affidavit of indigency and appointed her a public defender. In proceeding, the public defender was excused from her responsibility to defend the defendant in a motion she presented to withdrawal. The attorney was a public defender for Dallas County who refused to learn the facts of the case and repeatedly made false statements of fact in arguments with Candace Bell. The attorney argued stating that Candace Bell had been represented by an attorney in the trial held on February 21, 2018, and she argued that the protective orders had been rendered before that order rendered on 2/21/2018 when they were rendered on 9/18/2018. She also would not concede to any consideration of fraud upon the court. The attorney claimed that she could not represent or advise the defendant because of unwillingness to agree or hear her advise. The attorney did not

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

have any advice for the defendant and did not attempt to defend the defendant at all. The attorney did not file the exhibits of the case with the court in preparation for the hearing either. The defendant was then required to proceed without an attorney. The court would not allow the defendant to prepare for hearing or submit any of the necessary exhibits. The Court made it clear that they were fully aware of the facts, aware that she did not owe child support payments and that they were absolutely going to rule against her no matter what. They refuse to accept any truth or take any responsibility in their acts of fraud and violently oppose every word she says. The Petitioner yelled “Just throw her in jail already!” and they proceeded to act as if she had done something wrong. Any evidence needed is in and of itself though in the motions and Orders of the court. The petitioner’s rights have been violated by fraud upon the Court. The judge, attorneys, and opposing party claimed that Candace Bell should be held accountable for over \$12,000 in child support. This is a fraudulent misrepresentation of material fact and law. The motion states that a time period of child support was abated, however the ledger did not reflect this and the cost continued to accumulate. The unethical and inappropriate child support Order and record of payments is inaccurate and this is displayed in the opposing party’s motion from the beginning as well as the permissible evidence of exhibit titled ‘Subject to Rule 408 offers and compromise, ’confirming a zero dollar balance. The Court understood these facts and made an Order of incarceration and a judgment with the requirement of payment for \$12,000 child support, attorneys fees, and court fees. The court also raised the court fees charged to be higher than normal in another act of retaliation when defendant was acquiring the terms of the total of the monthly amounts to be paid.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

Texas Family Law provides for, “Sec. 157.163. APPOINTMENT OF ATTORNEY. (a) In a motion for enforcement or motion to revoke community service, the court must first determine whether incarceration of the respondent is a possible result of the proceedings.(b) If the court determines that incarceration is a possible result of the proceedings, the court shall inform a respondent not represented by an attorney of the right to be represented by an attorney and, if the respondent is indigent, of the right to the appointment of an attorney.(c) If the court determines that the respondent will not be incarcerated as a result of the proceedings, the court may require a respondent who is indigent to proceed without an attorney.(d) If the respondent claims indigency and requests the appointment of an attorney, the court shall require the respondent to file an affidavit of indigency. The court may hear evidence to determine the issue of indigency.”

Petitioner requests the Court grant a writ of Certiorari Before Judgment to review the case and include findings, conclusions, and recommendation, and render valid temporary orders within the statutes and case precedents that govern the legal responsibilities between individuals who share a child in a suit affecting the parent-child relationship, appoint Candace Bell as sole managing conservator until further order of this court upon a the fulfillment of counseling and evaluation as accorded for in section 153.010 of the Texas Family Code. There is a need for the court to call into question the integrity or validity of the judgments as the law allows and issue emergency temporary Orders due to the nature of the long-term, extensive, and excessive emotional abuse in a suit affecting the parent-child relationship.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

The Federal Government is composed of three distinct branches: legislative, executive, and judicial, whose powers are vested by the U.S. Constitution in the Congress, the President, and the Federal courts, respectively. The effect of the court's departure from recognized and established practices of law and the constitutional violations is injury caused by the court causing harm to those they are meant to protect as arbiters of fact in the resolutions of disputes. The purpose of the government is to protect, not injure. The Family Code provides for the Court to encourage frequent and continuing contact with parents and to make decisions in the best interests of the child, their primary concern at all times. The US Supreme Court held in a 5-4 decision, child custody decisions should be made by clear and convincing evidence standards, particularly in cases in which permanent child custody decisions are being made. Failure to apply such evidentiary standards is a violation of the Constitution's 14th Amendment by violation the due process of law protections afforded to citizens. In the Texas Family Code under section 153.004, a rebuttable presumption is allowed for "that the appointment of a parent as a sole managing conservator of a child or as the conservator who has the exclusive right to determine the primary residence of a child is not in the best interest of the child if credible evidence is presented of a history of past or present neglect or abuse, or sexual abuse by that parent directed against the other parent. U.S. Supreme Court also concludes that:

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

“A judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its want of vitality is a dead limb upon the judicial tree, which should be lopped off, if the power to do so exists.” *People v. Greene*, 71 Cal. 100 [16 Pac. 197, 5 Am. St. Rep. 448] “ If a court grants relief, which under the circumstances it hasn’t any authority to grant, its judgment is to that extent void.” (1Freeman on Judgments, 120c.) An illegal order is forever void. Rule 60(b)(4) provides for relief from “void” judgments. “ [A] judgment is not void merely because it is erroneous. It is void only if the court that rendered it lacked jurisdiction of the subject matter, or of the parties, or if it acted in a manner inconsistent with due process of law.’ *In re Texlon Corp.*, 596 F.2d 1092, 1099 (2d Cir. 1979). The Court acted in a manner inconsistent with due process of law and also lacks jurisdiction over the parties. The Judges of the 256th District Court of Dallas County, Texas have failed to act as arbiters of facts and law for the resolution of disputes in accordance with the Texas Code of Judicial Conduct. “The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.” 28 U.S. C 2243. Judge David Lopez has already stated that he will not hear a Bill of Review on the case, after recommending a Bill of Review just days prior. Judge David Lopez has also made it clear that he does not have any respect for the law, will not uphold the integrity of the Court, or consider any facts, law, or evidence in the decisions of the Court in this case.

The law provides that the best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

access to the child (Texas Family Code Section 153.00). The law also provides for that The guidelines established in the standard possession order are intended to guide the courts in ordering the terms and conditions for possession of a child by a parent named as a possessory conservator or as the minimum possession for a joint managing conservator.

CONCLUSION

PUBLIC POLICY

The views of the child shall be considered on matters which concern him or her in accordance with age and maturity. The child's **best interest** shall be the primary consideration in all actions relating to children, whether taken by public authorities or private institutions. The law includes specific legislation and more broadly defined provisions of constitutional law. There is no justification in logic, morality or law in affording

- 1) limitations or restrictions on the parent-child relationship between Candace Bell and the child.
- 2) Mr. Hawkins any kind of unsupervised visitation.
- 3) The validity of any of the Orders of this Court.

It is the policy of this state to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; provide a safe, stable, and nonviolent environment for the child ,encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage.(b) A court may not render an order that conditions the right of a conservator to possession of or access

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

to a child on the payment of child support (Texas Family Code Section 153.001).

It is the policy of this state to encourage frequent contact between a child and each parent for periods of possession that optimize the development of a close and continuing relationship between each parent and child (Texas Family Code Section 153.251)

It is the policy of this state to encourage the peaceable resolution of disputes, with special consideration given to disputes involving the parent-child relationship, including the mediation of issues involving conservatorship, possession, and support of children, and the early settlement of pending litigation through voluntary settlement procedures (Civil Practices and Remedies Code 154.002).

The state has neglected to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child. The state has failed to provide a safe, stable, and nonviolent environment for the child, and the state has proudly failed to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. The state has neglected to encourage frequent contact between a child and each parent for periods of possession that optimize the development of a close and continuing relationship between each parent and child (Texas Family Code Section 153.251). The state has neglected to encourage the peaceable resolution of disputes, with special consideration given to disputes involving the parent-child relationship, including the mediation of issues involving conservatorship, possession, and support of children, and the early settlement of pending litigation through voluntary settlement procedures (Civil Practices and Remedies Code 154.002). The state has failed to observe, respect, or have any

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

integrity for public policy even. The state has declined to find any value in the evaluation and balance “ of all the elements necessary to make a decision in a specific situation for the specific individual child.

Notes of Advisory Committee on Rules—1946 Amendment

Subdivision (b)

If these various amendments, including principally those to Rule 60(b), accomplish the purpose for which they are intended, the federal rules will deal with the practice in every sort of case in which relief from final judgments is asked, and prescribe the practice. With reference to the question whether, as the rules now exist, relief by *coram nobis*, bills of review, and so forth, is permissible, the generally accepted view is that the remedies are still available, although the precise relief obtained in a particular case by use of these ancillary remedies is shrouded in ancient lore and mystery.

See *Wallace v. United States* (C.C.A.2d, 1944) 142 F.(2d) 240, cert. den. (1944) 323 U.S. 712; *Fraser v. Doing* (App.D.C. 1942) 130 F.(2d) 617; *Jones v. Watts* (C.C.A.5th, 1944) 142 F.(2d) 575; *Preveden v. Hahn* (S.D.N.Y. 1941) 36 F.Supp. 952; *Cavallo v. Agwilines, Inc.* (S.D.N.Y. 1942) 6 Fed.Rules Serv. 60b.31, Case 2, 2 F.R.D. 526; *McGinn v. United States* (D.Mass. 1942) 6 Fed.Rules Serv. 60b.51, Case 3, 2 F.R.D. 562; *City of Shattuck, Oklahoma ex rel. Versluis v. Oliver* (W.D.Okla. 1945) 8 Fed.Rules Serv. 60b.31, Case 3; Moore and Rogers, *Federal Relief from Civil Judgments* (1946) 55 Yale L.J. 623, 631–653; 3 *Moore's Federal Practice* (1938) 3254 *et seq.*; Commentary, *Effect of Rule 60b on Other Methods of Relief From Judgment*, *op. cit. supra*. Cf. *Norris v. Camp* (C.C.A.10th, 1944) 144 F.(2d) 1; *Reed v. South Atlantic Steamship Co. of Delaware* (D.Del. 1942) 6 Fed.Rules Serv. 60b.31, Case 1; *Laughlin v. Berens* (D.D.C. 1945) 8 Fed.Rules Serv. 60b.51, Case 1, 73 W.L.R. 209.

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

WHEREFORE, Candace Bell prays that this court immediately grant the request for writ of certiorari to review the judgments of the 256th District Court, Writ of Habeas Corpus, Bill of Review, Motion to Return Child, Emergency Temporary Orders, relief from invalid Judgments and Orders, findings, conclusions, and recommendations, and any other relief to which she is entitled.

Respectfully Submitted,

/S/ Candace Paige Bell

Candace Paige Bell
Petitioner
205 N Central Expressway
Allen, TX 75002
Email: candacepaigebell@outlook.com

Phone: 682.386.0440

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF

UNSWORN DECLARATION

My name is Candace Paige Bell , I am the Petitioner in this case. The last three numbers of my Texas identification card number are 031. The last three numbers of my Social Security number are 688. My date of birth is 05/23/1985, and my address is 205 N Central Expressway, Allen, Texas 75002 and United States of America. I declare under penalty of perjury that the foregoing is true and correct. It is my personal knowledge or my belief based on representations made to me by a person with personal knowledge. Executed in COLLIN COUNTY, State of TEXAS , on the 4th day of January in the year 2021.

/s/Candace Paige Bell

Candace Paige Bell

REQUEST FOR WRITS OF CERTIORARI BEFORE AND AFTER JUDGMENT, MANDAMUS, HABEAS CORPUS, BILL OF REVIEW, MOTION TO RETURN CHILD, EMERGENCY TEMPORARY ORDERS, RELIEF FROM INVALID JUDGMENTS AND ORDERS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS AND ALL ENTITLED RELIEF