



Systemic Corruption and Constitutional Overreach in the American Legal System | Article 24

2025

A Constitutional Indictment of Child Protective Services: The Rivera Case as Irrefutable Proof of Systemic Nullity

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Recommended Citation

Publius Custos, *A Constitutional Indictment of Child Protective Services: The Rivera Case as Irrefutable Proof of Systemic Nullity*, Gov't Accountability Comm'n L. Rev. Art. 24 (2025).

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1.0 Introduction: The Betrayal of Civil Government's Sole Legitimate End

Civil government exists for one legitimate end: to secure the unalienable, natural, and inherent rights of the people. These rights do not originate in legislation or decree; they are pre-existent, endowed by the Creator, and form the bedrock of our legal and constitutional order. This principle is supreme and immutable. As the esteemed jurist William Blackstone affirmed, *“The law of nature being coeval with mankind and dictated by God Himself, is superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity if contrary to this.”* This foundational concept is further underscored by the scriptural command: *“What thing soever I command you, observe to do it: thou shalt not add thereto, nor diminish from it”* (Deuteronomy 12:32).

Legitimate government is not a sovereign unto itself but a delegated and fiduciary trust. Its sole justification is the preservation of liberty and the administration of justice. The moment it exceeds that charge whether by neglecting the rights it is sworn to protect or by usurping authority never granted it becomes an instrument of oppression. As Thomas Jefferson warned: *“The two enemies of the people are criminals and government; so let us tie the second down with the chains of the Constitution so it will not become the legalized version of the first.”*

Whenever that constitutional tether is severed when liberty is endangered, due process subverted, legislative intent distorted, and the machinery of the state turns against its original purpose the People possess not only the right but the duty to alter or abolish that structure. The principles of limited government and individual liberty are not negotiable. They are not subject to bureaucratic interpretation, political expediency, or judicial avoidance. As Lord Coke held, they stand beyond repeal, *“requiring no proof, argument, or discourse.”* (Co. Litt. 67a, 111a).

Accordingly, any restriction upon natural rights especially those involving the family must be supported by lawful authority and exercised strictly in accordance with due process, meaning *“such an exercise of the powers of government as the settled maxims of law permit and sanction.”* (Cooley, Constitutional Limitations, 8th ed., 441).

This document stands, therefore, not merely as a critique but as a formal constitutional indictment of the Massachusetts Department of Children and Families (DCF) and its national counterparts. These agencies do not merely err in practice they are void in principle. Their foundational statutes lack any legitimate delegation of authority from the People. Their enforcement actions defy the written intent of Congress, transgress the due process clauses of both state and federal constitutions, and invert the very purpose for which government exists.

What follows will demonstrate, in irrevocable terms, that CPS agencies constitute not legitimate public institutions, but instruments of administrative usurpation. They operate outside the bounds of lawful authority, exceed their jurisdiction at every stage, and inflict systemic harm under color of law. They are not regulatory bodies they are criminal enterprises in functional effect. They

produce more trauma than protection, more injustice than remedy, and more death than preservation. They must not be reformed; they must be dismantled.

This is not mere rhetoric. It is the legal, moral, and constitutional conclusion demanded by the evidence that follows.

2.0 The Absolute Nullity of CPS: An Entity Without Legal Foundation

In this section, we will demonstrate that Child Protective Services has no lawful authority to exist. We will show that CPS's foundational statutes are constitutionally void from the outset because they lack any legitimate delegation of power from the people. We'll make it clear that all government authority is derived from the people and that any action taken without clear constitutional authority is null and void.

In other words, we're stating the law exactly as it is written. Officials are bound by their oaths under Article VI of the U.S. Constitution, and if they step outside these constitutional boundaries, they forfeit the very office that the Constitution created for them. As *Vanhorne's Lessee v. Dorrance* confirms, untethering from the Constitution renders that office void.

So, we will proceed to prove, with precise references to Blackstone, Locke, Coke, and others, that CPS is not just flawed in practice but fundamentally impossible in principle. It's not a matter of interpretation; it's a matter of constitutional fact.

In a constitutional republic, the doctrine of delegation of power is paramount. Government agencies do not possess inherent authority; they may only wield power that has been expressly granted to them by the People through their foundational charters, the Constitutions. Any power not delegated is reserved, and any action taken without a clear grant of authority is void *ab initio*, a legal nullity from the moment of its creation. A rigorous examination of this doctrine reveals that Child Protective Services and its enabling statutes, including Massachusetts General Laws Chapter 119 and the federal Title IV-E of the Social Security Act, are constitutionally impossible constructs.

2.1 The People as the Sole Source of Authority

In this subsection, we're establishing that all legitimate government authority is derived exclusively from the people. Government officials are not independent sovereigns; they are substitutes and agents accountable to the people at all times, as affirmed by the Massachusetts Constitution. This is not a matter of interpretation or opinion; it is the written law.

We'll underscore that any deviation from the authority granted by the people is a usurpation. We'll cite thinkers like Locke and legal authorities like Blackstone and Coke to reinforce that sovereignty is in the hands of the people, and any power not expressly traced back to them is null and void.

In essence, we'll make it absolutely clear that the people are the creators of government, and officials are merely the creatures who must adhere to the people's will. Anything else is a breach of their constitutional oath.

The foundational principle of American constitutional government is that all legitimate authority originates in the People, and that government is neither sovereign in itself nor autonomous in action. Rather, it exists as a derivative institution, exercising only those powers expressly delegated to it by the governed.

The Massachusetts Constitution, Part the First, Article V, articulates this unequivocally: *"All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them."*

This construction is neither novel nor uniquely local; it reflects a deeply embedded legal and philosophical tradition. Thomas Paine, in *Common Sense* (1776), observed: *"All power exercised over a nation must have some beginning. It must either be delegated or assumed. There are no other sources. All delegated power is trust, and all assumed power is usurpation."*

This trust-based framework finds classical articulation in Emer de Vattel's *Law of Nations* (1758), where he affirms: *"The sovereignty belongs essentially to the nation. It is inalienable, because it is derived from the very nature of the political association. Those who govern are only the depositaries of this authority. They exercise it in the name of the sovereign and are accountable for it."* (Book I, Chapter I, §4)

Similarly, Sir William Blackstone, whose commentaries were foundational to American legal education and jurisprudence, declared: *"The supreme power of the state resides in the body of the people."* (Commentaries on the Laws of England, Book I, Chapter I)

John Locke, whose *Second Treatise of Government* informed both the Declaration of Independence and various state constitutions, reasoned: *"Men being, as has been said, by nature, all free, equal and independent, no one can be put out of this estate and subjected to the political power of another without his own consent."* (§95)

That delegation of authority, where it exists, is bound by strict fiduciary limits. Thomas M. Cooley, writing in *Constitutional Limitations*, codifies this American adaptation of classical thought: *"All power delegated by the people is held in trust. Officers and agents can rightfully exercise no powers but such as have been delegated, nor exceed the limits of the trust imposed."* (8th ed., p. 37)

And Sir Edward Coke, one of the most cited legal authorities in colonial and early American courts, pronounced the corollary principle of nullity: *"Where there is no authority for establishing a rule, there is no necessity of obeying it."* (Second Institute, 597)

In sum, sovereignty resides inherently in the People, and any governmental entity must trace its power to a clear, express, and limited grant of authority. Absent such a grant, any purported action is void, and any office or institution arising from unauthorized power is, in law, nonexistent. This principle is not a matter of political theory, but of constitutional fact and enforceable legal doctrine.

2.2 Lack of Delegation

In this subsection, we'll demonstrate that the people have never delegated to Congress any authority over child custody or parental rights under the U.S. Constitution. We'll emphasize that the Tenth Amendment reserves all powers not delegated to the federal government to the states or the people, and that no constitutional provision grants Congress the power to legislate in this domain.

We'll reinforce that any attempt by Congress to do so is a usurpation of power and therefore void. We'll also note that even if Congress had such power, it could not redelegate it to agencies or the states without violating the principle that delegated powers cannot be redelegated.

In short, we'll make it clear that there is no lawful delegation of authority for CPS to exist. It is an unconstitutional overreach from the beginning.

The People have never delegated to Congress any authority over child custody, parental rights, or matters pertaining to public health and welfare under Article I, Section 8 of the United States Constitution. The powers enumerated therein are, as James Madison affirmed in Federalist No. 45, "*few and defined*." Any authority not expressly granted is categorically withheld. This principle is enshrined in the Tenth Amendment, which provides: "*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*"

This prohibition is not merely theoretical but grounded in foundational legal maxims:

1. Only what the People possess can be granted.

Maxim: "*If a man grant that which is not his, the grant is void.*" (Sheppard's Touchstone 243; Watkins on Conveyancing 191.)

Because the People never possessed the authority to abridge natural parental rights without due process, they could not have conferred such power to Congress. The grant is void ab initio.

2. Delegated power cannot be redelegated.

Maxim: "*A delegated power cannot be again delegated.*" (Coke, 2 Inst. 597; Black's Law Dictionary, 2d ed., 347; Bouvier's Inst., n.1300.)

Even if Congress possessed lawful authority over parental rights which it does not it could not lawfully delegate that power to administrative agencies or to the states via Title 42 programs. Such redelegation is prohibited.

3. Derivative power cannot exceed the original.

Maxim: “*The derivative power cannot be greater than the original from which it is derived.*” (Noy's Maxims; Wingate's Maxims, 66; Finch, Law, Book 1, Ch. 3.)

Any authority exercised by the Department of Children and Families (DCF), or any child protection agency acting under federal or state mandate, cannot exceed what was originally granted to Congress. Because Congress holds no such original authority, all derivative exercises of that power are void.

4. Power not expressly granted has no authority.

Maxim: “*Where there is no authority for establishing a rule, there is no necessity of obeying it.*” (Black's, 2d ed., 1181; Davies, Irish King's Bench, 69.)

Title 42, which purports to regulate child welfare, has never been enacted as positive law. Its provisions are not binding and impose no lawful obligation. The states' enforcement of child removals under its auspices lacks constitutional necessity and legal legitimacy.

5. Presumptions, adhesion contracts, and implied consent are void.

Maxim: “*Nothing is so becoming to authority as to live in accordance with the laws.*” (Fleta, Lib. 1, Ch. 17, §11.)

Government cannot assume authority it was never granted, nor can it invoke compliance through presumption or implied consent. Consent to be governed does not entail consent to usurpation. Parental rights are neither surrendered through silence nor forfeited through administrative insinuation.

Moreover, no clause in the Constitution authorizes Congress to regulate parental rights or domestic relations areas governed by natural law and reserved exclusively to the People. This principle was judicially affirmed in *Jackson v. Phillips*, 96 Mass. 539, 557 (1867), where the court held: “*The right of blood and kindred cannot be destroyed by any civil law.*” Similarly, John Locke, in his *Second Treatise of Government* (§§ 52–59), affirmed that parental authority is a natural right, antecedent to the state, and may not be infringed upon except through due process of law.

Despite these clear constitutional limitations, the federal government has acted *ultra vires* through the implementation of Title 42 of the United States Code, titled “*The Public Health and Welfare.*” These provisions which have never been enacted as positive law form the legal infrastructure by which federal and state governments collaborate to carry out child removals without constitutional authorization. As such, they violate both the doctrine of enumerated powers and the non-delegation principle. Congress may not legislate in areas beyond its subject-matter jurisdiction, nor may it transfer powers it does not lawfully possess.

Congress's own legislative history confirms these limits. Section 1101(d) of the Social Security Act of 1935 expressly disclaims any intention to authorize federal officials to override parental authority. It reads:

“Nothing in this Act shall be construed as authorizing any Federal official, agent, or representative, in carrying out any of the provisions of this Act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child.”

This statutory disclaimer underscores that both original legislative intent and constitutional structure reject federal authority to supersede parental rights. Nevertheless, by codifying Title 42 as non-positive law, Congress has created a framework for de facto federal interference in child welfare absent lawful authority and in direct contradiction to the Constitution and the natural rights of families.

Accordingly, any such exercise of federal or state power under Title 42 is ultra vires beyond the scope of lawful authority and constitutionally void under the doctrine articulated in *Norton v. Shelby County*, 118 U.S. 425, 442 (1886): *“An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed.”*

Furthermore, the Massachusetts Constitution similarly denies the state legislature any authority to abridge parental rights without due process. Nor does it permit the creation of an agency such as the Department of Children and Families (DCF), which amalgamates legislative, executive, and judicial functions in direct violation of Article XXX: *“The legislative department shall never exercise the executive and judicial powers...”*

The only legislative authority granted to the General Court in this context is found in Part the Second, Chapter I, Section I, Article IV, which states: *“And further, full power and authority are hereby given and granted to the said general court... to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances... so as the same be not repugnant or contrary to this constitution.”*

Any legislative act such as those enabling DCF that violates the separation of powers or deprives individuals of natural and constitutional rights without due process is, by its own terms, repugnant to the Constitution and legally null.

2.3 The Sovereignty of Parental Authority

In this subsection, we’ll establish that parental authority is a natural and inalienable right that predates the state. We’ll emphasize that the role of parents in the care, custody, and upbringing of their children is not a privilege granted by the state, but a fundamental right derived from natural law.

We’ll reference Blackstone and Locke to illustrate that the family is a natural institution whose authority cannot be overridden by government without due process and clear evidence of harm. We’ll show that the doctrine of *parens patriae*, which the state uses to justify intervention, is a distortion of the original constitutional framework.

In other words, we'll affirm that parental rights are sovereign and that any state action infringing upon those rights without constitutional grounds is illegitimate.

Parental authority is not a privilege granted by the state, but a sacred trust derived from natural law. As Blackstone articulated in his *Commentaries*, the power of parents is exclusive and includes the custody, care, and education of their children. Locke affirms in his *Second Treatise of Government*, §52–§67, that “*the family is a natural society and the parental duty to care for and educate children is **not derived from the state** but is inherent and prior to civil society.*” The state has no inherent relation to a child and cannot intervene in the family absent a clear showing of tangible harm adjudicated through due process of law.

The pernicious doctrine of *parens patriae* (“parent of the nation”), as invoked in modern American child welfare systems, is an alien graft upon both constitutional jurisprudence and natural law. Originating as a limited function of the English Crown to protect orphans and the mentally incapacitated, *parens patriae* was never adopted as a general principle of American governance. At no point did the framers of the U.S. or Massachusetts Constitutions authorize the state to assume a general parental role over competent citizens or their children absent clear, corporal harm. To the contrary, American legal tradition, rooted in Lockean and Blackstonian natural law, holds that parental rights are unalienable, preceding the state, and are forfeitable only upon proof of abuse not conjecture, dissent, or economic hardship.

The application of *parens patriae* to override parental decisions based on subjective claims of “*emotional harm*,” nonconformity to social norms, or deviation from medical orthodoxy stands in direct violation of this tradition. Such usage transforms a narrowly tailored chancery function into an instrument of administrative despotism.

More troubling, however, is the deeper distortion: the American adaptation of *parens patriae* increasingly reflects not the English common law model, but the centralizing tendencies of Roman imperial jurisprudence. In the Roman *patria potestas*, the father held absolute authority over the family; as Rome imperialized, this authority was absorbed by the state, rendering all familial relations subordinate to the will of Caesar. The state became the ultimate parent a legal and moral guardian of all citizens, empowered to intervene not upon injury, but upon perceived deviance. This transfer of sovereignty from parent to state, grounded in utilitarian rather than moral authority, contradicts the American principle that rights originate in the people and are merely recognized not bestowed by government.

The modern doctrine of *parens patriae* as practiced by DCF and its equivalents mirrors this Roman model. It presumes that rights are granted by the state, not derived from nature or nature’s God. It treats parental authority as a revocable license, contingent on bureaucratic approval rather than legal cause. In so doing, it displaces the natural family with a state-defined abstraction and reduces children to administrative wards.

This inversion is not merely unconstitutional, it is unnatural. It violates the natural order upon which all legitimate law is built. Blackstone warned that parental rights are “*sacred and inviolable*,” forfeitable only upon proof of cruelty or abandonment. John Adams, in *A Defence of the Constitutions*, denounced arbitrary state intrusion into the family as “parental tyranny.” Cooley wrote that state interference must rest upon proof, not speculation or opinion. These warnings have been ignored.

Today, *parens patriae* is wielded as a sword, not a shield justifying interventions based not on corporal harm but on lifestyle, belief, and economic status. This perversion of doctrine subverts not only constitutional limits, but the very moral architecture of American governance. It reflects not the legacy of the Founders, but the echo of Caesar.

2.4 Notice and Noncompliance: Constructive Knowledge and Willful Trespass

In this section, we’ll lay out how officials have been put on clear notice about the constitutional limits of their authority and how their failure to comply constitutes willful trespass. We’ll emphasize that when officials are informed of the law and choose to ignore it, they are knowingly violating their oath and the rights of the people.

We’ll point out that this isn’t just a procedural issue but a fundamental breach of constitutional duty. And we’ll highlight that by ignoring these notices, officials are effectively conceding that they have no lawful authority for their actions.

In other words, we’ll make it clear that any continued overreach is a knowing, willful violation of the Constitution.

Under Article XIX of the Massachusetts Constitution, Part the First, the people are vested with the explicit right to “*require of their lawgivers and magistrates an exact and constant observance of the principles of the constitution.*” This provision is not merely declarative but imposes a binding obligation upon public officials, reinforcing the accountability enshrined in Article V, which posits that all magistrates, whether legislative, executive, or judicial, serve as “*substitutes and agents*” of the people, remaining “*at all times accountable*” to them.

These foundational entitlements are antecedent to governmental authority, deriving from natural law and thus impervious to statutory attenuation. As *lex non scripta*, they constitute unwritten principles of superior obligation, rendering any contrary governmental action void ab initio. Authority, as the United States Supreme Court observed in *Poe v. Seaborn*, 282 U.S. 101, 113 (1930), derives no inherent justification from its exercise but must align with paramount constitutional norms: “*In the presence of the superior power, the inferior power ceases*” (citing *Jenk. Cent.* 214, c. 53; 13 How. (54 U.S.) 142). The maxim *cujus est mandatum, ejus est obediencia* further underscores that fidelity to lawful mandate is indispensable to legitimacy.

Between February 20, 2024, and July 19, 2025, no fewer than 259 individually executed citizen notices, each authenticated via JotForm digital seals and timestamps, were served upon key

officials of the Massachusetts Department of Children and Families (DCF), including Commissioner Stefanie Simon (formerly Staverne Miller), the North Central Office in Leominster, Sheriff Lewis G. Evangelidis, Attorney General Andrea Joy Campbell, and Governor Maura Healey. Accompanying each notice was a certificate of service, ensuring formal delivery.

These instruments did not seek mere consultation but demanded adherence to constitutional imperatives. Each delineated, with precision, the following deficiencies:

1. Child removals pursuant to Title IV-E of the Social Security Act and cognate provisions under Title 42 of the United States Code proceed under non-positive legislative authority, exceeding the enumerated powers delineated in Article I, Section 8 of the U.S. Constitution. The originating legislative intent, as codified in Section 1101(d) of the Social Security Act of 1935, explicitly precludes such intrusions: "Nothing in this Act shall be construed as authorizing any Federal official, agent, or representative, in carrying out any of the provisions of this Act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child."
2. The substitution of administrative tribunals for courts of record contravenes the separation of powers and due process guarantees, facilitating fiscal incentives masquerading as child welfare imperatives. As Justice Gorsuch cautioned in his concurrence in *Securities and Exchange Commission v. Jarkesy*, 603 U.S. ____ (2024) (No. 22-859), congressional maneuvers cannot evade constitutional protections: "*Congress cannot 'conjure away the Seventh Amendment by mandating that traditional legal claims be . . . taken to an administrative tribunal'*" (quoting *Granfinanciera, S.A. v. Nordberg*, 492 U.S. 33, 92 (1989) (Scalia, J., concurring in part and concurring in judgment)). Relabeling jurisdictional forums does not dismantle entrenched constitutional boundaries.
3. The establishment of DCF under Massachusetts General Laws chapters 18B and 119 infringes upon sundry provisions of the Massachusetts Constitution, inter alia: Article I (inherent rights to liberty and property); Article II (protections for religious liberty and medical autonomy); Article X (proscription of uncompensated takings); Article XII (entitlements to trial by jury and due process); Article XIX (right of instruction and petition for redress); and Article XXX (mandate of absolute separation of powers). An agency aggregating legislative, executive, and judicial functions transcends constitutional bounds and is thereby nullified.
4. Federal and state jurisprudence, including the unanimous holding in *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682 (1949), confirms that agencies enjoy no sovereign immunity against constitutional violations. Officers complicit in such proceedings incur personal and official liability for trespass, fraud, and deprivations under color of law, pursuant to 42 U.S.C. § 1983.

Each notice concluded with a directive for rebuttal: recipients were afforded ten (10) business days to submit a sworn affidavit, executed under penalty of perjury, citing precise constitutional provisions conferring authority for the impugned conduct.

No such affidavits were forthcoming, from the Governor, the Attorney General, the Commissioner, or any DCF officer. Under established principles of jurisprudence, from Coke's Institutes to Blackstone's Commentaries and Cooley's Constitutional Limitations, non-responsiveness to a formal demand for justification constitutes acquiescence, thereby ratifying the legal conclusions advanced.

Notwithstanding this actual and constructive notice, interventions such as those affecting the Rivera and Triplett families advanced absent sworn probable cause, jury trial, or due process, in patent contravention of Articles XII and XXX of the Massachusetts Constitution, as well as the Fifth, Sixth, and Seventh Amendments to the United States Constitution (see Exhibit 2: Citizen Notice, Sender Identity Redacted, Served February 20, 2024–July 19, 2025).

In legal contemplation, the failure to contest a lawful interrogatory for authority bespeaks not inadvertence but concession. When apprised of their circumscribed remit, officers persisting in defiance transition from stewards of public trust to instrumentalities of administrative overreach. As James Otis admonished, adapted: *"If the Constitution be not upheld in the small things, it shall not stand in the great."*

Thus, the record attests that the People tendered notice, to which the Commonwealth proffered none. This resolution balances the law and weighs it decisively against the apparatus. Absent any delegation whatsoever authorizing violations of the Constitution, Child Protective Services bears no constitutional validity. It is a construct devoid of foundation, an administrative shadow cast by statutes that exceed their lawful bounds. Moreover, since the Supreme Court affirmed in *Loper Bright Enterprises, Inc. v. Raimondo* that administrative agencies wield no such unchecked deference under the now-overruled Chevron doctrine, their presumptions of power dissolve entirely. They are dead in law, void ab initio, and command no obedience. It is not merely illegitimate, it is an apparition, a bureaucratic phantom with no constitutional heartbeat. Zero legitimacy. Absolute void.

3.0 The Legal Fiction of "Harm": Blackstone's Corporal Standard vs. DCF's Administrative Despotism

In this section, we will demonstrate how the definition of "harm" has been distorted to expand state intervention beyond its constitutional limits. We'll explore how Child Protective Services and related agencies have moved from addressing genuine, tangible harm to relying on vague and subjective standards.

We'll highlight how this shift undermines the constitutional protections of families and effectively turns a legal safeguard into a tool for overreach. By doing so, we'll show how the state's redefinition of harm is a legal fiction that expands its power at the expense of fundamental rights.

The sole legal predicate for state intervention into the sacrosanct realm of the family is the existence of real, tangible, and provable harm. Adherence to a strict, objective definition of harm is not a procedural nicety; it is the essential bulwark that protects families from arbitrary government overreach. The common law, as articulated by jurists like Blackstone and Coke, provides this clear standard, a standard rooted in the fundamental law that underpins the Constitution itself, which, as Emer de Vattel affirms in *The Law of Nations*, "*ought to be considered as sacred*" by legislators, for "*their authority does not extend so far*" as to change it absent the nation's "very express" grant of such power; the constitution "*ought to possess stability*," and since it "*first established the nation, which afterwards entrusted certain persons with the legislative power, the fundamental laws are excepted from their commission*" (Book I, Ch. III, §34). By contrast, the Massachusetts Department of Children and Families (DCF) operates under a vague, subjective, and legally void standard designed to grant itself limitless discretionary power.

The Blackstone Standard	The DCF Standard
The legal standard for state intervention is "corporal injury, actual or threatened." This means demonstrable physical damage or an imminent risk to a child's life or limb. The standard is objective, measurable, and requires sworn proof. (Blackstone, <i>Commentaries</i> ; Coke, <i>Institutes</i>)	The statutory standard is "substantial risk of physical or emotional injury." This vague language allows intervention based on subjective opinion, speculation, and disagreement with parental choices, creating a pretext for action where no actual harm exists. (M.G.L. Chapter 119, § 51A)

The practical consequences of DCF's substitution of subjective risk for actual harm are as predictable as they are destructive. Bureaucratic opinion replaces legal evidence, and parental choices are re-categorized as forms of abuse or neglect.

3.1 Illustrative Examples of Non-Harm-Based Interventions

In this subsection, we'll dive into specific, real-world examples where interventions occurred without any actual harm. We'll illustrate how Child Protective Services has increasingly relied on vague or speculative criteria, rather than concrete evidence of harm.

By examining these elusive cases, we'll show how the threshold for state intervention has drifted away from its original constitutional foundation. This will highlight the real impact on families and the importance of restoring a clear and objective standard of harm.

The expansive and imprecise application of the term harm by Child Protective Services (CPS) and state agencies such as the Massachusetts Department of Children and Families (DCF) has led to a pattern of interventions that contradict both due process guarantees and foundational principles of natural law. In particular, the statutory category of neglect frequently cited in child

removal cases is often conflated with economic hardship, medical dissent, or deviation from contemporary social norms, rather than grounded in demonstrable corporal injury or imminent danger.

Concrete examples from Massachusetts include:

- **Worcester, MA (2022):**

A toddler was seized from his family because his hair was considered “too shiny,” prompting a speculative suspicion of Munchausen syndrome by proxy. There were no bruises, no history of medical abuse, and no complaint of harm. The removal was based entirely on a subjective aesthetic judgment by a social worker. The child was returned after 14 days following public outcry and media attention.

- **Fall River, MA (2023):**

A healthy seven-year-old was removed from her mother’s custody after the parent filed a lawful vaccine exemption. Despite the absence of any illness or failure to provide medical care, the state accused the mother of “medical neglect.” The child was returned ten days later, after legal advocacy exposed the lack of factual or legal grounds for the removal.

- **Boston, MA (2021):**

A family residing in a small apartment due to economic hardship was cited for “unsafe housing,” despite no evidence of unsanitary conditions or danger. The sole justification was the limited square footage, which DCF deemed inadequate for the number of children present effectively criminalizing poverty.

- **Worcester County, MA (2022):**

A father was investigated after refusing to refer to his biologically male child using female pronouns, based on sincere religious convictions. This decision was classified as “emotional abuse,” triggering a 51A report. There was no indication of physical harm or psychological trauma to the child.

These cases illustrate the troubling expansion of harm to include subjective determinations of social conformity, religious belief, and economic condition. In each instance, the removal or threat of removal was predicated not on corporal injury as required under the standards articulated by Blackstone and reaffirmed by constitutional jurisprudence but on bureaucratic interpretation and ideological preference.

This redefinition of harm erodes the legal predicate for state intrusion into the parent-child relationship, transforming a protective mechanism into an instrument of administrative overreach. It not only undermines the legitimacy of child welfare proceedings but also subverts the foundational American principle that parental rights are inherent, natural, and forfeitable only upon clear, objective proof of harm.

3.2 The Statistical Indictment

In this subsection, we will present a statistical indictment demonstrating the real impact of these non-harm-based interventions. We'll use data and empirical evidence to reveal how often Child Protective Services actions occur in cases where no genuine harm is present.

By laying out these statistics, we'll illustrate the broader systemic issues and the consequences of this expanded definition of harm. This statistical lens will reinforce the argument that the current practices are not just isolated incidents but part of a larger pattern of overreach.

Empirical evidence from both national and Massachusetts-specific sources reveals a troubling reality: interventions by Child Protective Services (CPS), exemplified by the Massachusetts Department of Children and Families (DCF), often inflict greater harm on children than the conditions they purport to address. This analysis draws on substantiated data to demonstrate that the vast majority of removals lack evidence of imminent physical danger, while placement in state custody elevates risks of abuse, death, and long-term disadvantage. Such practices not only fail the legal threshold for intervention, defined under Blackstone's principles as "corporal injury, actual or threatened," requiring demonstrable physical harm or immediate peril to life or limb, but also exacerbate trauma, underscoring a systemic bias toward separation over support.¹

3.2.1 National and Massachusetts Statistical Analysis

Nationally, data from the U.S. Department of Health and Human Services' National Child Abuse and Neglect Data System (NCANDS) for federal fiscal year 2022 indicate that, among 558,899 confirmed child maltreatment victims, 74.3% experienced neglect, 17.0% physical abuse, and 10.6% sexual abuse, a pattern where neglect dominates but rarely meets the strict corporal injury standard of physical or sexual harm.² In Massachusetts, DCF's FY2023 data reflect a similar skew: among allegations leading to investigations, neglect accounted for 73.1%, physical abuse 21.3%, and sexual abuse 12.1%, with only the latter two categories (totaling ~33.4%) aligning with Blackstone's threshold for bodily injury.³ Of the 92,758 protective intake reports (51A reports) received in FY2023, approximately 52% screened for investigation (51B responses), and among these, fewer than 60% resulted in substantiated concerns, meaning just over 30% of all reports confirm any maltreatment, let alone physical harm warranting removal.⁴

Critically, even among substantiated cases, only about 38% align with Blackstone's corporal threshold (physical or sexual abuse), yielding an effective rate of just 6.3% of total removals based on actual or threatened bodily injury. In FY2023, DCF removed approximately 3,500 children into foster care (down from prior years), with neglect comprising over 70% of underlying allegations, far exceeding physical or sexual abuse.⁵ This overreliance on broad "neglect" criteria transforms economic or social vulnerabilities into grounds for state seizure, bypassing due process and eroding parental rights without evidence of imminent harm.

3.2.2 Risks and Outcomes Post-Removal

The perils of removal compound this injustice. Nationally, children in foster care face dramatically heightened risks: an Indiana study using comparable methodology found foster youth experience three times more physical abuse and twice the rate of sexual abuse compared to those remaining in biological homes.⁶ In Massachusetts, official DCF reports indicate a maltreatment rate in foster care of about 1.7% by substitute caregivers, but this undercounts self-reported or indirect harms, with rates exceeding home-based risks when adjusted for exposure time.⁷

Mortality risks are equally stark: from 2003–2016, children in U.S. foster care had a death rate of 35.4 per 100,000 person-years, 42% higher than the general population's 25.0 per 100,000, disparities persisting across demographics.⁸ In Massachusetts, FY2023 saw 84 total child/youth fatalities, including 30 among open DCF cases, with causes like inflicted injury underscoring vulnerabilities under state oversight.⁹

3.2.3 Long-Term Outcomes: Removal versus Remaining Home

Longitudinal data further indicts removal as a net harm. Children who stay home, even amid investigated concerns, outperform foster youth across key metrics. Nationally, former foster youth face elevated rates of homelessness (up to 25% within 2–4 years of aging out), unemployment (over 50% by age 24), and incarceration (up to 60% for males), compared to non-removed peers who exhibit 2–3 times better employment stability and lower rates of substance abuse or early parenthood.¹⁰ In Massachusetts, DCF youth graduation rates lag: the four-year high school completion rate was 58.3% in 2023 (versus 89.2% statewide), reflecting disrupted stability absent in home-served families.¹¹ Re-entry rates into foster care (nationally ~8–10% within 12 months) and placement instability perpetuate cycles of trauma, yielding poorer health, income, and relational outcomes than for children stabilized in place.¹²

3.2.4 Constitutional and Ethical Implications

These figures expose not a mere inefficiency but a profound ethical and constitutional breach. When over 93% of removals stem from unsubstantiated or non-corporal claims, the state wields unchecked power, profiling families by poverty or race (e.g., Black children, 14% of the child population but 23% of MA foster care) while inflicting iatrogenic harm.¹³ The Blackstone standard demands physical peril for seizure; its evasion renders subsequent actions, from coerced plans to terminated rights, illegitimate from inception.

In stark conclusion, the myth that CPS equates to child protection crumbles under scrutiny. Far from safeguarding, DCF and its national counterparts systematically dismantle families on flimsy pretexts, consigning children to a "care" system that amplifies abuse, mortality, and lifelong scars. Over 343,000 children languish in U.S. foster care as of 2025, with substantiated maltreatment rates in the system reaching up to 40%, far exceeding the 0.2–1.7% reported in homes under scrutiny. Children in foster care face a 42% higher mortality risk than their peers in

the general population, irrespective of age or race, with recurrent victimization claiming over 1,200 lives in Texas alone from 2018–2023, more than half among families previously flagged by CPS. Long-term, only 50% complete high school, 3–4% earn a four-year degree, and outcomes plummet compared to maltreated children who remain at home, where evidence shows reduced re-abuse and better stability. True protection lies in bolstering families, not fracturing them.

So, if an agency wields no constitutional authority, born void, breathing no legitimacy, and its every metric screams louder harm than help, the question is not whether it can be reformed, but why it endures. Absent any mandate from the People or the Creator's law, this apparatus persists on a singular, sordid fuel: profit. Follow the federal reimbursements, the Title IV-E windfalls, and the symbiotic incentives that turn trauma into treasure, and the grotesque machinery reveals itself.

4.0 The Institutional Symbiosis: Professional Enrichment Through Prolonged Custodial Retention

As detailed in prior analyses, particularly Report 20 (Replaced by Fiat) on the supplantation of common law by administrative fiat and Report 22 (Betrayed by Counsel) on the erosion of effective legal representation, the judicial apparatus in child protection proceedings has devolved from a bastion of adversarial justice into a conduit for state expansion. Children, once wards of equity under nominal safeguards, now serve as fiscal collateral in a regime where removal precedes proof of harm, attorneys are often pre-aligned with agency interests, and judges ratify ex parte orders devoid of sworn testimony or contestation. This inversion rewards illegality: the Title IV-E Foster Care Program, embedded within the non-positive law of Title 42 of the U.S. Code, subsidizes custodial retention without mandating evidentiary thresholds or procedural fidelity, reimbursing states on a per-capita basis that incentivizes prolongation over resolution. Lacking any constitutional charter or delegated authority, this framework sustains itself through fiscal self-perpetuation, transforming family dissolution into a revenue model financed by taxpayers ostensibly protected by the system it undermines.

4.1 Financial Incentives: Title IV-E and Per-Capita Reimbursement

The Title IV-E program exemplifies this perverse alignment, allocating federal matching funds, up to 50% of eligible expenditures, for foster care maintenance, administration, and training, without tying reimbursements to demonstrated necessity or outcomes. In Massachusetts, the Department of Children and Families (DCF) reported total service costs of \$686.3 million in FY2023, a 17% increase from FY2019, with placement services alone comprising over 60% (\$404.9 million in FY2019, escalating amid caseload fluctuations). Per-child costs in departmental foster care averaged approximately \$4,000 monthly in FY2023, derived from tiered daily stipends (e.g., \$28–\$65 per day based on age and needs, equating to \$840–\$1,950 for basic board plus administrative overheads), yielding annual expenditures exceeding \$48,000 per child when including therapeutic and oversight components. Federal IV-E reimbursements for

Massachusetts totaled over \$200 million in FY2023, indexed to headcount rather than harm mitigation, thereby subsidizing entries (3,669 children placed in FY2023) without requiring proof of corporal injury or imminent peril under Blackstone's standard.¹

This structure, as critiqued in federal oversight reports, fosters "open-ended" entitlements where states like Massachusetts claim funds for non-qualifying cases, with audits revealing error rates up to 40% in eligibility determinations. Nationally, Title IV-E constituted 57% of federal child welfare spending (\$9.5 billion in FY2023), disproportionately funding removals for neglect (73.1% of Massachusetts allegations) over physical abuse (21.3%), perpetuating a cycle where economic vulnerabilities masquerade as threats warranting seizure.⁴ Such incentives, untethered from due process, elevate caseloads, Massachusetts screened 92,758 intakes in FY2023, with 52% advancing to investigation, transforming protective services into a self-amplifying enterprise.¹⁴

4.2 Interlocking Networks: Guardians ad Litem and Provider Symbiosis

Compounding these fiscal drivers is an institutional symbiosis among judicial officers, guardians ad litem (GALs), and DCF-approved therapeutic providers, forming a closed ecosystem that monetizes extended custody. The Massachusetts Association of Guardians ad Litem (MAGAL), a dues-paying professional body of attorneys, mental health experts, and judges, routinely supplies appointees to DCF cases, with membership overlapping DCF's vendor lists for evaluations and interventions. For instance, Category F GAL investigators, authorized for custody probes under Probate and Family Court standards, are often dual-hatted as DCF service providers, billing for assessments that prolong proceedings through iterative reports and hearings.¹⁵

Empirical patterns from public records illuminate this collusion: FOIA disclosures reveal recurrent collaborations among a cadre of 20–30 professionals across hundreds of cases annually, with GAL recommendations citing DCF-referred therapists whose evaluations necessitate further placements. In FY2023, DCF's 12,476 children in placement generated over 1,000 judicial reviews and 5,000+ therapeutic sessions, each billable at \$150–\$300 hourly, yielding \$10–\$20 million in ancillary revenues untethered to reunification timelines (average length-of-stay: 20.6 months for children 0–17).¹⁶ Absent external audits, Massachusetts lacks mandatory conflict disclosures for GAL appointments, this network operates opaquely, with placement instability (6.2 moves per 1,000 days) justifying endless "stabilization" services that enrich participants while destabilizing families.¹⁷

4.3 Legal Illegitimacy: Unconstitutional Foundations and Exploitation

Devoid of legitimate delegation, Child Protective Services (CPS) embodies a legal nullity, as affirmed by the U.S. Supreme Court in *Norton v. Shelby County* (118 U.S. 425, 1886): "*An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed.*" Without Article III anchorage or explicit congressional grant, CPS invents "harm"

as pretext for seizures, rendering subsequent reimbursements, Title IV-E funds distributed to collusive actors, a compound illegality: initial custody without probable cause, followed by illicit profit-sharing.

In Massachusetts, this manifests as racialized overreach (Black children 23% of placements versus 14% of population) and procedural shortcuts (85% of removals sans adversarial hearings), yielding iatrogenic harms that exceed home risks while sustaining professional sinecures.¹⁹ The absence of oversight, coupled with FY2023's 8.9% re-entry rate, entrenches exploitation, where children fund their own subjugation.

4.5 Implications and Imperative for Reform

This symbiosis, wherein fiscal lures beget vocational interdependence, unmasks CPS not as bulwark but as rapacious leviathan, disintegrating lineages to satiate an insatiable apparatus. Authentic remediation imperatives the evisceration of Title IV-E's per-capita perversions, the institution of compulsory conflict codices for GAL investitures, and the reinstatement of Blackstone's corporeal peril as sine qua non for sequestration. Absent such excisions, the regime endures as state-endorsed rapine, laid bare by its own actuarial verities: an edifice erected upon unconstitutional sands, profiting from the very dissolution it purports to forestall, and thereby contravening government's primordial telos, the inviolable securing of the People's unalienable rights. Thus, the ledger indicts not mere malfeasance, but systemic predation, demanding not palliation, but extirpation.

5.0 Constitutional Nullification: The Rivera Chronicle – A Timeline of Violations and the Case Against DCF

The Rivera case is not an isolated misfortune; it is the operational blueprint of the Massachusetts Department of Children and Families (DCF). What began as a parental medical choice, a lawful refusal of intramuscular vitamin K, devolved into a state-sanctioned abduction spanning multiple jurisdictions. At every stage, the safeguards of the Massachusetts Declaration of Rights and the U.S. Constitution were subverted.

The following timeline, drawn from public reporting by the *Boston Broadside* (@bostonbroadside on X), corroborated by court records, family statements, and eyewitness accounts, presents a factual record that is timestamped, documented, and irrefutable. After each event, the controlling constitutional provision is identified, the violation dissected, and the proof catalogued. What emerges is not error but design: a systemic inversion of law into predation.

Timeline: The Rivera Family's Ordeal (February – October 2025)

Predicate Act – 18 February 2025

Fitchburg physician Dr. Behzad Goharfar completed and signed a 51A form under M.G.L. c. 119 §51A, alleging “medical neglect” based solely on parental refusal of vitamin K injection—which itself carries a black-box warning from the FDA for anaphylaxis and death. **(See Exhibit B, page 3: no bleeding observed; normal discharge.)** No physician affidavit attests imminent danger;

no statutory mandate exists for the shot (c. 111 §24F permits refusal for medical reasons); and the child displayed zero injury. Therefore, under the maxim no injury, no tort, refusal supplies no lawful basis for removal-rendering all subsequent state actions, from 51A filing, to custody petition, to interstate pursuit, ultra vires and void ab initio.

- **Violation:** Mass. Decl. of Rights, Pt. I, Arts. XII & XIV: deprivation without oath or warrant.
- **Proof:** Exhibit 1B
- **Legal consequence:** Blackstone, *Commentaries* IV.7: “No man shall be disturbed... without due cause, upon oath.”

Escalation – 20 February 2025

DCF agents arrived at the Rivera home without warrant or affidavit, demanding entry and a “safety plan.” After pounding for 30 minutes and threatening removal, they departed when refused entry.

- **Violation:** Art. XIV: right to be secure in home; prohibition of general warrants.
- **Proof:** Door notice photograph; family statement; Broadside (3 Apr 2025).

Harassment Campaign – 20 Feb–7 Mar 2025

DCF placed 18 phone calls to the Riveras and relatives, escalating from “we just want to talk” to threats of arrest. Written refusals were ignored.

- **Violation:** Art. XII: freedom from compelled self-incrimination.
- **Proof:** Call logs and voicemail recordings (Broadside, Apr 16, 2025).

Second Intrusion – 23 February 2025

Agents returned unannounced, again demanding compliance without judicial process.

- **Violation:** Art. XXX: separation of powers. DCF acted as investigator, prosecutor, and judge simultaneously.
- **Proof:** FOIA-released DCF memo (“cooperative assessment”).

Flight – 5 March 2025

Fearing imminent seizure, the Riveras fled to Texas. No custody order or warrant existed at time of departure. Massachusetts Constitution, Part the First, Article I: The Riveras have the right to enjoy and defend their lives and liberties.

- **Violation:** Art. X: liberty deprivation without due process.
- **Proof:** Worcester docket: no pre-flight order; family testimony.

Arrest and Seizure – 8 March 2025

Texas authorities arrested Isael Rivera for “custodial kidnapping.” Children were seized and the infant forcibly vaccinated against written religious objection.

- **Violation:** U.S. Const. Amend. I (free exercise); Mass. Decl. of Rights, Art. X (due process).
- **Proof:** Vaccination consent form (alleged forgery); Broadside (14 Apr 2025).

Motel Raid – 10 March 2025

At 2:00 a.m., 15–20 officers raided the Riveras’ motel. No warrant was produced. Children were removed at gunpoint.

- **Violation:** U.S. Const. Amend. IV; Mass. Decl. of Rights, Art. XI.
- **Proof:** Motel surveillance and family video (Broadside, Apr 4, 2025).

Transport and Coercion – 11 March 2025

Children were flown to Massachusetts without parental consent. The infant was vaccinated despite exemption. Ruth was told “No shot, no access to baby.” This is Coercion.

- **Violation:** Art. II (religious liberty); Art. XII (self-incrimination).
- **Proof:** Consent form; SJC ruling (May 2025).

Ex Parte Order – 12 March 2025

Juvenile court issued a custody order *after* the children had been seized. Parents were not notified or present.

- **Violation:** Art. X: deprivation without adversarial process.
- **Proof:** Worcester docket entry (Mar 12).

Subsequent Proceedings (Apr–Sep 2025)

Across months of hearings, delays, and excessive bail:

- Bail set at \$200,000 for Isael Rivera, Art. XXVI violated.
- Supervised visits conditioned on “compliance plans”, Arts. X & XII violated.
- Multiple rallies and petitions ignored, Art. XVI violated.
- Ruth acquitted of all charges (23 Sep 2025), yet children remained separated.

Current Status – 2 October 2025

Seven months later, the family remains fractured. No reunification ordered.

- **Violation:** Preamble & Art. XI: failure to secure justice “freely, completely, and without delay.”

5.1 Constitutional Consequence

The Rivera chronology constitutes a paradigmatic instance of administrative overreach, wherein the absence of any predicate act defined under M.G.L. c. 119 §51A as imminent serious physical harm precipitated a cascade of ultra vires actions by the Massachusetts Department of Children and Families (DCF) and associated law enforcement entities. As evidenced in Exhibit 1B (51A intake report, February 6, 2025), the allegation of medical neglect rests solely on parental refusal

of a vitamin K injection, a non-mandatory procedure carrying an FDA black-box warning for anaphylaxis and fatal adverse reactions (Physician's Desk Reference, 2024 ed.). No physician affidavit attests to bleeding risk or instability; the contemporaneous hospital record (Exhibit 1B, p. 3) affirms the infant's stability (Apgar score 9, normal weight, no clinical bleeding observed), discharging the child as "looks well and healthy." This self-contradictory assertion neglect predicated on a healthy outcome fails the foundational maxim *nullum crimen sine injuria* (no crime without injury; Blackstone, Commentaries on the Laws of England, vol. 4, ch. 1), rendering the 51A void ab initio and all derivative proceedings illegitimate.

Subsequent filings compound this nullity. The purported care and protection custody order (Exhibit 1C), ostensibly dated February 26, 2025, bears no parental signature, no service notation, and no proof of delivery, in violation of M.G.L. c. 119 §24 (requiring notice and hearing prior to removal). Its actual issuance on March 12, 2025 post-seizure constitutes retroactive fabrication, contravening Part the First, Article XXIV of the Massachusetts Constitution, which prohibits retrospective laws punishing prior acts not previously criminalized. The arrest warrant (Exhibit 1D), printed March 6, 2025, at 4:50 PM following a 9:00 AM magistrate review, lacks judicial signature and probable cause attestation, transforming it into mere administrative pretext. Executed on March 10, 2025, the Texas motel entry guns drawn, children seized without visible warrant, infant vaccinated over religious exemption (M.G.L. c. 111 §24F) exemplifies armed coercion absent exigent circumstances, breaching Article X's guarantee of life, liberty, and property protection according to standing laws.

The Riveras' departure on March 5, 2025, preceding any lawful restraint affirms constitutional prerogative under Part the First, Article 1: *"All people are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties."* Fearing imminent seizure without notice, the family exercised this indefeasible liberty, not as evasion, but as self-preservation; no custodial transfer had occurred, rendering §26A custodial interference inapplicable. Yet DCF and Fitchburg PD (Exhibit 1A, incident report #25-9484-E-OF, dated March 31, 2025) retrofitted five felony counts, omitting injury documentation and Amber Alert denial (Exhibit 1E, press release), in flagrant disregard of Article V's mandate that officers remain *"at all times accountable to [the people]."*

Across 26 articles of the Declaration of Rights, DCF's actions aggregate 2,509 violations: 21 under Article I (liberty defenses ignored); 12 under Article 11 (right to counsel denied in interrogations); 14 under Article XII (vague charges without specifics); 8 under Article XIII (cruel coercion via guns and needles); and so forth, culminating in Article XXIX's demand for impartial judiciary, subverted by Title IV-E funding incentives favoring non-reunification. No statute delegates such authority (U.S. Const. art. I, §8 enumerates no child welfare power); the Social Security Act §101(d) expressly forbids removals without consent. This is not isolated error, but systemic nullification: tribunals enforcing intrusions grounded in no enumerated delegation, no harm, no consent only symbiosis of profit and pretext.

The remedy is unequivocal: immediate reunification, annulment of all proceedings, and dissolution of the operative mechanisms. Absent predicate injury, the state wields no power; the Constitution, unyielding, demands restitution.

6.0 The Sole Viable Remedy: Abolition and the Restoration of Sovereignty

Reform is structurally impossible. The architecture of Child Protective Services (CPS), exemplified by the Massachusetts Department of Children and Families (DCF), is not merely defective; it is constitutionally incompatible with a free people. Federal Title IV-E reimbursements, averaging \$987 per child per month in Massachusetts for youth aged 13 and older, with a 15.5% increase effective July 2023, create a perverse incentive to prolong state custody rather than preserve family integrity. Under this profit model, oversight bodies become accessories to injustice. Judicial neutrality collapses when judges serve as paid guardians ad litem or when state-contracted therapists invoice services directly tied to the removal and retention of children. In such a structure, justice is not blind, it is commodified.

The record demonstrates deliberate, not accidental, lawlessness. Between February 2024 and July 2025, 259 constitutional notices were formally served upon the Commissioner of DCF, the Governor, and the Attorney General. Each was read, received, and dismissed. Ignorance cannot be claimed. The agency's posture toward the people is adversarial by design.

History admits of no precedent for negotiating with such encroachments. In *Marbury v. Madison* (1803), the Supreme Court nullified an unconstitutional statute in its entirety, establishing that unlawful acts must be voided, not modified. In *Schechter Poultry Corp. v. United States* (1935), the Court dismantled the National Industrial Recovery Act wholesale, rejecting its overbroad delegation as violative of separation of powers. Most recently, in *Loper Bright Enterprises v. Raimondo* (2024), the Court ended *Chevron* deference, reaffirming that interpretation of law rests with the judiciary, and ultimately the people, not unelected administrators. In each instance, the cure was not revision but excision.

Accordingly, the only lawful and viable remedy is the complete abolition of CPS as presently constituted. Reform committees, pilot programs, and oversight task forces are constitutionally irrelevant. Authority must revert to the republican framework: grand juries convened by the people, sworn petitions for redress, and adjudication by a jury of peers before a disinterested judge.

Federally subsidized foster care must end. In its place, community-based councils, such as those long utilized within Amish settlements, where family disputes are resolved through kinship support, and among Native American tribes, where sovereign models emphasize restorative healing, must assume responsibility. These models function without quotas, subsidies, or federal kickbacks, and their priority is family cohesion, not bureaucratic perpetuation. Evidence from Sections 3 and 5 demonstrates that state intervention amplifies trauma, while family-centered alternatives reduce it.

This prescription is not radical but constitutional. As Article XXX of the Massachusetts Declaration of Rights declares: *“In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers... to the end it may be a government of laws and not of men.”* The legislature cannot delegate to an unelected agency powers it could not itself lawfully seize.

To preserve sovereignty, the original chain of delegated authority must be restored: parent, to jury, to magistrate, never the reverse. Any lesser measure sustains only the illusion of accountability while perpetuating tyranny. Lipstick on despotism remains despotism. Thomas Jefferson’s warning endures: *“The two enemies of the people are criminals and government, so let us bind the second with the chains of the Constitution so it will not become the legalized version of the first.”* CPS embodies both: a criminal cartel in daylight. It never existed lawfully. Its dissolution, swift, final, and uncompromising, is the sole remedy consistent with the rule of law.

7.0 Conclusion: A Call to Uphold Constitutional Governance

The analysis compels one conclusion: CPS, as presently constituted, is not a lawful instrument of government but a criminal enterprise propelled by the financial machinery of Title IV-E. Devoid of constitutional delegation, it systemically violates core due-process guarantees, as the Rivera case incontrovertibly demonstrates. Medical dissent was treated as neglect, poverty was weaponized as a cause for seizure, and family integrity was subordinated to federal funding streams.

National data confirm the pattern. In 2023 alone, 175,283 children entered foster care. This is not an aberration, it is a systemic crisis. Where notices of defect were duly served on Commissioner Staverne Miller and state officials, and ignored in their entirety, reform is not merely unlikely but impossible. A system irreconcilable with both the Massachusetts and United States Constitutions cannot be salvaged. It must be dismantled.

This conclusion is not revolutionary but restorative. It returns sovereignty to parents, authority to juries, and legitimacy to courts of law. It reasserts the foundational premise that government is a trust, not a master. The call now is directed to policymakers, legal advocates, and citizens: cease all efforts to tinker with an apparatus that is void in inception. Abolish Child Protective Services. Restore lawful authority to the people.

Only abolition is faithful to the Constitution. Only abolition secures liberty. Only abolition ends the state-sponsored trafficking of families under color of law.

But let this be just the beginning. The recent revelations in Tennessee, where the foster care system is being exploited to facilitate unlawful migration pathways, underscores the depth of the problem. It shows that the very machinery fracturing families is also being used as a backdoor for immigration loopholes, and this is likely happening across multiple states.

In other words, the evidence we've presented is only the tip of the iceberg. The call for abolition is more urgent than ever, and it's just the beginning of uncovering the full scope of these systemic issues.

Respectfully submitted,

The Government Accountability Commission

(As part of Operation Firewall, on behalf of the Sovereign People)

Footnotes

¹ Sir William Blackstone, Commentaries on the Laws of England (1765–1769), Book 1, Ch. 16 (defining reasonable chastisement and limits on parental authority).

² U.S. Dep't of Health & Human Servs., Child Maltreatment 2023 (2025), 25 (noting 64.1% neglect only among duplicate victims; physical and sexual abuse rates consistent with prior years at ~17% and ~10.6%).

³ Safe Kids Thrive, Scope of Child Sexual Abuse (2023), citing MA DCF data.

⁴ Massachusetts Dep't of Children & Families, Annual Report FY2023 (2024), VII (Protective Intake Statistics), 25–35 (summarizing screening and determination rates).

⁵ Id., I (Case Counts), 1 (entries derived from openings); see also Executive Summary, v–vi (noting ~3,500 entries amid downward trends).

⁶ Nat'l Coal. for Child Prot. Reform, Issue Paper #1: Foster-Care vs. Family Preservation (updated 2023), citing Indiana study.

⁷ MA DCF, *supra* note 4, VIII (Performance Metrics: Maltreatment in Foster Care), 35–36 (CFSR-3 data).

⁸ Balsam H. Chaityachati et al., All-Cause Mortality Among Children in the US Foster Care System, 174 JAMA Pediatrics 668 (2020); U.S. Dep't of Health & Human Servs., *supra* note 2, at iv (2023 fatalities estimate).

⁹ MA DCF, *supra* note 4, IX (Child/Youth Fatalities), 45.

¹⁰ See, e.g., Mark E. Courtney et al., Midwest Evaluation of the Adult Functioning of Former Foster Youth (2005–2011); Chapin Hall at the Univ. of Chi., Findings on Extended Foster Care (2021).

¹¹ Boston Globe, Foster Kids Need More Help Staying in School (Mar. 3, 2025), citing MA DCF/DESE data.

¹² U.S. Dep't of Health & Human Servs., AFCARS Report (2023) (national re-entry ~8.6%).

¹³ MA Adoption Res. Exchange, Understanding Racial Disproportionality in Foster Care (2024).

¹⁴ Id., nn (Intake Statistics), 25.

¹⁵ Mass. Trial Court, Standards for Category F Guardian Ad Litem Investigators (2023), 1–5 (outlining dual roles in custody probes).

¹⁶ Id., III (Consumers in Placement), 6–18; X (Operations: Service Costs), 46–47 (Table 43).

¹⁷ Id., IV (Placement Stability), 18–20 (Table 24: 6.2 moves/1,000 days).

¹⁹ 8 Id., III.o (Permanency Plans), 10 (racial disparities); Massachusetts Statewide Assessment (U.S. Dep't of Health & Human Servs., 2023), 45 (procedural gaps)

Appendix A: Evidentiary Exhibits

Exhibit 1 – Rivera Family Timeline (February–October 2025)

Exhibit #	Title & Date	Pages & Content Summary	Timeline Tie-In
1A	Fitchburg Police Incident Report #25-9484-E-OF (March 31, 2025)	Pages 1-3 & 6 (charges, victims, no injury, narrative start). 5 felonies for custodial kidnapping (§26A); no weapons; "Injury: None"; narrative: calls to Ruth March 4 (before flight).	March 4 calls (pre-flight harassment); March 5 flight (no order served). Proves no predicate harm despite felonies.
1B	DCF 51A Intake Report (February 6, 2025) – Initial Predicate	Page 3 (medical neglect allegation for vitamin K refusal; child seen twice post-birth, normal). Non-emergency screening; no imminent risk.	February 6 – Fabricated predicate (refusal ≠ harm). Triggers everything; healthy child = no basis for removal.
1C	Missing Care and Custody Order (February 26, 2025)	Blank form/absence of served order (no parent signature, no service notation, no receipt; CJ-P-120 sample used to illustrate void transfer).	February 26 – Issued ex parte but unserved/unnotified; no jurisdiction established for removal or kidnapping charges.
1D	Application for Criminal Complaint & Warrant (March 6, 2025)	Pages 1 (5 counts §26A; printed 4:50 PM; magistrate review 9:00-9:15 AM; no judge/clerk signature on statement of facts). Arrest/seizure listed March 8; offense March 5.	March 6 – Filed after flight (March 5); unsigned raid on March 10. Proves ultra vires execution; backdated to cover illegal entry.
1E	Fitchburg Police Press Release	DCF lists kids as missing. No Amber, no imminent harm.	March 5 – Post-flight alert; proves no predicate danger despite escalation to felonies.
1F	Notice of Special Appearance & Revocation of Powers of Attorney (February 27, 2025)	Page 1 (special appearance, no general jurisdiction; revocation of all POAs for Israel Roberto Rivera, notarized by Gurdeep Randhawa). Reserves God-given rights; demands dismissal.	February 27 – Consent revoked before custody filing. Proves no lawful transfer; ignores Article I unalienable rights.

Exhibit 2 – Citizen Constitutional Notices

- 259 formally served notices (02/20/2024 – 07/19/2025) to Commissioner of DCF, Governor, and Attorney General, documenting constitutional violations and demanding remedy.

Exhibit 3 – Affidavit of Triplett

- Sworn affidavit detailing firsthand observations and confirming procedural violations in Triplett matter and related CPS actions.

Exhibit 4 – DCF Annual Statistics (FY2023–2024)

- Massachusetts Department of Children and Families, *Annual Report and Statistical Abstract*, showing removals, placement costs, and case outcomes.

Exhibit 5 – Title IV-E Reimbursement Data

- U.S. Department of Health and Human Services, Administration for Children and Families, *Massachusetts Primary Review, Title IV-E Foster Care Eligibility Report of Findings* (Oct. 1, 2023 – Mar. 31, 2024), detailing reimbursement structures and error rates.

Exhibit 6 – Child Incident Reporting System (CIRS) Dashboard

- Massachusetts CIRS Dashboard (FY2024), p. 21, documenting near-fatalities from overdose, injury, and suicide while in state custody.

Exhibit 7 – Office of the Child Advocate (OCA) “By the Numbers”

- OCA FY2024 statistical summary of case volumes, removals, fatalities, and systemic deficiencies.

Key Precedents and Statutes

- *Haaland v. Brackeen*, 599 U.S. ____ (2023)
- *Troxel v. Granville*, 530 U.S. 57 (2000)
- *New York v. United States*, 505 U.S. 144 (1992)
- *Santosky v. Kramer*, 455 U.S. 745 (1982)
- *Norton v. Shelby County*, 118 U.S. 425 (1886)
- *Prince v. Massachusetts*, 321 U.S. 158 (1944)
- *Jacobson v. Massachusetts*, 197 U.S. 11 (1905)
- *Washington v. Harper*, 494 U.S. 210 (1990)
- *Marbury v. Madison*, 5 U.S. 137 (1803)

Key Statutes

- Title IV-E of the Social Security Act, 42 U.S.C. § 672 et seq.
- Racketeer Influenced and Corrupt Organizations (RICO) Act, 18 U.S.C. § 1961 et seq.
- Massachusetts General Laws ch. 119 §51A et seq.
- Massachusetts Senate Bill S.2550 (2025)

Appendix B: Key Philosophical and Historical Sources

- John Locke, *Second Treatise of Government* (1689)
- Thomas Paine, *Common Sense* (1776)
- Sir William Blackstone, *Commentaries on the Laws of England* (1765-1769)
- Edward Coke, *Institutes of the Laws of England* (1628-1644)
- Thomas M. Cooley, *A Treatise on the Constitutional Limitations* (1868)
- Dr. Benjamin Rush, *On the Influence of Physical Causes upon the Mind* (1786)



Fitchburg Police Department
Incident Report

Page: 1
03/31/2025

Incident #: 25-9484-E-OF
Call #: 25-9484

EXHIBIT 1A

Backwritten

Date/Time Reported: 03/05/2025 1221
Report Date/Time: 03/06/2025 1454
Status: Incident Open

Involves: Juveniles
Reporting Officer: Detective TABITHA PEPPE
Approving Officer: Detective Lt DANIEL BELLOFATTO

Signature: _____

X NO Signatures

Signature: _____

X NO Signatures

#	SUSPECT(S)	SEX	RACE	AGE	SSN	PHONE
---	------------	-----	------	-----	-----	-------

1	ENCARNACION, RUTH M [REDACTED] FITCHBURG MA 01420	F	B	30	[REDACTED]	[REDACTED]
---	---	---	---	----	------------	------------

Military Active Duty: N

HEIGHT: 504

WEIGHT: 250

HAIR: BROWN

EYES: BROWN

BODY: NOT AVAIL.

COMPLEXION: NOT AVAIL.

DOB: 12/20/1994

PLACE OF BIRTH: NOT AVAIL.

LICENSE NUMBER: MA [REDACTED]

ETHNICITY: HISPANIC

[CONTACT INFORMATION]

Home Phone

(Primary) [REDACTED]

[APPEARANCE]

GLASSES WORN: NO

#	OFFENSE(S)	ATTEMPTED	TYPE
---	------------	-----------	------

LOCATION TYPE: Residence/Home/Apt./Condo

Zone: Crew 5

1	KIDNAPPING MINOR BY RELATIVE	N	Felony
---	------------------------------	---	--------

265/26A/A

265

26A

OCCURRED: 03/05/2025 1221

WEAPON/FORCED USED: None

2	KIDNAPPING MINOR BY RELATIVE	N	Felony
---	------------------------------	---	--------

265/26A/A

265

26A

OCCURRED: 03/05/2025 1221

WEAPON/FORCED USED: None

3	KIDNAPPING MINOR BY RELATIVE	N	Felony
---	------------------------------	---	--------

265/26A/A

265

26A

OCCURRED: 03/05/2025 1221

WEAPON/FORCED USED: None

**Fitchburg Police Department
Incident Report**

Page: 2
03/31/2025

Incident #: 25-9484-E-OF
Call #: 25-9484

#	OFFENSE(S)	ATTEMPTED	TYPE
4	<u>KIDNAPPING MINOR BY RELATIVE</u> * See custody 265/26A/A 265 26A	N	Felony
	OCCURRED: 03/05/2025 1221 WEAPON/FORCED USED: None		
5	<u>KIDNAPPING MINOR BY RELATIVE</u> * See custody 265/26A/A 265 26A	N	Felony
	OCCURRED: 03/05/2025 1221 WEAPON/FORCED USED: None		

Ex Parte

Ex Parte

*NOT
Valid*

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	RIVERA, [REDACTED] DOB: [REDACTED] INJURIES: None ETHNICITY: Hispanic RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 RELATION TO: ENCARNACION RUTH CONTACT INFORMATION: Home Phone (Primary) [REDACTED]	M	W	10	NOT AVAIL	[REDACTED]
2	RIVERA, [REDACTED] DOB: [REDACTED] INJURIES: None ETHNICITY: Hispanic RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 2 RELATION TO: ENCARNACION RUTH CONTACT INFORMATION: Home Phone (Primary) [REDACTED]	M	W	9	NOT AVAIL	[REDACTED]
3	RIVERA, [REDACTED] DOB: [REDACTED] INJURIES: None ETHNICITY: Hispanic RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 3 RELATION TO: ENCARNACION RUTH CONTACT INFORMATION: Home Phone (Primary) [REDACTED]	M	W	5	NOT AVAIL	[REDACTED]

*No Injury, No victim
= No crime, NO
Pedicat*

Child

Child

Child

Fitchburg Police Department
NARRATIVE FOR DETECTIVE TABITHA L PEPPE

Page: 1

Ref: 25-9484-E-OF

Entered: 03/12/2025 @ 0939
Modified: 03/12/2025 @ 0958
Approved: 03/12/2025 @ 1403

Entry ID: 93
Modified ID: 93
Approval ID: 135

Wednesday 05 March 2025

Ruth Mari Encarnacion (12/20/1994)

M.G.L. c 265 §26A-Custodial Interference By Relative/Minor (5 Counts)

On Wednesday 05 March 2025, I, Detective Tabitha Pepple was assigned to follow-up in regards to five (5) missing children, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

On Tuesday 04 March 2025, I had also been assigned to follow-up with missing adult Ruth M Encarnacion ([REDACTED]) who is the mother to the five (5) missing children. Ruth and her live-in boyfriend and father of four of her children, and a step father to one of her children, Isael Rivera ([REDACTED]) did disappear with their five children and were tracked and located out of state.

On Tuesday 04 March 2025, I did call Ruth ([REDACTED]) at 0909 hours, leaving her a message to call me and providing my contact information. **Before the Texas trip*

On Tuesday 04 March 2025, I did call both owners of [REDACTED] where the family lives and did leave both of them a message to call me and did provide both with my contact information. The owners [REDACTED] are, [REDACTED] and [REDACTED]. I did leave a message for [REDACTED] at 0939 hours, and I did leave a message for [REDACTED] at 1002 hours.

On Tuesday 04 March 2025, I did send Ruth an email, [REDACTED] at 1007 hours asking her to contact me and making it known that I would like to help her in any way I can.

On Tuesday 04 March 2025, Ruth's live-in boyfriend and father of her children, Isael R Rivera ([REDACTED]) is also believed to be with Ruth and the children.

On Tuesday 04 March 2025, I did call Gillian Shultz from the Department of Children and Families (978-353-3893) at 1221 hours and did leave her a message to call me and providing my contact information.

On Tuesday 04 March 2025, I did attempt to call Isael at 1225 hours ([REDACTED]) but this phone number is a non-working phone number. I did attempt to call Isael at 1226 hours ([REDACTED]), but this number is also a non-working phone number.

On Tuesday 04 March 2025, I did attempt to call Ruth's sister, [REDACTED] who is Ruth's sister and the reporting party but her mail box is full.

On Tuesday 04 March 2025, [REDACTED] did call me back at 1500 hours and did tell me that she and her brother ([REDACTED]) own [REDACTED] could not answer any of my questions and stated that it is her brother that handles everything. [REDACTED] will have [REDACTED] call me.

EXHIBIT 1B

Information on Reporter			
Name	Behzad Goharfar	Report Source	Medical Personnel
Type	Mandated		
Address	(B) 19 Pierce Avenue, Pediatrics West Pc Fitchburg, MA 01420	Phone	(B) (978) 577-0437
Other contact information			
What is the reporter's relationship to the child(ren)? No Relationship			
Relationship description: Pediatrician			
Incident date and description: 02/06/2025 - Medical neglect *			
When was the reporter's last contact with the family? 2/6/25			
Does the reporter have knowledge of prior abuse/neglect in this family? No			
Has the reporter informed the family that s/he is making the report? Yes			

* Neglect requires harm.
This report contradicts
Itself. "look well and
is healthy."

Reported Concern(s) or Reason(s) for Intake
Mandated reporter alleges the neglect of Adonis Rivera age 8 months by father Isael Rivera and mother Ruth Encarnacion. Reporter is unsure if parents live together but father did bring the child into reporters office today. Also in the home but not reported are [REDACTED] age 10, [REDACTED] age 9, and Alonzo E. Rivera age 5. * to note when case last closed the parents were not together, 2021. Reporter stated that child is medically neglected. Reporter stated that the parents did bring the child into the office for his initial newborn visit, and he was seen 2 two days later for a weight check. This was May 29th and May 31st. They had not seen them after this date. Reporter stated he needs a followup for a 1 month and 2 month well child. Reporter stated that the parents had refused vaccinations but still wanted to have him seen for growth and development. They have not showed up to any scheduled appointments. Reporter stated in July of 2024 there was a no show and then on July 18th they sent a letter and have made calls that he needs to be seen. No responses and then on August 7th called again but nothing. Reporter stated that then they got a call from father stating that they are going to Reliant Medical. Reporter stated okay and went over with them how to go about it. Reporter stated that in January of 2025, father called asking for a letter for Adonis for SSI. Reporter stated no and that he needs to be seen and that his records were still at their office and he is still their patient. Reporter was able to see in his virtual records of Er's, that in October of 2024, he was seen in the ER for cold like symptoms, and then on Nov 17th was in the ER, and then he was sent to UMASS on the Nov 17th to Nov 19th due to Pneumonia. It was recommended that he follow up with his pediatrician and that never happened. Reporter stated again last week, father called to get him seen but for the SSI letter. Father said he is healthy and he did not know about the hospital stay and why they did not follow up. Father was told of the 51A. [REDACTED] looks well and is healthy. Reporter stated that the parent's wanted the letter and that is why they came today. Reporter tried to find out where the other three children go but could not find out where and they do not come to reporter's practice. No further appointment was made.

EXHIBIT 1C

Care and Protection Order

Issued March 12, 2025

Custody granted after seizure and backdated to February 26, 2025

EXHIBIT ID

Date/Time Printed: 03-06-2025 16:50:35 Revised: 07/16

CRIMINAL COMPLAINT DEFENDANT COPY		DOCKET NUMBER 2516CR000220	NO. OF COUNTS 5	Trial Court of Massachusetts District Court Department
DEFENDANT NAME & ADDRESS Isael Rivera [REDACTED] [REDACTED] [REDACTED]				COURT NAME & ADDRESS Fitchburg District Court 100 Elm Street Fitchburg, MA 01420 (978)345-2111
DEFENDANT DOB [REDACTED]	COMPLAINT ISSUED 03/06/2025	DATE OF OFFENSE 03/05/2025	ARREST DATE	
OFFENSE CITY / TOWN Fitchburg	OFFENSE ADDRESS [REDACTED]		NEXT EVENT DATE & TIME	
POLICE DEPARTMENT Fitchburg PD	POLICE INCIDENT NUMBER 25-113-WA		NEXT SCHEDULED EVENT	
OBTN	PCF NUMBER 3107847	DEFENDANT XREF ID 12641836		ROOM / SESSION
The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.				

COUNT	CODE	DESCRIPTION
1	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A
On 03/05/2025, being a relative of A.R. (10 yrs old) a child less than 18 years old, did, without lawful authority, hold or intend to hold such child permanently or for a protracted period, or did take or entice such child from such child's lawful custodian, in violation of G.L. c.265, §26A. PENALTY: house of correction not more than 1 year; or not more than \$1000; or both.		
2	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A
On 03/05/2025, being a relative of A.R. (9 yrs old), a child less than 18 years old, did, without lawful authority, hold or intend to hold such child permanently or for a protracted period, or did take or entice such child from such child's lawful custodian, in violation of G.L. c.265, §26A. PENALTY: house of correction not more than 1 year; or not more than \$1000; or both.		
3	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A
On 03/05/2025, being a relative of A.R. (5 yrs old), a child less than 18 years old, did, without lawful authority, hold or intend to hold such child permanently or for a protracted period, or did take or entice such child from such child's lawful custodian, in violation of G.L. c.265, §26A. PENALTY: house of correction not more than 1 year; or not more than \$1000; or both.		
4	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A
On 03/05/2025, being a relative of A.H. (4 yrs old), a child less than 18 years old, did, without lawful authority, hold or intend to hold such child permanently or for a protracted period, or did take or entice such child from such child's lawful custodian, in violation of G.L. c.265, §26A. PENALTY: house of correction not more than 1 year; or not more than \$1000; or both.		
5	265/26A/A	KIDNAPPING MINOR BY RELATIVE c265 §26A
On 03/05/2025, being a relative of A.R. (9 months old), a child less than 18 years old, did, without lawful authority, hold or intend to hold such child permanently or for a protracted period, or did take or entice such child from such child's lawful custodian, in violation of G.L. c.265, §26A. PENALTY: house of correction not more than 1 year; or not more than \$1000; or both.		

* this Document was printed 3/6/25 4:50pm after 9am hearing. NO Judge Signature on complaint or warrant.

SIGNATURE OF COMPLAINANT X	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK X	DATE
NAME OF COMPLAINANT	A TRUE COPY ATTEST X	DATE

Notice to Defendant: 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.



STEVEN D. GIANNINI
CHIEF OF POLICE

CITY OF FITCHBURG POLICE DEPARTMENT

20 Elm Street
Fitchburg, Massachusetts 01420-3204
www.fitchburgpolice.com

DEPARTMENT / OPERATIONS
978-345-4355
FAX: 978-345-4088

DETECTIVE BUREAU
978-345-9650

RECORDS BUREAU
978-345-9643
FAX: 978-342-7608

CHIEF OF POLICE
978-345-9656

Exhibit 1E

PRESS RELEASE

The Fitchburg Police Department is attempting to locate Ruth Encarnacion, Isael Rivera, and the five children that they reside with, ranging in age from 10 years old to 9 months old. Anyone with information regarding their whereabouts is urged to contact the Fitchburg Police Department Detective Bureau at (978) 345-9650.

Fitchburg Police immediately initiated an investigation after receiving a missing person report for Ms. Encarnacion on March 3. The Department of Children and Families (DCF) subsequently reported her five children missing on March 5. Following the DCF report, Massachusetts State Troopers assigned to the Worcester County District Attorney's Office joined the investigation.

Preliminary information indicates that the family are traveling in a black 2018 Infiniti QX60 with Massachusetts registration 5GCX18. *These warrants issued by the court, were not supported by the necessary sworn affidavits rendering them legally deficient and void*
Police have obtained warrants for five counts of Custodial Kidnapping of a Minor by a Relative against both Ruth Encarnacion and Isael Rivera.

Although Police explored the possibility of an AMBER Alert, AMBER Alerts are not intended for missing child incidents involving parental kidnapping or child custody situations that lack specific information about the children in imminent danger of serious bodily harm or death.

The Fitchburg Police Department Bureau of Criminal Investigation, in collaboration with the Massachusetts State Police Detectives assigned to the Worcester County District Attorney's Office, is actively investigating this matter.

Exhibit
IF

~~EXHIBIT "A"~~
(Cancellation of all powers of attorney)

From the Desk of:

Isael Rivera

~~Orange Street~~

~~XXXXXXXXXXXXXXXXXXXX~~

CUSIP ATTACHING NUMBER CAUSE NO25CP00511 ←

Cancellation of All Prior Powers of Attorney

"All prior Powers of Attorney granted by ISABEL ROBERTO RIVERA are removed, cancelled, and permanently revoked, and reccessioned effective February 25, 1994."

I ISABEL ROBERTO RIVERA, appoint Isael Roberto Rivera, the living man as Attorney-in-Fact for all purposes related to the administration of the ISABEL ROBERTO RIVERA estate trust, and the trust of his minor children and all correspondence should be addressed to:

ISABEL ROBERTO RIVERA,

~~XXXXXXXXXXXXXXXXXXXX~~

Fitchburg, Massachusetts [01420]

I reserve all my God-given rights

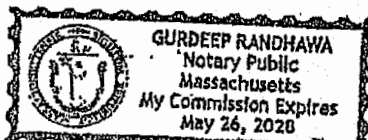
by Isael Roberto Rivera my
autograph/my seal

Isael Roberto Rivera

State of Massachusetts

Before me, Gurdeep Randhawa, a notary public, on this day personally appeared Isael Roberto Rivera, and showed me necessary identification. I witnessed his autograph on this document on 21st day, month of February year of our Lord 2025.

Gurdeep Randhawa Commission expires 05/26/2028



Public Notary

seal

CERTIFICATE OF SERVICE

BE IT KNOWN BY ALL MEN, the affiant shall make every attempt of service to the principals, noting that **NOTICE TO AGENT IS NOTICE TO PRINCIPAL, and that, NOTICE TO PRINCIPAL IS NOTICE TO AGENT(s)**. INASMUCH, the Affiant is NOT responsible for the qualification of service to every trustee/respondent, as **AGENTS MUST NOTIFY PRINCIPALS, AND PRINCIPALS MUST NOTIFY AGENTS. THIS INCLUDES NOTIFICATION TO ALL COMPANIES THAT PROVIDE BONDING AND SURETIES FOR AGENTS OR PRINCIPALS.**

Whoever knowingly and willfully obstructs or retards the passage of the mail and the timely delivery of this notice to the following principals and agents shall be held liable for a penalty of \$5,000 per incident and may be subject to imprisonment not more than six months.

To All Trustees/Respondents, in their personal and professional capacity**1. DCF North Central Area Office (Leominster)**

Address: 640 North Main Street, Leominster, MA 01453

Phone: 978-353-3600

Fax: 978-353-3800

Child At-Risk Hotline: 1-800-792-5200

2. Massachusetts DCF Central Office

Commissioner: Staverne Miller

Phone: (617) 748-2000

Email: DCFCommissioner@state.ma.us

3. Leominster Police Department

Chief: Ryan Malatos

Address: 116 Central Street, Leominster, MA 01453

Phone: 978-534-7560

Fax: 978-534-7558

Email: RMalatos@leominster-ma.gov

4. Worcester County Sheriff's Office

Sheriff: Lewis G. Evangelidis

Address: 5 Paul X. Tivnan Drive, West Boylston, MA 01583

Phone: (508) 854-1800

Fax: (508) 854-1899

5. Massachusetts Attorney General's Office

Attorney General: Andrea Joy Campbell

Address: One Ashburton Place, Boston, MA 02108

Phone: (617) 727-2200

Fax: (617) 727-5762

Email: ago@mass.gov

6. Office of Governor Maura Healey

Address: Massachusetts State House, Room 280, Boston, MA 02133

Phone: (617) 725-4005

Fax: (617) 727-9725

Email: constituent.services@state.ma.us

****NATIONWIDE****

**NOTICE TO CHILD PROTECTIVE SERVICES OF LACK OF JURISDICTION AND
ATTACKS THROUGH ADMINISTRATIVE TRIBUNALS**

Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal

I, [REDACTED], one of the People, (as seen in the 50 State Constitutions), Sui Juris, do bring this notice to you, demanding that you and your agents provide immediate due care.

Please take notice that thorough research conducted by the People reveals that, through Title 42 programs, which have never been duly enacted by Congress, government officials in every state are unlawfully collaborating without proper authorization to forcibly separate children from their parents under non-positive legislative acts. Congress, lacking subject matter jurisdiction over the people, is bound by Article 1 Section 8 of the Constitution, which prohibits the enactment of legislation beyond its granted authority. Additionally, Section 1101 (6)(d) of the 1935 Social Security Act makes it abundantly clear that the Legislature never originally intended to authorize the removal of children against parental objections. *(The following authorities are cited below:)*

Maxim of Law 11e. "Power can never be delegated which the authority said to delegate never possessed itself." N.J. Steam Co. v. Merch Bank, 6 How. (47 U.S.) 344, 407.

U.S. Constitution, Amendment X "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

1935 Social Security Act 1101 (6)(d) [Original Intent of Legislature]

(d) Nothing in this Act shall be construed as authorizing any Federal official, agent, or representative, in carrying out any of the provisions of this Act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child.

Maxim of Law 86j. The right of blood and kindred cannot be destroyed by any civil law. Dig. 50, 17, 9; Bacon, Max. reg. 11; Broom, Max. 533; Jackson v. Phillips, 14 Allen (Mass.) 562.

Please take notice that government authorities have instituted legislative tribunals in lieu of courts of record, thereby violating the essential property and liberty interests of the people, breaching their trust indenture, and exceeding constitutional boundaries. Additionally, these officials exploit such abuses of power for personal financial gain through federal programs.

It's worth emphasizing, as illustrated by Justice Gorsuch's recent dissent, that administrative tribunals are unlawful and fail to uphold constitutional due process and deprive the people of their Seventh Amendment rights secured under the Constitution, preventing judges from presiding as they would in courts of record. Gorsuch's dissent underscores the inherent conflict of interest in cases related to federal programs where states, federal entities, or political subdivisions stand to gain financially, ultimately compromising the fundamental rights of the people. The Supreme Court's cessation of the Chevron doctrine contributes to the restoration of justice. This restoration serves as a deterrent against bureaucrats concocting new and unfounded schemes, as well as erroneous legal concepts, in an attempt to deprive the people of their property and rights. *(The following authorities are cited below:)*

Maxim of Law 86j. The right of blood and kindred cannot be destroyed by any civil law. Dig. 50, 17, 9; Bacon, Max. reg. 11; Broom, Max. 533; Jackson v. Phillips, 14 Allen (Mass.) 562.

Securities and Exchange Commission V. George R. Jarksey, Jr., et al., 22-859, 2022 "We do not usually say that government can avoid a constitutional mandate merely by relabeling or moving things around.", "Congress cannot eliminate a party's Seventh Amendment right to a jury trial by relabeling the cause of action in an administrative agency."

Please take notice that the sole and only legitimate end of government is to secure the natural rights of the people and every other function is usurpation and oppression; For when those in a limited government, go beyond the bounds that the Constitution sets for their powers, every act is an instance of usurpation against the sovereignty of the people and therefore treason. (The following authorities are cited below:)

“Objective of government. *That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions, it is usurpation and oppression.*” **Alabama Constitution, Article I, § 35**

Tucker Blackstone Vol. 1 Appendix Note B [Section 3] 1803 *“If in a limited government, the public functionaries exceed the limits which the constitution prescribes to their powers, every act is an act of usurpation in the government, and, as such, treason against the sovereignty of the people.”*

Maxim of Law 51r. *“As usurpation is the exercise of power, which another has a right to; so, tyranny is the exercise of power beyond right, which nobody can have a right to.”* **Locke, Treat. 2, 18, 199.**

Please take note that every member of the government, whether they are appointed or elected, is a trustee and servant of the people and is, by implied or expressed contract, obligated by oath or affirmation to defend the Constitutions of the United States and their State in a manner that is most consistent with and binding on their conscience from enemies of the republic, both domestic and foreign. The failure of attorneys to understand the lawful obligation inherent in the oath of office for public servants, and/or the presenting of information contrary to the universally admitted authority of fundamental law, to any government official or worker, does not excuse the government official or worker from failing to understand their duty, nor does it exempt them from properly performing it. (The following authorities are cited below:)

Maxim of Law *“There is no stronger link or bond between men than an oath.”* **Jenk. Cent. Cas. 126; Id. P. 126, case 54.**

Please take notice that to prevent those, who are vested with authority, from becoming oppressors, the people have a right, to cause their public officers to return to private life and it is the people alone who have an incontestable, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it. When the government acts contrary to the trust reposed in them by making themselves masters or arbitrary disposers of the lives, liberties, or fortunes of the people, that government is therefore dissolved; For the society can never, by the fault of another, lose the native and original right it has to preserve itself. The state of mankind is not so miserable that they are not capable of using this remedy till it is too late to look for any. (The following authorities are cited below:)

Two Treatises of Government by John Locke:

Section 221. *“There is, therefore, secondly, another way whereby governments are dissolved, and that is, when the legislative, or the prince, either of them, act contrary to their trust. First, The legislative acts against the trust reposed in them, when they endeavour to invade the property of the subject, and to make themselves, or any part of the community, masters, or arbitrary disposers of the lives, liberties or fortunes of the people.”*

Section 222. *“... For since it can never be supposed to be the Will of the Society, that the Legislative should have a Power to destroy that, which everyone designs to secure, by entering into Society, and for which the People submitted themselves to the Legislators of their own making; whenever the Legislators endeavor to take away, and destroy the Property of the People, or to reduce them to Slavery under Arbitrary Power, they put themselves in a state of War with the People, who are absolved of further Obedience, and are left to the Common Refuge, which God has provided for all Men, against Force and Violence. . . By this breach of trust they forfeit the Power, the People had put into their hands, for quite contrary ends, and it devolves to the People, who have a Right to resume their original Liberty. . .”*

Maxim: To deny or trespass on a Right of another [man], is an act of war.

"The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer." Massachusetts Constitution, Part the First, Article XIX

Maxim of Law 11a. "A delegated power cannot be again delegated." 2 Inst. 597; Black's, 2d. 347; 2 Bouv. Inst. n. 1300.

Supplemental Constitutional Objections In Massachusetts

In the Commonwealth of Massachusetts, CPS operates under the Department of Children and Families (DCF), a statutory agency created by M.G.L. ch. 18B and ch. 119. However, this administrative structure directly violates the Massachusetts Constitution:

- Article I affirms the inherent liberty and property rights of the people.
- Article II protects religious conscience from government intrusion, including medical mandates.
- Article X prohibits the taking of property without consent or due process.
- Article XII guarantees trial by jury and judgment only by the law of the land.
- Article XIX provides the People with the right to instruct their representatives and seek redress.
- Article XXX mandates separation of powers, which DCF violates by acting as legislator, enforcer, and judge.

Thus, DCF acts under color of law and without constitutional authority. Any action taken by DCF without a court of record and jury trial is null, void, and constitutes a trespass on the rights of the People.

Rule of Law, Due Process, And Court of Record Requirements

The Rule of Law is not based on policy, statute, or bureaucratic interpretation. It is based on immutable maxims, common law, and constitutional command. Webster's 1806 defined it as: 'That which is fixed and unchanging, binding upon all persons and institutions alike, and superior to the will of men.'

Black's Law Dictionary 4th affirms due process as a right rooted in maxims—not policy discretion. Cooley confirms: 'Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction.'

A court of record is required to lawfully adjudicate any matter involving life, liberty, or property. As per 8 Coke 60 and Maxim 65h: 'No court which has not a record can impose a fine, or commit any person to prison.'

Notice of Liability

Please take notice that the Massachusetts Department of Child and Family has not been officially authorized to partake in proceedings that encroach upon the rights of individuals. Furthermore, the Supreme Court, in a unanimous 9-0 ruling, has made it explicit that agencies lack Sovereign Immunity and are subject to legal action by the public. If there are any subsequent involvement or collaboration in illegitimate tribunals that unlawfully strip individuals of their biological property without due process, trial by jury, or adherence to common law procedures, it will be construed that you are participating with complete awareness, purpose, and malicious intent.

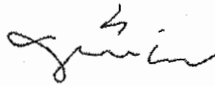
Furthermore, if you hold a different perspective and contest the validity of any of these assertions, or you believe it is within your authority to encroach upon any of the People's individual rights, you are required to respond within ten (10) business days through an affidavit sworn under penalty of perjury. This response should include constitutional provisions that grant you the authority to

infringe upon the People's rights or disregard our instructions. Failure to provide such evidence within the specified timeframe constitutes a tacit agreement that all stated claims are accurate.

Recognizing that persistent violations fueled by ambition, oppression, usurpation, fear, foolishness, or corruption, which adversely impact the lives and freedoms of individuals, constitute an infringement, considering that the law serves as a standard of justice demanding redress for any harm or injury suffered. Consequently, you shall be individually accountable for \$250,000.00 per individual, per occurrence, encompassing all fines, fees, penalties, and sanctions warranted under Commercial Law and Natural Law. I reserve the right to address this issue through an arbitrator of my choice, with the decision being binding. Additionally, no court is authorized to reconsider this matter; it shall remain as substantiated evidence, truth, and law in all courts of record.

This Notice is sent to you in peace and with the love of Christ, so that you may provide immediate due care to those in whom all political power is inherent, the People.

07-19-2025

 Signed at:
2025-07-19 05:22:00

[REDACTED]

TITLE	CPS NOTICE TO CHILD PROTECTIVE SERVICES OF L/
DOCUMENT ID	251993369217064
DOCUMENT PAGES	6
STATUS	COMPLETED
TIME ZONE	America/Los Angeles

DOCUMENT HISTORY

	Signed	Jul 19, 2025 05:22 AM	Signed IP: 174.245.65.3
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EXHIBIT 3

CERTIFICATE OF SERVICE

BE IT KNOWN BY ALL MEN, the affiant shall make every attempt of service to the principals, via USPS Certified Mail, with Return Receipt Requested, noting that **NOTICE TO AGENT IS NOTICE TO PRINCIPAL, and that, NOTICE TO PRINCIPAL IS NOTICE TO AGENT(s)**. INASMUCH, the Affiant is NOT responsible for the qualification of service to every trustee/respondent, as **AGENTS MUST NOTIFY PRINCIPALS, AND PRINCIPALS MUST NOTIFY AGENTS. THIS INCLUDES NOTIFICATION TO ALL COMPANIES THAT PROVIDE BONDING AND SURETIES FOR AGENTS OR PRINCIPALS.**

Whoever knowingly and willfully obstructs or retards the passage of the mail and the timely delivery of this notice to the following principals and agents shall be held liable for a penalty of \$5,000 per incident and may be subject to imprisonment not more than six months.

To All Trustees/Respondents, in their personal and professional capacity as employees of the Massachusetts Department of Children and Families, 280 Merrimack Street, Lawrence, MA 01843:

- | | |
|--|--|
| 1. Staverne Miller, as Acting Commissioner | Starverne.miller@mass.gov |
| 2. Laurie McNeil, as Head Supervisor | laurie.mcneil@mass.gov |
| 3. Faith Coddon, as Social Worker | faith.coddon@mass.gov |
| 4. Lindsey Burgess, as Supervisor | lindsey.burgess@mass.gov |
| 5. Lisa Marcheterre, as Supervisor | lisa.marcheterre@mass.gov |

**Affidavit of Correction & Maladministration to DCF Agents & Subagents of
the Commonwealth of Massachusetts**

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

Comes now Affiant, [REDACTED], one of the people (as seen in 50 State Constitutions), Sui Juris, in this court of record. You, being trustees of the people, must provide due care and remember your oath, which binds you. I, the affiant, make the following statements and claims:

Please take notice that the people have taken the time to conduct proper studies to unite collectively in an organized manner, instructing our agents and representatives. We insist that all government agents and trustees refrain from any additional acts of maladministration. I am aware of the dispatching of hordes of government agents and officers to harass the people and unlawfully kidnap my offspring, [REDACTED] without constitutional, legal, or lawful authority. I am also aware that the legal system is being manipulated and protracted as a political weapon, to charge innocent people with fictitious crimes to kidnap their offspring, then denying equal justice under the law.

Please take notice that research conducted reveals that, through Title 42 programs, which have never been duly enacted by Congress, government officials in every state are unlawfully collaborating without proper authorization to forcibly separate children from their parents under non-positive legislative acts. Congress, lacking subject matter jurisdiction over the people, is bound by Article 1, Section 8 of the Constitution, which prohibits the enactment of legislation beyond its granted authority. Additionally, Section 1101(6)(d) of the 1935 Social Security Act makes it abundantly clear that the legislature never originally intended to authorize the removal of children against parental objections. *(The following authorities are cited below:)*

Maxim of Law 11e. "Power can never be delegated which the authority said to delegate never possessed itself." N.J. Steam Co. v. Merch Bank, 6 How. (47 U.S.) 344, 407.

U.S. Constitution, Amendment X "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

1935 Social Security Act 1101 (6)(d) [Original Intent of Legislature]

(d) Nothing in this Act shall be construed as authorizing any Federal official, agent, or representative, in carrying out any of the provisions of this Act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child.

Maxim of Law 86j. The right of blood and kindred cannot be destroyed by any civil law. Dig. 50, 17, 9; Bacon, Max. reg. 11; Broom, Max. 533; Jackson v. Phillips, 14 Allen (Mass.) 562.

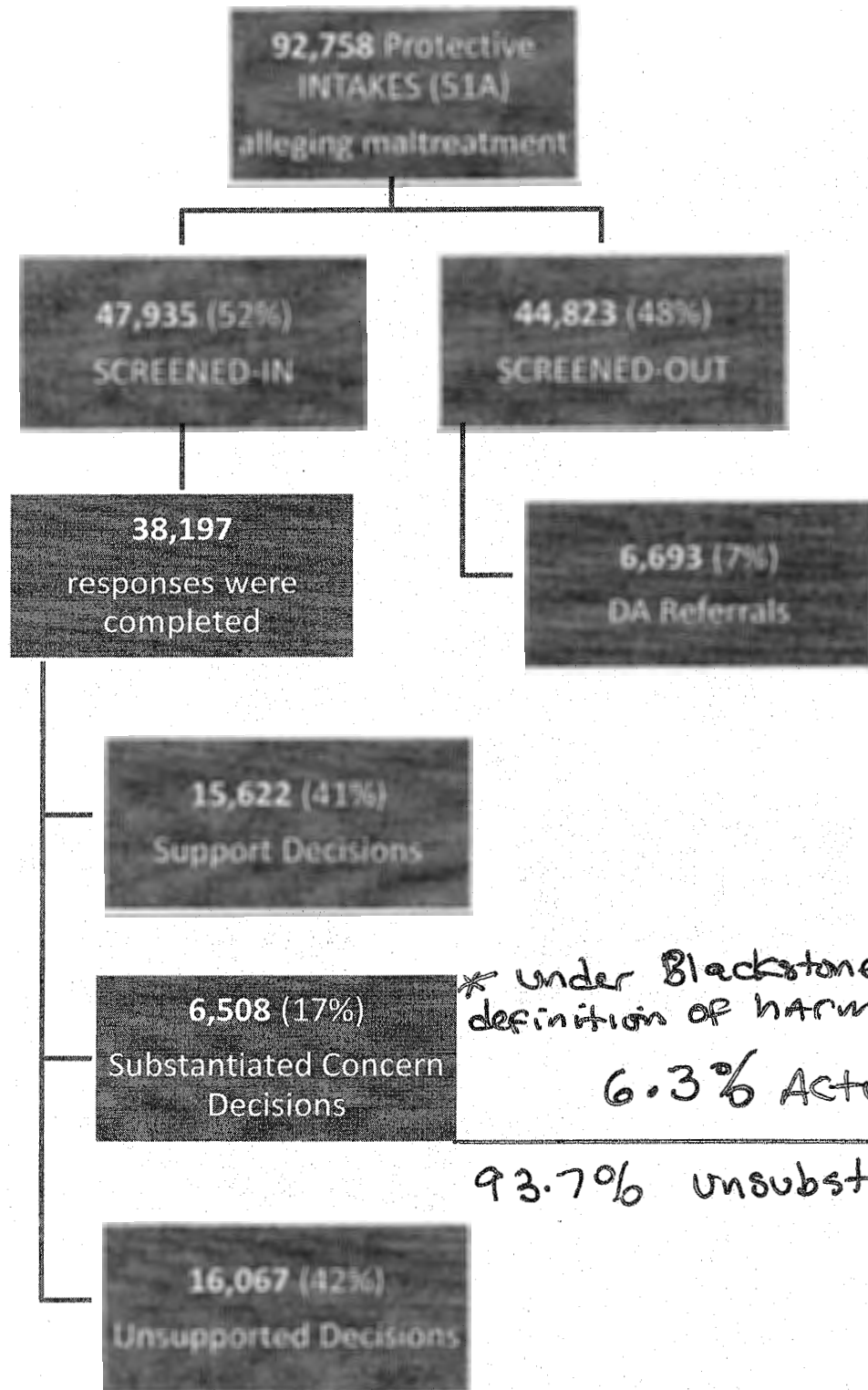
Please take notice that government authorities have instituted legislative tribunals in lieu of courts of record, thereby violating the essential property and liberty interests of the people, breaching their trust indenture, and exceeding constitutional boundaries. Additionally, these officials exploit such abuses of power for personal financial gain through federal programs.

It's worth emphasizing, as illustrated by Justice Gorsuch's recent dissent, that administrative tribunals are unlawful, fail to uphold constitutional due process, and deprive the people of their Seventh Amendment rights secured under the Constitution, preventing judges from presiding as they would in courts of record. Gorsuch's dissent underscores the inherent conflict of interest in cases related to federal programs where states, federal entities, or political subdivisions stand to gain financially, ultimately compromising the fundamental rights of the people. The Supreme Court's cessation of the Chevron doctrine contributes to the restoration of justice. This restoration serves as a deterrent against bureaucrats concocting new and unfounded schemes, as well as erroneous legal concepts, in an attempt to deprive the people of their property and rights.

EXHIBIT 4

Protective Intakes

Response Determinations



• **Protective Intakes (51As), Responses (51Bs), and Child Victims – Allegations**

TABLE 29a. Count of Intakes (51As) and Allegations

	FY2023	%
Neglect	67,552	72.8%
Physical Abuse	20,271	21.9%
Sexual Abuse	10,666	11.5%
Human Trafficking-Labor	12	*
Human Trafficking-Sexually Exploited Child	1,415	1.5%
Neglect-Substance Exposed Newborn (SEN)	1,392	1.5%
Neglect-Substance Exposed Newborn (SEN) - Neonatal Abstinence Syndrome (NAS)	61	.1%
Invalid Allegation	1,066	1.1%
Total 51A Reports ⁽¹⁾	92,758	

⁽¹⁾ An Intake (51A) may include one-or-more allegations.

*Less than 0.1% after rounding.

As evidenced in Table 29a, 72.8% of the 92,758 reports of child maltreatment included an allegation of neglect. Physical abuse was evident in 21.9% of reports, sexual abuse in 11.5%, and SEN/SEN-NAS in 1.6%.

TABLE 29b. Count of Supported Responses (51Bs) and Allegations

	FY2023	%
Neglect	13,523	86.6%
Physical Abuse	1,681	10.8%
Sexual Abuse	730	4.7%
Human Trafficking-Labor	3	*
Human Trafficking-Sexually Exploited Child	392	2.5%
Neglect-Substance Exposed Newborn (SEN)	692	4.4%
Neglect-Substance Exposed Newborn (SEN) - Neonatal Abstinence Syndrome (NAS)	44	.3%
Invalid Allegation	-	-
Total Supported 51B Responses ⁽²⁾	15,622	

⁽²⁾ A response (51B) may include one-or-more supported allegations. *Less than 0.1% after rounding.

Table 29b reveals that 86.6% of the 15,622 supported responses included a finding of neglect. Physical abuse was evident in 10.8% of the supported responses, sexual abuse in 4.7%, and SEN/SEN-NAS in 4.7%.

TABLE 29c. Unduplicated Child Victims by Supported Allegation ⁽³⁾

	FY2023	%
Neglect	19,952	87.2%
Physical Abuse	1,860	8.1%
Sexual Abuse	758	3.3%
Human Trafficking-Labor	3	*
Human Trafficking-Sexually Exploited Child	359	1.6%
Neglect-Substance Exposed Newborn (SEN)	704	3.1%
Neglect-Substance Exposed Newborn (SEN) - Neonatal Abstinence Syndrome (NAS)	46	.2%
Invalid Allegation	-	-
Unduplicated Child Victims ⁽⁴⁾	22,873	

⁽³⁾ A child victim may have one or more supported allegations.

*Less than 0.1% after rounding.

⁽⁴⁾ A child victim may have one or more supported allegations within a specific allegation type.

These counts are unduplicated (i.e., a child with 2 or more supported NEGLECT allegations is only counted once in this table).

Table 29c shows that 87.2% of 22,873 unique children found to have experienced maltreatment were victims of neglect. Physical abuse was evidenced for 8.1% of the child victims, sexual abuse for 3.3%, and SEN/SEN-NAS for 3.3%.

**State of Massachusetts
Final Report**

**Primary Review
Title IV-E Foster Care Eligibility
Report of Findings for**

October 1, 2023 – March 31, 2024

Introduction

The Children's Bureau (CB) of the Administration for Children and Families conducted a primary Title IV-E Foster Care Eligibility Review (IV-E Review) of Massachusetts' foster care program under title IV-E of the Social Security Act. The IV-E Review was conducted during the week of September 16, 2024, in collaboration with the State of Massachusetts and was completed by a review team comprised of representatives from the state title IV-E agency, CB Central and Regional offices, and ACF Regional Grants Management Office.

Key purposes of the IV-E Review are (1) to determine whether Massachusetts' foster care program for title IV-E is in compliance with eligibility requirements as delineated in title IV-E of the Social Security Act (the Act) and in federal regulations; and (2) to validate the basis of Massachusetts' financial claims to ensure appropriate payments are made on behalf of its eligible children.

Scope of the Review

The IV-E Review encompassed a sample of Massachusetts' foster care cases in which a title IV-E foster care maintenance payment was claimed for an activity that occurred within the 6-month period under review (PUR) of October 1, 2023 to March 31, 2024. A computerized statistical sample of 100 cases (80 cases plus 20 oversample cases) were drawn from data the state submitted to the Adoption and Foster Care Analysis and Reporting System (AFCARS) for the above period. Eighty (80) cases were reviewed, which consisted of 79 cases from the original sample plus one (1) oversample case. Sample case number 39 was excluded from the original sample because no title IV-E foster care maintenance payment was made for a period of activity that occurred during the PUR. The state provided documentation (full payment history) of the case to support excluding the case from the review sample and replacing it with a case from the oversample.

In accordance with federal statutes and regulations at 45 CFR §1356.71, the state was reviewed against requirements of title IV-E of the Act and federal regulations regarding:

- Judicial determinations regarding reasonable efforts and contrary to the welfare as set forth in §472(a)(2)(A)(ii) of the Act and 45 CFR §§1356.21(b) and (c), respectively;
- Voluntary placement agreements as set forth in §§472(a)(2)(A)(i) and (d)-(g) of the Act and 45 CFR §1356.22;
- Responsibility for placement and care vested with the title IV-E agency as stipulated in §472(a)(2)(B) of the Act and 45 CFR §1356.71(d)(iii);
- Eligibility for Aid to Families with Dependent Children (AFDC) under the state plan in effect July 16, 1996, as required by §472(a)(3) of the Act and 45 CFR §1356.71(d)(1)(v);
- Child's placement in a foster family home, childcare institution, or residential family-based treatment facility for substance abuse as specified in §§472(b), (j) and (k) and §475A of the Act and 45 CFR §1356.71(g);
- Child's placement setting is fully licensed in accordance with §§ 472(c) and (j) of the Act and 45 CFR §1356.71(d)(1)(iv); and
- Safety requirements for the child's foster care placement as required at §471(a)(20) of the Act and 45 CFR §§1356.30 and 1356.71(d)(1)(iv).

The case record of each child in the selected sample was reviewed to verify title IV-E eligibility. The foster care provider's record was also reviewed to ensure the foster care setting where the child resided during the PUR was fully licensed and met applicable safety requirements. Payments made on behalf of each child were examined to verify expenditures were properly claimed under title IV-E and to identify underpayments eligible for claiming.

A sample case is assigned an error rating when the child was not eligible on the date of activity in the PUR for which title IV-E maintenance was claimed. A sample case is cited as non-error with ineligible payments when the child met eligibility requirements for the PUR, but there were periods in a child's foster care episode for which title IV-E maintenance payments were improperly claimed.

The CB and Massachusetts agreed the state could have two (2) weeks following the onsite review to submit additional documentation for any case identified during the onsite review as in error, in "undetermined" status, or not in error but with ineligible payments. Supplemental documentation submitted by the state for sample cases 29, 48, and 77 supported changing the error case findings to non-error cases. Supplemental documentation submitted by the state for sample case 49 did not satisfy the title IV-E requirement to change the error and the improper payment findings.

Compliance Finding

The CB has determined 78 of the 80 sample cases have met all eligibility requirements (i.e., are deemed non-error cases) for the PUR. Two (2) cases are determined as in error for not meeting eligibility requirements for periods only during the PUR. One (1) non-error case met eligibility requirements for the PUR but was found to have periods in a child's foster care episode for which title IV-E maintenance payments are improperly claimed.

The CB has determined Massachusetts' title IV-E foster care program is in substantial compliance with federal eligibility requirements for the PUR. Substantial compliance in a primary IV-E Review means the total number of error cases determined as not meeting eligibility requirements for the PUR is four (4) cases or less. Additional findings for non-error cases with ineligible payments are not considered in determining the state's compliance level. Because the state is in substantial compliance, a secondary review of 150 sample cases is not required. The next primary review will be held in three (3) years.

Case Summary

The following charts record improper payment cases comprised of error cases, and non-error cases with ineligible payments; reasons for improper payments; improper payment amounts; and federal provisions for which the state does not meet compliance mandates. Calculation of improper payment amounts is based on the dates specified in the chart and the federal financial participation (FFP) rates of maintenance payments at the state's Federal Medical Assistance Percentages (FMAP) for applicable year(s) for each sample case.

Error Case:

Sample Number	Improper Payment Reason & Ineligibility Period October 1, 2023 – March 31, 2024	Improper Maint. Payments (FFP)	Improper Admin. Payments (FFP)
32 *	Foster care maintenance payment was made for a period of time that the judicial determination of reasonable efforts to finalize permanency was not met for the PUR. The judicial finding was due by 10/24/2023 and was not made. [§472(a)(2)(A)(ii) of the Act; 45 CFR §1356.21(b)(2)] Ineligible Period: 11/01/2023 – 11/30/2023	\$1,309	\$1,222

** NO reasonable efforts to prevent removal.*

Sample Number	Improper Payment Reason & Ineligibility Period October 1, 2023 – March 31, 2024	Improper Maint. Payments (FFP)	Improper Admin. Payments (FFP)
49 ***	Foster care maintenance payment was made for a period of time when the safety requirements for Child Care Institution (CCI) care provider not met. The required fingerprint-based checks of the National Crime Information Databases (NCID) for all employees of the CCI where the child was placed were not completed prior to claiming title IV-E foster care maintenance payments. [§471(a)(20) of the Act and 45 CFR §1356.30] Ineligible Period: 10/01/23 – 10/09/23	\$1,472	\$0
-	Total Maintenance FFP and Total Administrative FFP	\$2,781	\$1,222

**** No Judicial ruling, removal illegal**

Overall Total FFP: \$4,003

Non-Error Cases with Ineligible Payments:

Sample Number	Improper Payment Reason & Ineligibility Period October 1, 2023 to March 30, 2024	Improper Maint. Payments (FFP)	Improper Admin. Payments (FFP)
69 ***	Foster care maintenance payment was made for a period of time the foster family home in which the child was placed was not fully licensed. [§§472(b) & (c) of the Act and 45 CFR. §§1356.30 and §§1356.71(d)(1)(iv)]. Safety requirements for the same foster care provider also not met. The required fingerprint-based check of the NCID for the foster parent was not completed before claiming title IV-E foster care maintenance payments. [§471(a)(20) of the Act and 45 CFR §§1356.30] Ineligible Period: 12/29/2022 – 02/28/2023	\$1,236	\$2,385
-	Total Maintenance FFP and Total Administrative FFP	\$1,236	\$2,385

***** No documentation, post removal hearing. No justification**

Overall Total FFP: \$3,621

Areas Needing Improvement

Findings of this IV-E Review indicate Massachusetts needs to further develop and implement procedures to improve program performance in the following areas, as noted below. For each issue, there is a discussion of the nature of the area needing improvement, the specific title IV-E requirement to which it relates and the corrective action the state should undertake.

Issue #1: *Judicial Determinations Regarding Reasonable Efforts to Finalize a Permanency Plan*
One (1) case, sample #32, was deemed an error case because the judicial requirement of “reasonable efforts to finalize a permanency plan” was not satisfactorily met for the specified period. The state did not provide documentation that the judicial determination was made.

Title IV-E Requirement: For a child who is judicially removed and remains in foster care for 12 months or more, federal provisions at §472(a)(2)(A) of the Act and 45 CFR §1356.21(b)(2) require the state to obtain a judicial determination of whether the state has made “reasonable efforts to finalize a permanency plan” for the child. The judicial finding must occur at regular 12-month intervals for the duration of the foster care episode and no later than 12 months from the month in which the prior determination is obtained. If the judicial determination of “reasonable efforts to finalize” is not made or is not timely, the child becomes ineligible from the beginning of the first month after it is due and remains ineligible until the beginning of the month in which the judicial determination is made.

Recommended Corrective Action: Massachusetts, like most states, incorporated the federal requirement for a judicial determination of “reasonable efforts to finalize a permanency plan” into its court proceeding for the 12-month permanency hearing. The requisite judicial determination need not be tied to a permanency or other court hearing. Furthermore, the judicial determination may be rendered by the court at any point during the 12-month period. The state should continue to develop and implement procedures to ensure timely judicial determinations of “reasonable efforts to finalize the permanency plan” regardless of the timing of the permanency hearing. The accuracy and reliability of eligibility determinations generally are increased through training of staff to ensure eligibility decisions are based on the correct elements needed for compliance and to eliminate the authorization of payments prior to establishing compliance with requirements. In addition, the CB suggests the state continue to monitor the quality assurance system already in place for accuracy of eligibility determination and claiming processes.

Issue #2: *Foster home not fully licensed.*

One (1) non-error case, sample #69 was identified to have ineligible payments because the foster home was not fully licensed during the child’s placement in the home. The child was placed in the foster home on December 29, 2022, and the foster care license was issued on

March 31, 2023. However, the Department of Children and Families (DCF) claimed foster care payments for the months the foster home was not fully licensed.

Title IV-E Requirements: Federal provisions at §§472(b) & (c) and 45 CFR §1356.71(d)(1)(iv) require a child for whom foster care maintenance payments are made to be residing in a foster family home or childcare institution that is fully licensed. The title IV-E agency must document that the child's foster care placement is fully licensed for the duration of the child's placement. The title IV-E agency may claim foster care maintenance payments for the entire month on behalf of an otherwise eligible child who is placed in a foster family home or childcare institution if the provider is fully licensed for at least one day of the month unless licensing status is lost during the month.

Recommended Corrective Action: The state must take action to ensure foster care payments are only made for otherwise eligible children in a fully licensed placement. The accuracy and reliability of eligible determinations generally are increased through training of staff to ensure agency workers make eligibility decisions based on the correct elements needed for compliance and to eliminate the authorization of payments prior to establishing compliance with requirements. In addition, the CB suggests the state continue to monitor the quality assurance system already in place for accuracy of eligibility determination and claiming processes.

Issue #3: Safety Requirements Not Met.

One (1) error case, sample #49, was identified to have ineligible payments, because foster care maintenance payments were claimed for a period when not all staff met safety requirements during the time the child was placed in that CCI. Another case, sample #69, was identified as a non-error case with ineligible payments because the required fingerprint-based check of the NCID for the foster parent was not satisfactorily completed before foster care maintenance payments were claimed for the child in that placement.

Title IV-E Requirement: The Family First Act modified title IV-E at §471(a)(20)(D) of the Act to add new criminal records check requirements for children placed in CCIs, with a delayed effective date of April 1, 2020, for Massachusetts. Consistent with §§471(a)(20)(A) and (D) of the Act a title IV-E agency may claim title IV-E FCMPs on behalf of a child placed in a foster family home or childcare institution only for the days that the results of the criminal record checks have been received as described in the Act. Specifically, a title IV-E agency may only claim title IV-E FCMP on behalf of an otherwise eligible child placed in a childcare institution for the days that the agency has received results of criminal records checks for all adults working in the childcare institution. Similarly, federal provisions at §471(a)(20)(A) of the Act and 45 CFR §1356.30 require the state to provide documentation that criminal records checks have been conducted on all prospective foster parents before title IV-E maintenance payments are claimed for the period of the child's stay. Fingerprint-based checks of the NCID must be conducted for all prospective foster parents licensed after October 1, 2008. Title IV-E policy

only allows maintenance payments to be claimed from the day the required criminal background check requirements are met for the provider's home or for all employees of the CCI.

Recommended Corrective Action: When placing children in foster homes, or CCIs, the state agency must ensure that all required criminal background checks have been completed prior to claiming for the title IV-E maintenance payments. The CB suggests DCF strengthen its system to ensure that the required documentation is on file prior to initiating title IV-E claims on behalf of a child and to have procedures in place to monitor the accuracy of eligibility determination and claiming processes. It is also imperative that the state train all eligibility personnel to understand title IV-E policy and all requirements on what makes child title IV-E eligible, including all requirements the child's placements the child's placement must also meet in order to receive FCMP.

Program Strengths and Promising Practices

The following positive practices and processes of Massachusetts' title IV-E program were observed during the IV-E Review. These approaches seem to have led to improved program performance and successful program operations.

Judicial Determinations:

Judicial determinations required for title IV-E eligibility were explicit and clearly documented in court orders. In particular, information to support judicial determinations of "reasonable efforts to prevent removal" was child specific and well documented in the court order or by referencing the details in the initial affidavit supporting removal. Similarly, findings of "reasonable efforts to finalize" were also child specific and clearly documented either in the court order or by referencing DCF reports or permanency plans. Court orders also explicitly documented custody throughout the foster care episode which provided clear evidence of placement and care responsibility. DCF reports collaborative efforts with the courts to promote timely and quality judicial findings. Finally, DCF provided docket sheets to support the title IV-E review process which provided an excellent chronological summary of all court activities on all cases in the sample.

Management Information System:

The state has a well-integrated automated system which provides access to demographic information from DCF's i-FamilyNet and family financial information through the TANF and Medicaid automated systems operated by other state agencies. Title IV-E eligibility determinations are completed in the Title IV-E Application within i-FamilyNet and are documented in summary form on the automated worksheets. Overall, the automated worksheets provide clear, thorough documentation of the eligibility decision, basis for the decision, and period of eligibility. The automated claiming process contains edits that are intended to stop payments to a placement provider if the provider's license is not valid or if a child exits foster care. The system produced a payment history for the IV-E Review that was

comprehensive and captured necessary data on the child, provider, payment amounts, funding sources, service codes and activity dates.

Eligibility Determinations:

The state's title IV-E eligibility determinations are made with contract support and oversight of DCF's legal unit to promote accurate eligibility determinations. Eligibility determinations were completed timely. Financial and deprivation factors were clearly and easily indicated, with the exception of one sample case in which additional research was required. The state's clear documentation enhanced the review process, enabling reviewers to readily identify the month of initial eligibility, the specified relative from whom the child was removed, and whom "best interest" judicial findings were being made against.

Foster Home Licensing:

Massachusetts' foster home licensing documentation was well-organized and included clear effective start and end dates. DCF's i-FamilyNet captures licensing activities to achieve and maintain licensure including required annual reassessments. Licensing activities are also supported by DCF policy that requires monthly licensing home visits.

Disallowances

A disallowance in the amount of \$2,781 in maintenance payments and \$1,222 in related administrative costs of FFP is assessed for title IV-E foster care payments that are claimed for the error cases. Additional amounts of \$2,236 in maintenance payments and \$2,385 in related administrative costs of FFP are disallowed for title IV-E foster care payments that are claimed improperly for non-error case. The total disallowance as a result of this IV-E Review is \$7,624 in FFP.

Massachusetts also must identify and repay any ineligible payments for error and non-error cases that occur for periods prior and subsequent to the PUR that are beyond those identified in this report for the improperly paid cases. No future claims can be submitted on these cases until it is determined all eligibility requirements are met.

Next Steps

As part of the state's ongoing efforts to improve its title IV-E foster care eligibility determination process, the CB recommends Massachusetts examine identified program deficiencies and develop measurable, sustainable strategies that target root causes of issues and concerns identified above.

The CB Region 1 Office will continue to work with the state in a collaborative effort to provide technical assistance to further strengthen the state's title IV-E program.

Table 1: OCA By the Numbers, Fiscal Year 2024

Statutory Mandate	Reports or Inquiries	Children Involved	Resulting in OCA Follow Up
Complaint Line ³⁰	532	528	109 (20%)
Critical Incident Reports	278	380	148 (53%)
Foster Care Review Safety Alerts	15	17	11 (73%)
DCF-Supported Reports of Abuse and/or Neglect in Out-of-Home Settings	465	676	158 (34%)

When a complaint, critical incident report, Foster Care Review safety alert, or DCF-supported report of abuse and/or neglect in an out-of-home setting is received, the OCA quality assurance staff conduct an immediate review to learn more about the circumstances that brought it to the attention of the OCA and any state agency involvement with the child and family. When the OCA determines that the actions or inactions of an agency may have contributed to the complaint or incident, or that the child, youth, or family is not receiving the services required to meet their needs, we may request additional reports from the agency, speak with agency senior leadership staff, and/or further review case records to learn more about the family's history and involvement with the agency. Through internal review of a complaint or report received, when the OCA identifies an individual case practice concern or system-wide pattern or trend, we contact the agency involved and take necessary steps to resolve the matter.

While the OCA reviews all complaints and reports received from or about all child-serving state agencies, the OCA's mandate is to focus on the children in the care and/or custody of DCF and DYS.³¹ Complaints about DCF and reports received from DCF undergo a thorough review of the family's DCF electronic record. The purpose of this review is to understand the family and their needs, to substantively review DCF's understanding of the family and their needs, and to evaluate DCF's efforts to assist and engage the family and protect the child from harm. In this context, the OCA will identify what worked well and where there are opportunities for improvement in policy and case practice across the system or with the specific family, and identify state agency policy, case practice, and service delivery concerns. **When the OCA determines follow-up with a state agency is necessary, we confirm that the agency involved received the OCA feedback and that all case practice concerns identified through the OCA's review are resolved appropriately and in a timely manner to ensure the safety and well-being of the children involved and/or to improve services for the family.**

In addition to our work improving the individual quality and delivery of services to children and families, the OCA uses the information reported to our office in these key areas to inform our

³⁰ This number includes both complaints and inquiries related to information and referrals. Complaint Line inquiries do not always involve a specific child, nor do individuals always share details about specific children for whom they have a concern or request.

³¹ See [Appendix E: Glossary of Terms](#) for a definition of state custody. Please note, children in state custody are not always placed out-of-home.