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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

2018 MAY 22 PM 12: 29

Cause No.: 318 - CV 1300 - L

DEPUTY CLERK 

KURNICUS HAYES, Petitioner,)	In a removal from the 302nd District Court of Dallas County, Texas
)	
v.)	State case number: DF-10-17403
)	(<i>"In the Interest of J.I.H. and J.N.H."</i>)
STATE OF TEXAS, ALECIA STANLEY a.k.a. ALECIA HAYES, and KENDRA S. HOOD, Respondents.)	Judge Maurice Aguilar, presiding
)	
)	CONSTITUTIONAL QUESTIONS
)	INJUNCTIVE RELIEF SOUGHT
)	DEMAND FOR JURY TRIAL

Notice of Constitutional Questions to Texas State Statutory Schemes

Comes now Petitioner, Kurnicus Hayes, noticing the Court and parties in regards to the formal raising of three (3) challenges to the alleged unconstitutionality of two (2) sets of state statutory schemes of the State of Texas, as each are further described below, and stated thusly:

THREE (3) DISTINCT CHALLENGES TO TEXAS STATE STATUTORY SCHEMES

Petitioner brings three (3) distinct general constitutional challenges with regards to the Texas Family Code, in respect to any state statute thereof (e.g., TX Family Code §§ 105.001, 105.005, 105.006, et seq., 153.002, 153.004, 153.005, et seq., §§ 156.006, 156.101, 156.102, et seq., and variously similar many others, even entire Chapters of the Family Code) that ostensibly pretend to [A] mistakenly authorize any impingement or disturbance of any natural citizen parent's pre-existing, superior, and full child custody rights *without first finding* that same parent adjudicated guilty of (very) serious parental unfitness by clear and convincing evidence as well established constitutional prerequisite, see also [B] the directly-related constitutional challenge that any such

statutes mistakenly authorize any impingement, disturbance or alteration of child custodial rights under any preponderance evidentiary standard when it is well established that any impact upon the custodial rights over a minor require the clear and convincing evidentiary standard, and the clear issue [C] in respect to any state statute ostensibly authorizing, and/or any actual pattern or practice of, Texas “family court” judicial officers being involved with any Title IV-D child support matters *of their own individually-respective counties*, due to those same directly clear conflicts of fiduciary interests in being direct financial beneficiaries of the Title IV-D system.

In summary restatements, those three (3) constitutional challenges are:

- a) The family courts of the State of Texas are routinely acting in wholly unlawful basis by pretending to issue out ostensible “orders” of “child support” and “visitation” and so forth, i.e., various secondary orders violating various Liberty and Property issues, all based upon a primary “custody” order that the given family court never even had any proper and valid subject matter jurisdiction for, because no court or other agency of the State of Texas may ever acquire jurisdiction over a parent-child relationship *until first meeting* that constitutional prerequisite – *first* finding very serious parental unfitness;
- b) Regardless of the above manifestly-repugnant constitutional infirmity, no court or unit or actor or agent of the State of Texas may ever attempt to alter any child custodial rights betwixt any parties (public and/or private) upon any mere preponderance standard but must *always* use the clear and convincing evidentiary standard to do any such thing;
- c) All judicial officers of *any particular, given* Texas county are precluded by law from any prior, present, and/or future involvement in any cases *of their own same county involving child support*, due to the express statutory conflicts of all such judges, their

own respective county, their county clerk, etc., in all being direct beneficiaries of, and each with those corresponding fiduciary interests in, the very same Title IV-D system.

Hence, for any one (1) or all three (3) of the above reasons of manifest unconstitutionality, every single present similarly-situated “family court” case of the courts of the State of Texas is, and clearly must be, **absolutely void for lack of due process... thrice directly on their faces.**

The State of Texas has been an active party in the state court case, vis-à-vis intervening as regards the same “child support” matters, and it enjoys an automatic right to intervene at will.

The State of Texas has both a right and duty to defend the constitutionality of its statutes.

Accordingly, the Clerk is now to formally certify the fact of said constitutional challenges to said statutory schemes and Title IV-D system unto the Texas Attorney General. FRCvP 5.1(b).

REQUIRED F.R.Cv.P. Rule 5.1(a)(1) LISTING:

The required listing of papers herein relevant to the discussion of this issue include:

- a) the filing entitled, Memorandum of Law Clarifying Established Federal Jurisdiction;
- b) the filing entitled, Notice of Petition; and, Verified Petition for Warrant of Removal, and the same as may be amended; and,
- c) all other filings entered within these matters, *passim*.

WHEREFORE, the undersigned Petitioner requests the Court now formally certify the same constitutional challenges in question to the Texas Attorney General, pursuant to F.R.Cv.P. Rule 5.1(b) and 28 USC § 2403(a), and prays for all further relief true and just within the premises.

Respectfully submitted,


Kurnicus Hayes

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Pro Se Petitioner Party of Record

CERTIFICATE OF SERVICE

I hereby certify: that on this _____ day of May, 2018, a true and complete copy of the above *notice of constitutional questions*, by depositing the same via first class postage prepaid mail, USPS or equivalent postal carrier, has been duly served upon the following:

(United States Attorney General)
Attorney General Jeff Sessions
c/o U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

(Respondent State of Texas)
State of Texas
c/o Attorney General Kenneth Paxton
P.O. Box 12548
Austin, TX 78711-2548

(Respondent Alecia)
Alecia Stanley
10111 Morgan Meadow Lane
Dallas, TX 75243

(Respondent Kendra)
Kendra S. Hood, SBN #24091676
OAG, Child Support Division
400 S. Zang Blvd
Dallas, TX 75208-6652

and, I further certify that the mailing sent to certain recipient listed above, Attorney General Ken Paxton on behalf of the State of Texas, was sent via certified mail with return receipt requested.


Kurnicus Hayes