

FILED

03/03/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0170

IN THE SUPREME COURT OF THE STATE OF MONTANA
EMERGENCY REQUEST FOR RELIEF
CAUSE No **OP 25-0170**

FLATHEAD DISTRICT COURT CAUSE. DR-2018-281

IN RE THE PARENTING OF L.M.A.R. and N.R.R

JESSE B. REHBEIN and DANIELLE BUCK,
Petitioners,

v.

DOUG and ANNETTE REHBEIN,
Respondents

FILED

MAR 03 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Emergency Motion For Expedited Review And Immediate Relief Eleventh Judicial District Court, Flathead County District court cause No DR 18-281(a) Hon. Amy P. Eddy Presiding. For Violations of Due Process, Judicial Misconduct, And Allowing Continuing Fraud Upon The Court

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Cause No DR 18-281(a)
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RELIEF AND TO STRIKE BIASED AND UNFOUNDED ALLEGATIONS Filed
2/27/2025**

**EXHIBIT C certified copy of Cause No DG-18-073(a) & DG-15-075(a) Ex-Parte
motion to void judgment pursuant to Montana rule of civil procedure 60(b)(4) (Void
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Federal Laws & Precedent

Authority	Summary
Troxel v. Granville, 530 U.S. 57 (2000)	The U.S. Supreme Court recognized that fit parents have a fundamental right to make decisions concerning the care and custody of their children under the Due Process Clause of the Fourteenth Amendment.
Stanley v. Illinois, 405 U.S. 645 (1972)	The state cannot deprive a fit parent of custody without first proving unfitness in a hearing, as it violates the Due Process Clause.
Santosky v. Kramer, 455 U.S. 745 (1982)	The state must provide clear and convincing evidence of parental unfitness before terminating parental rights, ensuring due process protections.
Blakely v. Blakely, 336 Mont. 181, 83 P.3d 567 (2003)	The Montana Supreme Court acknowledged the principles established in <i>Troxel</i> , requiring a compelling reason to override a fit parent's custody decisions.
Kulko v. Superior Court, 436 U.S. 84 (1978)	The U.S. Supreme Court held that jurisdictional issues in custody cases must be resolved in accordance with due process standards.
Parental Kidnapping Prevention Act (PKPA),	This federal statute ensures uniform custody determinations across states to prevent forum shopping and unlawful

- 28 U.S.C. § 1738A** custody rulings.
- Simon v. Southern Ry. Co., 236 U.S. 115 (1915)** The Court established that any legal actions based on a void judgment are also void and unenforceable.
- Fox Film Corp. v. Muller, 296 U.S. 207 (1935)** Reaffirmed that courts lacking jurisdiction cannot issue enforceable rulings.
- Abbott v. Abbott, 560 U.S. 1 (2010)** The U.S. Supreme Court recognized that improper custody rulings can facilitate international child abduction, emphasizing the importance of adhering to proper jurisdictional standards.
- Pennoyer v. Neff, 95 U.S. 714 (1877)** A judgment rendered without proper jurisdiction is void and unenforceable.
- Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944)** Established that a judgment procured by fraud on the court may be set aside to uphold the integrity of the judicial process.
- U.S. Const. Amend. XIV** The Fourteenth Amendment guarantees due process and equal protection under the law, fundamental in custody and jurisdictional matters.
- U.S. Const. Art. VI, Cl. 2 (Supremacy Clause)** Establishes that federal law supersedes state laws and rulings in cases of conflict, ensuring a uniform legal framework.

Montana Laws & Precedent

Authority

Summary

Mont. Const. Art. II, § 15	Guarantees due process under Montana's Constitution, ensuring that individuals are not deprived of life, liberty, or property without legal proceedings.
Montana Rule of Civil Procedure 60(b)(4)	Allows a court to relieve a party from a final judgment if the judgment is void, particularly if the court lacked jurisdiction.
Montana Rule of civil Procedure 60(d)(3)	This rule allows for a court to set aside judgment if there has been fraud upon the court
Montana Rule of Civil Procedure 52(a)	Requires that in actions tried without a jury, the court must find the facts specially and state its conclusions of law separately, ensuring transparency and a clear basis for the court's decision.
MCA § 72-5-223	Outlines the qualifications and procedures for court-appointed guardianship of a minor, giving preference to a nominee chosen by a minor aged 14 or older, unless contrary to the minor's best interests.
MCA § 41-3-301	Details emergency protective services procedures for removing a child from immediate danger, authorizing child protective social workers, peace officers, or county attorneys to act to safeguard the child's welfare.
MCA § 40-7-104 (UCCJEA)	Mandates that courts must make jurisdictional determinations before issuing custody rulings, ensuring compliance with the Uniform Child Custody Jurisdiction and Enforcement Act.

MCA § 40-7-201 to § 40-7-204 (UCCJEA)	Establishes home state jurisdiction requirements, providing a framework for determining the appropriate forum for custody matters.
MCA § 40-7-305	Provides a mechanism for petitioning for expedited enforcement of custody determinations, facilitating prompt compliance with custody orders.
MCA § 40-7-311	Governs the issuance of warrants for physical custody of a child in unlawful custody situations, ensuring the enforcement of lawful custody orders.
MCA § 72-5-222	Requires that a guardian must have had physical custody of the minor for six consecutive months before petitioning for guardianship, ensuring stability in the child's living situation.
MCA § 45-7-201 (Perjury)	Defines perjury as intentionally providing false information under oath in a material matter, classifying it as a felony with penalties of up to 10 years in prison, a \$50,000 fine, or both.
MCA § 41-3-609 (2023) – Criteria for Termination of Parental Rights	Outlines the requirements for terminating parental rights, including a finding of unfitness based on clear and convincing evidence. If CPS involvement is invoked, courts must adhere to these statutory protections.
Corkill v. Cloninger, 153 Mont. 40, 452 P.2d 892 (1969)	Courts must establish jurisdiction before issuing custody orders; a ruling issued without jurisdiction is void.
In re Marriage of Guffin, 2010 MT 100, 356 Mont. 218, 232 P.3d 888	Emphasizes the necessity of explicit findings under the UCCJEA to prevent unlawful custody transfers.

**Sayler v. Yan Sun, 2023
MT 175**

The Montana Supreme Court held that jurisdictional determinations under the UCCJEA must be made before issuing custody orders. Procedural errors in home state jurisdiction or notification render a custody judgment invalid.

**In re B.H., 2020 MT 4,
398 Mont. 98, 456 P.3d
831**

The Montana Supreme Court reversed the termination of parental rights due to due process violations, emphasizing that fundamental fairness requires clear and convincing evidence before severing parental ties.

**Matter of A.S.A., 258
Mont. 194, 852 P.2d 127
(1993)**

The Montana Supreme Court overturned a termination of parental rights for violating due process when the parent was denied proper legal protections, including the right to counsel

**In re Parenting of
K.J.K., 2020 MT 224, ¶
17, 401 Mont. 204, 472
P.3d 155.**

K.J.K. establishes that district court findings of fact are reviewed for clear error, meaning they must be supported by substantial evidence. It also confirms that legal conclusions and statutory applications are reviewed de novo. This case is critical because it reinforces the necessity of explicit findings of fact before altering parental rights.

**In re the Parenting Plan
of L.M.A.R. and N.R.R.,
2024 MT 148, ¶ 4**

¶4 The Department placed the children with the grandparents in March 2018, and the children have been in their care ever since. In April 2018, Jesse and the Department entered an agreement that resulted in Jesse starting therapy, facilitating N.R.R.'s participation in therapy, undergoing drug testing, taking parenting classes, and addressing the children's 4 medical, dental, and educational needs.

**HIPAA Protection of
Psychotherapy Notes**

**HIPAA Protection of Psychotherapy Notes
45 C.F.R. § 164.508(a)(2) – HIPAA provides extra**

<p>45 C.F.R. § 164.508(a)(2)</p>	<p>protection for psychotherapy notes, requiring specific client authorization before disclosure, except under limited circumstances.</p>
<p>Psychologist-Client Privilege Mont. Code Ann. § 26-1-807</p>	<p>Psychologist-Client Privilege Mont. Code Ann. § 26-1-807 – Establishes that confidential communications between a psychologist and a client are protected by the same privilege as attorney-client communications. Disclosure is generally prohibited without client consent.</p>
<p>Confidentiality of Counseling Records Montana Admin. Rule 24.219.1003</p>	<p>Confidentiality of Counseling Records Montana Admin. Rule 24.219.1003 – Prohibits counselors and social workers from disclosing client information without consent, except when legally required. Establishes ethical responsibilities for safeguarding records.</p>
<p>Responding to Subpoenas for Mental Health Records Montana Rules of Civil Procedure, Rule 45</p>	<p>Responding to Subpoenas for Mental Health Records Montana Rules of Civil Procedure, Rule 45 – A subpoena is not a court order but a legal request. Providers can file a motion to quash if compliance violates confidentiality laws.</p>
<p>Federal Confidentiality of Mental Health & Substance Abuse Records 42 U.S.C. § 290dd-2</p>	<p>Federal Confidentiality of Mental Health & Substance Abuse Records 42 U.S.C. § 290dd-2 – Federal law strictly limits disclosure of mental health and substance abuse treatment records without explicit, written consent, Even in legal proceedings.</p>

Statement of Emergency: Honorable Judge Eddy has issued an order that has effectively eliminated our communication with our daughters even our phone calls. based off more unfounded claims by the respondents. this was done electronic signature after a closed Investigation by C.P.S. Initiated by the Respondents. C.P.S. Found the children happy and safe and us to be good parents. This repeated abuse is causing irreparable damage to our relationship with our children.

Stanley v. Illinois, 405 U.S. 645 (1972) The state cannot deprive a fit parent of custody without first proving unfitness in a hearing, as it violates the Due Process Clause.

COMES NOW, Petitioners Jesse B. Rehbein and Danielle C. Buck, pro se, and respectfully move this Honorable Court to review and take immediate corrective action regarding **ongoing violations of** due process, destruction of case files before appeal, and repeated fraud upon the court. Petitioners' voices have been systematically suppressed from the onset of this case, preventing any meaningful opportunity to present evidence or contest fabricated claims. The ongoing conduct of Judge Amy Eddy and Respondents Doug and Annette Rehbein has resulted in further abuse of process and irreparable harm to our family. We have very little time with our children after of the original perjury of Annette Rehbein at the Original Guardianship proceedings.

This has case has been treated as if there was an on going case by the department. Also as if the department placed these children with Doug and Annette Rehbein On March 16th of 2018. All of these claims are false and proven by the record and our certified copy of Cause No DG-18-073(a) & DG-15-075(a) Ex-Parte motion to void judgment pursuant to Montana rule of civil procedure 60(b)(4) (Void judgment) and 60(d)(3) Fraud upon the court, forgery and material misrepresentation of fact as well as omission of critical Facts. (Exhibit C) Our children were never placed by the Department of Health and Human Services C.P.S. with Doug and Annette Rehbein as claimed. We humbly request this court to verify those claims through the Department of Health and Humans Services.

I. INTRODUCTION

From the very beginning of this case, we, the biological parents of L.M.A.R. and N.R.R., have been systematically denied our constitutional rights. A ruling was made without the findings of fact in the original guardianship, not signed until two days later. Perjured testimony and tampering with DPHHS documents were never addressed.

Our case has been mishandled at every stage, leading to multiple violations of due process, judicial bias, and fraudulent claims used to deprive us of our parental rights. This court must intervene to correct these grave injustices.

II. DESTRUCTION OF CASE FILE BEFORE APPEAL & IGNORING MOTIONS

Before our appeal in the subsequent hearings, Judge Amy Eddy **ordered the destruction of our case file, effectively erasing crucial evidence and procedural records necessary for our appeal. We had** to replace this file at our own cost. We are not sure if it was complete as presented in her court.

This blatant act of judicial misconduct is most likely what the court has done with our motion 60b4 and 60D3 on the fraudulent guardianship. We feel these new actions against us are **Retaliatory** for our motion.

This act of destroying court records before a pending appeal or ignoring court records during a on going case is not only unethical and also violates fundamental principles of due process and fair hearings under the Montana and U.S. Constitutions. Without access to these records, our ability to challenge the fabricated claims of the third-party guardians was obstructed. furthermore our challenges to false claims made

by Doug and Annette Rehbein are being ignored.

III. CONTINUED WEAPONIZATION OF CPS AGAINST BIOLOGICAL PARENTS.

Respondents Doug and Annette Rehbein have repeatedly used false claims and false evidence in this case against us. Such as placement with them March 16th 2018 by the Department of Health and Human Services. The department has **no record of these false claims of placement.** Most recently, opposing council has made more false allegations to trigger CPS investigations against us, After extensive review, **CPS once again closed the case with no findings against us.**

Despite these repeated unfounded CPS investigations, Judge Amy Eddy has continued to rely on the false claims and testimony solely of opposing council whom has a **proven history of perjury and** document falsification. (See Exhibit C).

The use of CPS as a weapon against fit, biological parents violates our fundamental rights and constitutes **an abuse of process** by both the Respondents and the lower court. We have evidence of everything happening in this case in our motion to Judge Amy Eddy. (Exhibit C)

The respondents Doug and Annette testified falsely about C.P.S. removing the children from us and placing the girls with them to gain access to our children in 2018.

This was all decided by the court without any finding of and facts not signed by Judge Amy Eddy until two days later with no mention of C.P.S. Doug and Annette never acquired proper documentation for our children such as birth certificates, social security numbers nor any documentation of the Department's so-called placement with them, I pointed out in my motion 60b4 and 60d3 fraud upon the court. Also paid for by

respondents in this case G.A.L. Mary Beth Sampsel. In this case, points out in the foot note of page 6 of her report the fact their was no records for our daughters. Attached as (exhibit K) of my motion on fraud attached as (exhibit C) in this motion.

I only use court documentation to prove that fraud happened in my motion and our testimony is not included. The transcripts From the original Guardianship 2/5/2018 show it all, along with testimony from all biological grandmothers and testimony from Annette Rehbein herself. All in (Exhibit C) In our Exhibits.

I am even able to show how this caused an unintentional violation of the UCCJEA and it's Federal Equivalent the PKPA. I point out all the violations caused by violating Montana rules of civil procedure rule 52(a) and not having a findings of facts as Stated by Emily von Jentzen in the hearing on guardianship 2/5/2018. Not signed until two day later 2/7/2018 (Transcripts are included in Exhibit C) Facts were not being verified in our entire case from the very beginning and have not been verified the entire time.

Honorable Judge Amy Eddy had nothing to rule on but false testimony of Annette Rehbein. My motion easily points it all out using transcripts and prior case files. Their is no proof of what they are claiming not even on our daughter's R.O.A. Removals and placements by the Department require formal proceedings with evidence not just hearsay. As provided in MCA § 41-3-609.

IV. JUDGE AMY EDDY'S ALLOWANCE OF FALSE TESTIMONY FROM BIASED COUNSELORS AND ANNETTE REHBEIN FROM BEGINING

Judge Amy Eddy has repeatedly allowed false testimony from biased counselors who have financial ties to Respondents. See (exhibit B our most recent motion) for this motion. Our motion trying to stop even our phone calls from being taken Via phone signature (Exhibit A) Despite clear evidence that these individuals have Once again

abused C.P.S. Against us with no results and used a case they initiated against and bias counselors with a vested interest in the case outcome, the court accepted their statements **without verification from C.P.S after the investigation closed or a cross-examination.**

- **The childrens' counselors' testimony was used to support Respondents' fraudulent claims,** despite their **lack of neutrality** and prior instances of making false statements in court declarations.
- Even after CPS dismissed the allegations against us, **Judge Eddy continued to rely on the testimony of these biased individuals** instead of recognizing the actual evidence presented by state investigations.
- Because of these false allegations, Judge Amy Eddy has decided to suspend our mere 90 hours of visitation time a month and our two seven minute conversations a week with each girl.
- We are both fit, biological parents. We love children and Our children love us and we do not have the issues the respondents are falsely claiming. They are manipulating C.P.S. And the legal system to take our children through Fraud .

Allowing biased witnesses to testify without proper vetting directly violates our due process rights and Montana's evidentiary rules regarding impartiality. It is apparent that **Judge Amy Eddy has not** acted as a neutral arbitrator but rather has shown favoritism toward the Respondents, thereby violating judicial ethics.

V. REQUEST FOR RELIEF

In light of the **systematic suppression of our voices, destruction of our case file**

before appeal, ignoring my filed motion to void judgment 60b4 and 60d3 fraud upon the court (attached Exhibit A) continued abuse of CPS, and the court's reliance on fraudulent testimony, we respectfully request the following relief from this Court:

- 1. Immediate Review and Vacatur** of all recent orders issued by Judge Amy Eddy related to this case such as the termination of our visitation and phone contact with our children due to due Continual fraudulent actions by the respondents and lack of jurisdiction, and judicial misconduct.
- 2. Review of our Ex-Parte motion to void judgment pursuant to Montana rule of civil procedure 60(b)(4) (Void judgment) and 60(d)(3) Fraud upon the court forgery and Material misrepresentation of fact and omission of critical Facts.** Please forgive its length. It is necessary to show how the do process violations and fraud started at the very beginning of this case and how our right are still being ignored to present.
- 3. Restoration of parental rights and dismissal of fraudulent guardianship agreement and subsequent parenting plan** given that Respondents obtained custody through fraudulent misrepresentations and perjury.
- 4. A formal investigation into the conduct of Judge Amy Eddy** regarding the destruction of our case file before appeal, ignoring all motions attached and her continued reliance on false testimony.
- 5. An order preventing further weaponization of CPS against the biological parents** by barring any future false reports from being used as grounds for custody proceedings without verified evidence.
- 6. A mandate that any future custody proceedings be handled by a different**

judge to ensure impartiality and prevent continued judicial bias. Not the Honorable judge Paul Sullivan As I believe Mary Beth Sampsel is Judge Sullivan wife. Mary Beth Sampsel omitted evidence in this case. (See Exhibit C) That would Cause a Conflict.

7. We also ask this court to verify for themselves that the DPHHS C.P.S. did not places our children with **Doug and Annette Rehbein in March 16, 2018** as is recorded in this court's decision on this case. The department has no records of this. These false claims have been allowed to stand all the way through this Honorable court's previous decision. 07/16/2024.

VI. CONCLUSION

We have been fighting for justice for years while the courts have ignored our voices and allowed our parental rights to be stripped based on **falsehoods, fraud, omissions of fact and deliberate judicial** misconduct.

We now ask this Honorable Court to step in and rectify these injustices before any further damage is done. The integrity of Montana's judicial system depends on ensuring that **due process and allow truth to prevail over deception and abuse of power.**

Given the extraordinary circumstances of this case, including the termination of all parental contact by electronic signature, without due process. we respectfully request immediate intervention. We have exhausted all avenues in the lower courts and now seek this Court's urgent review to prevent further irreparable harm to our family.

As established in Troxel v. Granville and reaffirmed by multiple courts, fit parents have a fundamental right to make decisions regarding their children, which has been consistently disregarded in this case.

Respectfully submitted, Humbly Praying For Relief

Jesse B Rehbein 3/3/2025
Jesse B. Rehbein

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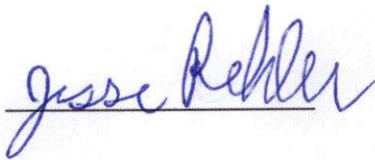
Pro Se Petitioner

Dated: 3/3/2025

CERTIFICATE OF COMPLIANCE

I, hereby certify that this Emergency Motion complies with Rule 11 and Rule 16 of the Montana Rules of Appellate Procedure. This document is proportionally spaced, uses a 14-point typeface, and contains 2248 words, excluding the parts exempted by Rule 11(4)(e).

I relied on Open Office 4.1.15 to generate the word count.

A handwritten signature in blue ink, reading "Jesse Rehbein", is written over a horizontal line.

Jesse Rehbein

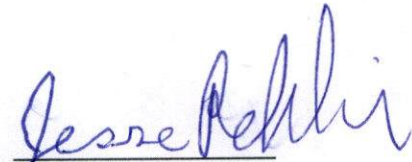
3/3/2025

CERTIFICATE OF SERVICE

I hereby certify that on this [day] of [month], [year], I served a true and correct copy of this Emergency Motion upon the following individuals via certified mail :

1. Emily von Jentzen
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Kalispell, MT, 59901
emily@kvhlaw.com

2. Honorable Judge Amy Eddy
Montana 11th judicial district, Flathead county
920 south Main Street, suite 300
Kalispell, MT, 59901


Jesse Rehbein
Jesse Rehbein
3/3/2025

APPENDIX OF EXHIBITS

EXHIBIT A ORDER TO SHOW CAUSE DG-18-075(a)

**EXHIBIT B EMERGENCY EX- MOTION TO DENY
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