

**IN THE CIRCUIT COURT OF OREGON FOR WASHINGTON COUNTY**

**JUVENILE DEPARTMENT**

**IN THE MATTER OF:**

**Almira Davis,**

**DOB 06/23/2011,**

**A Child.**

**OBJECTION TO REFEREE JURISDICTION, MOTION TO PARTICIPATE BY WRITTEN FILING,  
OBJECTION TO CONTINUED CUSTODY, AND DEMAND FOR IMMEDIATE PLACEMENT  
WITH NATURAL MOTHER**

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**I. INTRODUCTION AND NOTICE OF OBJECTION TO REFEREE**

I, **AshLe' Penn**, the natural mother of Almira Davis, hereby appear specially and object to this matter being heard by a juvenile court referee under **ORS 419A.150**. I do not consent to adjudication by a referee and demand that this case be heard before a duly elected or appointed circuit court judge. This objection is timely and is not a waiver of any rights.

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**II. BASIS FOR WRITTEN APPEARANCE**

I am unable to appear physically due to:

1. An active warrant from Washington County related to charges I am contesting; and
2. Unavoidable parental obligations caring for my younger child, who arrives home from school at the same time as the scheduled hearing.

I have not yet been provided with appointed counsel as required under **ORS 419B.195**. This filing preserves my rights and objections until counsel is provided.

**III. FACTUAL BACKGROUND**

1. I am the natural mother of Almira Davis, born June 23, 2011.
2. DHS previously removed my children in 2020 based on my status as a domestic violence victim. I was never alleged to have abused or neglected my children.

3. DHS's own reports consistently praised my parenting ability. The agency simply disapproved of my personal relationship and punished me for it.
4. After years of litigation, I regained custody of my son. While the court did not expressly rule the removal unjustified, DHS engaged in conduct that violated federal Title IV obligations, misrepresented facts, and vilified me for standing up for my rights.
5. A recurring theme has been DHS's mischaracterization of me as "uncooperative." In reality, I have exercised my rights to privacy, family autonomy, and the sanctity of my home by speaking up, challenging agency overreach, and demanding that decisions comply with law and rule. Instead of addressing my legitimate concerns, DHS rebranded my insistence on accountability as noncompliance, diverting attention away from my demonstrated effective parenting.
6. My daughters remained with their father. DHS upheld and reinforced that placement — even after April 2024, when charges were first filed against him — thereby condoning ongoing contact. DHS cannot now allege "failure to protect" against me when they themselves placed and maintained Almira in that environment.
7. DHS has never alleged that I present any risk of harm, unfitness, or inability to parent.

#### **IV. CERTIFICATION IN SUICIDE PREVENTION**

I hold a Certification in Suicide Prevention – Diagnosis and Treatment, which trained me to:

- Define epidemiology and identify risk and protective factors;
- Discuss populations at risk for suicidality;
- Describe gender differences in suicidality;
- Explain special populations at risk;
- Distinguish risk factors for youth and elderly populations;
- Evaluate intergenerational and family history of suicide;
- Outline occupations with high suicidality rates; and
- Identify situational triggers associated with suicidality.

This training enhances my protective capacity as a parent. I am uniquely positioned to recognize risk factors, respond appropriately, and seek professional help when necessary.

DHS's implication that Almira's safety is compromised in my care is inconsistent with both my parenting record and my specialized training.

## V. LEGAL FRAMEWORK

- ***Troxel v. Granville***, 530 U.S. 57 (2000): Parents have a fundamental constitutional right to the care and custody of their children.
- ***Nicholson v. Scoppetta***, 3 N.Y.3d 357 (2004): It is unconstitutional to remove children solely because their mother is a victim of domestic violence.
- ***Dept. of Human Services v. S.J.M.***, 364 Or 37 (2018): State must respect parental rights absent proof of unfitness.
- **ORS 419B.150, ORS 419B.183**: DHS bears the burden to show *reasonable cause* for continued custody.
- **ORS 419B.192, 42 U.S.C. § 671(a)(15)**: DHS must make reasonable efforts to avoid removal and must prioritize placement with family, beginning with the fit natural parent.

## VI. DHS FAILURES

1. **No allegations of unfitness**: DHS has never alleged that I am unsafe, abusive, or neglectful.
2. **Unreliable evidence**: DHS claims Almira threatened suicide if returned home. She directly denied making this statement during a phone call — which DHS terminated mid-conversation.
3. **Failure of reasonable efforts**: DHS did not exhaust safety planning, protective capacity assessments, or in-home supports as required by OAR 413-040-0006.
4. **Agency-created risk**: DHS itself maintained Almira's placement and contact with her father even after pending charges. DHS cannot now shift blame to me for circumstances they endorsed.
5. **Misuse of "cooperation"**: DHS conflates my insistence on lawful process with defiance, branding me as "uncooperative" rather than recognizing my role as a protective parent who requires lawful, accountable decision-making.

## VII. RELIEF REQUESTED

I respectfully request that the Court:

1. **Sustain my objection to referee jurisdiction** and set this matter before a circuit court judge.
2. **Appoint counsel** for me immediately under ORS 419B.195.
3. **Permit my participation remotely or by written filings** until my warrant issue is resolved.
4. **Order immediate placement of Almira with me**, the fit and available natural mother.
5. **Require DHS to articulate and document specific allegations of unfitness, if any exist.**
6. **Order DHS to comply with statutory duties** of reasonable efforts, family placement preference, and protective capacity assessment.
7. **Reject DHS reliance on uncorroborated hearsay** contradicted by Almira's own denial.

### **VIII. CONCLUSION**

DHS removed my child without any allegations of harm against me, vilified me for exercising my rights, and sustained a placement they themselves condoned. Far from being unfit, I am trained in suicide prevention and recognized for my strong parenting. DHS's actions reflect agency overreach, not child protection.

I object to referee jurisdiction, object to continued custody, and demand immediate placement with me.

**Respectfully submitted,**

/s/ AshLe' Penn

**AshLe' Penn**

Natural Mother, Pro Se

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**[PROPOSED] ORDER**

**ORDER ON OBJECTION TO REFEREE JURISDICTION AND SHELTER CARE**

**This matter came before the Court on the filing of AshLe' Penn, the natural mother of the above-named child. The Court, having reviewed the filing and applicable law, hereby ORDERS as follows:**

- 1. Referee Jurisdiction: The mother's objection to referee jurisdiction is SUSTAINED. This matter shall be set before a circuit court judge.**
- 2. Appointment of Counsel: Counsel shall be appointed for the mother forthwith pursuant to ORS 419B.195.**
- 3. Parental Participation: The mother shall be permitted to appear remotely by telephone, video, or written filings until further order of the Court.**
- 4. Custody: DHS has not alleged or established that the mother presents any danger or is unfit. The child shall be released immediately to the custody of the mother pending further proceedings.**
- 5. DHS Obligations: DHS is directed to:**
  - File written documentation of reasonable efforts made to avoid removal;**
  - Identify any specific allegations of parental unfitness; and**
  - Comply with statutory and regulatory duties concerning protective capacity assessments and family placement preferences.**

**IT IS SO ORDERED.**

**Dated: \_\_\_\_\_**