

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN THE DISTRICT COURT
SOUTH CENTRAL JUDICIAL
DISTRICT

Heather Odden n/k/a Zins, Plaintiff
v.
Mark Rath, Defendant
v.
State of North Dakota, Real Party in Interest

CASE No. 08-05-C-00073

NOTICE OF APPEAL

TO PLAINTIFF HEATHER ZINS THROUGH AND BY HER ATTORNEY OF RECORD,
THOMAS JACKSON, AND INTERESTED PARTY STATE OF NORTH DAKOTA
THROUGH SPECIAL ATTORNEY GENERAL OF RECORD SHEILA KELLER.

[1] You are hereby given notice that defendant Mark Rath appeals the following orders of the court in this matter.

[2] Order dated July 26, 2021; Order dated November 18, 2021. Order dated November 23, 2021. The lack of Order for an application filed December 24, 2021, an order dated April 29, 2022, denying Bahr’s need for recusal on the above action, and an order dated May 02, 2022.

Preliminary issues for Appeal

Order dated July 26, 2021, and November 18, 2021

[3] This district misapplied the law when it granted Heather Zins a protective order as Heather’s financial information was relevant to whether she was making three times as much as Rath.

[4] The court violated Rath's due process rights in even entertaining Zins frivolous request for a second protective order. Under the following tenants of law:

(a) The district court erred in even entertaining Jackson's frivolous request to enter a redundant order of law.

(b) The District Court erred as a matter of law in claiming Heather's income information was not relevant to Rath's claims that she makes three times as much as him as it is clear from Zin's income tax returns, public record, that Zins is withholding her true financial situation either to defraud the Internal Revenue Service, which allows her husband to benefit AND/OR the Social Security Administration.

(c) The district court also erred as matter of law, in attempting to hold Zins to a different calculation guideline. As N.D.A.C § 75-02-04.1 does not have a different calculation method for an Obligee's income under N.D.A.C § 75-02-04.1-09(2)(j). Zin's Net Income must still be determined under all appropriate guideline calculations.

(d) The district court's logic on not only holding an in-camera viewing of Heather's Schedule C but in not requesting information relating to her actual income amounts is erroneous , given the inconsistencies in the public data Rath could secure and insufficient information Heather's 1040's provide to what her actual income is, Rath should have been awarded better information to determine Zins actual net income pursuant the guidelines and the court erred in determining Zins 1040's which do not say what her income is, were sufficient for Rath to present his evidence, as the court would have known it could not have properly determined Zins net income from the financial information she did provide.

Order dated November 23, 2021

[5] As per the order dated; November 23, 2021; Judge bahr violated Rath's due process rights by not notifying Rath before imposing sanctions against Rath and not giving Rath a proper chance to respond before the sanctions took effect.

[6] Further, Judge Bahr violated Subject-Matter Jurisdiction requirements by partially modifying the prefiling order against Rath. As of the time of even filing this notice of appeal, the matter of the prefiling order was still before the supreme court for decision, denying the district court any authority to modify it in part or wholly.

Order dated May 02, 2022

[7] As per the actual order of the court, dated May 02, 2022.

(1) Constitutional arguments are handled De Novo at the Supreme Court level. Child support arguments are handled De Novo if they involve questions of law. Most of the issues involving this child support matter involve questions of law, with very little actually dealing with the findings of the district court.

(a) Whether N.D.C.C § 27-21-02, should have been ignored as while waiting trial on December 9, 2021, Zins lost custody of AJO to the Division of Juvenile Services.

(b) Whether N.D.C.C § 27-21-02 triggers the guidelines against Heather Zins, who must have actual custody of AJO to receive child support on his behalf, considering AJO had been in physical placement with YCC and DBGR from November 9, 2021 till May 18, 2022.

(c) Whether Heather now had a duty of support obligated against her as a obligor instead of obligee as by all law, DJS is now the obligee of child support for AJO and N.D.A.C 75-02-04.1-11 requires both parents to be treated as obligors of support in this particular situation.

(2) The district court misapplied the law in dismissing Rath's motion, it had the information it needed to properly calculate Rath's income for purposes of child support pursuant

N.D.A.C § 75-02-04.1-05(4) through (7). Just because that would have been a lesser amount than what is presently ordered by the court, is not grounds to not comply with the guidelines.

(3) Rath's business expenses are a tax issue and part of how his Net Income is calculated. Because the internal revenue service allows standard and complex meal deductions as well allows other deductions for business related activities, the court misapplied the guidelines in not taking them into consideration.

(4) The guidelines do provide a basis to assume income of the obligor on three years AND LESS. Child support has made sure the court can issue an order on support on less than the preferred minimum and arbitrarily deciding if or when it applies this discretion is an abuse of discretion.

(5) N.D.A.C § 75-02-04.1-5 (4) (6) and (7) account for one to multiple years of income. So, Bahr and Keller trying to say that the guidelines do not provide a basis to calculate Rath's new child support amount off only one year of financial information, violates the guidelines themselves, as Rath provided his most recent financial documents since his self-employment model underwent its only significant remodeling. Further even if considering Bahr were by some miracles correct, which he isn't, Bahr hoists his own petard. As there is a three-pronged issue with Bahr's reliance on N.D.A.C § 75-02-04.1-5 (4).

(a) Rath has not been in business for 5 years; he was only in business for 3. N.D.A.C § 75-02-04.1-5 is only concerning self-employment if engaged in for 5 or more consecutive years at the same or similar scale, the very last thing written in (4) is that less is allowed. Therefore, the district misapplied the law by only relying on this frivolous guideline as the court did have available to it all three years of Rath's income from his childcare.

(b) As Rath's evidence and uncontradicted testimony shows, Rath has not operated on a similar scale for even the three years he has been in business. Rath shows that yes 2019 and 2020 were of a similar scale as Rath only increased his normal fee by \$100 every two weeks.

(c) However, in 2021, Rath's operation underwent a complete restructuring of his business model, including considering expenses for Income tax purposes, given the increase in pay scale, a new fee schedule and amount as well as a repayment plan for the money his sister owed him from previous years, borrowed from him and money she had stolen from him, which are all counted as gross income and part of Rath's self-employment income as it is all part of the agreed on fees Kari would pay as part of utilizing Rath, which are reflected on Rath's invoices he submitted.

(d) Rath's new business model is based on Cognitive behavioral approaches and a strong focus on human-in-environment in part, in that Kari's choices will dictate how much she pays for services, instead of it being a flat fee and to attempt to get her to start making better choices. Rath does not receive overtime if working greater than say 40 hours a week. He is paid a base rate of \$33 for every 7(8) hours he watches his nephew or \$4.13 / hr. Kari ensures she works 6 days a week to avoid having to take responsibility of her son, where only on weekends when T.R is off school does she work double shifts (Or claims she works double shifts) leaving Rath watching his nephew for a total of 56 hours a week. The repayment condition of Rath's continued services is that Kari will pay Rath \$125 twice a month to start paying off some of the money she owes Rath.

(e) If Kari does not come home but tells Rath she is not coming home over night, in between the hours of 12:00 a.m. and 7:00 a.m. are not charged to her as Rath will not charge her for being responsible when the child is asleep during that entire time. However, if Kari does not

come home and does not tell Rath that she will not be coming home, she will be charged \$100 for overnight care.

[8] The guidelines do not require actual expenses to be produced, the guidelines require the district court if the expenses are not available, to account for the present visitation schedule. An issue that was not in dispute between the parties was that AJO was in DBGR in Fargo North Dakota with no release date estimated. It would be impossible for Rath to submit all expenses when expenses were still ongoing.

[9] Further the court arbitrarily ignores that where Yes, Heather testified that she was offered reimbursement for costs of gas, when Jackson asked Rath this question, Rath was unaware of this offer from DBGR. Just because one party who is considered disabled / blind, may be offered a service which could be because of that disability, doesn't mean Rath was offered this service. There is no evidence on the Record that Rath was offered reimbursement for Gas costs and the court is creating facts where no facts exist. And Rath admitted DBGR will only reimburses for one hotel room a month, when Rath is authorized via the Judgment to see his son twice a month and Rath testified, he uses those two times a month to see his son. Rath also argued that he could not afford to see AJO at current child support level and still pay his child support and that if put into the position of choosing a relationship with his son or paying his child support, he will always choose seeing his son as that is more in his best interests right now. Rath provided his purported costs for visiting his son at around \$500 a month for 4 times filing with gas at around \$30 a tank, and one hotel room for two nights at approximately \$159.99 a month, given the need for bigger accommodations for three teenagers.

[10] Rath showed that the present order does not comport to the guidelines.

Order dated April 29, 2022

[11] Regarding the order dated April 29, 2022. Judge Bahr is correct, had Rath wanted to file a motion for Judge Bahr's recusal pursuant Rule 3.2, that would be the appropriate means to do so, however, Rath attached his request for Bahr to recuse himself on the basis of his inaction regarding a specific matter in this case as a part of the case matter before the court, not an individualized motion given over a month had passed and Bahr still had not ruled on Rath's December 24, 2021 request when asked to do so at the March 21, 2022 trial showing Rath it was just intentional and calculated, and even if Bahr were correct, Bahr is inaccurate that the state and Jackson were denied a chance to respond, as Jackson did file a response and as unintelligent as his argument points were claiming that Rath filed a demand for change of Judge and basing his entire response off that misrepresentation to the court, Jackson still appeased himself the opportunity to respond and did respond.

[12] However, the question arises if Judge Bahr's impartiality in this matter can be reasonably questioned. And the facts of the matter are that Judge Bahr's need for recusal / disqualification is not based on a ruling. To the utter opposite, it is the oddity that the one request Rath made, out of all other requests that have been ruled on in a timely fashion since Bahr's 2018 entrance into this case, that Rath specifically requested to file a demand for change of Judge against Bahr, is the only request in years to not be properly and timely disposed by the court and fact that even after Judge Bahr acknowledges the document exists, acknowledges the document has not been ruled on, still makes the conscious decision to not rule on the document. Misusing and abusing the pre-filing order to further violate Rath's rights in this matter. This issue is a clear manifest abuse of power and manifest injustice as Rath's statutory Rights have now irreversibly been injured by Bahr with no available recourse of action. Rath had a statutory right

to bring his motion for a change of custody, which then entitled Rath to bring a demand for change of Judge.

[13] Given Judge Bahr violating subject matter jurisdiction, denying Rath due process of law, and now just choosing not to rule on a pending matter before the court, Rath has every logical reason to question the courts not only competency but impartiality. **As the court always seems to rule in favor of any party against Rath, even if it must violate his rights to do so.**

And rather than correct the clear and obvious problem of this state is just too incompetent to do its job fairly and diligently where not just Rath is involved, Rath is noticing a lot of other litigants the court treats the same way. The court would Rath force and others to hire attorneys in violation to rights of association, or just silence us completely, as this issue shows fully. Bahr is a dumbass for even attempting to claim what he claimed. That conveniently only one motion that authorizes Rath to legally move for his assured disqualification from this matter, is the only motion that is getting overlooked in 4 years while all other matters before and after having been answered in a timely fashion. On top of Bahr violating rath's due process rights on several occasions and completely ignoring subject matter jurisdiction to Harass Rath with unwarranted sanctions, just because he's an arbitrary piece of garbage.

[14] Because an underlining issue then turns to Judge Bahr just abusing the prefiling order against Rath to not only arbitrarily decide what he gets to file but violate his statutory and constitutional rights to access to the courts in the process. This is not the purpose of those prefiling orders and violating a litigant's constitutional rights to access to the courts is not a valid use of a Judges authority or discretion.

Constitutional Arguments to be made:

The First Amendment – Freedom of Association

[15] The court is inaccurate in Rath's point on this one argument. As child support guidelines do violate a citizen's right to freedom of association, the freedom to associate with groups or organizations is only half of Rath's arguments as the Freedom of Association is a two-pronged issue. (1) Organizations, clubs, etc. (2) Intimate and personal relationships.

(a) The Freedom of association on an intimate level is the cornerstone of an individual's right to marry, bare children and upbringing their children, and to seek and pursue an occupation of their choice as it relates to the employer themselves and the employees that may work or potentially work for that business. The freedom to associate also bares a freedom not to be compelled to associate in any circumstance "*A procedure need not be inherently coercive in order that it be held to impose an impermissible burden upon the assertion of a constitutional right.*" *United States v. Jackson*, 390 U.S. 570, 583 (1968). Because the state uses its coercive power, inherently, to force parents not to change their employment status, the state infringes through coercion with state power and financial punishment a citizen's exercise of a constitutional right. Rath is not saying the state can't say an obligor has to be employed, but dictating their income level which generally bottlenecks them into only a handful of occupational choices and then using other coercive tactics if they do decide to exercise their constitutional right to choose a different occupational path is not only placing an increased burden on parents to bore their choices, it is using state resources to wholly infringe and coerce away from the exercise of constitutional rights, which then acts counter to the best interests of the children anyways.

[16] Micromanaging an individual's choice in employment, which arguing otherwise, who are you kidding, utilizing the color of law to impose sanctions against an individual and infringe on their liberties for the exercise of clear constitutional rights, is a direct and indirect

interference in those rights beyond the scope of the states even rational basis of collecting child support, as child support can be collected from any amount the obligor makes. As will be argued, and is outlined hereafter, the state does a lot more than just places a financial burden / hardship onto Obligor who freely exercise this right and freedom of Association is not the only constitutional right the state coerces.

The First Amendment – Freedom of Speech and Expression and the right to not be compelled into any kind of unwanted speech or expression.

[17] Every Job has associated stereotypes whether true or not that associates with a form of speech as a perceived expression and self-speech of the individual doing that job to others Rath as a BSW who plans to obtain his LSW, MSW and LCSW within the next 5 years, is all too aware of Jobs having associated stigmas and stereotypes. As Social Service Workers carry heavy stigmas and stereotypes especially amongst impoverished individuals and minority ethnical groups, in this state, Native American's given the boarding school and forced adoption issues before the implementation of ICWA. And attempting as child support does to use state power, courts, law enforcement, and various other state resources to coerce and force individuals into these forms of coerced expression and speech, violates the First Amendment of the United States.

[18] This is especially true considering the state utilizes very drastic enforcement tactics if Obligor do not pay the full amount of the court ordered child support. Leaving obligors little to no choice but to be bottlenecked into a handful of occupation choices or refrain from taking occupational opportunities given how easy it is to increase child support, but how impossible it is to decrease that amount once ordered.

(1) The very first thing you do is put obligors intentionally into a state of absolute poverty. Under the paternalistic nature of the government, not society, that children's rights far exceed that of their parents, this mentality is unconstitutional in and of itself, the constitution protects all citizens while not discriminating against individual via age in claiming the rights of the young exceed the rights of the old, yes we as parents make sacrifices for our children, but generally speaking on a constitutional status, we cannot be compelled to make those sacrifices as it subjects the will of the state over our inherit and inalienable rights to act in our children's best interests out of love and compassion for the child not forced governmental coercion, children are not mere creatures of the state after all and the decisions of their upbringing must first be placed in the hands of those that are responsible for them. Where social sciences would disagree in that a parent's ability to provide care for their children first depends on their ability to care for themselves, Parents must be able to meet their basic, substantive needs to properly care for their children, if a parent cannot meet their basic substantive needs, then the children run the risk of being neglected while with that parent. It is also known, that having realistic child support amounts has a higher tendency to lead to support being paid in full and on time. Whereas other factors would also disagree.

(2) For instance, Intimate Partner Violence or IPV cases are highest in impoverished families. It is a key known correlation in any field dealing with social science and IPV, that stressors from financial problems is a leading cause of increased aggressiveness in individuals.

(b) Further, even if the state utilizes the "rational basis" test, your enforcement tactics though having a basis in the collection of support, the rational basis for child support is and will always be the best interests of the child, which none of your current enforcement tactics actually satisfy. By forcing NRP's into poverty, you force the children themselves into poverty and the level of

support you collect may not be enough to bring the RP out of poverty, so you force one parent and the children into absolute poverty if that parent exercises parenting time to fail at your goal of bringing of the RP out of poverty. It is not our Job as parent's or even citizens to bare the burden of the state's inadequacies, inappropriate choices, and failed legislation. The state should clean up its own damn messes by finding a solution that doesn't switch from one prejudicial piece of legislation to another form of prejudicial legislation. (c) As your present enforcement tactics also act counter to the best interests of the minor children by creating barriers to the establishment of fulfilling and healthy relationships. *"Our law proceeds on the assumption that they are nevertheless children and, thus, more interested in the desire of the moment than in considering the long-range needs for the development of a healthy relationship with both parents where that is possible."* Where yes, parents naturally make sacrifices for their children out of love and compassion and a moral sense of obligation for the life they bring into this world, by setting up increased financial barriers half of the parents must endure, you create a form of alienation between that parent and the children, which in turn can create scenarios where the children will inappropriately not act in what is in their best interests. And because our state is incompetent in the enforcement of visitation orders, due to the animus towards the rights of the NRP. Children are allowed to put the immediate need in front of their best interests. Which is always going to be first and foremost a beneficial and HEALTHY relationship with the non-custodial parent. A healthy relationship is not keeping the children and the target parent in poverty not allowing them to enjoy all aspects of their time together. Keeping in mind any financial obligation the RP has the NRP also has with their children, but have no control over how the state utilizes the very vague best interest factors to dictate how much time they get with

the child. Just because the children are not physically with that parent, does not mean the cost of those children disappear.

(a) Meals are more for the Residential Parent etc. Rath will admit that, but that is product of the state's choices not the Non-residential parent. And even in situations like Heather and Rath's where a stipulated agreement was put into place. The court by granting Zins a protection order she was not entitled to In June 2004. Engaged in the very actions Rath raises here, bottlenecking one parent into accepting less than what they should deserve because with DVPO, though by all counts Rath should have obtained physical custody of AJO given Heather's actions at their separation. With that DVPO in place wrongfully, Rath never stood a chance of the actual facts in this matter being considered, and that is that Heather abducted the parties' children for 6 months because Rath got fed up with her using her parents to stalk and harass Rath and his family and even Kayla Jones. So, Rath left, for his own sanity, just to have Heather go into hiding with AJO, and where Heather is accurate Rath called probably 600 times that weekend to try to locate where his son was. His phone calls did not start until after Heather disappeared with his son. Which is why Rath's conviction of Harassment was overturned and he was found not guilty and the stalking charges Heather harassed Rath with, were dismissed. But not until heather was able to use her Harassment of Rath to obtain a DVPO, where Rath could not appeal the DVPO because Heather's Harassment of Rath left him financially drained, he could not afford his attorney's retainer of \$1,000 for the Appeal, plus the cost of the transcript for the order since Rath had to pay his attorney to appeal the Harassment charge and fight the Stalking Charge. And Rath at 22 years old, was not going to attempt to navigate the legal system himself. And there is only one fact, that anybody needs to focus on to realize just how badly this court has created a long-lasting manifest injustice of 17 years in this case and how the incompetence of one judicial

officer can lead to long lasting consequences. And that fact is, no matter what Zins wanted to say Rath said or did.....As Zins was in hiding with AJO.....Rath had no clue where Zins was. Negating the two things required for DVPO to lawfully be granted. (1) Actual or imminent harm or (2) Fear of actual or imminent harm. Heather has not had any qualm bolstering that she in fact was in physical hiding with AJO until the court granted the DVPO. And other factors are inconsistent with relationships with actual IPV. The biggest, was that it was Rath that left Zins, she didn't escape an abusive relationship. In fact, all evidence suggests the complete opposite, it was Rath that escaped the abusive relationship Zins was putting him through. (a) Heather and her family Stalked and Harass Rath, by driving by his residence and his friends' residences to keep tabs on Rath. (b) Zins had Rath in a constant state of terror, always threatening his relationship with his son, even going as far as to falsely accuse Rath of threatening to "kidnap" their son out of the NICU, to keep Rath from entering and bringing other people up to the NICU. (Rath and Zins were fighting about Rath bringing his cousins up to the NICU without Heather's "Permission" and her worry that Rath was going to bring Kayla Jones up to the NICU. Given a rather persistent fight the two were having regarding Rath going to spend time with Kayla Jones on November 29, 2004, and Zins and Her mother thinking it was cute to stalk Rath and Jones, which caused Rath to end the night short and Zins not being happy Rath rescheduled his and Kayla's plans for the next evening as Zins parents were unavailable to take Zins up to the NICU. Which led to Zins accusing Rath of putting Kayla Jones above AJO. How quickly Kayla Jones forgot just how abusive of an Individual Heather was, once Heather could help in tormenting Rath over the past 10 years.)

(3) In denying the children the same ability to have the same quality of life with the non-residential parent they might have with the residential parent, you in turn, create a barrier in the

targeted parents' house as resentment, boredom or dissatisfaction with the non-residential parent can lead children to not want to engage in their best interests and engage in their visitations with the non-custodial parents, especially in situations like Heather Zins and Rath, where Zins has a direct history of extreme forms of Parental alienation / vilification / interference. Such as with the new issues with AJO's behavior problems leading to him being put on DJS, and fact Zins was found in contempt in 2012, in part for denying Rath over 21 months of contact between AJ and his father in between his date of birth and his 8th. Judge Anderson was one of the few competent Judges this district had, and did not allow Heather to get away with this behavior, but showing that the alleged "best interests" of the child are not based on statutory factors but whatever Judge you are unfortunately stuck with, allowing for biased and prejudicial application of the best interest factors that can very easily be manipulated by anyone with a law degree given how vague they actually are....Bahr has adopted the same biased and prejudicial and even toxic mentality against Rath that every male Judge in this district has adopted before him, because of their inability and incompetence to be able to notice and properly protect male victims of IPV (Intimate Partner violence).

(4) that in the event of re-marriage, unless mutual, as in Rath's cases as the example as Both Heather Zins and Kayla Jones have remarried, where Rath is not re-married, Heather Zins and Kayla Jones are situated differently to bare the heavier expense of Raising the children financially then Rath is. As Rath only has one income for his bills, Heather Zins and Kayla Jones each have two full incomes for their substantive needs which gives Kayla Jones and Heather Zins a significant advantage for baring most of the financial obligation for the children, intentionally placing Rath further into poverty while not considering Heather and Kayla Jones, do not actually need support from Rath and Rath's support could come from spending time with

his children and spending that money on his children to give them an enjoyable and fun experience and better meeting their needs while with him, still fulfilling his obligation to provide support for his children. But because the state cannot extort the non-residential parent in this capacity, the state entirely ignores any financial contribution non-residential parents make or financial obligations they have, unless and only if, it goes directly through the state.

(a) Or the fact, no non-residential parent has any control over how much time the court will award for visitations with the children, an even whether the RP will agree to more time is outside the NRP's control. In fact, as it is a very prejudicial and biased fact, the court bottlenecking of visitations in favor of attempting to maximize CS against the NRP, then gives women the upper hand in stipulation discussions knowing, Men will rarely if ever be made RP's. In fact, according to the United State Census Bureau in 2020. Only 20.1% of father's that filled out the census were given RP of the children, though it does not state how those parents obtained custody.

[19] As for the actual coercion and state excessive interference

(a) you start by, without any kind of notice or compliance with due process placing obligors who fall as low as \$25 behind on child support onto a publicly accessible liens list, which carries the stigma of a "dead beat parent's List" You do not give notice of this action, you do not comply with Due Process requirements, no hearing is held and because of such, there is no compliance with any legal requirements under the 14th amendment of the United States, And the state does not have a compelling governmental interest or even a rational basis under the following facts:

(i) Child support already reports any delinquent amounts of support to the major credit reporting agencies screwing up an obligor's credit score if they miss even one month's payment.

So, the only actual purpose is the public humiliation of obligors, without being found guilty in a court of law, as anybody who would rely on the information the lien's list say it offers the information to, would have access to that information via a credit report which all major purchases an obligor would make, or loans they would take out, would require a credit check and no individual is going to check that list and turn down a transaction if it's a private sale, let's be realistic here. So, Child support already sufficiently meets its purported goal by reporting to the credit agencies and the liens list is a redundancy and attack on the public reputation of any obligor victim to child support and its corruption.

(ii) The liens list does not state if warrants are issued and even if it did, The Sheriff's department and Bismarck Police Department have their own public warrants list, that is far more reaching than the public lien list. So, the lien list does not contribute to the apprehension of dangerous criminals.

(iii) The Liens list unlike the sex offenders list does nothing to warn the public of dangerous individuals. In fact, the liens list serves no purpose that other enforcement tactics do not fulfill, other than the animus towards obligors by in violation to all tenants of due process, publicly trying to humiliate obligors without due process of law. The liens list, though not required to be public under Title-IV-D of the social security act, serves no legitimate state purpose nor would it serve any rational basis as it does nothing and does so with no due process of law.

(b) Then you take away their licenses. Driving, Hunting, Fishing, and even professional licensures if they fall a certain amount behind in support holding it ransom until they pay a certain amount and agree not to pay less than the court ordered amount ever again OR fully pay off the amount, also increasing the one-time fee each time up to \$1,000 minimum, making it harder and

harder for obligors to enter this repayment plan. So even though the obligor must burden increased costs as compared to what they are making, you attempt to still coerce them into shying away from the exercise of this right by doing more than placing increased financial restraints on them. Which then can negatively impact the obligor if working at a lesser amount as in Rath's case, any BSW job he could get, would require him to have a valid drivers license as most field jobs are just that field jobs and require a lot of travel including travel for trainings and CEU's required to maintain licensures and certifications for practice requirements. So, to enforce child support in this fashion against Rath, you are prohibiting him from obtaining gainful employment in his occupational field, but had Rath graduated and obtained his degree at the time of this hearing, would have had no qualm trying to say Rath's earning capacity was that of a Social Services worker, while making it near impossible for Rath to obtain an actual social service job, because you took away his license, which is required in his field of employment to be valid and in good standing.

(c) Then you punish the Obligor for not succumbing to your forced expression and speech and violation to their right to freely choose who they do and do not associate with, by threatening to hold them in contempt of the Judgment for not paying the full amount. Which can lead to incarceration. So, in that regard, no citizens are deprived their fundamental right to choose not only their associations, but their substantive right to choose what they do for work and who they work for and do not work for.

(d) Finally, though the state prejudicially has the right to pick and choose who it prosecutes and doesn't prosecute whether criminal or contempt, you impose very harsh criminal prosecutions against obligors who fall even three months behind in child support, while Rath was laid off from the Painters Inc and Eckart's painting collecting only \$368 in unemployment a

month and was only paying \$368 a month in support, as Rath faced 12 months of this bringing him over \$9,000 in arrears, Rath could have obtained a felony had the state wanted to pursue it, been thrown in jail or found in contempt and thrown in Jail all because of things outside his actual physical control. The state must realize that nobody can just switch jobs because they are having environmental setbacks. The issue was neither in 08-2012-DM-00078 and 08-05-C-00073, even though Rath showed there was starting to be a very real problem during the winter, the state doesn't give a crap about the best interests of its citizens which is something else that was outside of Rath's control. Child support sure seems to impose a lot of harsh penalties on individuals for things outside of their actual control most of the time. Even now, even though the RP can come after the NRP for more child support to go back to school, if the NRP goes back to school to improve their qualifications for employment. The state says a choice they must burden, but RP's get more child support instead of burdening their choice? Even the law that enables prosecution of non-payment of child support shows the pure animus towards NRP's called the "Dead Beat Parents Punishment Act", at some point our country went batshit crazy over nothing more than what is a debt, at which RP's can use that money, however, they see fit, even if its not on the child.

[20] As is apparent from Rath and Heather's case, equal protection is clearly violated by child support. Though, yes, our state in its paternalistic nature, does by and only by itself sub-classify parents for the systematic disenfranchisement of their rights. Is this sub-classification really that constitutional? The constitution requires that if a state has a compelling governmental interest, it is still limited in exercising that interest minimally, meaning it cannot go beyond the interest of the state. And where generally I have read that "courts" claim that it is one parent suing the other" Our constitutional law has long held: "*Although the conduct of private parties*

lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government and, as a result, be subject to constitutional constraints." And regarding parental rights, the state does not minimally exercise its interest, instead it takes full control of families, falsely claiming it is in the best interests of the kids and protection of the kids, however, again Rath's experience with the court over the past 17 years shows just how that is not even close to the truth. It depends more on what Judge you have and which parent the Judge likes or favors, not the best interest factors as they can be manipulated easily by the Judicial machinery by ignoring facts, evidence or as in the case of 08-2012-DM-00078 wrongs by the other party entirely, minimizing those violations to the best interests of the children. (Rath said there was a bigger purpose to everything and his continued patience with the court)

(1) Instead, yes one parent does file suit in the state court, however, this court can save its BS that the guidelines control. They are so vague that they allow for prejudicial and discriminatory application, that it ultimately comes down to whatever Judge you have on the case, not the law only supporting Rath's argument that custody decisions are not between two parents, they are between the parents and the state. Rath's cases are a prime example of this. As (1) While Rath was wrongfully ordered to go through supervised visitations with his children in 08-2012-DM-00078. (2) Rath was allowed unsupervised visitations with his child in 08-05-C-00073 under the exact same allegations by both Heather Zins and Kayla Jones in both cases. Anderson erred on the side of protection of Rath and AJO's rights to a continual relationship, with no backfire or need to ever re-address or even change her mind, while the Judges in Kayla and Rath's case erred on denying Rath his relationship with his daughters, causing irreparable damage to the relationship by allowing Jones to get away with repeatedly violating the Judgment

and even refusing to subject Jones to its own decree that Jones would allow Rath and his daughters to go through family therapy, an act that to this day still has not been allowed by Jones, to now Bahr, who is taking the same mentality as all other male judges in this district.

Other constitutional arguments to be made, (Building upon the previous in depth points made above)

(1) Whether present child support guidelines violate Equal Protection of law, by systematically subclassifying parents into two distinct groups with the intentional goal of placing undue burden and disadvantage onto the targeted parent?

(2) Does child support prejudice the children of their order by picking and choosing when a parent's obligation to support their children applies and does not apply, thus violating and acting counter to the rational basis they claim they have?

(3) Whether present child support guidelines violate Freedom of Association in so far as attempting to punish the subclassification of parents intentionally created by state legislative action in exercising their fundamental freedom to choose their intimate associations.

(4) Building upon this argument, whether present child support guidelines violate a citizen's fundamental right to enter into contract freely and without governmental coercion or interference. (E.g. *Lochner vs. New York* – present)

(5) Is Child Support a Rational Basis to enforce parent's duty to support their children, when all parents are equally responsible for the care and maintenance of children?

(6) Whether the Public Child Support Arrears website / list, serves any rational purpose.

(7) Whether child support assuming the ability to extend support beyond a child's 18th birthday is a constitutional act?

(8) Whether not considering a child's income from work as a reduced need for the obligee is rational and satisfies statutory guideline requirements, as parents have control over their children's finances and can reduce what they provide or require the child to start providing for some of their own needs.

[9] Whether child support treats obligors differently in violation to the equal protections of law.

[10] Whether Child Support's present enforcement tactics comport to requirements of Due Process of Law

Dated this 6th day of May 2022

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of appeal, was on the 30th day of June 2022, served electronically to the following:

Heather Zins - zinshr@gmail.com

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/s/Mark Rath

Mark Rath